

NEVADA LEGISLATURE
LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE JUVENILE
JUSTICE SYSTEM

(Assembly Concurrent Resolution No. 18, File No. 92, *Statutes of Nevada 2003*)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Nevada Legislative Commission's Subcommittee to Study the Juvenile Justice System was held on Thursday, April 1, 2004, at 1 p.m. in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's Web site at www.leg.state.nv.us/Session/72nd2003/Interim. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

SUBCOMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Sheila Leslie, Chairwoman
Senator Terry Care
Senator Maurice E. Washington
Senator Valerie Wiener
Assemblyman Bernie Anderson

SUBCOMMITTEE MEMBER PRESENT IN CARSON CITY:

Assemblyman John C. Carpenter

LEGISLATIVE COUNSEL BUREAU (LCB) STAFF PRESENT:

Nicolas C. Anthony, Senior Research Analyst, Research Division
Larry L. Peri, Senior Program Analyst, Fiscal Analysis Division
Risa B. Lang, Principal Deputy Legislative Counsel, Legal Division
Joel C. Benton, Deputy Legislative Counsel, Legal Division
Lucinda Benjamin, Senior Research Secretary, Research Division

OPENING REMARKS

Chairwoman Sheila Leslie called the meeting to order, welcomed the audience and Subcommittee members, and explained that the focus of the meeting was on national issues and examining programs that are working in other states.

APPROVAL OF MINUTES OF THE JANUARY 15, 2004, MEETING

The Subcommittee **APPROVED THE FOLLOWING ACTION:**

SENATOR CARE MOVED FOR APPROVAL OF THE MINUTES OF THE SUBCOMMITTEE TO STUDY THE JUVENILE JUSTICE SYSTEM'S JANUARY 15, 2004, MEETING IN CARSON CITY, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN ANDERSON AND PASSED UNANIMOUSLY.

NATIONAL PERSPECTIVE ON DETENTION ALTERNATIVES

- David J. Doi, Executive Director, Coalition for Juvenile Justice, defined detention reform as secure confinement on a pre-trial basis. He explained there are two reasons to detain young people charged with a crime, and those are to ensure the defendant: (1) will not re-offend; and (2) will appear at a court hearing. He also addressed the issue of mental health services for offenders ([Exhibit B](#) and [Exhibit B1](#)), including the fact that 75 percent of all incarcerated youth have mental health issues. Mr. Doi stated that public safety is of utmost priority and indicated a reduction in detention impacts the youth and the community. He provided statistics on the average cost of new construction of facilities and operating costs for detention facilities, the numbers and ages of youth detained each year, and the percentages of minority youth detained ([Exhibit C](#) and [Exhibit C1](#)).

Mr. Doi stated the Annie E. Casey Foundation has spear-headed detention reform using the Juvenile Detention Alternative Initiative (JDAI) program and has developed three model sites in Chicago, Illinois; Portland, Oregon; and Santa Cruz, California. A key point of the model programs is the use of a risk assessment instrument, which has reduced the number of youth in detention; the average length of stay from 33 to 9 days; and case processing from 204 days to 140 days. He stated the risk assessment can produce cost savings by identifying specific services needed by the youth and reducing the number of youth held in detention. In conclusion, Mr. Doi presented information on new legislation in the juvenile code passed by the State of New Mexico which included: (1) requiring the use of a statewide risk assessment instrument; (2) reducing the filing period for petitions from 48 to 24 hours; and (3) allowing the release of a child to someone other than the parent to permit third-party releases. ([Exhibit D](#))

Chairwoman Leslie recommended the Subcommittee members read the booklet provided by the Coalition for Juvenile Justice, *Unlocking the Future – Detention Reform in the Juvenile Justice System, 2003 Annual Report* provided by Mr. Doi ([Exhibit C2](#)).

OVERVIEW OF BLENDED SENTENCING AND TRANSFER/CERTIFICATION ISSUES

- John P. Rhoads, representing Annie E. Casey Foundation, Santa Cruz, California, emphasized the purpose and scoring of the risk assessment used at the JDAI Santa Cruz model site is to determine services for youth and families and to identify those that do not need them. He stated detention reform and disproportionate minority representation in juvenile detention facilities may require reprogramming of existing funding, but acknowledged that many jurisdictions do not have funds available. Mr. Rhoads stated the scoring of the risk assessment instrument and examining previous history would target resources more efficiently. He emphasized the need to differentiate between risk assessment for detention and assessment for family services and stressed the need to make sure the “net is not widened” so that services are allocated to those that do not need them.
- Judge William O. Voy, Eighth Judicial District Court, Family Division, related some of the tough issues facing the juvenile courts where a stiffer sentence may be appropriate, but stated courts currently do not have the mechanism under state law. He stated that six to nine months of detention is not a deterrent to juveniles and recommended the examination of determinant sentencing where a juvenile can remain in detention until he is 18 years old. Judge Voy stated blended sentencing focuses on the age issue and then on the crime committed, which gives a child of 15 or 16 years of age a chance to remain in a juvenile setting to provide an opportunity for rehabilitation. However, blended sentencing is not available at this time. Judge Voy offered to make a future presentation to the Subcommittee on recommended types of offenses for allowance of certifications in the context of blended sentencing.
- Hunter Hurst, Jr., Research Assistant, National Center for Juvenile Justice, provided information on two studies examining blended sentencing options. He presented information on blended sentencing in other states and explained discretionary waivers and their application in juvenile correction alternatives. He stated Minnesota, New Mexico, and Texas were among the first states to implement blended sentencing. New Mexico’s goal was to depart from discretionary waivers and chose a juvenile blended sentencing model. Mr. Hurst expressed the need to examine the number of cases where blended sentencing would be applied when considering passage of legislation ([Exhibit D](#)).
- Patrick Griffin, Research Associate, National Center for Juvenile Justice, explained blended sentencing and certification provisions. He referred to Table 1, titled “Transfer/Blended Sentencing Provisions” in [Exhibit E](#)

and provided a comparison of Nevada's provisions to other states' sentencing provisions. He stated there are two types of blended sentencing: (1) juvenile blended sentencing where a juvenile court judge has the opportunity to issue a prison sentence; and (2) criminal blended sentencing where a trial is conducted in a criminal court but the youth can be returned to juvenile court. He stated direct file is the newest type of transfer mechanism and expressed a need to have reverse waivers so a child can be returned to the juvenile justice system. Mr. Griffin stated that 15 states have juvenile blended sentencing, which is one level below a transfer determination and provides a middle level of sentencing for youth. Lastly, Mr. Griffin indicated that Nevada is generally in the middle, not too broad or too tight, in regard to transfer laws.

- Leonard J. Pugh, Director, Washoe County Department of Juvenile Services and member of the Juvenile Justice Commission's Work Study Group (WSG), clarified that the WSG has only begun to examine blended sentencing and the Group plans to examine existing transfer cases and similar cases which have occurred within the last three years, including the issue of recidivism. Mr. Pugh stated the disposition of cases in Nevada considers the length of stay, public safety issues, and the opportunity to effect behavioral change.
- Assemblyman Anderson suggested including a representative from the Department of Corrections as a member on the Work Study Group.

PUBLIC COMMENT

- Delise Sartini, Mothers on a Mission, provided information on a grass roots effort to bring public awareness regarding certification of youth and blended sentencing. She stated that youth deserve an opportunity for rehabilitation and commented on youth cognitive capabilities and the lack of adolescent programs and facilities in Nevada.

INTEGRATION OF CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS

- John A. Tuell, Deputy Director, National Center for Program Leadership, Child Welfare League of America (CWLA), expressed the need for integration of the children welfare and juvenile justice systems to provide improved outcomes for youth and families. Mr. Tuell explained that CWLA is committed to the well being of children, youth, and families utilizing a holistic approach that requires collaborative work between multiple agencies. He stated the CWLA utilizes the best available information, research, and evidenced-based practices and strategies to guide the provision of services to youth and families.

Continuing, Mr. Tuell stated the most recent national data reflect a continuing decline over the last nine years in violent juvenile crime and overall delinquent activity, but the data still reflects unacceptable rates of children being abused and neglected in each state. Mr. Tuell presented national statistics on child maltreatment and noted that studies reveal a connection between child maltreatment and juvenile delinquency and violence. He provided information on the connection between post-traumatic stress syndrome, substance abuse, suicide, youth prostitution, mental health problems, learning difficulties, running away, and other negative behaviors as a result of child neglect and abuse. Mr. Tuell explained that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Act articulates three specific requirements regarding the coordination between juvenile justice and child welfare systems, which require that:

1. States must establish policies and systems to incorporate relevant child protection service records into juvenile justice records for the purposes of establishing and implementing treatment plans for juvenile offenders;
2. States must ensure that juvenile offenders whose placement is funded by Title IV-E Foster Care receive all the protections included in the foster care system including a case plan and a case plan review; and
3. The federal government, OJJDP, must study, within one year of enactment, juveniles who are under the care or custody of the child welfare system or who are unable to return to their family after completing their disposition in the juvenile justice system. The study must include an examination of the extent to which state juvenile justice systems and child welfare systems coordinate services and treatment and federal local sources of funds for placement and services, and the barriers faced by states in providing services to juveniles.

Mr. Tuell stated that systems coordination is sometimes done inconsistently and with a fear that undefined privacy rights are being violated. He explained that CWLA has established a process and methodology to assist state and local jurisdictions to achieve the goal of collaboration using a five-phase framework for developing an action strategy. The CWLA has researched legal, regulatory, and policy mandates that support integrated system responses, and he added that some states have merged responsibility for systems under one umbrella agency.

- Assemblyman Anderson expressed concern that too much emphasis is placed on information gathering, and that resources need to be provided to the agencies providing direct services. He also expressed concern that the federal government is changing its approach to sharing information.
- Chairwoman Leslie requested a synopsis of the proposed federal language and emphasized the need for policymakers to receive information from those directly impacted by legislative policies.

The Subcommittee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN ANDERSON REQUESTED THAT A LETTER BE SENT TO NEVADA'S CONGRESSIONAL DELEGATION STATING THE NEED TO RECEIVE INFORMATION FROM INDIVIDUALS DIRECTLY IMPACTED BY LEGISLATIVE POLICY. THE MOTION PASSED BY CONSENSUS FROM THE SUBCOMMITTEE MEMBERS.

NATIONAL STUDY BY PUBLIC DEFENDER ON RESOURCES DEVOTED TO LEGAL REPRESENTATION

- Franny A. Forsman, Federal Public Defender, Office of the Federal Public Defender, stated there is a lack of representation and that there is no voice for indigent juveniles through the Juvenile Public Defender Office in Clark County. She stated that previously there were only two lawyers available for juveniles, but now there are six and yet they are still vastly understaffed. Each attorney now has a caseload of 800 juvenile cases per year. She referenced the National Legal Aid and Defender Association (NLADA) report titled *Evaluation of the Public Defender Office, Clark County, Nevada* ([Exhibit F](#)).

Ms. Forsman added that treatment and representation are equally important and expressed concern that blended sentencing is not used to place a child where space is available without regard for what would be in the best interest of the child. She explained that counties and the State of Nevada need to address the need of indigent defense so a child's rights can be protected. Nevada is among a minority of states that do not provide state funds for indigent defense. She stated that there is a lack of state funding in Clark and Washoe Counties, and statewide, there is a reliance on county funding. She mentioned the possibility in Clark County of a civil or class action for deprivation of civil rights due to caseload levels. Finally, in summation, Ms. Forsman recommended a need for more state funding for juvenile defense.

- Richard Siegel, professor, University of Nevada, Reno, commented on the change of perspective regarding offenders as demonstrated by testimony presented by Delise Sartini, Mothers on a Mission, and referred to the NLADA report which recommended ongoing state oversight of the state public defender function. Mr. Siegel commented on annual reports from public defender offices that tout accomplishments achieved with minimal resources. He commented that the state public defender office and rural representation have not been as responsive as Washoe and Clark Counties. As far as shifting the financial role, Mr. Siegel stated that as a whole the counties seem to be able to do more than the state in many areas. He added that if the state had to find ten new positions for attorneys, they could not have done it as financially easily as the counties ([Exhibit G](#)).
- Phillip Kohn, Clark County Public Defender, explained that in December 2003, six attorneys were hired; two legal secretaries, an investigator, a social worker, and a law clerk were also added to the Public Defender Office staff. He stated one of the most important issues is to hire additional social workers to address the needs of substance abuse and mental health problems for juveniles and adults.

UPDATE ON JUVENILE JUSTICE ISSUES AT THE FEDERAL LEVEL

- Nicolas C. Anthony, Senior Research Analyst, Research Division, Legislative Counsel Bureau, provided an overview of juvenile justice issues at the federal level and programs other states have implemented. Mr. Anthony referenced the National Council on Juvenile Justice and referred to the *Juvenile Justice Bulletin*, “Juvenile Arrests 2001” article ([Exhibit H](#)). Mr. Anthony also commented on the OJJDP *News @ a Glance*, “Truancy Reduction: Keeping Youth in School and Out of Trouble” article ([Exhibit I](#)), and Senate Bill 1194, referred to as the Mentally Ill Offender Treatment and Crime Reduction Act of 2003, which is currently in the House of Representatives Subcommittee on Crime, Terrorism, and Homeland Security ([Exhibit J](#)).
- Chairwoman Leslie directed staff to track Senate Bill 1194 on behalf of the Subcommittee and requested that truancy and youth prostitution be added as future agenda topics.

ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 5:02 p.m.

Respectfully submitted,

Lucinda Benjamin
Senior Research Secretary

Nicolas C. Anthony
Senior Research Analyst

APPROVED BY:

Assemblywoman Sheila Leslie, Chairwoman

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda.”

[Exhibit B](#) is a document titled “CJJ 2000 Annual Report Handle With Care,” submitted by David J. Doi, Executive Director, Coalition for Juvenile Justice.

[Exhibit B1](#) is a document titled “CJJ 2001 Annual Report – Abandoned in the Back Row,” submitted by David J. Doi, Executive Director, Coalition for Juvenile Justice.

[Exhibit C](#) is a report overview titled *Unlocking the Future: Detention Reform in the Juvenile Justice System*, submitted by David J. Doi, Executive Director, Coalition for Juvenile Justice.

[Exhibit C1](#) is a book titled *Ain’t No Place Anybody Would Want To Be, Conditions of Confinement for Youth*, submitted by David J. Doi, Executive Director, Coalition for Juvenile Justice.

[Exhibit C2](#) is a book titled *Unlocking the Future, Detention Reform in the Juvenile Justice System*, submitted by

David J. Doi, Executive Director, Coalition for Juvenile Justice.

[Exhibit D](#) is a document titled “Juveniles Facing Criminal Sanctions: Three States That Changed the Rules,” submitted by Hunter Hurst, Jr., Research Assistant, National Center for Juvenile Justice.

[Exhibit E](#) is a project bulletin titled “Trying and Sentencing Juveniles as Adults: An Analysis of State Transfer and Blended Sentencing Laws,” submitted by Patrick Griffin, Research Associate, National Center for Juvenile Justice.

[Exhibit F](#) is a report titled *Evaluation of the Public Defender Office, Clark County, Nevada*, submitted by Fanny A. Forsman, Federal Public Defender, Office of the Federal Public Defender.

[Exhibit G](#) is the written testimony of Richard L. Siegel, University of Nevada, Reno, Political Science Department and American Civil Liberties Union of Nevada.

[Exhibit H](#) is a bulletin titled “Juvenile Arrests 2001,” submitted by Nicolas C. Anthony, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is newsletter titled “News @ a Glance, January/February 2004,” submitted by Nicolas C. Anthony, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is a bill summary of S.1194, United States Senate, submitted by Nicolas C. Anthony, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.

