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

November 4, 1997

The first 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 Tuesday, November 4, 1997, at the Legislative Building in Carson City, Nevada, and was simultaneously teleconferenced to the Grant Sawyer Office Building in Las Vegas, Nevada.

SUBCOMMITTEE MEMBERS PRESENT:

CC Assemblywoman Jan Evans, Chairman

CC Senator Valerie Wiener, Vice Chairman

CC Senator Ernest A. Adler

LV Senator Mark James

CC Senator Maurice Washington

CC Assemblyman Brian Sandoval

CC Assemblywoman Gene Wines Segerblom

SUBCOMMITTEE MEMBERS ABSENT:

Assemblywoman Marcia de Braga (excused)

ADVISORY MEMBERS PRESENT:

David F. Bash III

Robert Hadfield

Judge Deborah Schumacher

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Reba Coombs, Secretary

Larry L. Peri, Senior Program Analyst

Kimberly A. Morgan, Chief Deputy Legislative Counsel

Kevin Powers, Deputy Legislative Counsel

Juliann Jenson, Senior Research Analyst

Mark Stevens, Fiscal Analyst

Gary Ghiggeri, Deputy Fiscal Analyst

ATTENDING IN CARSON CITY:

Sherry Blackwell, Budget Division

Anne Cathcart, Senior Deputy Attorney General

Rob Calderone, Washoe Juvenile Services

Larry Carter, Division of Child and Family Services

Scott Cook, Chief Juvenile Probation Officer

Cranford Crawford, Clark County Family and Youth Services

Geoff Dornan, Nevada Appeal

Bobbie Gang, Nevada Women's Lobby

Stephen T. Grund, Churchill County Juvenile Probation

Hunter Hurst III, National Center for Juvenile Justice

Linda Johnson, State of Nevada Employees Association

Bruce Kennedy, Division of Child and Family Services, Youth Parole

Bill Lewis, Carson City Juvenile Probation

Stephanie Licht, Elko

Judge Charles M. McGee, Second Judicial District Court

Kathy McClain, Clark County Manager's Office

Thomas Maroney, Clark County Citizens Advisory Committee

Judge Terrance Marren, Clark County Family Court

Bill O'Driscoll, Reno Gazette-Journal

Cy Ryan, Las Vegas Sun

Fernando Serrano, Chief Juvenile Probation Officer

Steve Shaw, Division of Child and Family Services

Mike Simonsen, Elko County Juvenile Probation

Alicia Smalley, National Association of Social Workers

Chuck Steele, Chief Juvenile Probation Officer

Bob Teuton, Clark County District Attorney's Office

Steve Thaler, China Spring Youth Camp

Greg Thompson, Office of Juvenile Justice and Delinquency Prevention

EXHIBITS:

Exhibit A- Meeting Notice and Agenda

Exhibit B- Attendance Roster

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

Exhibit D- Joey's Story

Exhibit E- Overhead Presentation of Charts and Graphs by Steve Shaw and Fernando Serrano

Exhibit F- Judge Terrance Marren's Overhead Presentation of Charts and Graphs

1. ROLL CALL

Chairman Jan Evans called the meeting to order at 9:20 a.m. The roll was called by the secretary and it was noted a quorum was present.

Chairman Evans commented the subcommittee comprised legislators as well as individuals from the community who brought their experience and knowledge of the juvenile justice system. She indicated she would introduce each advisory member and asked if the members would say a few words about their background.

David F. Bash III, explained he started at the Nevada Youth Training Center as a night supervisor in 1966 and just recently retired after 30½ years working in youth corrections for the State of Nevada. He remarked he served as a parole counselor in Reno, the rural areas and in Las Vegas as the Chief of Youth Parole. Mr. Bash said most recently he was the deputy administrator in charge of youth corrections for the Division of Child and Family Services.

Robert Hadfield stated he had been involved with county government in Nevada for 20 years, a little more than eight years as Douglas County Manager, and nearly 12 years as the Executive Director of the Nevada Association of Counties (NACO). During those years, Mr. Hadfield said he dealt with juvenile justice and in the years before, he was a consultant when LEAA (Law Enforcement Assistance Agency) money was available. He had traveled the country to study juvenile justice systems and had created plans addressing those issues. Mr. Hadfield related he had been involved with juvenile justice for nearly 30 years.

Chairman Evans pointed out Mr. Hadfield had also been on the work study group of the Juvenile Justice Commission and Mr. Bash was also on the Juvenile Justice Commission.

Judge Deborah Schumacher said she was a district court judge in the Family Court Division for Washoe County and had been appointed earlier this year by Governor Miller. Prior to that appointment, since 1992, Judge Schumacher had been Juvenile Court Master for Washoe County. She said to be the court master meant she had hands-on experience dealing with the juvenile delinquency cases for that county.

Chairman Evans welcomed the advisory members and stated it had been felt it was important to add some community members to the committee who dealt with juvenile matters on a day-to-day basis because the committee members themselves did not. Chairman Evans also thanked the committee members for making a special effort to be at the first committee hearing in person. She said future hearings would be teleconferenced on a regular basis. The chairman felt it was important that the members met face-to-face at the initial meeting.

Additionally, Chairman Evans introduced the staff who had been assigned to the committee from the Legislative Counsel Bureau. She called attention to Juliann Jenson from the Research Division, Kim Morgan and Kevin Powers from the Legal Division, and the lead staff, Larry Peri, Program Analyst with the Fiscal Analysis Division. Chairman Evans said Mr. Peri had worked with juvenile justice issues for many sessions and brought a great deal of experience.

Chairman Evans explained the resolution which created this committee was the brainchild of Senator Wiener. She complimented Senator Wiener's leadership and vision in recognizing the importance of juvenile justice and the fact there were some serious changes which needed to be made to improve the system. The committee was facing a very large undertaking and many things needed to be done. It was not just a matter of fixing the problem, the juvenile justice system was growing and there was a feeling throughout the state the legislature needed to take some responsibility in conjunction with the local communities in doing a serious review of the entire system. Chairman Evans said it was clear from the outset that there was more to be done than could be managed in this interim period alone. Only four or five meetings would be scheduled, she commented, and the committee work would be completed in the late spring or early summer. Chairman Evans did not feel the committee could make the types of recommendations which were needed in so short a period of time. Therefore, she viewed this undertaking as a two-step process.

Chairman Evans commented during this first phase, she wanted the committee to make an assessment of the juvenile justice system. Strengths would be identified along with the state's deficiencies and a determination would be made as to what was most pressing and where the committee should direct their attention first. Two years from now, Chairman Evans envisioned Juvenile Justice Phase II would be convening. She felt it was more important to do the job right than to do it quickly. The committee was in for the long haul because she felt it was owed to the children and to the community to do a good job.

Chairman Evans commented the hearings would start with Juvenile Justice "101." The members of the committee came from a varied background; some have had moderate to little exposure to juvenile justice issues. There were representatives from all the morning committees; Government Affairs, Judiciary and the Ways and Means Committee, so there was a varied background. It had been felt at this initial meeting it was important to establish a framework of understanding for the discussions which would come in subsequent meetings.

The chair recognized Larry L. Peri, the lead staff, and asked him to provide an overview of those juvenile issues which came to the legislature through the money committees. The Senate Finance Committee and the Assembly Ways and Means Committee dealt with these issues predominantly from a fiscal standpoint, new and expanded programs were established and CIP projects were approved, covering a whole array of issues.

2. REVIEW OF JUVENILE JUSTICE ISSUES FROM THE 1997 LEGISLATIVE SESSION.

Mr. Peri stated he had prepared a short overview of major issues and related sub-issues which the money committees encountered during the 1997 Legislative Session. He said the information was contained in the packet provided to the committee members (Exhibit C) behind tab B.

Mr. Peri began with a review of the resolution, ACR 57, which was located at page 6 of Exhibit C. The resolution contained six points, and although not limited to those six points, the interim committee was charged with reviewing those items plus any related items the committee deemed necessary.

- The first point indicated the study shall include, but was not limited to, the uniformity of the administration of the juvenile justice system among the counties of this state and the cost to the counties.

- Item two, the cost to the counties to administer the system of juvenile justice.
- Item three, an examination of the use of alternatives to traditional methods of adjudication of children alleged to be delinquent or in need of supervision, including, but not limited to, the use of teen courts and community sentencing panels.
- Item four asked the committee to review the practices and procedures of juvenile courts regarding the assignment of children who were adjudicated delinquent or in need of supervision to facilities for confinement, detention or care.
- The committee was asked in item five to review the facilities for confinement, detention or care of children, including, but not limited to, the certification or licensure of those facilities, their capacity and condition; the ability of those facilities to provide for the separation of violent and nonviolent children and the costs associated with the maintenance of those facilities.
- Lastly, item six related to the penalties associated with the commission of delinquent acts by children and the application of those penalties.

Mr. Peri pointed out the committee was also charged with formulating a final report to be submitted to the 70th Session of the Nevada Legislature.

With reference to the next section of the memorandum to the committee, Juvenile Detention Overcrowding, Mr. Peri said that early in the 1997 legislative session, probably the single most important issue which the money committees encountered was overcrowding in the local county detention facilities. On March 26, 1997, the joint Subcommittee on Human Resources/K-12 which Mrs. Evans had referred to, and which comprised members of the Assembly Committee on Ways and Means and the Senate Committee on Finance, first heard formal testimony from Kirby Burgess, the Director, Clark County Family & Youth Services, on the "backup" in local detention facilities of youth who had been adjudicated as delinquent and committed to either the Youth Training Center at Elko or the Caliente Youth Center. These youths were unable to be accepted by those state-operated facilities because the facilities were either at or over capacity.

Mr. Peri related that Mr. Burgess indicated that as of March 1, 1997, 103 youth were "backed up" in detention centers awaiting acceptance into state training facilities. Mr. Burgess further testified that the "backup" in detention resulted in severe overcrowding, which had exploded from a chronic difficulty into a public safety and financial crisis.

In response to the overcrowding issue, Mr. Burgess, acting on behalf of the Nevada Association of Juvenile Justice Administrators, presented a position paper to the joint subcommittee which proposed options to address that problem. The position paper is attached in Exhibit C, at page 7. Mr. Peri said several corrective options were included in the position paper:

- Community corrections grants to counties to fund diversion programs as an alternative to commitment of youth to the state;
- The purchase of contract halfway house beds for the Nevada Youth Parole Bureau; and
- Continued funding of the Youth Parole Bureau’s Intensive Aftercare Program.

Mr. Peri explained there were other recommendations in that position paper, including a proposal to fund a reception and classification program which referred to leased buildings and similarly, the construction of a 24-bed prefab cottage at the Caliente Youth Center. The total costs were estimated at approximately $8.3 million over the 1997-99 biennium. Similarly, an estimate of the costs to the counties of $9.5 million was communicated to the joint subcommittee which the local jurisdictions would have to absorb if no corrective action was taken.

Mr. Peri continued, under the heading District Court Orders, that closely following the initial presentation by Mr. Burgess to the joint subcommittee was the issuance of district court orders from both Clark and Washoe Counties. At

page 8 of Exhibit C, was a copy of the order from Washoe County which directed that no child shall remain in local detention in excess of 30 days after the date of entry of the order committing the child to the Division of Child and Family Services. That order was filed on April 8, 1997, and indicated that the terms of the order would become effective within 60 days from the date of filing, which gave the state approximately two months to prepare for compliance with the order.

Mr. Peri said the Division of Child and Family Services (DCFS) was asked by members of the joint subcommittee to address the detention backup and overcrowding issues and prepare a proposal which would respond to that issue. In mid-April 1997, DCFS responded to the subcommittee's request. There were three recommendations contained in that response. Item one referenced the implementation of a Community Corrections Block Grant program which envisioned granting $547,500 to the counties in each year of the 1997-99 biennium which the counties could utilize to contract with the Rite of Passage program for correctional beds or to fund other diversion programs.

The second recommendation requested the creation of a Transitional Community Reintegration program (TCR). This program, estimated at a cost of approximately $1.8 million in each year of the 1997-99 biennium, proposed to add eight new staff members who would assess, classify, and formulate treatment plans for youth in local detention centers as opposed to the function of assessment and classification at the Nevada Youth Training Center, the manner in which the division would intake and adjudicate a delinquent child. The proposal similarly recommended reducing the average length of stay at the state-operated training centers from 28 weeks to approximately 25 weeks. For this proposal to be effective, Mr. Peri pointed out the recommendation requested new staff be added to provide intensive supervision to those youth who would be released earlier. The lion's share of the $1.8 million in each year of the biennium consisted of contract funding to purchase residential beds and day programming slots for youth who would be brought into this program.

The final recommendation requested a transfer by DCFS of the vacant unclassified Deputy Administrator of Youth Corrections position from the Youth Parole budget to the division's Administrative budget account. The position was historically funded with Office of Juvenile Justice and Delinquency Prevention (OJJDP) funds and this request asked that funding for this position be granted to the counties to be used as part of the $547,500 Community Corrections Block Grant funding request.

The division also cited a recommendation in the Executive Budget, Capital Improvement Project 97-C07, which budgeted $6.4 million to build a 60-bed high security juvenile detention facility recommended to be constructed at Indian Springs in southern Nevada. The division indicated the additional bed space would obviously assist in relieving overcrowding at Elko and Caliente and allow the youth backed-up in detention to be transferred to state-operated facilities.

Mr. Peri pointed out it should be noted that the original proposal submitted by DCFS was not completely endorsed by county representatives. There were several issues of contention. As an example, the counties did not favor the funding for counties to purchase correctional beds from the Rite of Passage program. County representatives felt long term residential confinement was a state responsibility.

After a considerable number of subcommittee meetings, testimony and compromises between by DCFS, county representatives, and the Governor's office, the money committees approved the following budgetary adjustments to address the juvenile detention "backup" and overcrowding issue. Mr. Peri explained these formally approved recommendations followed somewhat closely the recommendations which came from DCFS. The joint subcommittee, and in turn the full money committees and the legislature, through the Appropriations and Authorization Acts granted approval for General Fund support of approximately $1.8 million in each year of the current biennium to implement the division's transitional community reintegration program. Eight new staff members were added to the budget to provide the assessment and classification of youth in the local detention centers and similarly, the approval of $1,460,000 in each year of the 1997-99 biennium for the contract residential beds and day programming slots.

The unclassified Deputy Administrator of Corrections position was approved for transfer to the division's Administration budget and $40,000 of the funding going toward that position was added to the monies for the counties in the form of the corrections block grants. That funding was added to the Probation Subsidies budget. A letter of intent was issued by the money committees to DCFS (Exhibit C, page 11) which contained several recommendations.

One recommendation asked that DCFS work closely with the Juvenile Justice Commission during the interim to determine if juvenile corrections should be placed in a separate division within the Department of Human Resources. That issue, Mr. Peri explained, surfaced early in the legislative session. Suggestions were made that perhaps the current portion of the DCFS responsible for juvenile corrections might be better served by being an independent division with the Department of Human Resources. No action was taken by the money committees; however, the letter of intent does direct that study of the issue be accomplished during the interim and recommendations be provided to the 1999 Legislative Session. Mr. Peri indicated there was also the issue of the Intensive Aftercare Program currently operated by the division. This program was operated by federal funds which were due to expire at the end of fiscal year 1997-98. The money committee authorized DCFS to come forward to the Interim Finance Committee if federal funding did not materialize for the continuation of that program in FY 1999.

The next major recommendation, Mr. Peri continued, concerned the Probation Subsidies budget. The initial amount of $547,500 requested in each year of the biennium for the Community Corrections Block Grant Program was approved with the goal of reducing commitments to the state. The legislature also made adjustments to the Executive Budget recommendations of approximately $364,000 in each year of the biennium to be passed through to the counties for intensive outpatient services and in-home electronic monitoring of juvenile offenders. The legislature adjusted this amount to $200,000 annually and took the residual which was added to the $547,000, and resulted in totals of $711,930 in FY 1998 and $710,680 in FY 1999 which was available to the counties in the form of Community Corrections Block Grants.

Another letter of intent was issued by the legislature, (Exhibit C, page 12) which asked DCFS to develop criteria for the awarding of block grant funds and that the funds not be used to supplant existing county resources. A reporting requirement was placed on DCFS that semiannually a report be provided to the Interim Finance Committee on the distribution and use of the funds by each judicial district.

Mr. Peri said that later in today's hearing, the committee would hear testimony from both DCFS representatives and members of the various county probation offices which could provide more information on the awarding of those funds and how those funds were proposed to be used. Ultimately, this should reduce the number of commitments to the state.

Lastly, the legislature approved funding for the Youth Alternative Placement budget -- $547,500 in FY 1999 -- to allow DCFS to purchase contract secure juvenile correctional beds from the Rite of Passage Program. Assembly Bill 433 (Exhibit C, page 13) appropriated a similar amount of money in FY 1997, and allowing the unspent portion to be carried forward to be utilized through FY 1998. Mr. Peri summarized these actions by the 1997 Legislature totaled approximately $5.8 million over the 1997-1999 biennium. The approval of these recommendations and the actions by the legislature ultimately resulted in the court orders issued by Clark and Washoe counties to be rescinded.

The secure juvenile facility was not approved as recommended by the Governor in the Executive Budget. Instead, Mr. Peri pointed out, Senate Bill 495 (Exhibit C, page 14) was approved by the 1997 Legislature which authorized the Director of the Department of Administration to enter into a contract to finance, acquire and construct a correctional facility for juveniles -- essentially, the privatization of construction of that facility. The original recommendation included in the Executive Budget proposed a 60-bed facility. The approval of SB 495 as a privatized facility proposed to expand that facility to 125 beds with the inclusion of a core facility that would allow future expansion ultimately up to 250 beds. The legislature also strongly suggested that the facility not be located at Indian Springs, adjacent to an adult prison, but instead that it be located closer to Las Vegas to allow for easier visitations by family members and closer proximity to services and treatment options, etc.

Mr. Peri commented the final segment concerned county facilities. The 1997 Legislature passed several pieces of legislation which provided General Fund appropriations to the counties for various facilities: Assembly Bill 464 (Exhibit C, page 17) made several appropriations, most notably $3,250,000 to Clark County in each year of the 1997-99 biennium for improvements to the Spring Mountain Youth Camp. AB 464 also included $750,000 to Humboldt County for the construction of a juvenile detention facility and $1,250,000 to Lyon County for the construction of a regional facility for children.

Senate Bill 497 provided $532,574 to the Elko County Juvenile Probation Department for the completion of the

Northeastern Nevada Juvenile Center in Elko County. SB 497 also appropriated $710,000 to the Interim Finance Committee to be distributed to Douglas County for the construction of a gymnasium/multipurpose room facility at the China Spring Youth Camp. Mr. Peri said these appropriations totaled $9,742,574 over the 1997-99 biennium.

In sum total, the appropriations for the county facilities plus the monies added by the 1997 Legislature for recommendations to address the juvenile detention overcrowding issue totaled approximately $15.5 million.

Chairman Evans thanked Mr. Peri for his excellent presentation. As an adjunct, some important policy changes were addressed in the Judiciary Committees. Although these issues would be addressed in future meetings, Chairman Evans felt the committee should be briefed on the overall actions taken. She recognized Kim Morgan and Kevin Powers of the Legal Division and asked them for an overview from the 1997 Legislative Session.

Kevin Powers, Deputy Legislative Counsel remarked the major changes made to Nevada Revised Statutes (NRS) Chapter 62, the juvenile chapter, during the 1997 Legislative Session could be divided into four major categories. First, there were some changes to the jurisdiction of the juvenile court; the original jurisdiction and then which juveniles could be certified for criminal proceedings as an adult. The second major area of change was dispositional requirements for certain unlawful acts committed by juveniles. Third, Mr. Powers related, there were substantial changes and additions made to Chapter 62 dealing with juveniles who were adjudicated delinquent for sexual offenses. Finally, changes were made to the procedure for sealing records and dealing with juvenile fingerprinting.

With reference to the jurisdiction of the juvenile court, Mr. Powers said NRS 62.020 was amended to eliminate the definition of "adult" and the section now specifically defined only "child." Therefore, by exclusion, if the person was not a child and therefore not subject to the jurisdiction of juvenile court, the person would be an adult. The definition of "child" in NRS 62.020 now provided that a child meant a person who was less than 18 years of age or less than 21 years of age and subject to the jurisdiction of the juvenile court for the commission of a delinquent act before reaching 18 years of age. The definition also provided that a child did not include someone who was excluded from the jurisdiction of the juvenile court pursuant to NRS 62.040 or someone who was certified for criminal proceedings as an adult.

Mr. Powers called attention to NRS 62.040 which dealt with the original jurisdiction of the juvenile court. The changes made to that section during the 1997 Legislative Session expanded to a certain degree the type of offenses which were excluded from the jurisdiction of the juvenile court. At the present time, under NRS 62.040, a juvenile could be adjudicated delinquent if he committed any act which would be a crime under the laws of the state of Nevada or violation of a local or municipal ordinance. That definition, however, had exclusions from the original jurisdiction of the juvenile court, such as murder or attempted murder. The additional change made during the 1997 Legislative Session was that any act arising out of the same facts of the murder or attempted murder would be excluded. Therefore, Mr. Powers continued, if the murder or attempted murder occurred during the commission of a kidnaping, robbery or another similar act, those crimes would be excluded from the jurisdiction of juvenile court as well. The juvenile would then be tried in an adult criminal proceeding for all the crimes.

Next in the list of exclusions from the juvenile court's jurisdiction were sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim. There would have to have been a prior adjudication and the person would have to have been 16 years old at the time of the sexual assault or attempted sexual assault. The same restrictions applied to a crime involving the use or attempted use of a firearm. If the youth was 16 years of age or older at the time of the use of the firearm or attempted use, and had been previously adjudicated delinquent for a felony, the youth would be excluded from the original jurisdiction of the juvenile court.

The final exclusion from the original jurisdiction of the juvenile court, Mr. Powers explained, was if the juvenile had previously been convicted of a criminal offense. Therefore, if a youth had committed a prior crime, was certified as an adult for criminal proceedings and was convicted; or if the youth had committed a prior crime, was excluded from the jurisdiction of the juvenile court for that crime and was convicted, subsequent to any of these events, the youth could never return to the jurisdiction of the juvenile court. Once a juvenile, someone less than 18 years, has been convicted of a crime, he could not return to the jurisdiction of the juvenile court.

Mr. Powers called attention to the next change to the NRS, section 62.080 which dealt with certifying a child who was 14 years of age or older for criminal proceedings as an adult. This type of child would not be initially excluded from the

jurisdiction of the juvenile court, but based on a request by the prosecuting attorney and approval by the judge, the child could be certified for criminal proceedings as an adult. The qualifications for that certification were the child must have been 14 years of age or older at the time the delinquent act was committed and the act must have been a felony. If those two qualifications were met, then upon a motion by the district attorney and approval by the court, the child could be certified for criminal proceedings as an adult. This was a discretionary provision, Mr. Powers added.

The second part of the certification process was if the child was 14 years or older and was charged with a sexual assault involving the use or threatened use of force or violence, or the use or threatened use of a firearm. Upon the request of the district attorney, the juvenile must be certified for criminal proceedings as an adult unless there were specific exclusions which were not included in the 1997 Legislative Session, but added in the 1995 Legislative Session.

In summary, Mr. Powers stated if a juvenile was 14 years of age or order and committed any felony, he may be certified by the juvenile court for criminal proceedings as an adult. If the juvenile committed a sexual assault involving the use or threatened use of force or violence or an offense involving a firearm, then, upon the request of the district attorney, the court shall certify the juvenile for criminal proceedings as an adult, unless the court specifically found by clear and convincing evidence that the child's actions were substantially the result of substance abuse or emotional or behavioral problems and such substance abuse or problems may be appropriately treated through the jurisdiction of the juvenile court. Mr. Powers said that was the overview of the original jurisdiction and certification issues of juveniles addressed during the 1997 Legislative Session.

The next area dealt with certain dispositional requirements for those juveniles who were adjudicated delinquent for certain acts. Mr. Powers stated the first portion would deal with habitual truants. Prior to 1997, under NRS 62.212, upon filing a petition that a child was in need of supervision because the child was a habitual truant, the court was required when the petition was filed the first time to admonish the child to obey the law and to refrain from repeating the acts for which the petition was filed. A record was to be maintained of the admonition and of the child being referred without adjudication to services available in the community for counseling, behavioral modification and social adjustment. Therefore, Mr. Powers explained, prior to 1997, if a child was a habitual truant and court did not find the child was in need of supervision, the child would go through this informal admonition procedure. However, in 1997, a change was made to the statute whereby those provisions no longer applied to a child who was a habitual truant. If it was the first petition filed for habitual truancy, the child could be adjudicated to be in need of supervision by the court.

Mr. Powers explained the reason for the change was a child adjudicated in need of supervision for being a habitual truant was now subject to mandatory fines for a first offense and the suspension of his drivers license. For a second or subsequent offense, the child was subject again to a larger fine, suspension of the drivers license and community service. Those changes were made for habitual truants so that even a first offense would be dealt with by fine and suspension of a drivers license.

The next changes involved certain other unlawful acts committed by juveniles, Mr. Powers said, and the first involved graffiti or defacing property. The changes made during the 1997 Legislative Session allowed the court to suspend a drivers license for a juvenile who was adjudicated delinquent for graffiti or defacing property. In addition, such a child who used graffiti or defaced or destroyed property must pay restitution to the individual who owned the property, real or personal, which was damaged or defaced by the juvenile. If the juvenile could not pay, the parents were then ordered to pay the restitution. If neither the child nor the parents could pay the restitution, they could be ordered by the juvenile court to engage in community service in lieu of restitution.

Suspension of a drivers license was now made a requirement for juveniles who have been adjudicated as delinquent for acts involving the use and possession of alcohol or controlled substances. Finally, Mr. Powers said the last change related to certain unlawful acts. If a child committed an unlawful act which involved bodily injury to another person, the school where the child attended must be notified that the child had committed a delinquent act which involved bodily injury.

Mr. Powers continued the next group of changes involved juvenile sex offenders. Those changes were made by SB 102, SB 325 and SB 103. Senate Bill 102 prohibited, with certain exceptions, a juvenile sex offender from attending the same school as his victim. There were exceptions where the court could establish alternative plans of attendance and other alternative plans which were intended to protect the victim. Under SB 325, there had been a community notification

section added for certain juvenile offenders. This would apply to the most serious sexual offenses committed by juvenile offenders and the community notification applied prospectively to all juveniles who were adjudicated delinquent for acts committed after July 1, 1997. Senate Bill 325 also extended community notification in relation to adult sex offenders and that provision applied retroactively. However, with regard to juvenile sex offenders, the provisions of community notification applied prospectively only.

Senate Bill 103 placed a new duty with the Division of Child and Family Services to compile statistical data on juvenile sex offenders and provide that statistical data to the central repository who would then put together a report of statistical information dealing with juvenile sex offenders to present to each legislative session.

The final area where changes were made during the 1997 Legislative Session dealt with the sealing of records and the fingerprinting of juveniles, explained Mr. Powers. With regard to the fingerprinting of juveniles, it had been expanded that local law enforcement must fingerprint juveniles charged with certain offenses and those offenses which consisted of a felony, a gross misdemeanor or a sexual offense if committed by an adult or a misdemeanor if the act involved the use or threatened use of force or violence or the possession, use or threatened use of a firearm or deadly weapon. This legislation expanded the number of juveniles who must be fingerprinted by local law enforcement. In addition, local law enforcement must provide fingerprints of those juveniles who were adjudicated delinquent for felonies or sexual offenses to the central repository. Mr. Powers explained the central repository would now be receiving the fingerprints of certain juveniles adjudicated delinquent for certain acts.

With reference to the sealing of records, Mr. Powers pointed out the changes were made by two bills, SB 285 and SB 325. The changes included if a child was adjudicated delinquent for an act that would be a Category A or Category B felony if committed by an adult and would be a sexual offense or involve the use or threatened use of force or violence against the victim, that child's records may not be sealed until age 24 and if before reaching age 24, the child was adjudicated delinquent for another act which would be a felony or if the child was convicted of a felony as an adult, then the records may not be sealed at all.

Mr. Powers commented under SB 325 dealing with juvenile sex offenders and community notification, at age 21, a juvenile who was subject to community notification would have a hearing before juvenile court. At that time, the juvenile court decided whether the juvenile would no longer be subject to community notification or whether the juvenile would be deemed an adult sex offender for purposes of community notification and registration as an adult sex offender. If the court relieved the juvenile sex offender from being subject to community notification, the juvenile's records could be sealed at age 24, if the juvenile was not adjudicated delinquent for another felony or convicted as an adult for a felony after the initial sexual offense. If the court deemed the child to be an adult sex offender for the purposes of community notification registration, then that child's record may not be sealed and any act committed as a juvenile would be deemed to be a conviction for the purposes of community notification and registration. Those delinquent acts would be convictions in the statewide registry which had been established under SB 325 for adult sex offenders. Therefore, the juvenile in effect would be deemed to be an adult sex offender and those prior acts would be considered prior convictions.

In essence, Mr. Powers related, these were the major changes made during the 1997 session to Chapter 62 of the Nevada Revised Statutes.

Chairman Evans thanked Mr. Powers and said his presentation had been very helpful. She stated many of the subjects discussed by Mr. Powers would be revisited and discussed at greater length either at today's hearing or at future hearings, so there would be more than one opportunity to review this information.

Chairman Evans reminded the members of the audience of the importance of signing the attendance sheet so there would be a record of those in attendance for the day. She said there was always time allotted at the end of the hearing for public testimony, for those not specifically named on the agenda. This was an open meeting and comments were invited from others. She briefly pointed out the use of the microphones and the importance of those who wished to testify must identify themselves. This was a public hearing and all testimony would be made part of the permanent record.

There was a great deal of information to cover during this hearing, Chairman Evans pointed out, and there were time constraints. Therefore, there might be some adjustments to the agenda from time to time to accommodate those who

wished to speak to the committee.

Stephen A. Shaw, indicated he served as administrator of the Division of Child and Family Services. He introduced Judge Charles M. McGee and Judge Terrance Marren and said he would yield some of his allotted time to the judges to briefly discuss a very important initiative known as the Work Study Group (WSG).

Judge McGee explained he served with Judge Schumacher in the family division of the Second Judicial District Court in Washoe County. He said he and Judge Marren were the official representatives of this Work Study Group, an innocuous-sounding group which had been commissioned by the Governor's office and the Juvenile Justice Commission to do some long-range strategic planning in juvenile justice. Sitting on the WSG beside the two judges was Kirby Burgess, Director of the Clark County Family and Youth Services. Rob Calderone, Director of the Washoe Juvenile Services, Chief Juvenile Probation Officer Scott Cook from Douglas County, Robert Hadfield, Ann Nelson, Chief Counsel for the Governor, Steve Shaw, Director May Shelton of the Washoe County Department of Juvenile Services, Dan Prince who used to be staff but was now with Spring Mountain, Assemblyman David Humke and David F. Bash III who served as a consultant. Judge Gerald Hardcastle also served and rotated with Judge Marren.

Judge McGee commented a recent assignment for Rob Calderone and Larry Carter was to write every state in the United States and inquire how their system operated and who controlled what part of the system. The results were both astonishing and gratifying in the sense of the number of responses received. Except for the small states which were adequately funded and had a unified system with real dedication to children and family issues, everyone in the United States was a least as "screwed up" as Nevada was, and many were more so. Chairman Evans expressed her appreciation for Judge McGee's candor. Judge McGee continued, it was very difficult when there were several jurisdictions, each having a portion of what was globally called juvenile justice. Juvenile justice was a very difficult issue to sort out, and although Judge McGee did not envy the task before this committee, he promised his help.

Judge McGee indicated he would like to briefly discuss a couple of key topics with the committee. The first was the most topical of topics in juvenile justice -- serious violent juvenile crime. He suggested, on behalf of WSG, was that the line be held for the time being to see what would happen after the most recent changes in the juvenile statutes. The judge said Mr. Powers had provided an excellent description of the four major felonies which were defined out of juvenile justice altogether. All those juveniles automatically went to adult court for trial and sentencing if convicted. The legislature had given judges the ability to send 14-year-old youths to the adult system for imprisonment in the Nevada State Prison. Before encroaching further on the territory of juvenile justice, Judge McGee urged the committee to hold the line there to see what happened in the future. When Hunter Hurst of the National Center for Juvenile Justice in Pittsburgh, Pennsylvania spoke to the committee later in the day, he would tell of hope on the horizon. Juvenile crime was generally either flattening out or dropping, and Judge McGee said that was true in Nevada. Even serious violent crime was now beginning to plateau as a result of efforts across the continuum, including prevention efforts, as well as certification. Judge McGee felt Mr. Hurst might also say something about those states who had gone overboard, i.e., New York, where judges in the adult court were asked to send 13, 14 and 15-year-old youths to Rikers Island. The judges had chosen not to do so as they refused to put juveniles in with hardened convicts. Judge McGee reiterated WSG's suggestion to hold the line in this area.

Judge McGee commented the second suggestion from WSG would come from Judge Marren. He asked that caution be exercised and the committee not focus on only one aspect of the multifaceted juvenile justice system and forget about the forest because of the examination of a tree. Judge McGee asked Judge Marren to relate a story about Joey.

Judge Marren provided the committee with Exhibit D, and explained Joey was a child the judge had met in 1983 when he left the Attorney General's office. Joey's mother called Judge Marren and asked him to represent her in a proceeding to terminate her parental rights. He said he had been very reluctant to do so because he had been the deputy attorney general assigned with terminating parental rights for the four proceeding years and he felt very uneasy representing the other side of a case. However, she had been referred by a friend in the agency (Division of Child and Family Services, DCFS), and as Judge Marren was starting his own law practice, he decided to meet with her. Judge Marren met with the mother and commented he had found her to be very warm and compassionate and a neglectful person who was not able to accomplish her case plan with DCFS. She contacted Judge Marren because her parental rights were going to be terminated; she had two children, Joey and Sally (not their real names).

Judge Marren decided the state could not prove its case against the mother because she had marginally performed her case plan and because she had never abused her children. He contacted the deputy attorney general assigned to the case and asked that the case be postponed for approximately three months so the mother could have one last opportunity to comply with her case plan. Judge Marren said the problem with the mother was that she was not independent. She lived with men who provided for her support; she was not employed and she did not stand alone, which was very offensive to the system. Judge Marren said he went to court because the deputy attorney general would not grant the continuance and the judge and the attorneys met in chambers. The judge was impressed with the mother's efforts and decided to give her three additional months.

After two months, the mother disappeared and Judge Marren never saw her or heard from her again. She had been fighting the system for year and a half and she finally believed she could not overcome what was against her. At that time, Judge Marren said he believed the best thing had happened for the children, the state terminated the mother's parental rights, the children would be freed for adoption and they would live happy lives with their new families. As would be learned from this tragic tale, however, the children were to be adopted and placed in an adoptive home.

Sally was about six years old when this occurred and Joey was about two years old. They were in their adoptive home and the adoptive mother, unbeknownst to the caseworker who did not have the time, since this case was one of 55 cases she had to check, and did not know the adoptive mother had resorted to physical discipline on a more increasing and violent basis. On one evening, Judge Marren recited, while Sally was protesting the punishment of Joey, the adoptive mother hit Sally's head into a wall. Sally was reported to be having a tantrum at that point which immediately stopped and Sally went to sleep and slept the night through. The next morning, Joey found his sister dead in the bed next to him. She died of a ruptured cerebral aneurism which was caused by the violence.

Judge Marren said he was telling this story because he had not seen Joey until last month, when he saw Joey in his capacity as juvenile court judge. Joey was never adopted, he grew up in foster care, through ten or so foster homes and he now had ten or 15 juvenile petitions, depending upon which ones were substantiated or not and last month, Judge Marren said he sent Joey to Elko Youth Training Camp. The judge had expressed to Joey that he had known his mother and that he had known Joey years ago when Joey began crying. Frankly, Judge Marren said it had been very upsetting to have to send Joey to Elko.

Judge Marren stated the state had done a good job at the punitive end of juvenile delinquency. The facilities had been built, they would be on line in two years. It was now time to get to the ideology of these juveniles, a commitment must be made by the state and the legislators were the ones who could do so through addressing caseworker reduction. The caseworkers in Clark County now have more than 50 cases per worker and have had that level of work since 1978. Judge Marren asked why as Las Vegas was the fastest growing city in the nation.

Judge Marren heard a statistic yesterday which greatly surprised him — there were more motel and hotel rooms on the corner of Tropicana and Las Vegas Boulevard than in all of San Francisco. He exclaimed that was staggering to think of that kind of growth. Nevada was headed toward unbelievable new challenges; the state would have a population of two million people in approximately ten years. The juvenile courts had been told by the engineers who were building the detention facility that the facility would be out of room on the present site by 2010 for anything but delinquent juveniles. Delinquency was a big and growing business and the family court would have to move off that site by 2010 from a building which was occupied in 1995 because of the staggering numbers the system must handle.

Acknowledging legislators' interest in class size reduction for younger children, Judge Marren said the caseload reduction might also save other Joeys from repeating his life. He commented the WSG was also planting seeds for legislators to look at the ideology of these juveniles. Judge Marren believed, as he hoped the committee did, that these juveniles were made over time. They were not born to this delinquent life, but made by the abuse and neglect they received. Over half of the children who were delinquents started as referrals to child protective service units. If the problem could be attacked there and worked on meaningfully, a tremendous good could be accomplished. The current system required parole officers to simply produce two court reports per year for 50 cases without adequate home visits. Judge Marren asked the committee to please think about how Joey got to be Joey as they proceeded with their thoughtful deliberations and made changes to the system.

Judge McGee wanted to emphasize two points which Judge Marren had made. One was that juvenile justice was much,

much broader than just delinquency or status offenders. The other point was that every kid had a story, maybe not as dramatic as Joey's, but everyone had a story.

Judge McGee pointed out there was some thought being given by the committee to developing so-called sentencing guidelines. The term "placement guidelines" was a more appropriate term to utilize, Judge McGee commented. He suggested the population being sent to the training centers should be reviewed as well as how the milieu looked when the juveniles got there for programming purposes. It would not be very difficult to develop placement guidelines; a two-week effort with the right people in the room could have the job completed start to finish. He also suggested that all judges having jurisdiction over juvenile issues in the state could be convinced to agree to basic placement guidelines for the juveniles destined for training centers. Judge McGee said there was a real caveat which he asked the committee members to listen to and try to remember as they proceeded through their deliberations.

He asked the members to pretend they were Judge Merlyn Hoyt in Eureka and had been dealing with a young man for 18 months who was a terror in the community. The juvenile was truant in school, he committed vandalism, he was incorrigible at home, and had been in court with some regularity approximately every other month. Every time the youth appeared in court, Judge Hoyt had emphasized he would get tough with him. Then all of a sudden, this juvenile stole every radio out of every car on the main street in Eureka and he was back in court. At that time Judge Hoyt intensified his remarks saying he would get very tough and send the juvenile to the Nevada Youth Training Center.

Judge McGee asked if the youth belonged there — probably not, especially in light of the type of juveniles being sent from Reno and Clark County to Elko, gang bangers and other heavy hitters. This was a type of incorrigible/vandal type of kid who probably did not meet the placement guidelines. However, Judge Hoyt was profoundly frustrated as were the other rural county judges because their ad valorem tax base, their population of real property owners, simply would not support the kinds of programs which were available in the larger urban communities.

In keeping with the historical traditions of Nevada, Judge McGee pointed out one of the state's functions was to pick up the shortfall for the rural counties. The state would have to provide some placement monies so that juveniles in Eureka could be sent to Reno, to the new center in Elko or maybe to Clark County as resources were shared. The state would have to pay for that placement as the counties were not going to want to accept a juvenile from another county unless there was some kind of subsidy which the sending county could not afford. In the grand picture of things, it was a small part of the budget, but it raised problems politically and had since time immemorial.

Finally, Judge McGee mentioned resource sharing. This omnibus system of juvenile justice was a huge, labyrinthian, multi-armed creature and it was difficult to get a handle on the entire topic, partially because the state only owned less than 25 percent of the problem. As Mr. Powers had said, the state had approved approximately $10 million in capital improvements for local juvenile facilities which was the greatest expenditure of any legislature in Judge McGee's recollection. However, that was one-fourth what Kirby Burgess and the people in Las Vegas would spend in capital improvements pursuant to the new bond issue. The county planned to spend $40 million on their new juvenile justice center. As much as it would be nice to pretend the juveniles in Elko were worse off than the juveniles sent to Spring Mountain or on the Freedom Program, if those juveniles were looked at closely, their profile was really no different from those youths in Elko. Clark County, and to a lesser extent in Washoe County, were already taking youths who would otherwise be the responsibility of the state and the counties were putting huge dollars into the system. The only solution was to share these resources and develop some type of funding format which allowed sharing statewide for everyone, including the rural counties.

Judge McGee explained the WSG would like this committee note these points:

1. Short term help was needed, which could be translated into placement dollars, between now and the construction of the so-called 60-120 bed facility in Clark County. Once that facility was on line, there would be a lot more comfort with the bed space for corrections at the state level. In the meantime, this backup or overcrowding situation which gave rise to the order signed by Judge Marren and Judge McGee earlier this summer, was back in a big way in northern Nevada and in a huge way in Las Vegas. Somehow that problem would have to be solved with funding placements in other types of facilities, including perhaps the Rite of Passage.

2. The juvenile court needed state help in assessing Nevada's needs across the continuum. Judge McGee asked that

bed space and corrections be discussed at the back end of the problem. He felt the protective custody situation should also be discussed and what was being done with the children who were two, three and four years old who were being abused and neglected and who did not develop the self-esteem and values necessary to carry them through adolescence. He asked the committee to please remember the front end of the system as Nevada's needs were assessed.

3. Judge McGee said help was needed in defining graduated sanctions across the board and placement guidelines for the Nevada training centers which were state run, and in working with the juvenile court system in sharing resources. This sharing would enable Judge McGee to send a juvenile to a wilderness program in Winnemucca and possibly someone in Elko could attend a sexual offender program in Las Vegas and Judge Marren could send a juvenile to the China Spring facility. There was a format which would allow sharing of resources for Nevada's children.

4. Finally, Judge McGee suggested that Chairman Evans had been absolutely correct in stating this would not be a one-shot process. It would take several years for a plan to develop with the help of the legislature. Knowledgeable, committed legislators were needed because over the last 20 years that he had been involved, Judge McGee said the interest in juveniles and families had waned and waxed according to the leadership in the legislature. Sometimes there was a good year, and sometimes there was a bad year, but there was no consistency. The solution does not come from legislation and it does not come from single-minded funding. The solution came from the process. The WSG had an excellent process going, there was an excellent process with chiefs of juvenile probation across the state; the north and south of the state got along with each other, and there was a benign relationship with the counties.

5. If this legislative committee helped with issues of graduated sanctions, placement guidelines, and short term funding, Judge McGee felt there was a great deal of promise that Nevada could be better than almost all of the states which had been already researched.

Senator Adler reflected some of Judge McGee's comments had crossed his mind while sitting in committee this last legislative session. In terms of placement guidelines, Senator Adler thought the guidelines could be better defined as a uniform juvenile classification system with trained counselors who could go into facilities and rate juveniles. This classification system would prevent a misdemeanor offender from being placed in Elko and a hard core felon remaining on the streets of Las Vegas, because of different rating systems. He reiterated that a statewide uniform classification, documenting and training program should be instituted. Senator Adler was unsure whether the employees of this classification system should be state employees who would be detached from the county system and could look at the juveniles in an objective way statewide.

Judge McGee's other comment on the utilization of facilities statewide was excellent, commented Senator Adler. He said the China Spring funding formula was in place for the rural counties and in Washoe County and there was no reason that could not be expanded to include Clark County. If Clark County was overcrowded, they would have an option to utilize several facilities throughout the state to commit juveniles and have the services paid for. Senator Adler wondered why the uniform funding formula problem had not been resolved before. The China Spring funding formula appeared to be a good program and could work if expanded. He complimented Judge McGee on his comments and said they had been well taken.

Judge McGee remarked he had a number of reactions to what Senator Adler had just said. Judge McGee agreed Senator Adler was absolutely right, there was no sense whatsoever to have a funding formula which took a big portion of the China Spring budget and not have an equivalent formula for Spring Mountain. This made no sense in terms of the equal application of law.

Secondly, Judge McGee said the education funding program in the state was being reviewed because that may be the way to "tweak" the formula to help out the rural county youths. Senator Adler interjected that for instance, in California there was a detention DSA (Distributive School Account) funding formula and all these detention facilities got an extra shot of educational money for juveniles. The facilities needed the extra funding because one teacher for three children was needed in order to deal with some of the children's deficiencies. This was another area which could be explored in terms of funding formulas. Many other states had a special distributive school fund for detention kids, which made sense

because they had emotional problems and delinquency problems and one teacher alone could not be placed in such a classroom. Senator Adler inquired how Judge McGee felt about that situation.

Judge McGee replied he could not agree more. He had absolutely no objection to having a state compliance officer on this classification process, as Larry Carter and Dan Prince did under the OJJDP guidelines. However, Judge McGee requested input be allowed from the WSG, the chiefs, and others who may be interested in developing those classifications. It should be made flexible enough to bring individualized justice to kids.

Senator Adler pointed out the Department of Prisons had always had a classification system for placement of inmates. Once a judge sentenced a person to prison, there was a uniform classification system in place and there was no reason there should not be a uniform juvenile system. Judge Marren interjected in Clark County part of the settlement to deal with the overcrowding issue was that DCFS started triaging kids right on site in the detention center. That had been going on since September and had reduced orientation by a couple of weeks, in fact any reduction was desirable. In addition, triaging gave the DCFS staff an opportunity to appear before Judge Marren's court before the child was transported to a facility to determine if the child was appropriate for that placement. He felt that had been a real blessing for everyone involved and had been based totally on Mr. Shaw and his department being cooperative with the courts.

Mr. Shaw commented it had, for the first time, given DCFS the ability to get the juvenile justice system involved in family issues from the beginning, rather than sending the child to Elko and doing the classification procedure there. In this way, the family was brought in on the front end, which had been another theme of the WSG. Mr. Shaw added that as a member of the WSG during the last two years, WSG had provided a forum to discuss issues. The commitment of Judges Marren and McGee was commendable, especially with their busy court calendars, to set aside a whole day once a month for every month to sit down and discuss issues along with the chief probation officers and NACO. This provided a forum where the respective agencies were no longer at odds with each other, but could expend their energy looking at problems and issues. He felt that was one of the most important things, of several, which the Work Study Group had done.

Along the same lines, Senator Adler inquired if the Work Study Group, in conjunction with the counties and state, could put a uniform classification document together for juveniles which the counties could then utilize. He asked how long it would take to put such a document together. Mr. Shaw said he was unsure how long it would take, but it was possible. The WSG would most likely request some guidance from this committee, be able to hear some testimony on the issue, etc., and he did not feel there would be a problem. Judge Marren interjected, this would fit right into the WSG mission statement. He said if the committee would provide their needs, they could be reviewed and WSG would respond as quickly as possible. Judge Marren said the WSG met monthly and worked between their monthly sessions on various projects which were assigned to subcommittees and members.

Judge McGee said this might be the beginning of an opportunity to survey all the resources in the state, including Spring Mountain and China Spring to see if it would be desirable to have different populations in each facility. The needs could be reviewed first to determine the funding format. It may be determined that a different type of youth should be sent to Caliente than was currently housed there; a certain type of youth maybe sent to Elko and when the facility came on line in Las Vegas, there maybe a chance to do some intermediate sentencing options there; i.e., some punitive sentencing for youths who might otherwise be certified. Judge McGee recommended looking at the whole array in order to have some homogenous populations which could be dealt with programmatically.

Senator Washington commented the presentation had been great and he could not agree more with what had been said. He referred to the sentencing and placement guidelines which he felt was a great idea. Senator Washington said the judges and Mr. Shaw had dealt with these juveniles over the years and had seen the different categorizations of crimes, i.e., violent crimes, misdemeanor, or gross misdemeanors, and had prioritized where these juveniles should be placed. He inquired if it was possible to provide the committee with guidelines as to the type of juveniles who were in the system, both on the male and female side and from the violent to less violent in order to begin looking at the placement and sentencing guidelines. This would allow the issue to be dealt with from the front end rather than the back end.

Judge McGee responded the answer was yes — he said he could not emphasize more, however, the desire for flexibility in implementing these guidelines. For example, if Elko was determined to be the facility for heavy hitters, it might be

possible to agree upon the type of serious felony which would be committed there or the amount of recidivism which would need to occur before someone was eligible for placement into that facility. Maybe some offenses were serious enough by their very nature that a first-time offense would allow them to be eligible. There had been some panic during the last legislature from stories such as the one of a young boy who shot a rabbit inside the Silver Springs urban area and was placed in Elko. That was an example of a frustrated rural judge. This did not happen too much in Reno and Washoe County as heavy hitters were being sent to Elko now.

Judge McGee felt there would not be a problem in determining the type of youth who would be placed in Elko in terms of their prior experience with the system or the degree of the seriousness of the offense they committed. One of the problems faced by Chairman Evans, Mr. Bash, and a number of other people was there was no common way to describe crimes. There were many different ways to charge young people with offenses, in Las Vegas for a period of time there were more than 500 offenses in the juvenile code.

As an example, Judge McGee continued, if a 12 or a 14-year-old boy took his 8-year-old brother's milk money with force, that could be considered strong-armed robbery; so, too, could be a youth with a .9 mm gun sneaking into a 7-11 convenience store. Those were vastly different kinds of offenses and the individual was vastly less or more amenable to the juvenile justice system and its effects on that perpetrator. There needed to be agreement on the meaning of the terms and there had been some progress in that direction. Once agreement had been reached, the guidelines could easily be formulated and implemented. However, Judge McGee asked for some discretion because oftentimes a bad character was caught for a burglary at Weinstocks, but his prior history as a gang banger involved him in a number of violent offenses, and Elko may be facility for him. As long as the guidelines were flexible, Judge McGee felt there could be agreement.

Senator Washington pointed out the reason he asked the question was he knew a number of juveniles which Judge McGee had dealt with fit into different categories based on the circumstances of prior family life, conditions they now lived in and prior offenses. It became very difficult to put a hand around the entire problem without categorizing these individuals based on their prior history and then begin to set guidelines without any flexibility or discretion from the judges. Senator Washington said he would like to see some input as to what type of individuals and why type of crimes were being discussed. Were the crimes heinous offenses, bubblegum thieves, burglaries, armed robberies, auto theft, etc., and what type of individual or juvenile was involved.

Judge McGee commented to add to the complexity of the issue, if the OJJDP representative or Judge Dave Gamble from the National Council of Juvenile and Family Court Judges was asked, it would probably be found Nevada was over represented in terms of minorities who were taken into the juvenile justice system because of their background or their inability to get into diversion programs and that would need to be addressed as well.

Chairman Evans explained to Senator Washington this issue of identifying individuals and crimes had been long identified in legislative history through previous interim studies and contract work with consultants, and other. The issue had be brought up repeatedly but had not yet been resolved. She felt it was partly a case where the legislators knew the least, which of course did not stop them from forging ahead. She encouraged Mr. Shaw and the WSG to get started on this problem. She asked that the needs be identified, the options and flexibility to make placements and dispositions should be noted. That information should be provided to the committee as it was their job to move the issue along. Chairman Evans commented this flexibility appeared to be a priority and she asked Mr. Shaw and Judges McGee and Marren not to wait, but to move along.

Senator Wiener remarked that since the session had ended, she had spent a great deal of time on youth issues as a writer and a children's advocate, and had spent time at the detention facility in Clark County. She wished to build on Judge McGee's statement with reference to diversion and explained one day she had been at the detention facility in the young men's unit. The youths had to be separated because of the nature of the facility and because of the gangs. One 15-year-old had told Senator Wiener he had 72 criminal offenses added to his record, he didn't blink, but just made a statement of life. On another occasion, she spoke of a 16-year-old who had been sentenced to Elko and she had an opportunity to spend some private time with him. He was a gang member who said he had to get out because he couldn't live his life in a gang. When Senator Wiener asked why he had decided now, and he replied he had taken a bullet in the leg and he did not need one in the head to tell him he had made a bad decision, and additionally, he was going to be a father in four months. When Senator Wiener asked when he had joined the gang, he responded he was six years old. This was not

uncommon.

In that facility, Senator Wiener had been told some youths had been there so long without having anything in the future to work toward, one of the big issues was putting some application of time toward their sentence. These youths know going into the detention facility they may have to spend 60 days there and it did not mean anything because they started their time all over somewhere else. In terms of incentives to work on their behavior, there were none. Senator Wiener would like to focus on what could be done on the front end, not only with the families, but what could be done on the diversion end. Nevada did not have enough money, enough land and certainly not the wherewithal to build the prisons it would take to warehouse these people unless some of the issues were resolved at the front end. She hoped that throughout the period of time committed to this issue the front end could be focused on rather than the back end.

Judge Marren indicated he would like to amplify on Senator Wiener's concerns. From what he had seen in the last year, often a youthful offender lost his or her place in society and as a result came back to nothing. What had been noticed in the last few years was taking a page out of community-oriented policing, and Judge Marren suggested community-oriented juvenile court which would keep a child in the community even in a training center. He felt there should be a proposal for another training center which needed to be in Clark County. This would not be a chronic juvenile offender facility, which was a different level of care. However, to keep that youth in the system, but always be close to family, close to church, close to community, would be of benefit. If that community identity could be kept alive, perhaps something positive could be done for the child. It was known that if the child was not deterred, he would become an adult criminal and would be in the adult system for the rest of his or her life. Judge Marren knew that was not what the committee wanted and he felt there were some innovative ideas to share which might be part of the solution. However, the community must part of the solution as well, not just government, it must include everyone.

Judge McGee said one of the bittersweet ironies of juvenile corrections as David Bash would be able to relate was oftentimes at a 13-year-old girl who was a status offender, runaway, incorrigible, was ten times the headache as the average so-called delinquent. In Las Vegas there were 11 boys and girls clubs which were serving something on the order of 20,000 children. There was no reason why a population of young delinquents could be removed from the detention facility and with the right kind of monitoring, be put into diversion programs in the community where their parents also were involved. Part of the problem in Las Vegas and in Reno was these young people had a very limited view of what the world was all about. They got their identity from inside a square block area, two square blocks or near a casino. Everything was supplied to these youths, including their pecking order, by gangs. Levels of consciousness needed to be raised to actually have some of these diversion oriented programs in operation in the community.

Mr. Bash remarked he supported Senator Adler's recommendation for assessment. He explained there was a distinction between assessment and classification. Classification, if not careful, could turn into grouping of youths by offense; burglars would be grouped together, armed robbers, or other groupings by crime. An assessment, if done professionally and in a comprehensive way, would look at these youngsters in terms of what their true problems were. He proposed that a youngster whose instant offense was burglary, but also had gang and drug involvement, presented a more difficult case than one who did not have those involvements. Therefore, this youth may respond to different kinds of programs. The youth with a chronic problem was different from a youngster with a first offense coming in at the same level.

Mr. Bash felt one of the keys to both community corrections and what Judge McGee has spoken of with reference to placement guidelines, was before juveniles were categorized and classified, there needed to be a genuine assessment of what was really being dealt with. That could not be limited to the charges filed against the youth. The assessment would have to review the family dynamics and levels of contact and support in the community. It was unwise to wait until the youth was on formal probation before starting an assessment. An early assessment could be utilized throughout the whole system with all entities working together to ensure youths could be dealt with effectively. Mr. Bash felt the greatest hope was community corrections to help those who could be diverted into the community. However, the real problem must be properly assessed and all juveniles not placed into one program for burglars or gang members, there were more sophisticated approaches. There were a variety of youngsters with a variety of problems. Mr. Bash strongly supported the issue of assessment and placement guidelines as part of a comprehensive approach rather than piecemeal efforts.

Mr. Sandoval referred his question to Judge McGee and said WSG had studied all 50 states and some states had been

successful with their programs and some had not. He asked what were some of the states' successful programs. Judge McGee replied the review of other state systems was just beginning. The ones which appeared to be the most successful were the ones which utilized the very collaboration which had been suggested during this hearing. Personally speaking and not on behalf of WSG, Judge McGee pointed out usually the counties had more qualitative programs because they had more money to spend. If state caseworkers and county caseworkers salaries' were compared, that division could be seen. That was true in nearly every other state as well where a bifurcated system was used as in Nevada.

Judge McGee remarked one of the issues faced in the last legislature and would be faced in the future was to what extent the system was kept secret. When the system existed behind this curtain of confidentiality, it was out of sight and out of mind for the rest of the public. The public did not know what was going on and therefore, they did not really care as much as possibly they should. That may be true of some past legislatures in terms of out of sight, out of mind. The fact this semipermanent ongoing committee was stepping up to the plate and was willing to work with the counties, and the fact everyone was getting along for the first time in the 20 years Judge McGee had been involved in this issue, really boded well.

The systems which worked best, Judge McGee opined, were the really small states which had a unified system and the legislature was solidly behind them in terms of funding. The systems which worked best were also some isolated wealthy counties which had done, to the exclusion of the rest of the state, many things such as Cincinnati had done and Chicago was beginning to do. Very few states have had the opportunity Nevada had to get the right 25 people together in a room where the policy of the state and the level of consciousness could be changed.

Judge Schumacher stated there was no doubt the problem was complicated and hard to get a handle on, but as the chair well knew, juvenile justice had been a national hot topic for a long time. She complimented the invitation extended to Hunter Hurst to appear before the committee because even though the issue was difficult, at this point, there had been a lot of research and there was a lot of national data about what works in juvenile justice. Nevada clearly did not have to reinvent the wheel and the people who were speaking today in favor of community corrections were not doing so because it had a nice sound, but because Nevada could look toward good studies and hard data to determine what was better for taxpayers, better for citizens who were less likely to be victimized. As the committee moved forward, Judge Schumacher appealed for turning to national knowledge in this field. It was important to tell the individual stories such as Judge Marren related, but she also felt it was important to keep in touch with knowledge which had a fairly solid base, otherwise it was easy to go array.

Senator Washington referred to Senator Adler's comments on assessments. He said assessments were being considered in the new national and state welfare programs. If juveniles were going to be assessed, he suggested the assessments could be taken a little further to work with welfare agencies to really look at the family situation as a whole, to see what was going on within those family units, if there were substance abuse problems or lack of job training skills or an abuse history which had a pattern to repeat itself and be perpetuated against these children. Senator Washington said if assessments were to be utilized to attack the front end of the problem, possibly the assessment should be more in depth to discover the whole story. Judge Marren's story about Joey told was a very sad situation and maybe the family could have been held in tact and the mother could have made a difference in her daughter and son's lives. However, maybe just pieces were missing which could all be put together to alleviate some of these problems.

Judge Marren interjected he would speak later about the Freedom Program which incorporated the very ideas Senator Washington was addressing. Additionally, Judge McGee commented, the WSG was going to propose, perhaps as a pilot program for this coming legislature which would designate a juvenile probation officer, a parole officer, the state Division of Child and Family Services caseworker, or the Washoe County social services caseworker to "family case manager" and give them jurisdiction over the whole family. Judge McGee explained when a 17-year-old juvenile was in the Nevada Youth Training Center, possibly the caseworker should be working with the juvenile's 8-year-old brother so he would not follow in his brother's footsteps.

Mr. Shaw pointed out another initiative which had been added to the DCFS was piloting family assessment models which had just been completed and would be implemented. This initiative would provide a family assessment on every child and family which came into the system, no matter which door. This system would use very sophisticated documents to accomplish the assessment.

Senator Adler said he knew there was an initial classification and assessment of the child, which looked at the family background and gang involvement, etc. What he had seen was after the child had arrived at Caliente, Elko or China Spring, he felt there should be monthly reclassifications and assessments perhaps with the families. Senator Adler indicated he agreed with Mr. Shaw and one of the problems with Caliente and Elko was the families were never transported to those facilities and the juvenile was cut off from family. He did not recall ever providing funding for family counseling or other services for the juveniles housed at those facilities.

Chairman Evans recalled part of the reasoning in the money committees which gave rise to changing the venue placement for the secure facility. It had been felt that even Indian Springs, the proposed site, was too far away, and it had been hoped to make the facility as convenient as possible. Chairman Evans did not see the juveniles as lost causes and these factors were important to consider.

Mr. Bash referred to Senator Washington's comment on family assessment and said some of the national information showed that two of the very high predictors of later delinquency was the criminality of the family and the earlier age of the youngster coming into the system. Those were the kids and families who needed to be targeted.

Senator Wiener said not only the families should be considered, but the children of these children. She explained she had spent private time with six detainees and three of them were already fathers. The children of these children should not be excluded because this issue piggybacked exactly the previous comments.

Chairman Evans pointed out this was a matter of utilizing resources which were already in place and making sure resources were linked. A program had been started through DCFS, the Family Resource Centers. The new one coming on line was the Family-to-Family program which had a lot of potential. Judge Marren had mentioned the Freedom Program which was coming back up to full speed. There were many things happening and this was not a situation where there were no resources at all available. Chairman Evans said the state had not learned how to maximize some of the resources available and this needed attention. No matter what the issue, juvenile justice or otherwise, there would never be enough in terms of resources, so the state would have to be as creative as it could to maximize its existing resources.

Chairman Evans complimented Judge McGee and Judge Marren on their exceedingly helpful information. Some important direction had been imparted to the committee in terms of collaboration, resource sharing, and flexibility of options. Certainly, more needed to be done than simple prosecution and punishment. A lot of attention clearly needed to be devoted to the front end of the problem and she said the committee was looking forward to working together with them.

Chairman Evans indicated Mr. Serrano would be joining Mr. Shaw in making a cohesive presentation in terms of state and local jurisdiction and responsibility.

1. REVIEW OF NEVADA STATE DEPARTMENT OF HUMAN RESOURCES, DIVISION OF CHILD AND FAMILY SERVICES' RESPONSIBILITIES IN JUVENILE JUSTICE.

2. REVIEW OF NEVADA COUNTIES' RESPONSIBILITIES IN JUVENILE JUSTICE.

Mr. Shaw thanked Chairman Evans for being flexible enough with the agenda in order to hear what the judges had to say about the Work Study Group. They had something important to say and WSG was a group the committee could draw upon in terms of direction. Mr. Shaw said in deference to the committee's time and their willingness to listen to Judges McGee and Marren, he said he would shorten his presentation to focus on the high points.

Mr. Shaw asked Fernando Serrano to join him at the witness table. He introduced Mr. Serrano, the Chief Probation Officer of the Sixth Judicial District which consisted of Pershing, Lander and Humboldt counties. Additionally, Mr. Serrano was here today as president of the Nevada Association of Juvenile Justice Administrators.

Calling attention to the agenda, Mr. Shaw pointed out there were two completely separate agenda items concerning the state and county responsibilities with reference to juvenile justice. Mr. Shaw said he had met with Mr. Serrano and they felt it would be easier and make for a faster, more coherent presentation, to do part of the presentation jointly. The Nevada system had been described as bifurcated, the counties had some responsibility, the judicial districts primarily

had the front end responsibility and the state had the back end responsibilities. In order not to step over each other in their comments, Mr. Shaw said he and Mr. Serrano would like to do one presentation.

Mr. Shaw introduced Greg Thompson, Office of Juvenile Justice and Delinquency Prevention in Washington, DC, who was sitting in the audience. Mr. Shaw said Mr. Thompson was with the federal government and would be present during the hearing as an observer. Mr. Thompson was here to help and was a resource the committee could turn to.

Mr. Shaw referred to the judges' presentation about WSG and said he was glad they had an opportunity to speak to the committee concerning their belief that delinquency could not be looked at in isolation. He gave an overview of his presentation which would include a description of the Division of Child and Family Services, a joint presentation with Mr. Serrano on the juvenile justice system, and some of the terminology which was different between the juvenile and adult system. Mr. Serrano would describe the county responsibility and some of the front end duties dealt with by the judicial system. Mr. Shaw would follow-up with some of the back end duties including institutional programs and parole.

Mr. Shaw commented when people looked at a mission statement, their eyes tended to glaze over. However, this statement was important because this issue dealt with families and was more than just delinquency. One of the big problems which many states faced was their state agencies were divided into delinquency in one area and child welfare in another area and children's mental health in another area. Mr. Shaw said Nevada was fortunate in that it was one of six states where those agencies were combined, and had been since 1991 when the Division of Child and Family Services was formed. The organizational structure was in place and was a good place to start.

Attached as Exhibit E is the overhead presentation made by Mr. Shaw. He related the vison statement of DCFS was *healthy families building healthy communities* and the mission statement was *protection and permanency for children*, and to provide prevention and remediation services for child maltreatment, and mental health and delinquency. Additionally, the agency supported permanency with biological families when possible and when necessary, provided alternative permanent placement.

With reference to the preservation of families, DCFS worked to view the family as the best means of caring for a child, to design services that built on family strength and to honor a family's culture, values and privacy. DCFS worked to unify communities by forming collaborative service systems by partnering with public, private and voluntary resources; design services with community input; and design services that were easily understood and accessed.

Mr. Shaw said that vision and mission statement said a lot and was a very important part of the division. It took a long time to develop and was exactly the statement Mr. Shaw wanted to make, particularly with reference to unifying communities. He said Chairman Evans had spoken about the Family Resource Centers initiative which began in the 1995 Legislative Session and this past session, the funding had been doubled by the legislature. Mr. Shaw felt this initiative had tremendous potential in the area of children and families and allowed DCFS to partner with them.

To give some idea of the size of DCFS, Mr. Shaw explained they were one of the larger organizations in state government and were one of six divisions housed with the Department of Human Resources. There were 861 FTE positions authorized in FY 1998 and 866 positions in FY 1999. The budget approached $100 million — $99,177,017 in FY 1998 and $103,705,785 in FY 1999.

Referring to page 3 of Exhibit E, Mr. Shaw pointed out the pie graphs which illustrated the sources of income for the division. Those revenues were nearly half and half; 46 percent from the federal government from various sources and 54 percent from state General Fund dollars. Those percentages remained constant in both years of the biennium. Revenues consisted of Medicaid dollars, Social Security Title IV-E Funding Child Welfare Grant dollars, and TANF (Temporary Assistance to Needy Families) dollars. By combining these agencies which heretofore had been separate agencies, i.e., Youth Services took care of the delinquency aspects, Child Welfare and Children's Mental Health, the division had been able to leverage some federal dollars which if in isolation, the division would not have been able to do. That had been the goal in 1991, Mr. Shaw related. He had been in the director's office as chief of planning and was on the team which designed the Division of Child and Family Services.

By way of background, Mr. Shaw said he had been in the administrator's chair for DCFS for 36 days. That meant the

committee may ask some questions which Mr. Shaw admitted he may not be able to answer. However, he had brought several members of his staff to assist him. Nevertheless, he had been involved in the division from the director's office and was on the team which designed the division.

The Division of Child and Family Services provided adoption services and child protective services in the rural areas. In the urban areas, child protective services were provided by the larger counties, Washoe and Clark County. DCFS also provided children's mental health services, outpatient, inpatient and day treatment; early childhood services; family assessment, preservation and reunification. In addition, DCFS provided substitute care, which was foster and group care; foster and group care licensing; youth correctional institutions; and youth parole. Originally when the division was designed, Mr. Shaw continued, the criticism received from the legislature and the public was the services were not integrated. People did not know where to go for help and they were shuffled from one division to another. Mr. Shaw remembered sitting in a hearing in Clark County in 1985 watching deputy attorneys general from youth services, mental health and welfare divisions arguing over who had jurisdiction over a child. Now, with the consolidation, the child belonged to the division alone and although there was a long way to go, the right structure was in place.

However, there was also a dilemma being faced with integrated services. Mr. Shaw said the agency had been originally criticized and recently criticized that it had been combined but did not truly integrate the divisions. He hoped the committee could help find the balance because this was a new division which was self-defined and he was a new self-defined administrator.

Mr. Shaw said this was the state portion and he would like to be joined by Mr. Serrano to talk about the juvenile justice system.

Fernando Serrano indicated he was the Chief Probation Officer for Humboldt, Lander and Pershing counties and he was speaking this morning as the President of the Nevada Association of Juvenile Justice Administrators. He commented that before going through the information to be covered, Mr. Serrano said briefly he would field any questions as to how the system worked in the state of Nevada. However, there were nine judicial districts and there were representatives present today at the hearing. In fairness to the committee, Mr. Serrano indicated he would like to introduce those representatives so when the committee formulated questions, specific questions could be directed to the appropriate individual.

Mr. Serrano introduced:

- Rob Calderone, Director of Juvenile Services, Washoe County
- Scott Cook Chief Juvenile Probation Officer from Douglas County
- Steve Thaler, Director, China Spring Youth Camp
- Chuck Steele, Chief Juvenile Probation Officer from Lyon County
- Steve Grund, Chief Juvenile Probation Office from Churchill County
- Mike Simonsen, Chief Juvenile Probation Officer, Elko County
- Bill Lewis, Chief Juvenile Probation Officer from Carson City
- Cranford Crawford, Assistant Director for Family and Youth Services, Clark County

Mr. Serrano explained he taught juvenile justice and on the first night of class he let his students know that juveniles did not have a right to a jury trial. Other than that difference much of the terminology was different as well. However, because of Supreme Court decisions and changes in the Juvenile Court Act, the processes were substantially the same. Mr. Serrano referred to Exhibit E, page 7, which was a comparison between juvenile and adult proceeding terminology. For instance, the initial proceeding was a referral for juveniles and a submittal for adults; detention hearing versus probable cause hearing, etc. In the interest of time, different terminology may be used during this hearing or in the future

which would be clarified at the time; nevertheless, the process was substantially the same.

Mr. Shaw added that not only do juveniles not have a right to a jury trial, they do not have a right to bail. The proceedings had historically been closed until 1995 when they were open to the public, unless the judge closed a particular proceeding. Therefore, the system was becoming more open which was beneficial. In sentencing, the judge would consider the entire social and personal history of a child, which was not something a judge would consider when sentencing an adult.

Senator James commented that when a juvenile did not have a right to a jury trial, that would assume the juvenile was tried in the juvenile system. He asked if it should be clarified that when adult penalties were assessed on juveniles for serious offenses, the juveniles became part of the adult system and all constitutional rights then came into play. Mr. Serrano said that was correct and was an excellent point. He was unsure how much of the certification process would be covered by the committee, but once a minor was certified into the adult court, whether automatically or through a certification process, that minor was entitled to all the rights of the adult court system, including a jury trial.

The reason he wanted to make that point, Senator James explained, was that as the committee analyzed this system, adult penalties, which were truly criminal sanctions in the nature of punishment rather than rehabilitative efforts traditionally associated with the juvenile justice system, were handed out to juveniles, there must be assurance that all those constitutional rights came into play. There was a movement in the country, and had been for several years now, to punish juveniles as adults when they committed adult-type crimes. This was a very difficult question and Senator James submitted that would probably be one of the hardest things the committee would discuss — when was a juvenile put into the adult system. The adult system was a system of criminal penalties and not a system of any hope of rehabilitation for a 14 or 15-year-old youth. Senator James stated he would like the committee members to keep in mind the dichotomy of sending these young people into a system where they may never be seen again in society as productive members and between the system where everyone was trying to make this juvenile into a productive person with a happy life, rather than someone who spent the rest of his life behind bars.

Mr. Serrano referred the committee to Exhibit C, page 90, and said as a way of laying a foundation for the juvenile justice system, he felt it was important to discuss the county responsibilities. Pursuant to Chapter 62 of the NRS, the Juvenile Court Act, the 17 counties were divided into nine judicial districts as listed on page 90. What was significant were the various population levels of each judicial district. The reason this was important, Mr. Serrano explained, was by statute these departments were set up and were divided into three population categories. Seven of the judicial districts had populations of 100,000 or less. One judicial district, Washoe County, had a population of between 100,000 but less than 400,000; and then Clark County, with a population of more than 400,000.

With that introduction, Mr. Serrano referred the committee to Chart A (Exhibit E, page 9 [the charts mentioned in this portion of testimony can also be found in Exhibit C, under tab D]). Chart A covered the seven judicial districts with populations less than 100,000. He suggested that all seven flow charts for these counties were nearly the same, based generally on statute, and the counties were very similar. The key issue was the probation officers took their direction from the district judge. Likewise in the areas of personnel matters, dismissals, etc., the probation officer had a right to have that matter heard directly by the district judge. While, as was said during earlier testimony, district judges at all levels, especially the two urban counties, were very involved from a practical standpoint with the district judges in the seven rural districts, their involvement was far more direct than shown on paper.

Chairman Evans inquired if all those districts with populations less than 100,000 had juvenile masters. Mr. Serrano replied most jurisdictions had a juvenile court master, there may be a few which did not, but most did that he was aware.

Mr. Serrano said the probation committee served as an advisory board to the judge to advise on various matters. They may also be asked by the district judge to investigate possible programs in facilities and staffing. With reference to personnel matters, the committee may choose to *recommend*, stressed Mr. Serrano, termination by majority vote. Generally speaking, at this level, the probation committees were an advisory committee and there, of course, was discretion by the district judge as to how much authority the committee may have in its advisory capacity. Once again, all seven rural districts may have a little different orientation, but the key word was advisory.

The chief probation officer worked directly for the district judge and under him was the probation staff. Those judicial

districts whose detention staff were located with county responsibilities would speak at length on detention facilities and institutional programming at the county level.

In addition to the probation and detention staff, Mr. Serrano said this level contained the clerical staff and any special programs unique to the area. For example, Douglas County had a first rate, nationally known, wilderness program. Mr. Serrano said his facility had a recognized substance abuse program; however, rather than going into each district's special programs, he just made note they existed. He had asked each probation department to personally give a brief overview of what was happening in their county or their part of the state.

When populations reached 100,000, but less than 400,000, i.e., Washoe County, Mr. Serrano explained, the flow chart changed somewhat (Exhibit E, page 10). The district judge, with the help of the committee for juvenile services, instructed the director of juvenile services. By statute, probation officers took their work assignments from the director of juvenile services and the committee for juvenile services was a little more involved. For example, in personnel matters, by statute the committee was set up to operate as a hearing board when such personnel issues become necessary. This hearing board distinction was not present at the rural county level.

The balance of the flow chart was just for Washoe County and included a director for court services, early intervention, and detention services. Mr. Serrano commented Mr. Calderone would be giving an overview of the Wittenberg Hall in Washoe County and he could elaborate on the Washoe County flow chart if there were questions.

As of the 1993 legislature, Mr. Serrano pointed out there had been a change specifically related to jurisdictions which contained a population of 400,000 or more. This provision allowed for the department to come under the auspices of the county commissioners. Therefore, in Clark County, the Department of Family and Youth Services came under the board of county commissioners (see Exhibit E, page 11) along with the manager, the assistant manager and Kirby Burgess, the director. It came as no surprise as this was by far the largest jurisdiction in the state, the flow chart was more involved. Specific questions concerning the Clark County Department of Family and Youth Services could be directed to Cranford Crawford in just a few moments, Mr. Serrano stated.

Chairman Evans said she would like more information because essentially there were two different models, Charts A and B were closest aligned and Chart C for Clark County represented quite a different way of doing business. She commented she did not know the qualitative difference between the two models and perhaps one functioned better than the other simply because of size. Clearly, having a district judge at the top of the chart rather than county commissioners, one would expect some different flavor.

Cranford Crawford, Assistant Director of the Clark County Department of Family and Youth Services, explained the process in Clark County consisted of the county commissioners being responsible for family and youth services as the department was a division of Clark County. The system operated with the commissioners at the top, the county manager under him, followed by the assistant county manager, who Kirby Burgess the director, reported to. Mr. Crawford explained with reference to interfacing with judges, on the flow chart below the county commissioners, there was a county ordinance which created a policy and fiscal affairs committee. This committee was composed of three judges and two county commissioners who decide policy and fiscal affairs issues for the department.

Under the policy and fiscal affairs committee, there was a citizens advisory committee; however, neither of these committees appeared on the flow chart, Mr. Crawford pointed out. Chairman Evans requested more detail as to where these committees were located, which Mr. Crawford pointed out on the overhead display. Right below the county commissioners box, a line could be drawn to the left and to the right side for the policy and fiscal affairs committee and below them would be the citizens advisory committee. The policy and fiscal affairs committee was a joint board and was where the judiciary had input into the operation of the agency.

Mr. Crawford explained the citizens advisory committee was made up of appointees by the county commissioners and there were seven members on the committee. The balance of the flow chart (Exhibit E, page 11) was exactly as it appeared. There were two assistant directors because the agency was divided into halves — the delinquency area which Mr. Crawford indicated he was responsible for and encompassed three divisions; probation, detention, and the Spring Mountain Youth Camp. The other half was the child welfare area which consisted of Child Haven, a temporary facility for abused and neglected children, and the child protective service area which does the casework function. There were

approximately 450 employees at the agency with six divisions in the entire department, every division had an average of 60 or more staff, except the administration division which had approximately 40 employees.

Chairman Evans inquired if prior to 1993, would the flow chart have looked more like Chart A or B. Mr. Crawford replied it would have been similar to Chart A where the department was responsible to the judiciary. Chairman Evans pointed there must have been some substantive reasons for changing to Chart C and she asked for an explanation, additionally, the committee would be interested in hearing outcomes. It would be expected there must have been an idea this change would improve effectiveness or efficiency, otherwise changes were not generally made. Chairman Evans again questioned what lead to the change and had improved outcomes or results been seen since that change in 1993.

Mr. Crawford said he recalled a joint effort by the judiciary and the county that because the county was responsible for the fiscal affairs, they were the source of funding for the majority of the budget. The county wanted the department to be a part of the system, to become a regular department within the county. There was a proposal before the legislature which allowed this transfer to happen and then through county ordinance, the system was established. Therefore, the change was presented to the legislature for approval.

Judge Marren offered his comments. The change to county control occurred before the family court was created in Nevada, prior to 1992. It was believed, frankly, that the juvenile court judge did not have the capability of being the top person in such a huge organization and this was really true given the fact that the judge was required to be on the bench four days a week. That being the case, it was believed that a group approach needed to be taken. Judge Marren said it had been proposed when the family court was created. As part of the package, with approval of the legislature, the fiscal affairs board was created as a way for judges and commissioners to work together on the fiscal affairs of the county and to appropriately let the county manage the personnel and other matters. Those items were completely impossible for the juvenile court judge to handle at that point. Judge Marren believed that was the genesis of the decision in Clark County.

Chairman Evans asked since the changes had been made, she reiterated her question about outcome and how Judge Marren felt about the change. Judge Marren replied frankly, the relationship between the juvenile court judge and the director still was the key relationship in the whole mix. If those two people could work well together, and such was the relationship between Judge Marren and Kirby Burgess, it was a wonderful thing. If the two were unable to work together, the situation would be as bad as it was when the juvenile judge was in charge. This was a person-to-person relationship issue, the two key relationships being the juvenile court judge and director and the other staff.

Judge Marren did not feel the change had impeded at all the work in juvenile justice and in fact, it had freed him to do a lot in the courtroom and to appear in front of this committee, which he would never have had the possibility to do if he was still at the top of that pyramid.

Chairman Evans said by moving the boxes around she understood the difference in relationships now, but she commented it would always depend on who was inside the box as to whether the system worked efficiently. Judge Marren agreed and said that was true of any structure put in place.

Mrs. Segerblom remarked each city inside Clark County had an advisory committee as well and asked how they worked with the county. Mr. Crawford answered he was not aware there were other advisory committees. Judge Marren interjected that Mrs. Segerblom’s district was only one of two cities in Clark County which participated in that program, the other was Mesquite. There was another program in unincorporated Logandale which also had citizen input and management of juvenile delinquents who were not to be incarcerated in the community training center. This was a very good model and seemed to be working wonderfully in those communities. The justice of the peace or municipal court judge knew the kids and the community was actually assigning the community service. This was a great model which Judge Marren hoped the committee would look at carefully.

Mrs. Segerblom pointed out Senator Washington had an opportunity to look at the system. Senator Washington responded he, Senator Wiener and Senator Porter had gone to Boulder City to review the citizens advisory panel which was conducting hearings. The senators even had a chance to sit in on some of those hearings. There had been discussion of sponsoring legislation which would enable that model to be implemented throughout the state. Some pieces would have been taken from the state of Washington which had been very successful with their program, but time constraints prevented fruition of that legislation. Senator Washington commented to the chair that maybe this idea would be

something the committee would recommend as legislation for the next session.

Chairman Evans said with the emphasis which had already been given to the committee as to the importance of community involvement, it would seem this could be a step in the right direction. Mrs. Segerblom added there had been some difficulty in Boulder City with juveniles if they were sent to the county because their offenses were not nearly as serious. If the advisory committee was not in place, the youths would have to be sent to the county. She suggested this idea be reviewed for the smaller cities, possibly including Henderson.

Chairman Evans stated that was a good point and was a way for communities to take ownership. The issue could be more localized or regionalized within the counties, especially Clark County where it would be especially helpful. Mr. Crawford added there was a difference in the operation of those committees. Those committees dealt with particular crimes but did not interface with the policy matters of the agency, that was the difference. However, the advisory committees controlled the juvenile activity in their particular area and worked with one of the county probation officers in order to follow the same guidelines as the rest of the county.

Mr. Serrano called attention to Chart A and reiterated there were seven rural judicial districts and the judges may have seven different ways to administer their departments. There had been a lot of discussion about the county commission involvement in Clark County. Mr. Serrano pointed out in his jurisdiction, Humboldt, Lander and Pershing counties, and the case could be true in other jurisdictions, the judges had chosen to operate substantially as any other county department. The chief probation officer attended all the department head meetings. Mr. Serrano commented the symbolism there was the judge felt the probation officers were part of the county and should operate as a county department. Programs were reviewed with the county commissioners as was done with the probation committee and just as often. Before moving on, Mr. Serrano felt it was important to note that although on paper the probation officers were under the judge, they operated substantially as another county entity.

Chairman Evans remarked as the study went along, she would be interested in hearing from the other districts as to whether they had the same capability. Mr. Serrano thought that was an important point. As the president of the Juvenile Justice Administrators Association, he knew generally what was happing with the other counties, but he encouraged the other chiefs to made additions which related to their particular region of the state.

Mr. Serrano called attention to Chart D (Exhibit E, page 12), and said he would like to give a brief overview of the system and then stop for any questions. First, Mr. Serrano mentioned the referral sources. As was shown on the chart, the parents, police and school were all referral sources to the juvenile court system. In rural and urban counties alike, the great majority of referrals came from the police. However, there were a number of referrals directly from the parents. Many times, these referrals came in the form of incorrigibility or runaways. Mr. Serrano related that specifically in his jurisdiction, there were far more problems with the status offenders, i.e., runaway, truancy, incorrigible, than the more delinquent offenders. In any given year for example, in his judicial district, Mr. Serrano said any one county may only send one to five kids per year to the state. Several counties, during the course of the entire year, would not commit anyone to the state. However, on the flip side of that example, there were a number of family issues and family dysfunction, which was by far the number one problem.

Senator Adler referred to the new truancy law and inquired if any of the counties implemented the law by bringing in the youth and the parents and by suspending drivers licenses, and if so, how was it working. Mr. Serrano responded his district was enforcing the law. It was too early to determine any meaningful data and the results, however, primarily in Humboldt County, there had been a number of referrals for habitual truancy under the new statute that Mr. Powers described earlier this morning. Mr. Serrano commented he would be interested in the weeks to come to see how this issue would be handled in Washoe and Clark County. In the rural counties, he had seen a dramatic increase in the number of referrals; the juvenile court docket had greatly expanded. Senator Adler inquired if word got back to the youths once the statute was enforced. Mr. Serrano answered affirmatively and said the local press had been very helpful.

Mr. Serrano explained they were literally interpreting the statute verbatim. In Winnemucca, when a minor came to court for habitual truancy, the minor received a $100 fine and their drivers license was suspended for 30 days. Although it was very early in the process, school administrators had already indicated they had seen a dramatic drop in the number of truancies. One of the advantages available in rural Nevada was only one or two drivers licenses needed to be suspended before the word got out. Unfortunately, Mr. Serrano said his counterparts in Reno and Las Vegas did not have the same

luxury, but in the rural areas, the statute had been effective. That was not to say it had been a cure all. In the second offense, the statute was being literally applied by the court master, which was a $200 fine and the drivers license suspended for 60 days. He said there was a group of junior high girls and at the rate they were going, they may be grandparents before they get their drivers licenses. However, the initial decision in speaking with the county commissioners, probation committee, and judges was to aggressively pursue this avenue.

Senator Adler pointed out this statute had been modeled after a Los Angeles County truancy ordinance and they saw an overall drop in daytime juvenile crime. He asked if any drop in daytime crime had been seen with reference to juveniles. Mr. Serrano said somewhat of a drop had been seen, but again it was early. At future meetings, he would certainly provide more data.

Mr. Serrano added in rural Nevada, the new truancy laws had been the headlines on three occasions. Likewise, the radio stations had covered the issue in detail, on the weekends there was a half hour interview show in which Mr. Serrano had participated. The word was out, and although it was very early, a significant decrease had been seen in the number of truancies.

Referring again to Chart D (Exhibit E, page 12), Mr. Serrano said after the three referral sources, the next step was the initial evaluation or intake, and in the larger jurisdictions, there may be intake units. The medium jurisdictions may have intake person(s) and in the rural areas, there may be an on-call person or whomever was in the office at the time became the intake unit. Several key decisions were made at this stage. One was to decide whether to divert the minor from the court system without court action and simply put, this was addressing the issue without formal court action. If a minor offense was involved, the probation officer may choose informal probation or a fine. A classic case would be a very young offender who may have been caught shoplifting or doing minor vandalism, which may include writing an apology letter, repainting a fence, or participating in a community work crew. The diversion allowed some type of sanctions, but also some types of rehabilitative help or referrals without formal court action. While the nine judicial districts may do this somewhat differently, Mr. Serrano felt it was safe to say generally speaking, diversion was used for younger offenders and less serious offenders.

Detention was the next key decision in this process. Mr. Serrano said a number of ways were being looked at to decrease the number of youth in detention. So far this morning, much of the attention had been given to those who had been committed to the state and were backed up in detention. That was a legitimate issue and had received much discussion already and would receive more discussion in the future. Mr. Serrano commented he hoped what would not get lost in the process was what the counties could do themselves to reduce the number of youth in detention. He said home detention in his district had been greatly expanded as had house arrest provisions. As many other jurisdictions had, his district would begin electronic monitoring. Before moving on, Mr. Serrano pointed out the answer was not just for the state to expand the number of beds. Those beds were needed, of course, but he suggested not losing sight of what the counties could do to alleviate the problem.

Mr. Serrano continued that court action was the next issue. The most common disposition was simply the sentencing to probation. The probation list was not meant to be all inclusive, but to give this committee a good idea of what was happening around the state to address the issues presented by youth. If probation, for one reason or another was unsuccessful, there were two possibilities; referral to the Nevada Youth Training Center and of course, after care which was youth parole or referral to one of the county camps, China Spring or Spring Mountain Youth Camp. Mr. Serrano said it should be noted Spring Mountain Youth Camp had its own parole department.

Chairman Evans commented the chart was exceedingly helpful in tracking the youngster through the various steps. She inquired how a case such as the one described by Senator Wiener where the young man who had 70 offenses would progress through this chart. Chairman Evans wondered how a youth could accumulate such a vast number of violations over time. She asked if there was something in the "system" which could stop this accumulation earlier.

Mr. Serrano replied there were circumstances where this could happen. Approximately, five years ago in Winnemucca, a minor had committed approximately 50 burglaries before he was caught the first time. Otherwise, the second alternative was graduated sanctions. Especially in an overworked system, Mr. Serrano said he could see how that many referrals could happen, graduating up to supervision and consent decree, to probation and a suspended commitment. As the minor worked his way up the ladder, this could possibly happen. Without knowing the specifics, he said he could not address

the issue further, although, generally speaking in rural Nevada, the districts were usually quick to take stronger action, whether probation or suspended commitment the first time.

A few months ago, Mr. Serrano commented, a public defender's office had a new public defender who transferred from the Las Vegas office. A minor had been caught shoplifting at a local small grocery store after school. Mr. Serrano said the recommendation had been for work crew, an apology letter, some informal probation and follow-up. This angered the new public defender and his comment was in Las Vegas they would not have even dealt with the youth. It was pointed out there was a difference between urban and rural areas and they chose to take a stronger stand much earlier. There had been much discussion about intensive supervision, and in urban areas there had been some excellent results. He had mentioned earlier that some counties in his jurisdiction would go the entire year without committing anyone to the state. If three or four kids a year were committed, that was a significant increase. One of the reasons was a smaller caseload. The average caseload per probation officer was approximately 20, so strong arguments could be made that everyone on probation, whether informal probation, consent decree or formal probation was on intensive supervision. He felt that went a long way to explain why the commitment rates were generally five or less and in some years, zero. Granted, there might be a question because of the rural area, but the principle very much applied in Washoe and Clark counties and there were statistics which showed how significantly the commitment rate in Clark County dropped with their intensive supervision program.

Mr. Serrano said he represented a very small jurisdiction as opposed to Kirby Burgess who represented by far the largest district. He said they have had numerous discussions on juvenile issues, juvenile problems, family problems, and they had concluded that whether the discussion was about Battle Mountain or North Las Vegas, the core issues were the same and needed intensive help to be addressed. Many of the core family issues leading to family destruction were the same. Smaller caseloads helped and could work in Washoe and Clark counties.

Judge Schumacher related there were periods of years where the entire responsibility for sentencing in Washoe County fell to her, and in sentencing, she would be given a dispositional report. During that time, she never saw any instance approaching 70 referrals. However, sometimes it was considered a mark of pride for a juvenile to exaggerate his contacts with the system. She had asked Mr. Bash if he ever seen any case such as this and his reply was approximately six times in his career, so it was possible that indeed this young man was being truthful. However, the Washoe County experience was nothing similar. If she saw a child with anywhere approaching 20 referrals, she would try to determine why the system had gone array at that level.

Mr. Bash remarked he would like to highlight one principle. There was often discussion of the serious or chronic offender who was sent to a training center. He believed that a good argument could be made that early in a youth's criminal career when referrals were made, it was the certainty and immediacy of the response of the system which was more important than allowing a youngster to gather a number of referrals. It was important that a youth see there was some connection between what they did and what was going to happen. For example in Clark County, those shoplifters were not ignored, but put into a petty larceny program. That program had a high success rate because they force the youths to make apologies and restitution and identify the victim as a real person, not just some store. Mr. Bash said the goal was not to allow a youth to become chronic and not be attended to. Even more insidious was if two or three referrals were ignored before becoming serious with the youth. Serious did not always mean hard, serious meant the youth was dealt with immediately and with some kind of consistency.

Mr. Crawford added even in Clark County he did not feel a youth could have accumulated 70 charges, even over the course of years. If a child came into the system with misdemeanors on several different times, that child would automatically be referred to the district attorney's office for prosecution. It was possible for a child to be arrested one time and have a string of burglaries with 10, 15 or 20 offenses. It was also possible now because of the overcrowding in the southern facility, that if a child was being detained either because of commitment or awaiting for an appearance before the court, that child could receive new charges while in detention for destruction of property, battery on the officers, or other children. Therefore, a youth could accumulate charges in a rapid fashion, but he still had not seen a youth come in with more than a dozen or so charges at any one booking.

Mr. Serrano agreed with Mr. Bash in that it was much more effective to have the court hear the matter shortly after the offense. Additionally, Senator Adler had inquired about truancy and those matters were heard every Wednesday. The

juvenile court master was aware and readily agreed if there was an influx of referrals so that court went well into the evening, it would be worth the effort.

Chart D-1 (Exhibit E, page 13), Mr. Serrano remarked was a little more specific as to time frames. Again, the flow chart began with referrals and the intake decision. He emphasized the intake decision was very important because it set the course for the rest of the case and the route it would take. The detention phase was next where a determination was made whether a minor would be a danger to himself or the community and whether the minor would flee the jurisdiction if released. Also, there was the possibility of being out of the jurisdiction of the judicial district; in rural Nevada, that was seen a lot because all three counties, Humboldt, Pershing and Lander were located on Interstate-80. It was very common to pick minors up from all parts of the state. All these issues would relate to whether a minor was detained or not. A detention hearing must be held within 24 hours after a child submitted a written application or within 72 hours when detained at a facility in which adults were not detained. That was the law, but Mr. Serrano said he would explain the practical application.

Mr. Serrano indicated he was unaware of any judicial district in the state which did not have a detention hearing within 24 hours in all cases. Judge Schumacher interjected that Washoe County held detention hearings three times per week. The district attorney was very involved and rightly the sole authority to determine which way the case may proceed. For example, if a minor was detained, the petition must be filed within eight days. If there was a decision not to file a petition, the minor must be released. Calling attention to the initial evidentiary and dispositions hearings, Mr. Serrano said these were all juvenile terms and the court made its final decision of a case no later than 60 days after the petition was filed. The court could grant an extension if it found it would serve the interests of justice. At least the initial plan was to have the matter disposed of within 60 days after the petition, or statement of charges.

Senator Washington referred to Charts D and D-1 and said he had noticed during the past two sessions, an emphasis had been put on fines and sanctions to the parent(s) who allowed their children to commit crimes, whether graffiti, shoplifting, or destruction of property. He noticed in the flow charts there was no mention of intervention, evaluation or allowing the parents to participate in the restitution or probation of these children. Senator Washington asked if that was a sequence which was normally eliminated or were the parents included in the process of these intakes and evaluations.

Mr. Serrano emphasized the parents were very much involved and one of the problems with a single page flow chart was there were things which must be left out. However, Senator Washington had made an excellent point and parents needed to be involved throughout the process; not just during the adjudication process, but after disposition had taken place. During the last session, one of the reasons for the desire to increase local programming was to involve the parents more in the rehabilitative process.

Senator Washington said some emphasis had been put on the parents' participation in sanctions and fines. He wondered as a parent if he could go to the court or the judge and say that Johnny had done such-and-such and make a recommendation to the judge of a certain punishment. He asked if the judge had the discretion to exercise that request or could he take it under consideration. Judge Schumacher replied she could only speak to Washoe County, but the parents were certainly involved in intake. Recently, there was a long term, very careful and excellent reorganization of juvenile services which involved parents more heavily at the front end, which could even result in a youth's diversion out of the court system. When Senator Washington inquired about fines and sanctions, Judge Schumacher said she thought the senator was asking about the child who was made to go through the court system. The parent must by law attend the disposition, the juvenile term for sentencing, and the parents rarely did not attend. It was always her practice when sitting in these hearings to ask for parental comments with respect to the sentencing. More often than not, the parents would say very little; however, sometimes they would say a lot as to what was appropriate. At that point, the probation officers would have given juvenile services' recommendation for the outcome for this child, the district attorney would have done likewise and they may or may not have been the same. The district attorney in Washoe County had always felt it was their position to disagree with juvenile services if they needed to. The child's lawyer would likewise have indicated the hoped for outcome of the case, at which point the parent would be invited to give whatever input or information to the court. Judge Schumacher said she found more often that as opposed to arguing the sentence, the parent was more likely to tell the court the child had a learning disability issue, a drug issue or other issue and the parent felt the sentence was punitive. More often than not, a sentence was pronounced orally, at least in Washoe County, with everyone present. It would be a rare case for a decision to be taken under submission. This would happen if information

was not yet available or some extenuating circumstance. Ordinarily, an announcement would be made in open court as to what was going to happen and the outcome.

Additionally, Judge Schumacher said the statutes had been read to always to make orders with respect to the parents if it was felt they needed counseling. It may well be, as Chairman Evans had pointed out, that resources were not be utilized as fully as possible. However, the court ran into a wall where most, if not the vast majority of cases, involved substance abuse by parents. Cost problems were encountered when parents were instructed to do a particular thing and funding became an issue. The McGee Center in Washoe County had for a long time done a good job of in depth assessment of the family, the problems had then become finding the programs to meet the needs. Now that the problems had been identified, what was the next step. There were a lot of rough edges, Judge Schumacher explained, but family participation was invited in every single disposition.

Judge Marren added when substantial probation recommendations were made, chances had to be taken with a lot of juveniles because there was no place to put them. Sometimes the charges included among other things, boys beating up their mothers. He would ask the mother if she felt comfortable having this child in the home, and almost always, the mother asked that the child be allowed to stay at home. Judge Marren indicated that before taking on this job, he had a perception that people were downloading their kids to the system with no concern about them. That had not been justified in his experience. The parents really wanted their kids at home even if they had done horrible things to their parents. Absolutely, input was required in his court and all dispositions were done on site at the time of the hearing. Additionally, victim/witness impact statements were done at the hearings. The victim or victim's parent would come into court and give a statement to the court before the court entered its dispositional hearing. About 30 hearings were held every Wednesday.

Mr. Bash commented one of the problems with using flow charts which had boxes was the perception that boxes of equal size had equal significance in the system. If this chart was accompanied by the percentage of youths dealt with at various levels, the vast majority of youngsters were dealt with at the intake level and never reached detention. In those intake processes, he knew for a fact there was an extensive requirement that the family be involved. In fact, outside or extended family members, therapists and on one occasion, Mr. Bash said he had been called into the hearing as someone in the community who knew the family just to give input to the probation officer about the best resolution for the problem. There was an extensive input process and much was handled informally on the front end before the youngster reached a detention, contested or plea hearing.

Mr. Shaw added very few youngsters proportionally ended in court and music to a probation officer's ear was a parent who came in and said it did not matter what the system did to the youth, it was nothing compared to what the parent already did or would do. Unfortunately, that was not heard often enough.

Senator Washington referred to Mr. Bash's comment about a swift and speedy response which reminded him of his father who was not only swift and speedy, but very hard!

Mr. Serrano commented that while discussing parents' involvement, on the rehabilitative side, probation officers had been able to use the authority given by the legislature to order parents into counseling. A number of parenting workshops and parenting education classes have been utilized. Mr. Serrano emphasized how invaluable it was to have that leverage over the parents for therapeutic reasons. Children from strong, healthy families were seen far less than dysfunctional families, and generally for less serious offenses and there was a greater chance the youths were only seen once. Healthy families were the single biggest deterrent to juvenile crime.

Mr. Serrano referred to Exhibit E, page 14 and said it was not meant to be an all-inclusive list, but to give committee members a flavor of what was happening around the state. This list was literally a blend of what the various departments had provided in preparation of his presentation. A great many children fall generally into three categories:

- Family dysfunction -- various programs must be aimed at that issue.
- The second was poor academic achievement. Educational needs must be addressed whether through a form of tutoring, alternative education or remedies.

- The third dealt with substance abuse.

Mr. Serrano ventured to say that between family dysfunction, educational problems and substance abuse issues, these three areas covered a great majority of every youth in the system. While punitive sanctions were needed and were necessary, rehabilitative efforts to address those areas were equally necessary. This list would give a flavor of accountability issues, rehabilitative issues and programs which covered the three general common denominators previously discussed.

Chairman Evans commented this was a very impressive list and she was curious how many of the programs were uniform from one district to another. She asked if there was a lot of variation in the judicial districts. Mr. Serrano replied in the nine districts there was variation and many jurisdictions might be doing similar programs under a different name. The programs specifically taking place might be something for the committee to pursue in future meetings.

With reference to the county responsibilities, Mr. Serrano said several of the chiefs had been asked to give an overview to provide the committee with a flavor of the different districts. Additionally, referring to Exhibit E, pages 15 and 16, although these were 1994 numbers, for purposes of discussion, still held. In 1994, statewide, there was a total of 42,829 referrals and from that number, 476 were committed to the state and 253 to county youth camps. What this illustrated was approximately 1 percent of all the youth seen by probation officers were committed to a state facility. He felt that was to a large degree attributable to the programs which were mentioned previously. There was still work to be done, Mr. Serrano admitted, for the serious offender and in areas of institutional placements, etc. However, he hoped the committee did not lose sight of the effective programs which currently existed. Some of the things probation officers were doing with kids was excellent and could be discussed with the committee at a later date.

Chairman Evans explained Judge Schumacher was required back at her office and would not be present for the balance of the hearing.

Stephen Shaw, the Administrator for the Division of Child and Family Services (DCFS), said he would be brief in his comments. Mr. Serrano had covered the front end of the system and who had responsibility. DCFS had the institutional responsibility in the form of the Nevada Youth Training Center, Caliente Youth Center and for Youth Parole. The Nevada Youth Training Center was a 24-hour juvenile correctional facility for males between 12 and 18 years of age. Its rated capacity was 160, and the average daily population was a little over that amount as could be seen from Exhibit C, page 17. With reference to employees, 96 FTE positions were authorized for each year of the biennium, and the budget was $5.6 million in FY 1998 and $5.4 million in the second year of the biennium. The main approach of the center was behavior modification and reality therapy.

The main programs offered at the Nevada Youth Training Center were academic and vocational interscholastic activities. The youths also had work activities, including custodial, cleaning, maintenance helper, laundry helper, paint crew or kitchen worker. Psychological and counseling services were provided and personal care was furnished in terms of food, medical, religious and recreational/leisure programs. There was also a fire crew training program and community service.

Mr. Shaw called attention to the next overhead (Exhibit E, page 18), which offered information about the Caliente Youth Center. Since 1962, the Caliente Youth Center provided institutional correctional services for female juvenile offenders between the ages of 12 and 18. In 1989, the center had become a co-educational facility with three cottages of female offenders and four of male offenders. It had a rated capacity of 140, with an average daily population of approximately 155. There were 68 FTE positions and the center had a budget of $4.2 million in each year of the biennium. The main approach of the center was positive peer culture.

The major programs offered at the Caliente Youth Center included therapeutic community, recreation services, academic and vocational services and a fire crew program. The intensive aftercare project was a special project and Nevada was one of four states which received funding. There were employees at the institution who carried that project.

Mr. Shaw explained the Nevada Youth Parole Bureau enforced court-ordered sanctions, protected communities and supported the rights of victims through residential and aftercare rehabilitative services, which included opportunities for delinquent children to become productive members of society. There were 40.5 FTE positions authorized in the first

year of the biennium and 38.5 in the second year. The reduction represented the two positions funded by a federal grant which possibly would drop out in the second year. The budget was approximately $4 million in each year of the biennium. The approach at the Nevada Youth Parole Board was that parole was behaviorally oriented and they used the "reality therapy" mode of treatment.

Major programs offered at the Nevada Youth Parole Board, continued Mr. Shaw, was primary case management and alternative placement, which included individual foster homes, group homes, substance abuse treatment, halfway houses, day treatment, seriously emotionally disturbed and sex offender treatment. An intensive aftercare program was offered which Mr. Shaw hoped to devote more time to in the future.

Referring to Exhibit E, page 19, Mr. Shaw said this graph of Nevada youth parole revocation rates offered some interesting data. Beginning in 1989, revocation rates were going up and in 1993, the intensive aftercare program was initiated, and the rates dropped. Exhibit E, page 20 was a graph which showed the relationship between the number of youth handled. The graph showed the number of children on parole handled and their revocation rates, which showed a decrease.

With reference to juvenile justice data collection, Mr. Shaw said the 1995 session of the Nevada Legislature passed AB 255 which mandated the collection of data regarding juvenile justice. This mandate was now NRS 62.420 and Exhibit E, page 21 showed information on the progress of this effort to the present time and detailed the reporting status of each of the nine judicial districts. Mr. Shaw said that data collection was very important as the state was operating in a vacuum in terms of data on juveniles. In the past it had been impossible and to some extent it still was, but the collection was getting better and would improve even more so the longer this procedure was institutionalized. Legislators were making public policy decisions affecting hundreds and thousands of kids' lives and the data was not available to base these decisions. Mr. Shaw said Chairman Evans had been instrumental in promoting this data collection and he appreciated her efforts having seen the lack of information.

Chairman Evans referred to Exhibit E, page 21 and the reporting status of judicial districts. She said the term "currently reporting" related to agreed-upon standards and reporting methods. Reporting could mean a lot of different things, including the submission of any kind of data. However, she said she was talking about standardization of reporting which was done in such a way that figures could be compared to facilitate understanding. Chairman Evans inquired if "currently reporting" represented such a standard. Mr. Shaw replied "currently reporting" meant it was pursuant to protocol and was standard information.

There were a couple districts who were not reporting and Mr. Shaw admitted he was unaware what that meant. This reporting data was now required for the community partnership block grant. If the data was not submitted, the funding would not be provided. Generally, Mr. Shaw felt the data collection was going very well, having started from nothing. A more detailed report would be submitted to the legislature. However, he emphasized this was very critical that legislators had the information so sound public policy decisions could be made.

Senator Washington inquired as to the amount of the community block grant. Mr. Shaw said it was roughly $711,000. Chairman Evans added the allocations for the different programs could be found in Exhibit C, at page 4, which had been reviewed earlier this morning.

Mr. Shaw said his presentation was nearing the end and he wished to finish as he started with the Work Study Group. He referred to Exhibit E, at page 22, and commented this was the area document the Work Study Group published and believed in. This document emphasized prevention and made the family, not the juvenile the target of service. It provided services which were holistic, neighborhood-based and culturally competent. An interesting private project in Henderson was being operated by DCFS whereby DCFS staff were going to Henderson and joining with Henderson's services. DCFS had gone prepared to establish their plan in Henderson, but Henderson had indicated they wished to use their plan first. The project was due to open in January, was neighborhood-based and was co-located with the Family Resource Center. Clark County had been broken into neighborhood districts and he firmly believed after working with the Family Resource Center for a couple of years, this was the future for Nevada. Mr. Shaw commented changes were going to come, and they would come neighborhood by neighborhood and community by community.

Referring back to Exhibit E, Mr. Shaw continued, the WSG area document would provide service management which

was integrated and seamless with no "hand-offs." This meant there would be single case managers, no matter what the issue, so the juveniles would not be handed-off to someone else. Mr. Shaw hoped the legislature could provide some help with this portion of the program. Safety would be sought for victims and the community as well as competency development for both children and their families. Youth should be held accountable for committing offenses as well as the system and the community. A continuum of services and sanctions should be provided as well as collaboration and sharing of resources with other agencies and citizens. Mr. Shaw felt this document summarized the Work Study Group's philosophy which were evolutionary and the elements provided a future for Nevada.

Chairman Evans pointed out the committee members had been provided with a copy of the report from the Work Study Group which had been previously mailed to them. The report provided some very good background material. She also said she would entertain questions, but the committee would be revisiting some of these issues and she had asked Mr. Shaw to keep his remarks brief. Chairman Evans indicated she, too, had many questions on the operations in Elko, Caliente, Youth Parole and there was much which needed to be understood. The administrators from those programs were present and could answer questions after their presentation. However, if there were questions now, she would entertain them. As there were none, Chairman Evans recognized Mr. Serrano and asked him to continue his discussion about district programs.

Mr. Serrano explained in preparation for today's hearing, he was asked to address five questions. The first three questions dealt primarily with the juvenile system and he thanked the committee for allowing Mr. Shaw and himself to jointly present their testimony as it provided a smooth transition. The two remaining issues dealt with institutions at the county level, and at the last legislative session, several districts received funding for juvenile detention facilities. In the interest of time, Mr. Serrano said he would like to have representatives of the different districts present an overview of the facility in their jurisdiction and, two, if they had received funding from the legislature, to update the committee as to the status of that project.

Mr. Serrano called attention to Chart E, (Exhibit E, page 23, also found in Exhibit C, page 102, under tab D) which set out the county and regional facilities in Nevada. Mr. Serrano then introduced Mike Simonsen.

Mike Simonsen, Chief Juvenile Probation Officer in Elko County, stated he became chief at the end of July of 1997, and prior to that, he had been the superintendent of the Caliente Youth Center for a year and prior to that, he had worked at the Nevada Youth Training Center for more than 28 years. Mr. Simonsen remarked he was more familiar with the institution side at this point than the probation side and he was still learning the system.

Briefly, Mr. Simonsen said, a new detention center in Elko had been built at a cost of $2,390,613, of which some $530,000 came from the legislature. Additionally, approximately $2 million of that funding had come from Eureka County. Eureka County had helped build the facility as had others, the gold mining industry and the school district. The facility had 24 beds, six of which were dedicated to the Seventh Judicial District, which included Lincoln, White Pine and Eureka counties. Basically, that left Elko with 18 beds. Up to this point, Mr. Simonsen said the average population had been 15 and the facility had been full numerous times since he had been there.

Mr. Simonsen said all the facilities had problems with bed space, not only at the state level, but at the county level. He said he did not want to make a speech, but he felt it was very important the committee knew about the fight for secure beds which had been going on for 20 years. He had helped develop budgets for the secure facility starting in the late 1980s. Mr. Simonsen said he did not understand why there was no secure facility at this point. This was not to say that what was done in the community was any less important, in fact it was more important, but there must be places to put juveniles who could not be handled in the community, especially the serious hard core offender. If the Nevada Youth Training Center and the Caliente Youth Center could receive youths early, not the serious gang bangers who needed to go to a hard core facility, their success rate would be much better. Mr. Simonsen said he had spoken to many juveniles who said their stay had been the most positive experience of their lives, and thanked him for helping save them.

Mr. Simonsen apologized if his emotions got carried away, but he had been with the system for a long time and had made it his life. He saw a failure on the part of the state system dealing with youths. Now he was working with the county and helping to develop community-based programs. Mr. Simonsen referred to Exhibit C, starting at page 121. Teen court was one of these programs as was Project Magic. The county was developing TESA (Treatment and Education of Substance Abusers), which included working very closely with families. He felt a juvenile could not be

changed in the community without having the family involved at all steps. As was well known, if the families had substance abuse problems and if they were not addressed, the juvenile would be sent back and nothing will have been accomplished. All programs must involve the parents. The juvenile justice system in Nevada had been shortchanged for some time, emphasized Mr. Simonsen.

Chairman Evans thanked Mr. Simonsen for his long service with the state on behalf of the children. She said she was sorry to lose him from state service, but she indicated her appreciation he was still involved in Elko. She asked if Mr. Simonsen would elaborate in terms of the specifics which come to mind when he said "failure." He had mentioned the long overdue need for the secure facility which the state was finally on the way to see to fruition. He had also made reference to appropriate placement for juveniles. She inquired if there were other things the committee should know.

Mr. Simonsen responded when he had started in this field years ago, juveniles were different than they are today. Nevada was still a rural state and it had much more effect on young people at that time. There was no heavy involvement in gangs and guns; but now it had become very dangerous on the streets. Once urban problems started to surface, the juveniles were all placed together and there were still some rural kids who were "thrown into the same pot." Over the years, newspapers had said it was "school crime" because some kids learned behavior from other kids. At that point, a system should have been developed for graduated sanctions for these juveniles who needed secure programming. Gang members needed other types of programming and different interventions, was this was not developed. There had been attempts for some time to develop these programs, but for one reason or another, they had not been. Mr. Simonsen said he viewed that as a failure.

There had been suggestions at the beginning to build more beds, but no one wanted to build more beds. Mr. Simonsen had suggested the addition of a 24-bed unit for girls at Caliente, and there had been a suggestion to use a facility at Pioche for reception/classification which had also not been accepted. Chairman Evans inquired what Mr. Simonsen meant about the need for additional beds at other levels and he had specifically mentioned girls at Caliente. She asked for some elaboration. Mr. Simonsen responded there was a backlog for girls and there were no other beds in the state for girls. If the 125-bed facility were to come on line now, in reality it would not be 125 new beds, it would address the backlog which would fill those beds, and the facility would be way over capacity. He suggested at least one dormitory of boys from Caliente must be put somewhere else to allow for another dormitory of girls. In reality, if a facility was built now with 125 beds, only the backlog would be cleared.

Mr. Simonsen said everyone was behind, the community must do their part, and the county was doing what it could. A young person in Elko had not been committed to the state since he had been chief, and he was trying not to. Chairman Evans said in terms of appropriate placement, and referring to the various detention centers which had been funded by the legislature, she asked what impact Mr. Simonsen would see on the numbers and mix of juveniles. Mr. Simonsen replied at various times he had been asked to hold youths from Lyon County and from parole and probation in different districts. When these beds come on line, they would fill the need within those communities in those counties. The detention centers needed to be used as an intermediate sanction. A judge may give some kids on probation a 15-day sentence to a juvenile detention center to be used at the discretion of the probation officer. That may mean if a young person got into some kind of trouble or was expelled from school for a period of time, for instance, they would be pulled into the juvenile detention center where they would spend that time; that was a sanction. Young people may be committed to that detention center for a certain period of time for a crime rather than being committed to training centers. However, Mr. Simonsen felt the detention centers would take up a need where there was a void now in the other counties. The center in Elko covered four counties and the center under Mr. Serrano’s jurisdiction covered three counties. Mr. Simonsen apologized for his lengthy reply and Chairman Evans commented these were things the committee needed to learn about.

Senator Washington appreciated Mr. Simonsen’s testimony and although he did not have the privilege of sitting on the money committees, Senator Washington said he knew funding had been provided for extra facilities. However, Senator Washington asked about staffing; if more beds were built, an intermediate facility or even a secure detention center, there would be a staffing problem. He asked what the ratio was now in Elko County, staff to youth. Mr. Simonsen replied he had 12 detention staff working and the most at any given time was three, and usually two. Therefore, there would be two-three staff for however many juveniles were in the facility at that time. The capacity of the facility was 24, so the ratio would usually be about 2:24. Senator Washington could see there was a staffing problem. Mr. Simonsen

agreed, but the staffing problem had to be dealt with at the county level with commissioners.

Senator Wiener called attention to Mr. Simonsen's comment where more space was needed for young women in Caliente. She said 30 percent of gang members were young women and they were more violent than the young men. It was a power situation where the women had previously been suppressed in their neighborhoods. Senator Wiener had heard there was a large gap in the areas of violence and asked how the situation with these women was being handled.

Mr. Simonsen responded this situation was fairly new. In Caliente, there were always 66 girls in the facility and this was a positive peer culture group. When a young woman was committed to the Caliente Youth Center, she had about the same weight as a male. In each detention center, however, the programming was different. In the Elko facility, there was no gang program as it was a sort term detention facility. Resolving gang problems was a long term investment. In Caliente, the positive peer culture program dealt with gang problems in part of their group programs. More could be done in this area, Mr. Simonsen commented as he was sure Senator Wiener was aware. He said he really did not have an answer to the senator's question at this point. Chairman Evans thanked Mr. Simonsen for his testimony.

Before introducing the next speaker, Mr. Serrano said he would like to make a couple points relating to Senator Wiener's comment. Historically in his jurisdiction and in speaking to chiefs around the state, they had seen an 80:20 percent male to female ratio. In recent years, Mr. Serrano said his jurisdiction had seen a gradual rise in the number of females to the point of a ratio of approximately 70:30 percent. The offense which was seen more and more was the crime against a person and recently the crime was more likely to be committed by a girl. A very informal study had been done where if medical attention was needed, it was more likely after girl assault than a male assault. These were very serious issues.

Additionally, Mr. Serrano said Judge McGee had spoken about revenue sharing and Mr. Simonsen had spoken of the four counties in the northeast part of the state which had an agreement. A few months ago, Humboldt, Lander and Pershing counties had combined with those other four counties; therefore, in the northeast part of the state, there was an agreement to share resources. A specific example of that was if a minor in one of those four counties needed residential adolescent substance abuse programming, that minor would be taken into the facility in Winnemucca at no cost. Likewise, if for one reason or another a minor from Winnemucca needed to be placed in another facility, Elko could be utilized. On a smaller scale due to logistics, the same arrangement was held with Carson City. To some degree, the counties had begun to share resources, especially in rural Nevada where it was an even more critical issue.

Finally, Mr. Serrano said Mr. Simonsen had briefly mentioned post-disposition sentencing in Leighton Hall. That was a non-traditional use of the hall, but something that rural Nevada was finding essential. Mr. Serrano had previously mentioned the low commitment rate in Humboldt, Lander and Pershing counties. One of the reasons was indeed due to the low caseloads and the probation officers' ability to spend quality time with the families and their caseload. Leighton Hall was used as a post-disposition facility where youths were sentenced to battle substance abuse problems. Treatment services were provided as well as part of their probation. This had given the district an intermediate sanction to use before sending a minor to China Spring, Elko or Caliente. He reiterated state placement was not necessary because of that intermediate sanction.

Mr. Serrano indicated he had been very excited over the last few months, especially during the legislative session, to hear his counterparts in Elko speak about post-disposition sentencing. In fairness to the five counties, they were still developing their program, but they had discussed the concept of post-disposition sentencing. It had worked locally and he looked forward to seeing some results later and was a topic which would have to be explored in detail at a later time. Mr. Serrano then introduced Bill Lewis.

Bill Lewis, Chief Juvenile Probation Officer for the First Judicial District, Carson City and Storey County. With reference to the detention issue, Mr. Lewis said after becoming chief in 1976, he was first involved in obtaining a federal grant, with the support of the board of supervisors, Douglas County and Lyon County, to construct the regional juvenile detention center. The complex housed the juvenile court, a full-time juvenile court master in Carson City, a detention center and offices for the secretaries and probation officers. The grant then was less than $1 million, but he believed the same facility today would cost in the neighborhood of $3-$4 million.

Through regional support, the line had been held on commitment of cases to the detention center. This was a

predisposition facility similar to an adult jail and traditionally, few juveniles were held very long awaiting commitment to the state in youth correctional facilities and later on to the China Spring Youth Camp. In 1989 the small facility was impacted when an initiative was brought forward when OJJDP grant dollars were initially obtained by the counties which pertained to housing requirements for juveniles in adult jail facilities.

To give the committee an idea, Mr. Lewis said his facility was releasing more juveniles than he ever wanted to see released. Many juveniles were on probation and there unquestionably was a need for accountability and graduated sanctions. Because of the lack of bed space, some juveniles were booked and then released which would come back to hurt the system.

Mr. Lewis said he had a meeting in August of 1994 with the mayor, judges and other local officials and had asked them if they wanted to move forward with keeping the Carson City facility a regional facility. After discussion, they had agreed to keep it a regional facility. Mr. Lewis said he had met with representatives of the regional counties and the city and county managers had become involved which was a giant step forward. In previous years, there had not been the communication between the judicial branch, the juvenile probation department and the county managers.

Mr. Lewis said he was an advocate of pooling resources, combining funds and alternatives in lieu of seeing secure detention beds in county after county which were extremely costly and could drain the juvenile service delivery system. There were initiatives which continued to move this cooperative effort forward from the diversion side, the intake side through to detention and alternative group homes. This was important to keep juveniles out of the correctional institution.

In comparing Washoe County to Carson, Douglas, Lyon, Churchill and Storey counties, representing three judicial districts out of nine, the population of Washoe County was 306,000. If the other five counties were combined, the population was 141,000. The student populations, where juveniles come from, was 49,600 in Washoe County compared to 26,441 in the other five counties. While the five counties' population was 53 percent of the Washoe County population, there was only an 18-bed facility for juvenile detention.

For statistical purposes, a log had been created and over the last two weeks numerous juveniles had been logged. There were parole cases where a juvenile needed sanctions, was out on parole, having problems, committing new offenses and being put back on the street. Recently, Mr. Lewis had been notified Churchill County committed a juvenile to the state but through joint agreements, the juvenile was kept in Wittenberg Hall because of overcrowding and finally just yesterday, room had been made for the juvenile.

The number of days a juvenile was held varied up to 95 days. Mr. Lewis said he did not look forward to next spring when he determined would be the most critical point in county juvenile probation detention systems. He believed the police department, schools and everyone was so frustrated with the system because juveniles were booked and then released. If this was to get out of hand, a majority of these juveniles would be sitting in facilities waiting to go to youth correctional centers. As had been pointed out by Mike Simonsen, the potential for planning had been missed.

In Carson City, Mr. Lewis said he had been fortunate because they had been able to utilize the children's home for resources as an alternative placement for juveniles in the court system. This helped in Carson City to alleviate the repeat problem at home. The children's home was closed in 1983 and there had been discussions about creating a group home alternative system at that time; however, that had not developed. Mr. Lewis felt there would be some good statistics from the community block grant project Positive Horizons. Individual files were made on juveniles with 18 different titles of information. This would tell one thing, if the kids were kept in the community, the community must help and live with community corrections. Also, there would have to be some alternatives, out of home placements, some short term and some longer term. He felt other alternatives could be reviewed as well, such as conservation corps camps for rural juveniles who did not need the traditional 6-7 month stay in Elko. Possibly a work-oriented conservation crew to assist the parks could be utilized. The oversight committee had been developed regionally after the passage of the bill dealing with the facility in Lyon County, and he hoped their representatives would address that issue. The area of concern was how to fund the operations. Mr. Lewis believed that issue needed to be addressed and the potential to have a similar formula to China Spring.

Mr. Lewis suggested the committee should review what had happened in the small counties over the last few years. In

Carson City in 1991, there were very few alternative programs in the community. Being a founding board member, he could proudly say today the Community Council on Youth, the advisory board to the Board of Supervisors, was looking at local tax dollars to fund a grant writer to be available not just for the juvenile system, but the Boys and Girls Club, the Ron Wood Family Resource Center, and the Hispanic services center. In fact, the Boys and Girls Club had been able to raise a substantial amount of money over just a couple of Saturdays. He was very proud of the fact a good job had been done. In 1991, these ideas were in the discussion mode. However, there was a lot to do. The lack of planning and constructive regional efforts left the state at a critical point. He was worried, and although he appreciated the support received last session, there was a lot to do. His main concern was detention and what to do now with such a small facility.

Chairman Evans requested some clarification about the book and release system which would come back to haunt the community. As she understood, there was a group of youngsters with no place or program in the state to send them which was appropriate. Mr. Lewis responded it was very constructive to initially detain for a day or two a boy who became intoxicated and stole a car. At least that would provide an opportunity to assess the situation. When the day came when juveniles were booked and released, those types of juveniles who came from non-supportive, dysfunctional families, would create an unbelievable impact on the public safety of the juvenile system. He said there must be some initial holds on these juveniles. Additionally, there was the issue of the backup of juveniles waiting to go to Elko and Caliente. The state had grown tremendously and some of the facilities had originally been opened in the early 1960s without any new beds being added. The situation has outgrown the state without proper planning.

Using the book and release example, Chairman Evans inquired what would happen to that youngster and how soon that juvenile would be seen back in the system with a second or third offense. Mr. Lewis answered that juvenile would be involved in the court process, but he was back on the street in the meantime. Home detention was available, possibly the youth had been placed on electronic monitoring, but he had decided to clip the device off. The main issue today was the issue of public safety. He felt he would be behind in terms of beds and everything possible had been done to increase the design capacity to 21-22 beds now. He said they would do everything possible, but he wanted to hold kids where appropriate, at least for a brief, cooling off intake process.

Using detention as a tool, Mr. Lewis said as a last step where a juvenile was on probation and committed a felony, then committed another felony, he may be given one more chance. However, if he committed a third felony, it was time for more serious sanctions. That second time might be the time to use detention as was done in Carson, a maximum of ten days, or three weekends. This was an accountability measure. When beds were this full, that tool would not be available.

Chairman Evans said even though that youngster was still in the system and had to be processed in additional ways, the book and release process did not leave much of an impression.

Senator Adler asked what the backup was in terms of getting juveniles into Elko. Mr. Lewis said as of today in Carson City, the first six months of last year, 17 kids were committed, the highest number ever. He had been very concerned this number would go to the mid to high 20s. Since July, there had been no commitments nor was there a Carson City case in custody where commitment was a consideration. He felt that was a good figure, perhaps a matter of luck, however. The average was approximately 15-16 per year. Mr. Lewis said he would like to see some other alternatives, such as Rite of Passage or an intermediate sanction. The new regional facility if it moved forward in a timely manner, would probably not be on line for at least a year. There was then the issue of how it would be funded, county by county. It would be difficult for Carson City to provide funding. Senator Adler asked if there needed to be another funding formula for Silver Springs as a regional facility. Mr. Lewis replied affirmatively, without question there would be more delays in opening these facilities.

Senator Adler referred to Mr. Shaw's comments concerning funding formulas to enable movement of juveniles to appropriate facilities. He said something needed to be put together in the way of funding because there was not enough money in the counties. Mr. Lewis agreed.

Senator Washington recalled Mr. Lewis' comments about private funding such as had been received from the Boys and Girls Club which helped fund juvenile facilities and programs. The Rite of Passage had been mentioned, which was a basically a private/public partnership facility or institution. He asked if funding mechanisms had been explored at the state or county level with public/private partnerships to create intermediate facilities or the expansion of operations at

the state level. Maybe there was a source out there to explore. Senator Washington said the reason he had mentioned this was because there were some businesses or industries which had some certain unique problems, i.e., the AGC (Associated General Contractors) who was looking for bona fide, certified construction workers, whether they be electricians, plumbers, iron workers, etc. This business was willing to take students or young men from Job Corps to begin training to create an employee base. He wondered if the private sector had been explored to provide a funding formula to create a public/private partnership operation to help with these juveniles.

Mr. Lewis remarked that was very good information. He was ready to look at anything which would assist the juvenile justice system. Mr. Lewis said he would utilize not only himself, but his staff to work with other counties regionally and with the state to review all options. Without question there was a lot to do. Rite of Passage was a good program, not every juvenile in the system would fit their program, but one Indian youth had been sent to the Right of Passage and had been a successful graduate of that program. Nevertheless, all these alternatives needed to be explored.

Senator Washington inquired if there was a way to find out those businesses or operations or even advocacy groups who would be willing to fund or partner to create an intermediate facility or other operation such as the Rite of Passage. Chairman Evans commented that certainly some effort could be put into that idea. Even though Rite of Passage was "private," they did not take youths unless the state paid for them.

Chairman Evans asked Mr. Lewis what he thought was the possible impact to Douglas County of the South Tahoe jail beds which would be used by Douglas County for juveniles. Mr. Lewis said several discussions had been held and he felt it would be a helpful situation. There was a way to look at things regionally where a facility which had been constructed as a jail could be used for juveniles as a disposition facility, i.e., 30 days in detention, as the final step before being committed to the state for a serious infraction. The average stay at Elko or Caliente was approximately seven months and 20 years ago the stay was about the same. Perhaps, jail could be considered a level one placement and then level two would be the commitment to Elko or Caliente. That period should be constructive and not just dead time. Assaults and destruction of property occurred when juveniles were waiting for 2-3 months to go somewhere. These youths knew they had been committed to the maximum facility, but they do not care and could really do some damage to the facility. Additionally, they were a real problem to the staff and impacted the detention program tremendously.

Mr. Lewis said the Tahoe jail could be problem juvenile facility, the Carson City facility could be the basic juvenile detention facility prior to court, and the Silver Springs facility could be the lesser or McGee type of dispositional alternative, substance abuse treatment program. Across the counties the juvenile service delivery system was being expanded by doing so. Chairman Evans said the South Tahoe jail was to be a secure detention facility and was going through a conversion at the present time. She indicated her questioning was to determine if the use of the jail would take any pressure off the Carson facility when the Douglas County facility came on line.

Scott Cook, Chief Juvenile Probation Officer for Douglas County pointed out the Douglas County Commission had made the decision to try to convert a wing of the jail facility on the Nevada side of Lake Tahoe to a juvenile facility. It had been anticipated there would be 14 beds, 10 boys and 4 girls. The building was a jail and still would be a jail, no matter how much modification was done. This would take some of the initial pressure off the region and it would add 14 beds. However, Mr. Cook said one of the reasons the county commission made this obligation was not so much pressure from the courts, but from the sheriff's office. The sheriff's office was becoming increasingly frustrated over arresting juveniles and not having any place to put them. More often than not, Mr. Cook said his officers would attend the briefing and even when they had a "smoking gun in their hand," the juvenile was cited and released. It was hoped the Tahoe jail would be opened sometime this next summer.

Mr. Serrano explained five counties received funding from the legislature for the Silver Springs facility. Since there was a continuum, Mr. Serrano said he felt it would be advantageous if the three chiefs from the respective counties explained the project.

Chuck Steele, Chief Juvenile Probation Officer from Lyon County said as the committee was aware, AB 464 appropriated $1.25 million to Lyon County for construction of a regional facility for Lyon, Carson, Douglas and Storey counties. It should be noted this facility was the result of a lot of hard work and planning by a great number of professionals within the region. A regional juvenile facility committee had been formed, which consisted of district court

judges, chief probation officers and county managers within the region. A primarily staff secure facility was being planned with some secure holdover detention beds on 40 acres, which would be obtained from the Bureau of Land Management in the Silver Springs area. The facility would be constructed in such a manner as to allow for future growth, additions and programs. For the purpose of planning, the project had been broken into two phases. Phase one was a 24-bed facility; phase two was a 14-bed transitional group home. It was anticipated that both phase one and phase two could be completed at the same time.

Mr. Steele continued the programming which was under consideration for the facility should provide educational opportunities, substance abuse evaluations, counseling, education and treatment. It would also provide physical conditioning, access to psychiatric, psycho social and psychological evaluations, job readiness, life skills, individual group and family counseling. Mr. Steele said the feasibility of having the ability to commit to up to a 90-day treatment and training program in lieu of commitments to state facilities or China Spring was under consideration.

Currently designs, time lines and cost estimates for the facility were being pursued, continued Mr. Steele. As had been discussed earlier by numerous other professionals, the goal to trade services with other agencies within the state should be a priority. Sharing resources for this facility was something Mr. Steele said they would be very interested in doing. Further, by having this facility as a community-based program, the officers would be able to work more closely with the family, and thus providing a better product.

Steven Grund, Chief Juvenile Probation Officer for Churchill County said there was a need for this type of facility based upon previous testimony. The rural communities found themselves in a position where the population base was not sufficient to create a detention facility of their own, therefore, it was of necessity to join together in this five county, three judicial district region in order to create a system which would allow for not only the detention of youth from the rural community, but for the placement of delinquent children in a facility for a period of time. This facility would allow juveniles to remain close to their communities so the county could work with their families. A burglar was not just a burglar, a burglar had a variety of other problems ongoing within the family unit. When a young person was in Elko or Caliente and the parents or guardians were in Fallon, Fernley, Yerington or Carson City, it was difficult to work on those issues.

Mr. Grund said the facility would be utilized in a multitude of ways, not only for the five counties and three judicial districts, but it was seen being able to provide services for other communities within the state of Nevada. He saw no reason why a 13-year-old juvenile, currently in Wittenberg Hall, who needed to be removed from the community, could not be traded with a juvenile housed in Silver Springs. Possibly, if a juvenile was in need of a more secure facility from one of the other five counties he could be placed in Wittenberg Hall. An incorrigible youth could go to the McGee center. Mr. Grund said there was no reason why the cooperative agreements between the chiefs could not be continued. However, due to overcrowding, some of those agreements had gone by the wayside. Churchill County had been contacted yesterday because Wittenberg Hall had reached 79 people and they had a young man who had been diagnosed as psychotic and schizophrenic and had been committed to the training center. It had been a hustle to find a place to house this young man, luckily, Mr. Lewis' staff had been able to provide a bed for him.

This facility would be seen as a continuum within the region, yet, Mr. Grund said they hoped to reach out and assist other regions. It had been anticipated being within this continuum that Mr. Cook's program at Lake Tahoe with 14 beds would be for the heavy hitters or the kids who were waiting to be certified to adult status who had not been done yet. This would then utilize Mr. Lewis' facility as a secure detention facility and then utilizing the facility in Silver Springs as a facility which was primarily for the less heavy hitters, as referred to by Judge McGee.

Mr. Grund said they were in a position at the present time to worry about some funding issues. He said they were looking for a formula similar to the China Spring formula which could be adapted. In Churchill County, if a formula could be devised, it would cost a resident of Churchill County one cent per $100, or .096 cents per day to pay for Churchill County's share to have a facility of this nature in Silver Springs. This was not very much money in order to keep the communities without facilities safe. One of the big complaints from the local police, sheriff's department and fellow juvenile probation officers, was where could a juvenile be detained, and why was there no place to detain him if he could be a danger to the community.

Mr. Grund said the last time he had checked on the backlog as to the number of days it took to be placed in a facility, it

was 45-56 days to gain admission into one of the institutions. In that regard, if a young person who required secure detention at between $50-$100 per day had to wait 56 days, that would equal $5600 at $100 per day. If those funds were not utilized in that manner, they could be used for more community-based programs. Not only would some dollars be saved at the county level to be returned to local programs, but the state would be saved money because people would not be incarcerated in the state institutions.

One other point, Mr. Grund said he would like to make, was that with AB 464 coming into being, considering the $1.25 million allocated for construction of this facility, if the regional commitments were reduced by 14.7 juveniles per year, the state would have been repaid in not more than five years in costs by not committing juveniles to the state.

Mr. Cook said he would like to take this opportunity to reiterate the point that the rural communities had a lot of ideas, certainly the will and the skills to build a system of intermediate sanctions. What was lacking was the funding mechanism. This issue had been discussed in the Work Study Group, at the Silver Springs facility, etc. He felt this would probably be the most difficult issue to resolve. There must be some way to enable the communities to build the needed resources. He envisioned some mechanism which would encourage every community in the state to belong to some coalition which would provide some of these services. With the exception of Clark and Washoe counties, the rest of the communities were too small to operate on their own and everyone would have to work together. Sometimes incentives helped and in this case, the incentive would be if a community found another county it could work with and there were mutual concerns, then this particular mechanism, i.e., the adaption of the China Spring formula, could be put into place.

One other point which had been briefly touched upon, Mr. Cook said, was teaching group homes for short term placements. There were several juveniles who ended in state placement for six months or more who could have been placed in a group home had one be available or if funding had been available.

Senator Adler commented when the bill had been originally passed to fund the Silver Springs and other regional facilities, it was thought they were under the China Springs statute. However, the statute did not just refer to China Spring, it said "any regional facility shall be under this formula." The Legislative Counsel Bureau had said since the budget committees had not set a budget for these facilities, the funding formula could not be used. Senator Adler had asked if the Interim Finance Committee (IFC) could set budgets for regional facilities which would have enabled the same formula to be applied. However, he was still awaiting an answer to that question. Actually, Nevada statutes, even with the restriction on funding, read that if the two money committees set a budget for all the regional facilities, they would be allowed to use the China Spring funding formula in all those facilities. If the statute was modified with a couple of words, even Clark County could access the formula. It was also allow Washoe County pick the best placement for their overflow population.

Chairman Evans indicated Mr. Powers could enlighten the committee in terms of whether IFC had that kind of authority. She did not feel anything could be done until the legislature itself was back in session. However, there had been discussion when the money committees heard this and each requestor was asked the same question — what would be the future expectations for state support. Chairman Evans said the discussion had been about the bricks and mortar to build the facilities, but the bigger question was the ongoing and operating costs to maintain the facilities. There had been a mixed reaction. There was much dancing around on the issue and there had been a genuine concern from local jurisdictions fearful that if they intended to come back to the legislature for operating costs, the bill for the building would have been killed. One person, Judge Gamble, had said he could not guarantee he would not be back to ask for operating money. Although the judge’s candor was appreciated, his comments made several people uncomfortable. Chairman Evans agreed these were expensive operations, but Judge Gamble had been willing to put the issue on the table.

Senator Adler said the China Spring formula had two portions, and the discussions had not been on the state portion. One portion would allow the communities to access money other than county general fund money, for example to utilize their property tax. This was what had been referred to, not the state providing operating funds, but the state allowing the counties access to another pool of money from their own tax base to fund the facility. He believed the counties were not asking for state operating money, but instead were asking to be allowed some way other than general fund to fund the facilities. Chairman Evans said that was certainly a possibility, but the door was still open as there had been no

determination on the part of the state to make some contribution. Senator Adler explained the China Spring formula was a property tax formula which was steady, predictable and grew with the county so the facility would not have to keep fighting with the county commissioners as to the amount of dollars every year. What the counties wanted was predictability so every year there would be a predicted amount of money for juvenile detention/alternative programs. That would preclude the counties from coming back to the legislature or to the county commissioners.

Senator Washington asked if some of those members who were new, including himself and Senator Wiener, could have an opportunity to review the China Spring formula as he did not understand both parts.

Mr. Hadfield indicated he would like to make some observations. As a member of the Work Study Group, he said he was shocked when he learned there was no difference in populations of the kinds of juveniles in all facilities. When he had been with Douglas County, China Spring had been created for a certain group of kids. It was very important for the committee to understand, although it had been alluded to, there was no continuum, no separation. The same mix of juveniles were sitting in all the facilities across the state, so all the good thought which went into programming and the effort expended in how to deal with the different populations and different problems had been washed away by a capacity problem in terms of sheer numbers. Mr. Hadfield commented the growth of this state had certainly been responsible.

In the Work Study Group, discussions had obviously been held with reference to the funding formula. Having been one person who had lived through 20 years of tax laws of this state, Mr. Hadfield probably understood them as well as anyone. Nevada had a serious problem which the committee must understand, nearly one-third of the counties were at $3.64 tax cap. One quarter of the counties were in financial distress at the present time. He understood that at times this happened, but the counties were allowed 6 percent growth in property tax revenue, the state had been experiencing double digit sales tax growth for a long period of time, and the counties were still having a difficult time.

The counties represented before the committee were not the counties who were in that unfortunate group. However, Mr. Hadfield said, it was fair to say that those counties enjoying a mining renaissance now were not in financial distress. The counties in financial distress were in rural areas where the mines had either played out or they had not met the capacity. In White Pine County, for example, Mr. Hadfield explained the assessed valuation of the mine had been lowered. There was huge competition in the school construction area and the county need area. This was not because the schools were trying to obtain funding for something they did not need, but there was a capacity problem in terms of identifying a formula and a source of revenue which would not cut into something else which already existed. The counties were now operating at bare bone, and this would affect the more urbanized areas as well.

Mr. Hadfield said they all agreed there must be some kind of mechanism put into place, but he said he did not want to mislead by saying a formula similar to China Spring would automatically work. In a large number of counties, they would not be able to levy that tax, but it would have to be taken from something else.

Chairman Evans agreed with Mr. Hadfield and said he had made some important points.

Mrs. Segerblom asked if there were any services currently at Silver Springs. Mr. Steele said there currently were mental health facilities at an office in Silver Springs which was being expanded. The Lahontan Medical Center was being expanded to provide a dentist on a weekly basis and other physicians who would rotate in and out. Therefore, there would be additional services coming.

Mrs. Segerblom asked if the facility was not full, would juveniles from Clark County be taken in with Clark County paying the bill. Mr. Steele replied as stated earlier, he would like to work with all the counties in the state to provide services which would be mutually beneficial to all young people within the state. Mrs. Segerblom wanted to ensure Clark County would be included. Mr. Steele commented no one had been excluded.

Mr. Bash said there was a concept under discussion which he wanted to challenge. If the committee was getting the impression that populations in all training centers were identical, a homogenous gathering, that was not the case. Unless the different kinds of kids were stratified, there were some serious offenders housed at Spring Mountain, in China Spring and in Caliente. However, all populations were not the same. For instance, if 70 percent of the youth in Elko were serious offenders and only 40 percent in Caliente and 25 percent in China Spring, the different kinds of problems were

represented within the populations. Mr. Bash wanted to ensure the committee was not mislead into thinking the populations were the same. He had the opportunity to have Mike Simonsen transfer from Elko to Caliente and Mr. Simonsen said he could detect a distinct difference between the youngsters in Caliente in contrast to Elko. Not that there weren't some hard core kids sprinkled throughout the populations, but it was that sprinkling which caused the problem, not the institutions working with exactly the same youths. Each facility worked with the same range of kids, but not necessarily the same percentages. Chairman Evans interjected what Mr. Bash was saying was the populations were proportionally different. Correct, responded Mr. Bash. The complaint was that some types of kids who never before went to Spring Mountain were now there. Not all the kids in Spring Mountain were heavy hitters or all the kids in Caliente the same as the kids in Elko. It was just all the juveniles had been mixed up into the different facilities.

Senator Adler remarked Mr. Bash's explanation brought back the original discussion about uniform assessment system in an organized tiered system. None of the juveniles at Spring Mountain would be as heavy as the kids in Elko. There should be no heavy hitters in China Spring, but maybe some intermediate kids. This was a failure in the system if 10 percent of the juveniles really belong in Elko and the only reason they were housed at Spring Mountain was because there was no space in Elko. This was a problem.

Senator Washington inquired if it would be necessary to devise uniform guidelines or assessments before implementing the facilities and coming up with a funding formula, or should they be done simultaneously. Chairman Evans said she could not speak for the Juvenile Justice Commission or the Work Study Group and their long term plans. This morning a request had been made to the judges that the WSG simply proceed with placement guidelines and they felt they could do so. Beyond that, ideally, both could be put into place at the same time.

Mr. Bash commented that ideally the assessment would be done and then the system designed. There was enough experience with the youngsters to know what were the missing components. The proposed components could be put in place while the placement criteria and assessments were established. Logically, there needed to be some alternatives at the community level and all those recommended would fit into any master plan devised. Mr. Bash felt that both could be successfully done at the same time.

Chairman Evans inquired how out-of-state youngsters would be handled. With the number of people who come and go from Nevada, she felt some portion of those youths committing crimes were not Nevada residents. She asked what was the procedure with these juveniles. Mr. Grund responded there were a variety of things which could be done starting from purchasing a bus ticket and sending them home. If it was a minor offense, it was oftentimes less expensive to buy a bus ticket to San Jose than it was to hold a child for 60 days. As another example, if a child was found to be delinquent in Churchill County and he resided in Washoe County, Mr. Grund said his county would find the child delinquent and then refer the child back to Washoe County for final disposition. Another alternative would be the child could be accepted as a resident of the county because of the nature of the crime, and that child would be processed the same as any other young person charged with a delinquency in Churchill County. If it was a necessity to commit that child to a state institution, then that child would be committed. The interstate compact could be utilized; if the child was found delinquent and was from Michigan, the child would be sent back home and have the Michigan authorities supervise. These were long term solutions.

On a short term basis, Mr. Grund continued, if a young person came through Fallon and committed an offense while there, before a decision was made as to disposition, the problem would be where to detain the child. Phone calls would have to be made to determine if there was a place to detain the youngster, and if there was not, the child would be housed at his office where bedding and food was available. A person would be hired to come into the office to watch that young person; an off-duty deputy sheriff who was paid $10 per hour. If this occurred over the course of a weekend, one child and one deputy would cost the county $480 for detention until placement was located. Mr. Grund pointed out those were the options available to him and he assumed they were somewhat similar in the other jurisdictions.

Chairman Evans guessed this would be a bigger problem in each of the two larger counties in terms of youngsters from other places coming into the area. Mr. Grund said he could not speak to the larger counties, but he knew they had facilities and could make room. If there was no room available in the detention facilities in his district, each of the three counties would have to resort to a mattress in the back room of the office.

Mr. Cook added they had a lot of experience with out-of-state kids with Douglas County being next to California. He

said most of the kids from out-of-state commit minor offenses and most of the time, they were processed back home. Most juveniles were picked up at the casinos or in the casino area, for shoplifting, trespassing, gambling or being drunk. The youths were detained until they could be returned home or reunited with their traveling companions. This was something which happened consistently in the trenches. Very few minors committed major offenses and if they were major, the youth would be taken to court and processed.

Senator Wiener interjected with reference to status offenses, Clark County processed approximately 9,000-10,000 young people per year through Westcare. These juveniles did not go through the court system, but were status offenders who came through the community from approximately 38-40 states and Canada.

Mr. Steele explained one of the trends which had been seen in Lyon County, because of geographics, a great many retired people reside in the community, and an influx of grandchildren had been seen in the area. These grandchildren were coming into the area with prior problems and offenses from other states, and were being sent to their grandparents in a more rural area. Another unique problem was a situation where a young person was now in Willow Springs who attempted to commit suicide in detention. His family had been living in a motor home in Silver Springs when the offense was committed. The family was continually on the move and messages had been left trying to reach the family. There were many unique situations encountered in the rural areas which must be dealt with on a daily basis.

Mr. Serrano said he had three speakers left who would direct their comments to county facilities in Washoe and Clark counties and lastly, he would address Humboldt, Lander and Pershing counties.

Steve Thaler, Director of the China Spring Youth Camp, explained he ran a 40-bed staff secure facility south of Gardnerville. Mr. Thaler said he accepted placements from every county in the state with the exception of Clark County, who had their own facility at Spring Mountain. This was not to say he would not accept placements from Clark County if the need were to arise due to conflicts.

Mr. Thaler referred to Exhibit C, page 138, which provided a brief overview of the camp. Most of the members knew the program, but he encouraged them to visit the camp and facilities. He was aware time was limited, but to see the facilities would help to make sense of the discussions of today.

Mr. Thaler said he would like to concentrate on an issue many of the chiefs had alluded to which was the population problem. There were a lot of kids out there with no place to put them, and the key word was treatment. China Spring was not a punitive camp, it was a place where kids could go for treatment. This was very important to understand throughout the state. Mr. Thaler said he had the pleasure of visiting almost every facility in the state over the last six months, including detention centers. He had made these visits for a couple of reasons — one was to review the program at China Spring in comparison to what was in the rest of the state. Also, the visits would provide information as to what was available in the state beyond China Spring. What Mr. Thaler had discovered were a lot of kids in programs. Once in a while a serious offender was assigned to China Spring, but he was lucky enough to have commitment criteria which could be referred to which would preclude having a serious offender sent to the camp.

Over the last two years, Mr. Thaler said in his 40-bed facility, on average the population was more than 40. There were a couple of months when the population went down and was typical of the system. The camp tended to focus on treatment and no one could say how long, what magical date, worked when treating kids. He said he tried to move juveniles through the program in six months, but he would love to have them for a year. However, Mr. Thaler knew that was impossible due to the backlog of juveniles. Other programs ran longer and some were shorter-term in this state and in other states, but treatment took time. More importantly when it came to the treatment of youths, one must visit programs to understand the treatment. Treatment of these juveniles was very staff intensive. Senator Washington had inquired about the ratio of staff to kids. That was a very important point. When staff-intensive programs were reviewed, the staff ratio was significant.

As an example, Mr. Thaler pointed out he had 11 counselors at his camp with 43 juveniles. That ratio could not be taken at face value 11:43 because three staff were supervisors and were not direct care staff. This left eight direct care staff who were directly responsible for the care of those 43 juveniles. In addition, Mr. Thaler emphasized all the facilities operated 24 hours per day, 365 days per year. In perspective, eight people worked in three shifts 24 hours per day, which was in reality three people for 43 youths. In most cases, this was unacceptable as this was a very, very staff intensive

facility. In order to reduce the recidivism rate, or as Mr. Thaler would call, increase the success rate, more time would have to be spent with these juveniles. It was very important to spend more time, he reiterated, that was the treatment part. When focusing on juveniles, it was very important to determine what it took to turn these kids around — it took staff time. The facilities were not as important as the staff.

Mr. Thaler said he had one last point which he was a bit hesitant to make, but Mr. Hadfield had mentioned no one wanted to raise taxes and Mr. Thaler agreed with that position. However, to illustrate a point, Mr. Thaler said he had stopped to get a cup of coffee the other day while on the way to the tax office to pay his bill. He noticed at the time his tax contribution for the year to China Spring was less than the cost of his cup of coffee. He said he did not know if it was the same throughout the state, but his contribution was only about $3. Mr. Thaler agreed with Mr. Hadfield in not wanting to impact the counties, because some could not absorb any impact, but the only alternative was to turn to the state. Unfortunately, the way percentages work, if the state contributed more, the people who would be helped would be the big counties.

Mr. Thaler encouraged the committee to also look at the funding formula. Fortunately, the legislature controlled his budget and it was through this funding that the costs per day could be kept down. The funding formula brought in all the revenues, but the state, with county help, actually controlled how that funding was spent. Mr. Thaler indicated he would be happy to answer any questions.

Mrs. Segerblom said she had visited China Spring with Senator Jacobsen and she thought it was a great facility. The children were so eager to talk about where they came. It did not appear they were under supervision, but more like any other child. She commended Mr. Thaler and said she hoped all the other camps were as good. Mr. Thaler responded the camp was not a lock-down facility and was very staff intensive. The kids were not followed around to a certain extent, discipline was taught, not punishment, and privileges must be earned. It was the same thing in life, if someone wanted to get ahead, it had to be earned.

When China Spring was originally established in 1979 and went into full operation in 1987, it was established as a regional facility. Regional must be defined, Mr. Thaler mused whether the camp was regional to people from Elko or Tonopah or Caliente. These communities were closer to Las Vegas than to Gardnerville. The program not only focused on the kids, but more importantly, they tried to focus on the parents. When kids were sent to a camp, he had suggested to the parents to attend some of the parenting programs. If the parents were not forced to attend, they would not come. Mr. Thaler said he wanted to be regional and sometimes it was very difficult to reach out to that parent all the way to Elko or to Caliente. He emphasized the term regional should be looked at carefully because there must be focus on the families. The only way to focus on the families was to become regional.

Chairman Evans thanked Mr. Thaler for his presentation and commented his suggestion to visit the local and state facilities was a good one. She encouraged the members to attend detention and dispositional hearings, it was educational for the members to have that experience.

Senator Washington recalled the staff intensive environment at the camp and asked how many staff members were certified teachers, which added another component to the staffing problems. Mr. Thaler responded the staffing numbers he had recited did not include the education staff which was not paid through his budget. Education was provided by the Douglas County School District, two teachers, one special education teacher and one aid to help them. Mr. Thaler said he was involved in the curriculum planning and their day to day curriculum because the teachers taught at his camp. However, what the teachers taught and how they taught was up to the school district. Nevertheless, all the teachers were licensed professionals, but they were teaching in an environment which could be described as the "old school house." Classes were taught to four or five different grade levels at five different age levels, this was difficult and very staff demanding. The teachers love this environment because their student ratio was very low, but having to teach five different grade levels at different ages became very difficult.

Senator Washington pointed out his reasoning for this question was because there was a focus on the surface issues, housing these juveniles, making sure they were safe and that the public was safe. However, the roots of some other problems such as low education levels and other problems were not addressed or the funding provided to ensure when a juvenile left the facility, he was equipped to function again in society. Senator Washington said he agreed with Senator Adler that a look should be taken at the distributive school account to increase funding for more teachers for these

juvenile facilities. He suggested that when staffing was discussed, the number should be all-inclusive, after all, there was a medical side which had not yet been mentioned. The staffing numbers provided to the committee should include supervisors of the juveniles, as well as educational and medical staff.

Mr. Thaler commented Senator Washington was absolutely correct. Some of the figures could be quite startling. There were a lot of ancillary services which had to be provided and which take time to be implemented. There was a part time psychologist who came to the camp one day per week. Mr. Thaler said he would really prefer these visits rise to two or three days per week because the children really need the help. However, the funding only provided for one day per week. He also had a part time nurse on staff, which meant she came to the camp four hours per week, on two different days. Mr. Thaler encouraged the committee to take these items into consideration when reviewing the program. He felt he ran one of the most inexpensive programs in the state which ran approximately $74-75 per day per resident. In comparison to the Nevada Youth Training Center and Caliente, Rite of Passage operated at $110 per day, but their services were more extensive. The state ran inexpensive facilities, but Mr. Thaler asked if that was at the risk of not providing these juveniles with what they needed, i.e., more staff intensive work which would include psychologists, youth counselors, medical personnel, etc. Again, Mr. Thaler encouraged the committee to look at the different programs and make a comparison while also taking into consideration the funding issue.

Mr. Bash elaborated with some good news. There were two different systems at the state level, the Nevada Youth Training Center had a year-round school where training center employees were certified teachers. It came as no surprise that most of the juveniles coming into the training center had academic problems. The good news was when testing scores were compared before and after leaving the center, these youths were gaining two months of achievement for every one month they spent in the training center. The youths were attending school and remaining drug free in a regular way.

The Caliente Youth Center had a different operation, explained Mr. Bash, and both centers were good at what they do. Caliente had a contract with the Lincoln County School District who provided teachers who came into the center and taught on campus as well as offering a summer school. Education was a very important component of any program as well as the other services. Both centers had psychologists, nurses and other auxiliary staff.

Chairman Evans asked Mr. Serrano to bring forward the balance of his county representatives.

Rob Calderone, Director of Juvenile Services in Washoe County, said like everyone else, he would try to be brief. He pointed out if he had been in front of the committee a couple of years ago, he would have been in a pessimistic frame of mind. This year, however, he was probably more optimistic than he had been in the 29 years he had been in corrections. One of the reasons for his optimism was because of the Work Study Group and because of this legislative committee who had committed to the long haul rather than the short term. He felt both bodies were committed to doing some long term planning and he felt that had been sorely missed and needed for years. His greatest fear last session was the legislature was going to provide $5 million for a new 60-bed facility and then tell the juvenile justice community not to return for five years for more funding. He was very happy that had not happened and that there was recognition on the part of the legislature of the need for some long term planning.

In Washoe County, Mr. Calderone said last year they had concluded an 18-month process which involved 17 staff members in a consensus building model which examined all the service delivery systems within the department and looked for better ways to do things. Assessment centers had been developed, both an intake assessment and probation assessment. Family systems were determined to be the key to all the assessments. Offenders were profiled rather than just looking at their offenses. Although there was concern between felony, misdemeanor and gross misdemeanor offenses, there was a move more toward making decisions based on a profile of the offender rather than the offense committed. The county was moved to regionalization whereby Washoe County was divided into three regions to try to provide services on a reasonable basis. The commitment to diversion was increased by having a diversion officer in each of those regions. In each of those regions, a "community connectedness" person was authorized to be in contact with local employers, school systems, churches, and recruit volunteers from within the region. This person was basically connected to the community because as had been said before, there was a need for community involvement. The feeling was so strong in Washoe County, that a full time position had been dedicated in each one of those regions to ensure this connecting took place.

Mr. Calderone explained the probation service delivery had been reorganized to more of a compliance orientation system than before. As a youth moved through the system, through assessment intake, through diversion, by the time the youth ended on formal probation, a compliance approach would be utilized. Monies received from the community development block grant was used to establish an intensive supervision unit. Three officers were assigned to that unit with each carrying 15 cases. This unit had been in operation since the first of October and it was running very smoothly and hopes for success were optimistic. This unit was fashioned after the unit based in Clark County called the Freedom Program, which was a successful, proven program.

As part of the reorganization, Mr. Calderone pointed out there had been two major divisions, probation and detention. It was decided to make a commitment to early intervention and prevention as well, so a third division was established with an assistant director in charge of the early intervention and prevention services. This elevated the responsibility to the same status as probation and detention which had traditionally used most of the available resources. Under the early intervention and prevention division, there were community outreach offices in two areas of Washoe County as well as the McGee Center. Additionally, a commitment had been made during reorganization to victims by establishing a full time position entitled a victim services coordinator.

Referring to detention and facilities, Mr. Calderone said Wittenberg Hall was a detention facility designed to hold 68 youth. Currently, the average was 66 per day and five years ago, the average had been 37. The numbers had increased each and every year, and there had been as many as 89 youth in that facility over the past several months. One of the problems was there were only 44 beds for boys and the other 24 were for girls. The boys portion of the hall had been virtually over capacity every day for the last year. Additionally, 39 of the 68 beds were dormitory settings. In the study done by the OJJDP on conditions of confinement, it had been strongly recommended that all new facilities be built without dormitory housing. Part of the problem with dormitory housing was obvious, kids from eight to 17 years old were housed together with offenses ranging from those whose parents were coming to pick them up after a shoplifting offense to kids who had committed sexual assaults. To try to put gang bangers and sexual offenders in dormitory housing was not a safe way to operate the facility. The capacity numbers were very misleading.

Mr. Calderone remarked a couple years ago a bond issue was placed on the ballot to build a new juvenile detention facility, and the voters voted that down. However, the district judges and Mr. Calderone had met with the county manager and the head of the county finance department to discuss juvenile justice needs in Washoe County, particularly the detention facility. At one point these needs were high on the priority list, but then came the flood and the railroad merger, so that priority position temporarily slipped down. Mr. Calderone asked how the problems of youth in the community could be brought back to the attention of politicians. It was decided to approach the county commissioners and ask them to establish a blue ribbon committee which would look at juvenile justice issues in Washoe County, in particular the need for a new detention facility. The commissioners passed that resolution and recruitment for a chairman was in progress. It was hoped this would be a high profile person who could call meetings and generate some media coverage of the progress of that committee. There would be another nine or ten members selected to that committee and it was hoped that committee would become involved in some long range planning for Washoe County and the Truckee Meadows.

Mr. Calderone said his final comment related to settling with the bifurcated system, whereby the state had certain responsibilities, primarily long term care responsibilities and the county had all the short term care and community-based responsibilities. By settling for that bifurcation, Mr. Calderone commented, fiscal needs versus program needs were mixed. The program needs for children and families in the community should be discussed by this committee without any concern, at the beginning, of fiscal

impact, how the resources would be shared or who would pay what part and who had jurisdiction. He felt some very good decisions could be reached as to program needs. What had happened in the past, when more correctional beds were discussed, the state took notice because funding these beds was it's responsibility. If there was discussion about the need for more community-based programs, the counties took notice because it was their responsibility and they must provide funding. Mr. Calderone suggested these worries should not be discussed now, the needs should be discussed first. He firmly believed the people in this room could reach a decision as to the gradation of services needed, sanctions needed, etc. Once those issues had been decided, then the funding issues should be approached; what could be afforded, how long would it take to pay for this package and what was the best resource sharing or funding formula which could be

designed to ensure the package went into effect.

Senator Washington said he agreed with Mr. Calderone wholeheartedly. He had hoped this would be the direction the committee would go rather than creating more beds and facilities. Guidelines needed to be established about what was available, what were the problems, a prioritization and categorization of offenses committed by juveniles. Hopefully, then the funding could be found and allocated to build the needed facilities and provide the important staffing requirements.

Cranford Crawford, Assistant Director of the Clark County Department of Family and Youth Services, said his agency was going through a complete reorganization, business process re-engineering and automation. This meant that every phase of the work done by the agency was being evaluated and would probably change over the next two years. A team of consultants was now looking at every inch of the building, the staff and the programs to determine what the agency does, how it was done and how it could be done more effectively. The year 2000 had been targeted to reveal a new agency in the sense there would be a new way of doing business, new names for officers doing the same things.

As the committee was aware, Clark County had two major areas in the department, child welfare and delinquency. The business process re-engineering was looking at how these areas could work together because normally, once a child comes through the child welfare system, he would normally arrive through the delinquency area. The department was looking at "teaming" to determine a better way of working at the beginning when a family first entered the system, no matter where they entered, child welfare or delinquency. Mr. Crawford said there would be a team of officers working with the family to look at the entire family, and everyone in the family would receive services from the agency, which was the major focus.

Currently, many things were done which were aimed at prevention. Mr. Crawford explained some of those were the new directions program which was funded by state grant monies and the Freedom Program and the intake area which did many diversion processes. As the department was moving through this process, it had been discovered more children were coming in and staying longer. There were three institutions, Child Haven which was a temporary facility for abused, neglected and abandoned children; the detention center; and Spring Mountain Youth Camp. Each one of those areas was overcrowded other than Spring Mountain Youth Camp as there was a cap on the beds. Child Haven had a capacity of 80 children, and the average was 135 children. Mr. Crawford said Child Haven had a campus population and a shelter home population, which was basically for babies or toddlers needing special one-on-one care that could not be given at an institution. The campus population represented those children who lived on the premises. With 80 beds and 135 children, it was obvious the center was overcrowded.

Mr. Crawford explained the detention facility had 112 beds and as of yesterday, there were 225 children in detention. The facility was at a stage where four children were placed in a room which was dangerous for staff and also for the children. The average length of stay for those children going through the court process was approximately 23 days. This figure was misconceiving because 55 children were in the institution at this point who had been committed to the Nevada Youth Training Center and were awaiting beds. There were 25 children waiting for beds at Spring Mountain Youth Camp. As of yesterday, Mr. Crawford said nine children were removed from the institution by Spring Mountain staff, which reduced the remaining population to 16.

Detention was, of course, a 7-day, 24-hour facility. The children remained in detention from the time they arrived until they were released by the court. Mr. Crawford said the department was trying to determine whether detention was a process rather than an institution, which meant when a child came to detention, rather than just being concerned about holding them in a secure facility, the continuum of care must be taken into consideration. This continuum of care meant the child was placed into detention, after assessment by the detention staff. After becoming familiar with the child and his family, staff would determine the level of services needed by the child. Children would then be released with the approval of the court to electronic monitoring and returned to their homes, and placed on house arrest. Mr. Crawford said they were in the process of trying to obtain contracts in the community whereby private individuals or institution group homes could take some of these children who had been determined not to be a real risk to the family and would not be a threat to physical safety. This home would keep these youngsters pending a court appearance to help reduce the population in the detention facility.

With reference to Spring Mountain Youth Camp, Mr. Crawford indicated this was a staff secure facility and was located

on Mt. Charleston, approximately 40 miles from Las Vegas on the top of a mountain. The camp was secured basically by the terrain there and by the staff, and was also a 7-day, 24-hour facility. Children were committed to the youth camp for the programming. This meant they went through all the processes which were offered, school, recreation, drug programs. The programs were focused on children and once the children had satisfied the demands of the programs, they were released. The average stay at Spring Mountain was six months, but because of the population crunch and trying to return more children to the community, it was now approximately 4½ to 5 months. Once a child was released from the institution, the child went to parole and there was a unit of parole officers who were based in the community to supervise children intensively once out of the institution. Mr. Crawford said the average time under supervision was six months. Of course, the time could be longer depending on how the child and family react to the services being provided for them.

Additionally, Mr. Crawford said connected to Spring Mountain Youth Camp was a halfway house, a 12-bed facility located in the community which was basically for children who were in the youth camp and needed to be reintegrated into the community. Rather than having these children go immediately home, they stayed in the halfway house for a time while they worked their way back into school and the family situation. That process was being changed because it appeared that most of the children who were in the halfway house at this moment, approximately half, were sex offenders. A team of juvenile sex offender officers worked with these children and their case load was all sex offenders. It was very difficult to find placement for these children as had been heard from several speakers today, because children with these kinds of problems could not be returned to their homes and sometimes they could not go to the same schools as their relatives and friends because of the incident and they must be placed somewhere else. If a halfway house was not used at this point, the child would remain in detention, and if not detention, many were being committed to Spring Mountain and some to Elko. This was not an appropriate placement, but there were no other facilities to handle these children.

There were 80 beds at Spring Mountain and normally there were 80 children at the facility. The population in detention was out of control because those children must be handled who were deemed to be a threat to themselves or to the community and they must come into the facility. It got to a point where one child would be bumped to place another, but that could not be done because there were too many coming into the facility. Now, it was at a point where there were too many housed in the facility and it was becoming a problem for the staff. It was not to the point where the staff was calling in sick, "a sick out," but Mr. Crawford knew that had been considered. It was also known there had been consideration about the possibility of lawsuits against the department because it was in violation due to the crowded conditions. At this point, however, things seemed to be going along well.

The department was looking forward to the benefits of the bond issue recently secured. Mr. Crawford said they were in the process of master planning where the entire facility would be enhanced, an addition to the detention facility of 128 beds which would drastically change the number of children being seen. Mr. Crawford reminded the committee there were 225 children in the facility now, there were 240 beds total, which showed there would not be a lot of room. Spring Mountain Youth Camp would be replaced primarily due to the generosity of the legislature who had given up-front money to begin a new facility. The bed space would be increased from 80 beds to 100 beds, so there would be some relief as they moved through the process.

Mrs. Segerblom inquired if children from the Southern Nevada Children’s Home in Boulder City had been placed with Mr. Crawford’s department. Mr. Crawford replied no there had been no room and the state provided for them. Judge Marren interjected he had presided over the hearings where these children were placed. Governor O’Callaghan had assisted and took a great deal of interest in that project. Over half the children were adopted by their cottage parents and ironically, that had been a wonderful result. The remaining children went to foster care, mostly in the Boulder City area; some went to St. Jude’s in Boulder City and a few came to Las Vegas who did not express the same connection to Boulder City as the other children. It was very much a group effort and the children were well placed. Judge Marren pointed out these were not delinquent kids, but only dependent children.

Mr. Bash said there were some paradoxes in construction and expansion of these facilities. He inquired if during the period when the old was torn down and the new was developed, if Mr. Crawford had examined whether or not the capacity would actually decrease while cottages were emptied or if the population of 80 would be maintained for the next interim period. Mr. Bash was referring to both Spring Mountain and the detention facility. Mr. Crawford replied at the current rate, it was planned to have the detention facility up and running prior to Spring Mountain beginning, so if

necessary, the children could be moved. As for the children in detention, an additional two cottages would be built first to move children into. There would be some difficulty because the kitchen would have to be replaced and there were other logistical things which would require attention. Although not too many problems were envisioned, some outsourcing would have to be done temporarily in order to maintain the operation.

Chairman Evans thanked Mr. Crawford for his presentation and recognized Fernando Serrano.

Mr. Serrano said he would like to conclude with a brief presentation as to the situation in Humboldt, Lander and Pershing counties. He called attention to Exhibit C, page 112 and said many of the comments had hit home today, especially the focus on programs. As could be seen on page 112, Leighton Hall, located in Winnemucca, was housed primarily in Air Force Quonset huts which had been built in the early 1950s. He assured the committee that in 1951, the Air Force did not envision them as juvenile detention centers in the 1990s. He commented the focus in his district had been on programming. It was felt by addressing the needs to go hand-in-hand with accountability measures, that the district could be most effective. What had made Leighton Hall unique was the historical use of that facility for post-disposition sentencing, providing an intermediate sanction which had met many of the needs presented by the youth in this rural area. The hall had alleviated and in many cases eliminated the need for a state facility. Likewise, that facility also had an alternative education program which was not to be confused with the detention school. The teacher in this detention school addressed many of the issues already discussed, four-five grade levels and five different ages, etc.

Through alternative education programs, 22 youth last year graduated from high school by receiving their diplomas. This was significant as most assuredly, all 22 would either have dropped out of school, and many already had. In a community the size of Winnemucca, this was significant.

In the interests of time, Mr. Serrano said one of the foundational issues for this meeting had been an overview of the system, and referred to Exhibit C, pages 114 and 115. Although Mr. Serrano did not review the entire document, it was a useful tool in explaining the juvenile justice system to community organizations and others unfamiliar with the system. This outline explained court services and treatment/ prevention services. Referring to page 116, Mr. Serrano explained this was a list of the programs offered by Humboldt, Lander and Pershing counties which had been broken down into substance abuse, mental health, education and accountability. The district had been very active as far as program development because historically the need had exceeded that for physical structures. Nevertheless, because the Quonset huts were built in the 1950s, it was felt that need for facilities would have to be alleviated, therefore, a construction project was begun.

Entering the last legislative session, the district had $750,000 allocated for a detention project. After meeting with Assemblyman Marvel, Mr. Serrano said it had been decided to submit a bill which would match the existing funds. Therefore, the $1.5 million construction project was proceeding.

Interestingly enough, Mr. Serrano commented, a much larger facility could have been built to house more youth with essentially the same budget. However, with correctional architecture, staffing would be available to adequately supervise far more juveniles than the facility they intended to build with the operating budget in place. It was hoped to break ground by early spring, so in future meetings, Mr. Serrano would be able to update the committee on the facility. However, even with the bricks and mortar, clearly the priority was programming and the programming was centered around the needs of the youth.

With reference to alternative education programs, Mr. Serrano explained one of the benefits in addition to helping youth gain their diploma, was because they were on site, and it gave him a forum or focus group. He was able to meet with youth regularly and give them various assignments and discuss youth issues. Having the input of 30 to 50 teenagers at any one time was one of the reasons why their programming had been effective, as the programming had been targeted specifically to the needs, not just the wishes of law enforcement, administrators or human services professionals, but from the youth themselves who were actively involved.

Chairman Evans thanked Mr. Serrano for his presentation as well as for organizing his counterparts in other judicial districts. It was very helpful for the committee to receive this overview and she was very appreciative of his extra efforts. Mr. Serrano informed the committee the next meeting of the Nevada Association of Juvenile Justice Administrators was scheduled for November 19 and 20. He had planned to take from this hearing the concerns,

questions and expectations for the next meeting and these issues would be addressed at length at this meeting.

1. REVIEW OF NEVADA JUVENILE COURT RESPONSIBILITIES IN JUVENILE JUSTICE.

   Chairman Evans recognized Judge Terrance Marren, who provided a copy of Exhibit F to the committee members. He explained this was a copy of the overhead presentation which he felt was very impressive as to what was going on in Clark County.

   Judge Marren referred to Project 2000 which was a new approach and had been discussed by Cranford Crawford to find families and children and to stay in touch with them throughout the entire time they were in the system. This was a project which Clark County had put $5 million toward already and had $5 million more to invest. The project should go on line by the year 2000 and components would begin going on line soon. At the present time there were 40 laptop computers in the field doing profiles on various kids and families as a test pilot program. When the program was operational, there would be more than 200 laptops in the field which would have a data base of every aspect of that child in the system. The program would be downloaded regularly to provide additional information. It had been seen that this use was another benefit of Project 2000, and there was now discussion of eventually integrating the family court cases into the same model in order to facilitate a "seamless" system from the juvenile and family court perspective because by the time juvenile court was involved, family court may have been involved as well.

   Page 1 of Exhibit F, Judge Marren explained, showed the entire paradigm of this system in Clark County and he would walk the committee through the seven components, admissions, petition and certification, plea hearing, contested hearing, report and disposition, case supervision and judicial review. Another important topic which had been mentioned this morning was the restorative justice concept. Restorative justice was a new program being pushed nationally by the Department of Justice about never forgetting the victim and the community through this entire process, and making the offender accountable not only to the state, but also to the community the youth came from and the victim.

   Clark County Department of Family and Youth Services was a big company with 460 employees. With the new construction authorized by the voters, in two years, the department would have 150 more employees paid for at county expense, and would bring the staffing pattern to 610 full time employees in Clark County delinquency services. Judge Marren said he had looked at some of the detention centers and their capacities and he appreciated they were really suffering. The wait list for Elko was more than the capacity of any detention center in the state.

   Judge Marren referred to page 2 of Exhibit F and called attention to the portion entitled Entering the Juvenile Justice System. Juveniles came into the system by police car and by station wagon, by a police officer or a parent who had brought the child in to book them for an offense. More typically, parents brought children in when they violated their probation, the department was very strict with the parents about turning their kids in if they did not follow the program. Judge Marren said he was amazed at the constant stream of police cars, regardless of the time of day, bringing juveniles in. It was an experience to see a 9-year-old child come in handcuffed to be booked into detention. More important was to see the face of that kid. Years ago when Judge Marren had gotten into trouble, he recalled how awful he felt for what he had done and the second line of punishment would come from the family. Even ten years ago, the kids getting out of those cars looked distressed, scared and worried. Judge Marren remarked the kids today do not look that way anymore, they were joking, laughing and having a wonderful time. The officer was the one with the strained look on his or her face because they knew the child would have to be released back to the community, maybe quicker than the report could be filled out. However, this was a necessity of where the department was. The design capacity of the center was 112 and there had been days where 300 kids were in the center on a Monday morning. As a result, chances must be taken which would not have been taken years ago.

   A risk model was used up until about the end of last year when the center became over booked, which was an eight-point model. This meant through a variety of offenses, if the child had eight points, he would be detained pending a hearing. That model had to go to 10 points as of the end of last year, so the risk to the community was raised by 25 percent. This was something which had to be done, there was no choice. Judge Marren wondered if there was a car stereo left in Clark County because the kids he had to choose to let out were typically the car

burglars who had not done personal offenses against people.

A detention hearing was held within 24 hours, excluding holidays and weekends, and hearings were held every business day. Judge Marren said he had three juvenile masters who took a certain portion of the alphabet and that was how cases were assigned to the masters. It was a good system which allowed the masters to become very familiar with the kids. Unlike juvenile judges, juvenile masters tended to stay for 10-15 years in their assignment and gained quite a knowledge of those problem families.

Judge Marren explained the next plateau after deciding to take the child in was petition and certification in the juvenile court system. There were two ways to certify a juvenile offender. One was a discretionary commitment under NRS 62.060. In order to do so, Judge Marren said he had to look at three factors, they were crimes which did not involve sexual assault, with force or threat of force and not involving a firearm. The mention of firearms was thanks to a revision recommended last session because there had been some very odd weapons which were being alleged in the "fast track" certification process, NRS 62.080.

However, NRS 62.060 was very much the common certification case and Judge Marren was required to look at three things, the seriousness of the offense, second, the prior record of the offender and third, other subjective factors. In looking at these three things, this process was used for the crimes not included in NRS 62.080. In NRS 62.080, Judge Marren said he had to certify a child who had committed, presumably under the probable cause standard, a crime of sexual assault with force or threat of force or use of a firearm, unless there were exceptional circumstances which were even more limited by the legislature to chronic drug use or mental illness. Unless those factors were present, that child could not be snatched back from the brink. The remaining bit of wiggle room was if the child was a principal actor in the offense, which gave some leeway for the kid who remained in the car while the other two were in the 7-11 store.

The district attorney’s office had exercised its discretion admirably, Judge Marren commented. The cases which needed to go to the adult system were sent, but when he felt there was a child who needed to fit into one of the exceptions, the district attorney’s office had agreed and that child was treated as a juvenile. Ironically, children were now fighting to be certified, Judge Marren questioned why. He believed it was because the child knew as a first time offender, he would be out in the street in 48 hours and he would get probation. The public defender would come into court saying he knew he had to do what his client wanted, but he could not believe this child should be free in 48 hours and really never set foot in a correctional center. If the child was sent to Elko, the child would be there for at least 5-6 months, and would suffer some type of sanction. Judge Marren pointed out the committee knew the adult system was just as bad off as the juvenile system. The district attorney had said his office had been able to try 2000 cases per year, but 25,000 felony complaints were filed per year in Clark County. Judge Marren said it was an interesting irony, when he decided to send a child on to the adult system, the child was the one encouraging this disposition.

Thereafter, a petition was filed in the cases which had not been dealt with otherwise. If the proceeding did not go forward, the case was closed, but from that filed petition, a line could be drawn, as mentioned earlier by Senator Washington, to what was called a trial by peers program, Teen Court. This was a wonderful petty larceny, first offense program used for a minor in possession or other first offense to allow the child not to suffer a juvenile record. It was a wonderful program of accountability, peer pressure, and peer justice which really worked. Judge Marren said at least 50 cases per month were handled in that system with the assistance of the Clark County School District and was truly a wonderful model program.

Senator Wiener indicated she and Senator Washington had participated with the juvenile committee in Boulder City. She asked what was the recidivism rate with Teen Court, since it was an early entry into diversion. Judge Marren said so far there was not a tremendous amount of statistics, but it appeared that of the kids who go through the program, 85 percent of them never touch the juvenile delinquency system again. The program really worked for the right kid. It had a lot of impact and did not cost the state a cent.

Continuing, Judge Marren said the next step would be certifying the child as an adult and then referring the child to the adult system. That child would be booked into the Clark County Detention Center and would have an arraignment in the adult system before a justice of the peace, usually within two days at the most. As he had

mentioned, Judge Marren said many of the cases would be plea bargained down in that system.

Referring to page 3 of Exhibit F, Judge Marren called attention to plea hearing and admission of guilt which was still in the matrix in juvenile court. The plea hearing was held and in most cases the child admitted guilt, approximately 85 percent admit to the charge. This was mainly because the child was not good at the crime and was caught red-handed. Some creative stories were heard, but Judge Marren exclaimed relief that it was a fact these children were not seasoned criminals at this age. If the child did not admit guilt, the case was sent to trial. If the child admitted guilt under this matrix, a report and dispositional hearing would be held in about three weeks. At that time, Judge Marren would choose from his alternatives when sentencing.

Now it was assumed the child had moved to the contested hearing phase. This was where a trial occurred, and pursuant to comments made by Senator James, many adult procedural protections applied, even in the juvenile court system. The two notable exceptions were trial by jury and the child did not have certain rights of speedy trial nationally, but in Nevada, children had been given that right by statute. Usually, that speedy trial right was waived if a probation discussion was being held, if not, those cases must be handled quickly. If the allegation was not proven, the case was dismissed and closed, which did not happen too often.

If allegations were proven, the next phase was to the report and dispositional (R&D) hearing and case supervision. Judge Marren referred to Exhibit F, page 4. The R&D hearing was held and the out-of-home placements would include the Spring Mountain Youth Camp, the Nevada Youth Training Center (NYTC) and Caliente. NYTC could also include placement at Rite of Passage, which was in fact a state commitment. As was known, there were only 15 beds which had been added pursuant to help from the legislature. It was a one year program and those beds were full for next year.

There had been some confusion getting those beds filled, Judge Marren explained. At the time Rite of Passage had rejected approximately 60 percent of the kids referred to them because their program required certain things. For example, no medication could be used by a child in Rite of Passage and there were many other restrictions which related to their military-oriented, three-campus program. These were very physically strenuous programs. Nevertheless, now those 15 beds were filled.

The Freedom Program, thanks to help received from the legislature, had now been able to hire people which would bring the program back up to 100 kids and the kids would move much quicker through the program. Typically, rather than one year, they could go through the program in approximately five months and be eligible for release to a lower level of care. The Freedom Program was the greatest program Judge Marren had seen in the community. It involved volunteer officers who gave up every weekend to work Friday, Saturday and Sunday to provide coverage. These officers were in the family home almost every day of the week for the entire time the child was in the program. This was a wonderful idea, exclaimed Judge Marren, because when an officer got into the home, he could determine what problems were formulating, alcohol, drugs, etc. Additionally, the program stressed some really practical solutions for these kids. They must get a job, they must complete school or their GED, they must remain drug free if that was a concern. In turn, the kids really responded to that simple short list of what they had to do. There had been tremendous success with the Freedom Program and in Judge Marren's experience, he thought the recidivism rate was less than 25 percent of those kids who go through the program and was one which really worked. The more the program could be expanded in the community, the better. Additionally, this would keep the child in the community so he or she would not lose their place.

There were two Freedom Program centers and the town was divided geographically. One center was at the Nucleus Plaza on Owens in the west side of Las Vegas and the other was at the corner of Flamingo and Mojave. Judge Marren said he had lunch with the Freedom Program staff yesterday and they said something which had been echoed by the legislators earlier today. It was interesting the kids did not differ at all between the two centers, they had the same problems in and out of the home which crossed all ethnic and economic lines.

Judge Marren called attention to successful case supervision in the juvenile justice system. At this point, when judicial review and successful supervision was finished, the case was closed and the youth was committed to out-of-home placement, placed on formal probation or entered into some alternative program. When the court-ordered

sentence was completed, the case was closed.

Judge Marren pointed out that Senator Wiener mentioned something this morning which needed to be addressed. In juvenile sentencing, it was not a term of months or years, it was a change in that young person's attitude toward life and their choice to be criminals or not. Therefore, it was called a commitment to the program which occurred on site at the institution. Judge Marren mentioned the overcrowding and the fact that kids were waiting up to 75 days in Clark County to get to Elko or Caliente. In many of the cases, however, the children could be supervised and then the case closed.

Judge Marren called attention to Exhibit F, page 5, judicial review and modification of court order. This would allow the judge to review the case again upon request and when a child had not done well on probation, they were brought into court for review and to receive a stern lecture. Something very important had been lost in Clark County, there was no longer the ability to put that child in jail for three days and let he or she understand what was ahead of him or her if committed. Simply, there was no room at the inn. Unfortunately, the kid must be warned numerous times and then sent away for eight months, which was why Judge Marren was asking for help from the legislature and the community to define more opportunities.

As of the end of November, the system would have a 100-bed capacity at the Freedom Program and those kids, normally every one of them, would be eligible for Elko or Spring Mountain Youth Camp. Judge Marren said every child at Spring Mountain was eligible for Elko on the Elko screening list because these kids were dealt with much more on the local level and there were more resources than in the rural communities. However, these were tough kids.

Referring to page 6, Judge Marren said new directions and other specific programs which had been helped with grants took care of 25 kids at any one time. Additionally, at any one time 95 kids were on home management and electronic monitoring. If the right kid was put in this program, it worked very well.

Again referring to page 6 of Exhibit F, Judge Marren pointed out a graph which showed some not so cheery statistics related to detention in Clark County. First, the design capacity for the center was 112 juveniles. There was a backlog which the graph showed that went from July of last year through June of this year. The upscale occurred around December of last year and it had not tapered off. In February and March, there was great concern about the increasing numbers, therefore effective April 1st a judicial order was entered whereby a child must be placed in a state training center within 30 days of being placed in a detention facility. After the order was entered, Judge Marren said the training centers were very helpful in flushing children out of the system early. Children were released early without completing their sentences, sometimes after only five months rather than seven months, but had done well enough that staff felt these children could succeed on parole.

However, in June, the numbers were back up and the average now was approximately 225 per day in a 112-bed facility. Obviously, Judge Marren pointed out, this was of great concern. When the order was entered by Judge McGee and Judge Marren, help was requested from the legislature who came forward without hesitation. Unfortunately, at the time, the judges were talking of one issue and others were talking of other issues. For example, when Ken Patterson, the former director of DCFS, did his estimates and projections, he did them in the normal way by taking the last three months and averaging the statistics. What he did not take into consideration in Clark County was using that model did not take into consideration that 24,000 more people moved to Clark County during those previous months. There was no model which Judge Marren was aware which could be borrowed from some place else and work in Clark County. Clark County literally had the most booming economy and the greatest influx of new people that any city had ever experienced in its lifetime. In ten years or less, there will be 2 million people if the water does not run out. In any event, this influx of people was the reason for the high detention statistics.

Discussions had been held in WSG about the idea of more funding, but the legislature had provided funding this last session and more would probably not be forthcoming. The system was trying to make some corrections during the last legislature which were accomplished. In 1995, the legislature approved a 40+ bed facility for mentally ill adolescents who had been going through the detention and training center system. Those kids will be placed in the

new facility which would be open in approximately two years. Judge Marren said he was aware of the approval for a 125-bed private facility, which was two-three years from opening. Of course, there was the new detention center, 200 beds, with 40 designed as maximum security in Clark County which was also approximately two years from opening. The Spring Mountain Camp, because it was at the tail end of the project, was about three years from completion, but would increase the capacity up to 100. By then, Judge Marren said, that growth will have exceeded those new beds. This did not mean the system was not doing a good job, conversely, those involved were doing a great job.

Judge Marren referred to Exhibit F, page 7, and said there were 177 commitments in the juvenile system in Clark County between January and October of 1997. The average days a child spent in detention from the time they were brought in by that police car until the child left, counting those waiting to go to Elko after their trials, was 91 days. This meant many of the kids were spending a lot more than 91 days, and some were spending less than 30 days, if they moved out of the system after their trial.

The next graph on page 7 showed the number of youth waiting four or more weeks for transportation to Elko. Judge Marren said 175 juveniles have waited longer than four weeks and the average days from commitment to transportation was about 61.2 days from January to October of 1997. Referring to the pie chart, Judge Marren said the shortest wait in detention was 29 days. Thirty percent of the population waited from 30-49 days; 11 kids waited from 50-79 days; and 134 kids had been waiting in detention from 80-100 days. This was a chronic situation.

Judge Marren questioned what could be done. He and Judge McGee had agreed not to further impose another court order on anyone until the programs which the legislature had helped put into place came to fruition. The judges had decided to wait until the end of the calendar year to see what happened. Judge Marren said his projection was more beds would be needed on a temporary basis for approximately two years. It did not make sense and it was impossible to build those beds. He had a meeting with the director of DCFS and with Rite of Passage. They were prepared to implement a new Elko-type private sector program on the same basis as Rite of Passage was now being paid, approximately $100 per day per child. This program could be brought up to speed in 90 days. Judge Marren assured the committee he would be speaking to this committee and to the Interim Finance Committee in January about this program. With all the other innovative programs, he felt the Rite of Passage program could be limited to 20 additional beds as opposed to 40. He reminded the committee there were 60 children still waiting; however, only the beds being used must be paid for, the state was not required to pay for beds not occupied.

Judge Marren thanked the legislature for their help with the long term picture. Everyone was struggling with the short term picture, and he knew the committee was concerned and interested and he was prepared to work with the committee to accomplish these goals.

Chairman Evans remarked on Judge Marren's excellent presentation. The harsh reality which he pointed out was that the system would never catch up due to the growth as thousands of people continued to move into the state. As soon as new facilities were built, they were full on opening day. This was what prompted the money committees to override the Governor's recommendation for a 60-bed facility. After talking to Kirby Burgess and others, if the facility was opened immediately, those 60 beds would be filled. It made sense, knowing the facility would not be ready for a couple of years, not to build something which was so grossly under capacity and caused the committee to increase the size of the facility. The statistics were terrifying.

Judge Marren pointed out the additional $500,000 from the legislature allowed Clark County to increase the number of kids in the Freedom Program by 20. To house 20 kids at $100 per day, was $750,000 a year, so it was worth looking at programs like the Freedom Program. Frankly, the kids did better, in Judge Marren's experience, going through that intense program in their neighborhood than the kid at Elko or Caliente.

Senator Wiener inquired if the $100 per day figure was what was charged by Rite of Passage. Judge Marren replied it was actually $120 per day and was the market price for any of these children, no matter the program. Alternatively, in Elko, the figure was $84 per day. However, the new program Judge Marren had discussed with Rite of Passage would be less expensive per their estimate because it was a different program. Senator Wiener

noted the cost was approximately 50 percent more to use a private contractor. Judge Marren replied yes, but that was the three campus program which had a lot of cost that would not be present using the Elko-type program.

Senator Washington inquired in the development of that facility with Rite of Passage, if the facility would be moved closer to the Clark County area. Judge Marren answered yes. The Rite of Passage staff had come to Las Vegas after their meeting and had looked at a number of sites all over Clark County. One place they were looking at intently was the Henderson jail. A large jail had been built and one wing was not in use and completely segregated from the rest which would meet the site and sound requirements. Rite of Passage would be coming back with an idea on which they were already working.

2. OBSERVATIONS AND ASSESSMENT OF NEVADA'S JUVENILE JUSTICE SYSTEM.

Chairman Evans recognized Hunter Hurst III, Director for the National Center for Juvenile Justice. She indicated her appreciation that Mr. Hurst had remained throughout the hearing. Chairman Evans had requested that he remain in order to review some written material and to hear the testimony of the other speakers. She asked for some initial impressions on Nevada's juvenile justice system.

Mr. Hurst commented the agenda indicated he was to provide an assessment of Nevada's system, but he pointed out that was difficult. Instead, he proposed to speak about the rest of the United States rather than Nevada to allow Nevada to determine how it measured up with the rest of the states.

Mr. Hurst stated he had been coming to Nevada since 1970 and was very interested in being able to have a voice in these deliberations. He had listened to the testimony today and had read the materials provided. Mr. Hurst stated he was very impressed by the commitment and the scope of the visions presented. He indicated he was also impressed by the magnitude of the problem recognized by the state. The presentation from Clark County was astounding in terms of the magnitude of the issues faced by them.

Mr. Hurst said he would begin with a remark which might cause his ejection from the hearing. The National Center for Juvenile Justice collected data nationally from the juvenile justice system. The center has been collecting data for some 24 years on contract with the Justice Department. Counties and states were able to contribute data to the center, and this data was used to understand the ebb and flow and nature of juvenile crime. In that 24 years, reliable data had not been received from Nevada. The contributions to the data base were voluntary and the benefits to states were many. A state could use the data to look at trends for comparable places, outcomes and many other things which were of value. The center had not been inclined to use the numbers submitted by Nevada because even when Nevada represented the numbers were real, they appeared to be so big that the center believed the numbers could not be real. Even today, Mr. Hurst called attention to testimony of the 43,000 referrals in Nevada to juvenile court for law violations. He felt those numbers could not be true. The difference must relate to Nevada's definition of referral or maybe a complaint system which normally generated more numbers of referrals, but was performed differently by different counties.

Mr. Hurst commented he realized there were probably more people visiting Nevada on any given day than actually live in the state, which contributed to the crime problem in a significant way. The referral numbers consistently seen by the center were on the order of three fold the national average which made the numbers unbelievable to him. He said Nevada had not been seriously interested in understanding what kind of problems the state was dealing with, how effectively the state was dealing with the problems and how much it cost. Nevada was not alone in that regard. However, there were states such as Utah who understood quite well the magnitude of juvenile and adult crime. They could show at any moment what they were doing to, with or for whom. Utah could provide outcome statistics from all parts of the state. This had only helped Utah in understanding and anticipating resource needs. The statistics had not provided a vision for intersecting the flow of people from California to Utah and the growth of crime in Utah. However, Utah did understand the magnitude of their problem. Additionally, Arizona's court system had understood for some time what they were doing.

Mr. Hurst stated his point was simply that when he heard presentations such as the ones early today, if Nevada did not do something, no matter how much gaming income Nevada realized, one day the state would go bankrupt because the state could not afford to place people in custody at the rate they were currently doing so. In an

assessment-type statement, Mr. Hurst commented if a juvenile could not be released from detention in less than 90 days, the state deserved to go bankrupt. This was not a good expenditure of state funds. Detention, by every assessment which had been done, was not an effective deterrent and it was a very costly proposition. He suggested the state not dare put a price on the daily cost of a detention bed. The cost of secure construction, when factored into the daily cost, would be astounding.

The primary problem, Mr. Hurst said, was that detention was really a process, not an outcome, and often time used dollars to accommodate delay. If the process was reviewed carefully, delay could probably be reduced. There were many ways to reduce delay in the process. He had heard many comments today and he suggested looking very carefully at what was producing the delay. If the system was controlled by defense and prosecution counsel, the situation could be remedied by strong judges. If the delay was controlled by probation officers who had not prepared their disposition summaries, that situation could be controlled by administrators. If the delays were caused by psychiatrists or psychologists or other assessment professionals who had not completed their jobs, that could also be doctored by strong administrators. If there was an indifference to the cases of those young people who have been slated for criminal trial, waiver or certification proceedings, the state must either get these youths into the system or out of the system. The state could not continue to build juvenile justice beds to accommodate those problems which had been designated as criminal problems. This was a very tough philosophical call. The state could not control from the juvenile sector the speed of progress in the criminal sector. When young people were awaiting certification in juvenile detention, as those numbers grow, sooner or later the state would drown in buildings.

Mr. Hurst commented the western United States, during his lifetime, had difficulty conceptualizing treatment occurring without a building being present. This was not just a Nevada phenomenon, but was a western phenomenon in Washington, Oregon, and California. The commitment rates for treatment had always been higher, the commitment rates for punishment had always been higher than in the rest of the country. Mr. Hurst did not offer this comment as criticism, but simply as an observation because it did have implications for future funding.

As an example, if Nevada wanted to procedurally reduce the time which young people put into detention awaiting some type of trial or disposition, there were many things which could be looked at to speed up the process. Among those would be arraignments and taking pleas at arraignment. This was a process which took place all over the country. Mr. Hurst suggested if the case was a consequential matter which required a social study, the case could be adjourned for disposition, the study performed and then the disposition hearing could be held. If the case was not a consequential matter, the case could be adjudicated and disposed of on the spot using a fine or community service or some kind of standard remedy.

Mr. Hurst noted the testimony of others before the committee concerned the problem that had plagued the whole United States in the last 20 years in a very significant way. That was both the unavailability of drug treatment resources and the ineffectiveness of existing drug treatment as well as the exorbitant cost of that ineffective drug treatment. This was probably the most significant issue in the whole system in terms of criminal law violations by young people which had not yet been dealt with. Drug problems had more implications for citizens, their children and their children’s children than any other item. He wondered why states continued to pour money into costly, ineffective remedies, and why there was an unwillingness to innovate when there were so few solutions to the problem of drug dependence. Programs tend to stay with a clinical "AA" (Alcoholics Anonymous) model in state after state and community after community because this model was the best that could be had. At it’s best, it generated about a 10 percent sobriety rate, but the AA model does not do that well for young people. Young people were a much tougher challenge for drug abuse treatment.

For those who remember what it was like to be young, there was no thought about matters of life or death or of tomorrow. There was only thought of today and being well received by those people who have value for you at that moment. This made the drug treatment business a particular challenge. Mr. Hurst related Nevada should not feel alone in that struggle. Universally, everyone was in the same struggle. There could be a standing order that every youngster who was adjudicated delinquent receive drug treatment, and that would not be wrong very often.

It appeared from the testimony and from recent legislation that Nevada was moving more in the direction of a

criminal model for a good portion of the juvenile population. When the state moved in that direction, a lot of flexibility was lost in terms of ordering remedies because the state's intentions were no longer benevolent, but had become punitive. When a state became punitive, a person could not be tried for a drug offense or ordered into drug treatment. In the juvenile justice system, states had traditionally been able to require a youth to go to school whether truant or not because it was for his benefit. The states had traditionally required youths to remain drug free or to participate in any kind of education which the state felt was in the best interests of the youth. Mr. Hurst urged the committee to hold on to that prerogative until the end because this was something the state needed. If the state forced itself into a strict accountability model, that freedom would be lost. This had been learned from those communities who tested everyone arrested for drugs at the point of arrest. For young people in given communities, this percentage could be as high as 65 percent at the time of arrest. Most young people were not arrested in the process of committing a criminal act, but days, weeks or months after. The actual incidence was much higher.

From a common sense perspective, if Nevada was going to provide whatever type of treatment, correction or intervention, if the youth was not sober, there would be no chance of success. The person could not receive instruction unless sober.

In terms of where Nevada stood on the structure of services, Nevada was precisely normative. There were 38 states who provided probation with some judicial authority involved in the selection and administration of the service. With reference to detention, Mr. Hurst said 32 states administered detention locally and they were split about 50/50 in terms of county or judicial responsibility. There were 11 states who administered detention at the state level and seven states who had a combination of state and local administration.

In the matter of corrections, Mr. Hurst said Nevada was normative. There were 23 states who placed the responsibility for juvenile correction within what might have been called a welfare department or a human services agency or a social services agency. There were 18 states who had a separate agency and this was the fastest growing trend. Ten states placed this agency in an adult department of corrections or in a combined department of corrections. In view of the way policy had been established, Mr. Hurst commented that placing this agency in adult corrections would be on the rise, but such was not the case, the trend was to set up a separate juvenile agency. From what he had been able to determine, the placement of the agency did not have any relation to how well the agency performed. However, this was a subject of debate in state legislatures because it meant jobs, turf, philosophy. If juvenile corrections was placed in the department of corrections, it would take on more of an institutional character. If placed in social services, it would take on a healing character. If juvenile corrections were left as a stand alone agency, it would resemble the board of that agency in terms of their values.

Nevada did not conform to the standard norm on the matter of the use of private sector. Mr. Hurst commented this was not a peculiarly western phenomenon, but state controlled treatment and correctional services were historically more pronounced in the west, rather than the use of private providers. One of the hottest growth sectors in the investment business over the last ten years was private corrections. Some of the best investments, from an investment standpoint, had been in the private sector. The results being produced were known only by the private companies and their stockholders. Mr. Hurst indicated he came from a state which made very strong use of private providers of all kinds and had for the last 20 years. In a state like Pennsylvania, a very home-rule state, private industry appeared to be a better way because the system worked like a family. The state gave the county the tax money back to buy services in the marketplace as needed. If the county chose to, they could build and operate the facilities themselves. Most of the counties had figured out they should not build anything they could buy because we were living in a very rapidly changing social situation. As soon as a facility was built, it was outdated and a lot of money had been spent, where it could have been bought on the open market.

States like Nevada had more limitations in that regard because much of Nevada's geography was not yet densely populated and there were problems attracting private providers even if there was a will to provide in-community services for very small populations because it was not economically feasible. Nevada was struggling as most states were with the level of specialization and the level of generalization. Mr. Hurst also mentioned the local control versus state control aspect. Additionally, there was a limited market for some of the specialized services in the state so their use could not be justified. If young people required some kind of highly structured program,

something had to be done. This was one of those areas that Nevada's efforts to develop negotiated agreements among counties was a healthy direction to follow. He realized this was a difficult process but worked best when a trade area was utilized. There was more than the issue of meeting common human needs when trying to plan services; there were common human needs that could be planned for universally and unitary kinds of intervention and services could be planned. The needs in the crime business varied by community standards, there were also variables from county to county.

For example, a youth would be three times as likely to be caught in Elko as compared to Clark County. Along those same lines, a youth would be three to four times as likely to be committed for an offense in Elko as he would in Clark County, that was democracy. In the criminal system, what had traditionally been done was to create ranges of sentences to allow for mitigating and aggravating circumstances. What was actually being done but without saying so was to give this range of sentences because we live in a democratic society. In the adult system, a person was measured on the basis of equity in disposition because you could not provide harsher sanctions for people from Elko than from Clark County, so another way would have to be utilized. However, that was what democracy, diversity and America meant.

Mr. Hurst reiterated his previous comment about the absence of data beginning from the court and going through the corrections system. Nevada law enforcement had not been particularly good about providing data either. There were some marvelous things which could be learned from law enforcement data if an incidence based reporting system was utilized. Much information could be learned in terms of relationships between perpetrators and victims and multiple perpetrators and single crimes. Mainly, a data reporting system would help in understanding law enforcement and its effectiveness. Law enforcement had a very big role in crime control. Depending on how an officer viewed his job, such as catching criminals and locking them up, they could destroy the state. If they viewed their job as keeping crime from happening, they could save your life. Most were somewhere between those two polarities. Actually, it appeared that many states were on the side of discovering crimes, arresting criminals and locking them up rather than on the side of preventive law enforcement. Either way, a good system allowed for better understanding. Nevada seemed to be like most states, in search of better programs.

Mr. Hurst recalled it had been suggested a couple times during this hearing that better people should be hired rather than better programs developed. He pointed out this was not an either/or situation, but the person factor could not be ignored. Mr. Hurst explained he was a researcher and he had kept up with the research in this field. There had never been a serious program evaluation which he had read which did not attribute a disproportionate amount of responsibility for the outcome to the people who operated a program. This was often seen in the juvenile justice field and was frustrating because the center was looking for replicable programs. The end result was that the center stopped measuring the people as a way of finding replicable programs. He admitted that was not a very smart thing to have done. During the last ten years when there was pressure for dollars in the early 1980s, the center starting scaling back on employee salaries. Expectations were not lowered in terms of qualifications, just the salaries were scaled back. The center ended up with so many social misfits on the public payroll, the center was forced to scale back on qualifications. This reduction in salaries and qualifications was absolutely the worst thing the center could have done, Mr. Hurst opined. There were many other opportunities which could have been utilized.

Three years ago he had attended an international conference on youth violence and Mr. Hurst stated he chose to sit in the urban violence sector of the convocation of some 64 countries. In Great Britain, Germany, Canada and France their problems sounded exactly like the United States; i.e., families had become unraveled, society was becoming impersonal and other like problems. The US, Canada, Germany and Great Britain discussed ways to stretch resources and struggled with a resolution. However, the French said they served those they could serve. Someone questioned if the French authorities let murderers go free. The French responded "what would you do if you cannot serve them." Mr. Hurst indicated that had been a sobering moment for all participants. He told a story of his first employer. Mr. Hurst had taken a job as director of intake and he faced 400 cases which had been left from the prior employee. Some of the cases were more than two years old and concerned some serious offenses, aggravated assault, armed robbery, etc. He asked his boss what should be done with these cases and was told to keep working on the files to reduce them. Mr. Hurst replied that would never work because he could not catch up. When he spoke to the judge about the problem, the judge was horrified. The judge said by tomorrow at the close

of business, every case which was more than 30 days old was to have a request for dismissal prepared and on the judge's desk. The judge disposed of these cases, every one of them. The judge dismissed these cases for a different reason than the French, as he interpreted the delays as a denial of justice. However, the result was the same.

Timeliness as has been said many times during this hearing was far more important than the depth of the punishment or the treatment, suggested Mr. Hurst. If anything could be more important than timeliness, it would be the certainty of doing what you said you were going to do. Both of those concepts had taken the back seat to all kinds of fancy program proposals, the three strikes program and others. Upon reflection, it became obvious that even if the problem was not corrected, if actions were timely and carried out as said, there was no contribution to the problem. When the final authority could not be believed, the authority became part of the problem.

Mr. Hurst said detention was the most valuable for those who did not need it, research had indicated. If a person was going to benefit from detention, he could benefit in six hours as opposed to three days. Detention was valuable for the youngster who basically identified with law-abiding values, had a good relationship with his parents, valued education and employment, etc. If every juvenile was locked up, surely some of them would be in that group and they would benefit from detention if not overdone. In order to choose the right individuals, there must be some very refined management information in order to make those kinds of decision.

Mr. Hurst indicated he would like to conclude his remarks due to lateness of the day. He said he could discuss further mistakes which had been made in other parts of the country which Nevada could learn from and he came prepared to do that; however, if there were questions, he would be glad to entertain them.

Mr. Bash said he would like to make a provocative statement and requested Mr. Hurst respond. Mr. Bash contended a state system and a county system were in operation in Nevada, and without regard to who operated those institutions, and there were long-term institutions and county camps. On the one hand, the county camps complained they had the same type of youth in the long-term programs. However, on the other hand, they wanted to run a program with the same average length of stay, six months and up to a year. Mr. Bash asked if the state was willing to take a risk, what would happen if a county camp wished to have a high impact program and not duplicate the long term care. They could utilize a 60-90-day program which would give more opportunity to have that certainty which actually would provide an opportunity to serve more youngsters and leave the long term care for those who have been triaged and needed longer than that 60-90 days.

Mr. Hurst responded that concept could certainly take place if there was some ability to choose who was put into the program. The present system does not allow this choice as there were very few presenting offenses which were diagnostic in terms of treatment need. There were some, and curiously enough, one was aggravated sexual assault. This was *the* offense still most likely to receive treatment in Nevada and other states and was the offense which states had the least demonstrated capacity to treat. However, large amounts of taxpayer dollars were thrown at the problem. Nevertheless, most offenses were not diagnostic, and consisted of drug usage, shoplifting, car theft, etc. These offenses did not have the depth of character flaw which needed to be repaired. There must be a better way to choose treatment rather than by offense.

Mr. Bash commented he agreed 100 percent with Mr. Hurst, however, he said if that equation was added to an assessment function, more could be attempted to classify an individual other than just by offense. Mr. Hurst replied if need could be truly assessed according to some assumption, then programming could be developed logically. If it turned out that a juvenile did not fit a 90-day stay, then a 90-day stay should not be utilized. Many states were in this dilemma. Public pressure said the confinement must be chosen by the nature of the crime, which came very close to a criminal model. If a criminal model was utilized, then there would be no purpose for assessment. Alternatively, if a criminal model was not used, authorities must be prepared to deal with taxpayers. Mr. Bash assumed that both a risk and needs assessment would be applied to review the dysfunction. Mr. Hurst pointed out that he had failed to mention risk scaling and needs assessment, but what had been done in the United States was to separate risk and needs. This was the way an assessment should be done because otherwise when combined, it was difficult to predict the outcome. The only factor which had been focused on was the risk business.

Mr. Hurst opined that if the assessment was to be done right, risk should be viewed as an element of need, irrespective of the treatment need. If the risk went high enough, the treatment need was overridden and a security need would be retested at some future point. Unfortunately, it made far too much sense to do this type of assessment.

Senator Washington indicated he appreciated what Mr. Hurst said, but as we did live in a democracy and legislators were voted into office, they had a responsibility to respond to their constituents. Constituents had said they were tired of having their homes pillaged, their children raped, women molested, the substance abuse, and paying out more tax dollars to protect themselves and had asked their legislators to do something about the problems. There was a tendency by lawmakers to incarcerate offenders. Mr. Hurst interjected that incarceration had not protected citizens very well at all and had been terribly debilitating in terms of expense and in social disability to those incarcerated. Mr. Hurst agreed with Senator Washington and if he lived in the senator's district, he would also encourage that something be done. The problem was the only frame of reference which most people had was criminal prosecution.

Mr. Hurst commented if a serious look was taken at the deficits in juvenile justice and sought to create something new, he could not imagine that the criminal model would be discovered and created. He referred to one of the judges who spoke today about juveniles opting to go to criminal court rather than juvenile court. Mr. Hurst suggested that was a poor idea because the criminal court was completely clogged, those beds were full to overflowing. The criminal court saw kids as kids in spite of what the legislature called them. The warden of a prison did not want juveniles in their facilities. The legislature was in a bind and at some point there needed to be some straight talk about these issues.

Mr. Hurst recalled a meeting Chairman Evans and he had attended where a lady senator from the State of Washington spoke. She said states must start using common sense in addressing these issues and stop trying to hide behind vague jargon. In her view, a criminal law violation was a crime, not youthful misbehavior. Young people were committing too much crime and those in the juvenile justice community were making too many lame excuses for children who committed crimes. This senator was absolutely right, emphasized Mr. Hurst. Senator Washington agreed. Mr. Hurst continued, the juvenile justice community did not have their act together and when they came before an appropriating body, there must be an emphasis on continuing to solicit support for what was known to be the right direction, but there was no way to show the results because they had not bothered collecting the data to describe the problem or prepare a cost benefit. Mr. Hurst said to the credit of OJJDP (Office of Juvenile Justice and Delinquency Prevention) they released a request for proposal (RFP) this summer, the first in its 23-year history which would look at cost benefit and juvenile justice. He applauded that effort and said he found it astounding that the juvenile justice system could go this far and not even look at cost benefit.

Senator Washington pointed out even the best salesman always had a cost benefit statement. In turn, if he was to convince his constituents on a program which would ensure their security, he must be able to relate that cost benefit to them. However, that could not be done if the related data was not available to develop that cost benefit statement. Mr. Hurst agreed. He said if the prison route was chosen, constituents felt safe even though every time someone was incarcerated, someone was released. The person who came out was most certainly, in concept, a better criminal because he had been to criminal school.

Senator Washington inquired if in essence Mr. Hurst was saying that before a program was created, the facts should be obtained, costs decided upon, the benefits of the program determined and then stay with the program. Mr. Hurst agreed and added one should be very wary of anyone who spoke of between 80-85 percent success rates. Recidivism was a "fickle mistress." The way to retain a low recidivism rate was to take in a lot of people who do not need to be in the program. Mr. Hurst said he could guarantee, sight unseen, a low recidivism rate with any program proposed if he was able to control the intake. On the other hand, Mr. Hurst said if the authorities did what they should be doing, i.e., no one goes into the system except those who must go in and for whom there was no other remedy, that commitment program would have *very high recidivism rates*, he emphasized. If he was to measure a public system by looking at the recidivism rates of youths committed to a state training school, and if it was not in the realm of 60-80 percent recidivism, he would be *immediately* concerned that too many good kids were being placed in the system.

Mr. Hurst commented that no one liked to be evaluated and it was a hard process to go through. Most people looked at any new form they were asked to fill out and there was usually some idea of the implications of that information on them. Good information systems showed disparity in dispositions by hearing officers; outcomes for programs by type of offender; which probation officers were doing a good job and which ones were not. When all this information was added together it became obvious why good information systems did not exist. If an information system was to be put together correctly, discussions with people in the system must be addressed as to what the return would be for them. Mr. Hurst explained there were things he would give up in order to buy a house or to rear a child, but when it came to monitoring his behavior, he would ask a lot of questions and if the responses were not satisfactory, accurate information may not be provided. Gathering information was not an easy thing to accomplish and there were a lot of reasons why such systems do not exist.

Mr. Bash stated he would like to offer a response to another dimension of Senator Washington's question. He referred to discussions of selling programs to the community; there were two aspects were very problematic. One was the absence of good, hard data and facts about the issues the state was dealing with in order to do community education. The other issue was competing community education with the media relating to the presentation of the nature of the problem. Mr. Bash submitted it was perhaps not the extent of the problem the average citizen was responding to, but the perception of the problem. He was unsure if the perception and reality matched. There was a demonization of youth which came from contaminating news sources — a local news article about a gang shooting which did not distinguish whether the shooting happened in Los Angeles, Cincinnati or Las Vegas. Emotionally, it was felt the shooting happened in your own neighborhood. There was an emotional drumbeat which said juvenile crime was exploding out of control but this was not evidenced by the facts. Internally in Nevada, without being able to say the crime rate was not going up or in a straight line, in fact per 100,000, the rate was diminishing, the state would never be able to tell people they were doing an adequate job by trying to develop a continuum of care. All they will want to do was respond to fear.

Mr. Hurst agreed that was a big problem and data would help somewhat with that issue. He believed what could help the most was effective public education. In the program area, one of the most effective public education programs was called in some communities "youth aid panels." This was a kind of program which was described to exist in some communities in Clark County. If every adult in every neighborhood in this state was involved in a youth aid panel, all that had been discussed would become apparent without the labels. People would be able to see up close what was the real complexity of the problem, the depth of the given issues.

As an example of the magnitude and how public policies collided with each other, Mr. Hurst mentioned the domestic violence movement. Most states had passed or at least considered mandatory arrest laws. Mandatory arrest laws in the area of juvenile and adult crime had added untold numbers in a very short period of time to violence statistics. Not that there was more violence, however, the statics were now being officially recorded. In Cleveland, Ohio, the National Center for Juvenile Justice was performing a family court study. The number one reason for detention in a juvenile detention facility — domestic violence. Three years ago, this was unheard of. Senator Washington inquired how much of that domestic violence was associated with substance abuse or alcohol abuse. Mr. Hurst replied the relationship was approximately the same as the delinquency rate, almost 100 percent. Anything which worked against self control or altered a person's social conscience was a factor.

With reference to weapons violations, Mr. Hurst said in one year in Pittsburgh, the numbers rose from approximately 12 weapons violations to 387 when metal scanners were placed in schools. The court passed a policy which said if a youth was caught with a weapon, the youth would be detained which resulted in detention going up. Nothing had changed in the crime business, Mr. Hurst commented. Public perception had changed, they became frightened of drive-by shootings and related crimes. The numbers rose, costs rose not to remedy the problem, but to remedy the perception or assuage fears. Eventually dealing with the fear of crime may have to be distinguished from dealing with crime. The state may have to become conscious in the public policy arena and some trades would have to be made which were unpalatable in order to deal with the public fear.

Mr. Hurst said 24 years ago when he went to Pennsylvania, they excluded the crime of homicide from juvenile jurisdiction at any age. He felt at the time it was a barbaric place where any age of person could go to criminal court on a charge of homicide. At the time it was the most important social policy in the juvenile justice arena in

the history of that state and would outweigh any criticism. Every time some scare monger commented they were being overwhelmed by murders, they were directed to look at the statutes where maximum justice could be handed out if the person was eight years old. A prosecutor tried a 9-year-old for murder one, and sought the death penalty. Repeatedly that scenario happened, but it kept the policy in the coherent range. Whether it had been intended that way when conceived, it had proved to be a very fortuitous policy in dealing with fear.

Senator James mentioned he had listened to Mr. Hurst's provocative comments with a lot of interest. He felt these comments would be of help to the committee and he looked forward to having Mr. Hurst joining the committee in the future.

Senator James recalled Mr. Hurst's comments that Nevada was moving toward a more punitive model and he said he did not feel that was entirely true. Unlike a lot of other states, Senator James said Nevada had resisted moving toward a more punitive model for juvenile crime, particularly in terms of certifying juveniles as adults. A measure had been passed two sessions ago which increased the types of crimes for which a juvenile could be certified in the adult system. However, the bill had been amended substantially and the "knee-jerk" reaction had been resisted for juveniles committing violent crimes going into the adult system. The need to treat children like children had been recognized as long as possible in the criminal justice system. The problem was that to some degree, juveniles had to be put into the adult system. Senator James indicated he strongly agreed with the legislator from Washington as well as with Senator Washington. It was not just a perception issue, it really was a major truth that more and more violent crime was seen as coming from children. Something must be done by legislators to respond to this problem.

In his district alone, Senator James said during the last couple of years he could name numerous incidents of murder, rape, robbery and other serious issues involving juveniles. Much has been done to strongly address adult crime in Nevada, but there had been a struggle at the juvenile crime level. He felt the entire focus of the crime problem was with juveniles. Either juveniles would graduate to more sophisticated and dangerous criminals or they would be saved somehow and turned into producing members of society. He did not know whether a punitive model should be used or a treatment model and asked if Mr. Hurst could help in that area.

Mr. Hurst remarked Senator James' perceptions of reality were correct with reference to homicide and rape. There was also the issue of young females being involved in more serious crime. In the rest of the business of crime, there was more misrepresentation and more over-representation than there needed to be. For example, burglary had almost disappeared as the leading crime for juveniles in this country in the past 12 years. It was historically the prototypical crime, but had been replaced by auto theft because juveniles had discovered there was a lot of risk in entering a house, someone might get hurt, sometimes not much was found. However, any automobile worth $20,000 was worth the risk. There was a great deal of legitimate criticism of the system because auto theft was treated as a childish prank, but which long ago stopped being a prank. Juveniles not only went for rides in automobiles, but they were very involved in stealing automobiles to strip or to sell for $200 -- quick, easy money.

Mr. Hurst commented that no two crimes generated more fear than homicide and aggravated sexual assault. These numbers were not large in volume, probably in the United States the totals were approximately a maximum of 9,000 juveniles. One of those juveniles could turn the system upside down and the issue must be dealt with.

Right now, the demographers were puzzled because violent crime was now down for what will be the fourth year in the row if the numbers continued. Mr. Hurst said some officials were not puzzled by this downturn. Some law enforcement officials felt it was because good quality heroin had been available at the street level in affordable packets for some time now. Heroin had competed effectively with crack cocaine in a number of large urban communities for juveniles both as a source of money and a source of substance abuse. Mr. Hurst said heroin was a far less "criminal genic" drug in terms of its effect than crack cocaine. You would read nothing of this in the press, only that someone was taking credit for a phenomenal program in Boston or New York. There were no phenomenal programs in Pittsburgh and the serious crime rate there dropped last year to the 1966 levels and to the 1965 level in 1995. That was unheard of and everyone was trying to understand the reduction. Approximately three months ago a fellow was arrested in a small town adjacent to Pittsburgh with 20,000 nickel packets of high grade heroin. It was difficult not to get excited about the reduction in crime, but if it meant fewer people being

killed by predators, it was also difficult not to question the cost of the lower crime rate.

Chairman Evans inquired if Senator James had a follow-up question. He replied he had many questions, but said the questions could wait if Mr. Hurst was coming back before the committee. Mr. Hurst responded that was a possibility. He was available and he would be willing to provide the committee with whatever resource material was available at no cost. A lot of recent analysis of reform from state to state had been performed and the center could provide updated copies of that analysis. An evaluation was being completed with reference to transfer to criminal court programs in four different states. In preparation of this evaluation, the existing information on that subject was reviewed. Mr. Hurst said their parent organization was based in Nevada and Nevada had been very supportive of the organization and the center would like to help in any way they could.

Chairman Evans said negotiations were underway with the center and the resources Nevada could provide had not been determined. A lot would depend on how extensively Nevada and the center worked together.

Senator James said he, like the rest of the committee members, wished to find the best solutions to the problems which would be proposed to the 1999 session. There were two things Senator James wanted to do. First, make sure Mr. Hurst was operating from a true understanding of the facts in Nevada in terms of the youth crime rate, the youth violent crime rate, and Nevada's population statistics. Senator James felt the statistics were misunderstood, and the nature of Nevada's demographics was misunderstood because although Nevada's population was small, it was very dense in the two major centers. Additionally, with respect to past efforts and the model in place for juvenile justice, Senator James said he did not feel he had a deep and abiding understanding of where Nevada stood with reference to juvenile justice. Once that was understood, Senator James said he would very much like to hear Mr. Hurst's recommendations concerning a number of different areas. As an example, Mr. Hurst had made the comment the drug treatment model (understanding that 90 percent of juvenile crime revolved around drugs) did not work. Senator James inquired if there was a program which did work which could be discussed by this committee in the future.

Senator James commented that Mr. Hurst had said many provocative, thought-provoking things which could be very helpful to the committee as long as there was a firm understanding of where Nevada stood in relation to other states and what programs might work.

Chairman Evans recognized Mr. Hurst hit Nevada's detention problem very hard and made quite a series of statements about trying to obtain a handle on identifying the delay and what could be done to remedy that issue. She thanked Mr. Hurst for his comments and said they had given the committee much food for thought. She said there would be further discussions about what Nevada and the center could do jointly to make recommendations.

Senator Washington complemented Chairman Evans for inviting Mr. Hurst to appear before the committee with his presentation, thoughts and insight. He also had the same questions as Senator James with reference to substance abuse. If drugs were 90-100 percent of the motivating factor in crimes committed by juveniles, he too would like to hear about the best program to deal with this issue. Mr. Hurst said there was very little available because the medical establishment and the funding streams have so tightly controlled what would be reimbursed that there was virtually nothing available. He said his recommendation would be to try something different, to experiment in a controlled, legal and humane way to resolve these problems. It was time to invite new proposals. There was a range of views on this issue which were all viewed by the medical establishment as "hogwash," and ranged from alternative medicines to more ritual types of programs. Mr. Hurst said he could provide the committee with conceptualizations of alternative programs, but this was an arena which had been viewed as a health problem.

Senator Washington said since the overall juvenile justice system would be reviewed in conjunction with the drug issue, he suggested it would be interesting to see what BADA (Bureau of Alcohol and Drug Abuse) had to offer and what they were doing in this area with reference to remedies and prescribed treatments, what treatments they had tried and whether those treatments had succeeded or failed. He agreed that drug abuse was a tremendous problem.

Chairman Evans said she had an extensive list of agencies and individuals which would be asked to testify in

future meetings and BADA was on the list as they were a key factor.

3. INNOVATIVE JUVENILE JUSTICE PROGRAMS IN OTHER STATES.

   Chairman Evans pointed out Juliann Jenson had prepared some material and due to time constraints, she asked the committee members to read the material included in Exhibit C. At a future meeting, if the committee members had questions, they could be raised at that time.

4. PUBLIC TESTIMONY.

Chairman Evans inquired if anyone wished to address the committee. As there were no comments, she proceeded to the next item on the agenda.

1. DISCUSSION OF FUTURE MEETING TOPICS AND DATES AND DIRECTION TO STAFF.

Chairman Evans said she would be in contact with the committee with reference to the next agenda. The events of this meeting would help dictate future meetings. However, Mr. Peri and she welcomed ideas, input, and suggestions for future meetings. She would very much like to hear from the committee members as to specific topics or information the members would like to discuss.

The next meeting had been scheduled, although the location had not been determined, it would be teleconferenced and would be held December 11, 1997. Chairman Evans commented she expected the meeting to be a rather lengthy session and suggested travel plans be made accordingly.

There being no further business, the meeting adjourned at 5:40 p.m.

Respectfully submitted,

Reba Coombs, Secretary

Approved by:

Assemblywoman Jan Evans, Chairman

Dated: