



NEVADA LEGISLATURE JOINT INTERIM STANDING COMMITTEE ON JUDICIARY

(Nevada Revised Statutes [NRS] 218E.320)

MINUTES

May 6, 2022

The fourth meeting of the Joint Interim Standing Committee on Judiciary for the 2021-2022 Interim was held on Friday, May 6, 2022, at 9 a.m. in Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 4100, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Melanie Scheible, Chair
Senator Dallas Harris
Senator Keith F. Pickard
Assemblywoman Elaine Marzola

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblyman Philip (P.K.) O'Neill

COMMITTEE MEMBERS ATTENDING VIA REMOTELY:

Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblywoman Shondra Summers-Armstrong

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Patrick Guinan, Senior Principal Policy Analyst, Research Division
Julianne King, Assistant Manager of Research Policy Assistant, Research Division

Bradley A. Wilkinson, Chief Deputy Legislative Counsel, Legal Division
James Malone, Senior Program Analyst, Fiscal Analysis Division

Items taken out of sequence during the meeting have been placed in agenda order.
[Indicate a summary of comments.]

AGENDA ITEM I— CALL TO ORDER AND OPENING REMARKS

[Chair Scheible welcomed members, staff, presenters, and the public to the meeting and went over housekeeping measures.]

AGENDA ITEM II—PUBLIC COMMENT

Chair Scheible:

Is there anybody wishing to give public comment here in? I do not see anybody here in Las Vegas coming to the table. We will go to in person in Carson City. There is nobody in Carson City and nobody on the phone.

[Assemblywoman Daniele Monroe-Moreno submitted a statement on [Assembly Bill 158](#) (2021) for the record. ([Agenda Item II](#))]

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON APRIL 8, 2022

ASSEMBLYWOMAN NGUYEN MOVED TO APPROVE THE MINUTES OF THE APRIL 8, 2022, MEETING.

THE MOTION WAS SECONDED BY SENATOR HARRIS.

THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM IV—REVIEW OF THE WORK OF THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE DURING THE 2019–2020 INTERIM

Chair Scheible:

That will take us to Agenda Item IV. Our fantastic Policy Analyst, Patrick Guinan, is going to give us a brief overview on some juvenile justice issues. He has served as staff on the Legislative Committee on Child Welfare and Juvenile Justice (CWJJ) in the interim for many years now. He is very knowledgeable on the subject, so I have asked him to bring us all up to speed as we embark on juvenile justice day here at the joint interim committee.

Patrick Guinan,

Thanks Chair Scheible. I appreciate the kind words. For the members' and public's benefit, I wanted to go over a list of juvenile justice bills that were approved last session, except for one of them that I will talk about in a minute. I have provided a list to the Committee ([Agenda Item IV A-1](#)). If you view this list online, all the bills are hyperlinked so that you can go to the bill itself. The bills that are highlighted on the list are those that were requested by the CWJJ. The ones that are not highlighted were not. The purpose of listing these bills for you today and going through them briefly is that virtually all of them will be spoken about at some point during today's meeting. I wanted it to be convenient for everyone to have a list to go through so you can look at them when they are mentioned. I am going to read through them and do a little shorthand. I will not go into lengthy descriptions of the bills because I believe that is going to happen during the meeting today,

and the experts in the room, as well as our legal counsel, will be able to answer questions about those bills should any come up. I am happy to answer questions when appropriate.

Last session, [AB 132](#) created an easily understandable Miranda Warning that is required to be given to juveniles when they are arrested. [Assembly Bill 158](#) reduced penalties for low-level drug and alcohol offenses for some adults and minors. [Assembly Bill 230](#) made changes to the process for certifying a juvenile to be tried as an adult. [Assembly Bill 251](#) makes changes to record sealing and expungement when a juvenile reaches 18 years of age. [Senate Bill 7](#) made changes to the jurisdiction over certain protection orders against minors. If any of these are not going to be mentioned, it might be SB 7 (2021). It was more of a technical adjustment to jurisdiction in the courts, but it may come up, so I wanted to list here. Now we are into the CWJJ bills from last session. [Senate Bill 356](#) required a study of housing youth regionally in local facilities or Division of Child and Family Services (DCFS) facilities rather than farther away from their homes. That study is ongoing, and there will be a report required later on in this interim that I wanted to alert the Committee to. [Senate Bill 357](#) is related and requires Nevada's Department of Corrections (NDOC) to report on the cost of housing youth who have been tried as adults at the Lovelock Correctional Center. In the past, those costs have not been broken out within the budget, so the Legislature asked for NDOC to do that for us. We should be receiving that information later on this interim as well. [Senate Bill 365](#), which did not pass, sought to create a pilot program for housing youthful offenders elsewhere than Lovelock— again, sort of a regional housing model. I do believe that is going to be discussed today at some point. [Senate Bill 366](#) dealt with providing housing and services to juveniles who are deemed incompetent to go through the adjudication process. [Senate Bill 385](#) asks for a report on the effectiveness of juvenile front-end diversion programs. I believe that is going to be mentioned through DCFS today, and it is a fiscal matter in terms of whether the funds that are being used are being used well. We will probably hear about that. [Senate Bill 398](#) is the last one on the list, and it requires the Juvenile Justice Oversight Commission (JJOC) to submit to this Committee an update to their five-year plan. That deadline is later this year. The JJOC was not able to attend today. The co-chairs are both busy and could not be here today. We are intending to have them back in July, hopefully. We may have some other juvenile justice matters come up again at the July meeting just for those of you who are interested in marking that on your calendar. That, Chair, is all I have for a bill update for juvenile justice, unless there are questions.

[Mr. Guinan also submitted the final report of the CWJJ from the 2019–2020 Interim for the record ([Agenda Item IV A-2](#)).]

Chair Scheible:

Thank you so much. Do members of the Committee have any questions about those bills? I am not hearing or seeing anybody. Thank you so much, Mr. Guinan.

AGENDA ITEM V—PRESENTATION ON STATEWIDE JUVENILE JUSTICE PROGRAMS AND PRIORITIES AND UPDATES ON IMPLEMENTATION OF LEGISLATION ENACTED DURING THE 2021 LEGISLATIVE SESSION

Chair Scheible:

That will take us to [Agenda Item V](#). This is a presentation on juvenile justice programs and updates on implementation of legislation from the DCFS at the Department of Health and Human Services (DHHS).

Dr. Cindy Pitlock, Administrator, DCFS, DHHS:

Good morning, Chair Scheible and members of the Committee. My name is Cindy Pitlock, and I serve as the Administrator of DCFS. I brought to you today my A-team to give you a presentation, but I wanted to introduce myself and let you know that I will certainly be here all day for input, any questions, and to help steer my team. I will turn it over to them.

Jacqueline Wade, Ph.D., LCSW, Deputy Administrator, DCFS, DHHS:

I will be providing the part of the overview for you and my other teammates ([Agenda Item V](#)). We will go over the mission of the Nevada juvenile justice system. The mission is to enhance community safety by promoting positive change, positive life outcomes, and accountability for youth in our care and custody by investing in highly qualified team members. Our values are to provide safety, integrity, and a richness of diversity and create opportunities for youth. Our values are to provide a comprehensive array of services to our youth and families.

Our goals— What is unique about the juvenile justice system in Nevada? We have chosen to keep the juvenile justice system under the DCFS of DHHS. Nevada has always believed that youth and adults should be treated differently, and this is unique to Nevada. On the next slide, which is the funnel, it shows at the top of the funnel that if we provide services at the front end, this is the best place to intervene, and it is also a deterrent to going further down into state facilities. Our counties are doing a fantastic job of meeting the kids when they come into the system and providing deterrent services. All counties are doing a fantastic job in that area.

On the next slide, you will see the youth level of services (YLS). This was adopted under [NRS 62B.625](#). The state adopted this to determine the risk of placement and service provision for all youth coming into service. If you look at the domains, it looks at education, attitudes, and peers. The higher the youth scores on this instrument, it determines the length of stay and sometimes the facility that they are going into. For example, males. The higher they are, they would likely go to Summit View, but not always. The girls, because we have one facility that currently serves girls at this time, would go to Caliente.

We talk a little about the facilities within the state. Summit View Youth Center is our locked facility. It has 48 beds and currently has a census of 48. It serves our highest-risk males, and that is up to age 20. The education is provided by Clark County School District (CCSD). Programs within Summit View are positive behavior intervention and supports. They use the YLS to determine services within the facility. There are also lots of treatment and therapy and trades for the population.

Nevada Youth Training Center, which is in the north, is staff secured and has 64 beds. It currently has a capacity of 64. It is medium risk for males up to 20 years old. We are seeing if we can add girls to that population so that we will have two facilities that are serving females in the state. The education is provided by Independence High School. They also have programming for wrestling and are part of the work crews and vocational training.

There is Caliente Youth Center, which has 112 beds, 7 cottages. It currently has 20 girls and 20 boys, and it is for lower risk males and females. They also serve youth up to 20 years old. That education is provided by Lincoln County. They also have vocational training programs within that youth facility.

Mental health services are provided across all facilities. The YLS determines services used and provided. Across all facilities, they receive therapy, if needed, and also family therapy. The focus is on the youth and their families' involvement. If there is a need for substance abuse treatment, we also contract out specialized services, such as if they need juvenile sex offender treatment and also dialectical behavior therapy.

I would like to look at our successes within the facilities. We are seeing a number of youths coming out with their high school equivalency tests. More youth are graduating with moral reasoning training across the facilities. They are 100 percent completed in their mandatory trainings for the facilities and the hiring of direct line staff. We have some challenges within our facilities and the adequate placement for youth, challenges such as managing youth with significant mental health issues. That is a challenge that we are facing. There is also a challenge in hiring specialized mental health staff. There is a shortage in that area, and there are some delays with the [Prison Rape Elimination Act of 2003](#) (S. 1435, 108th Congress) (PREA) background checks. There are also a lack of trades and programs, such as welding and plumbing. In the past, we have had youth that have gone through our facilities that were able to have access to these types of trainings and come out with a certificate and could go back to their communities and be of service with such specialization. Next, we have Chief Laity, who will present the Youth Parole Bureau (YPB).

David Laity, Youth Parole Bureau Chief, DCFS, DHHS:

You were shown a slide of a funnel. The YPB is at the very deep end, or the bottom part of that funnel when youth continue to move through the system and ultimately go through one of our correctional centers and come out on parole. To give you an idea of what that means, of all the youth in every county that touched the juvenile justice system in the beginning, somewhere around 1.7 percent of those youth actually make it all the way down to the YPB. The counties are doing an outstanding job with front-end services. The YPB is made up of around 44 staff. The map that you see is our locations. We have Clark County. Las Vegas is our biggest location. About 60 to 70 percent of our youth get committed out of Clark County. Our second largest is Reno or Washoe County. We have two rural offices, one in Elko, Nevada, and one in Fallon, Nevada. The YPB is made up of 23 Category II peace officers. Their titles are youth parole counselors. We have five managers who manage those youth parole counselors, and five mental health clinicians. We also are in charge of the Interstate Compact for Juveniles, and we have one specialist that works in that area, as well as an administrative assistant who helps that program. We have one social service specialist and one chief.

The next slide is the youth parole snapshot. There is a yearly one on the left. That is to give you an idea of how many youth are committed monthly. That is adding up all counties across the state. You can see it is pretty volatile. We never really know how many kids we are going to get in a month. Somewhere down to 5 and upwards of 20 a month. It keeps us working pretty hard in some months, and some months are slower. There is a snapshot of data that I took on April 19th. In blue are the kids that are out, and we call them street caseloads, but they are the youth that are out in the communities in Nevada. There is the bar right next to it, and those are the youth who are inside the institutions at the time. We count those because we start interacting with families and youth the day of commitment, so they are starting to make relationships with the youth and the family. Those institutional cases, although they are in the institution, we still have them on the case load of the youth parole counselors. An average caseload currently is about 17.2 youth per counselor. That is when we are fully staffed. We usually run about two parole counselors down. That raises that to 18 or 19. It has been my experience that around 15 is a very manageable caseload.

Anything above that gets a little tricky. When we get into 20 and 25, it gets almost undoable with the amount of staff that we have.

I wanted to talk a little bit about the commitment of a child and placement in a correctional facility. The NRS has stated how judges across the counties can commit youth. The first one is committed for correctional care, and the second part is when they are in need of mental residential psychiatric services or other residential services. This is how these youth enter the deep end of the system legally.

I will discuss the difference between criminogenic youth from severe mental health youth. Dr. Wade gave a great presentation about our facilities. I wanted to mention that our facilities are not residential treatment facilities. They are not mental health based. They are correctional based. They do a great job on helping with criminogenic factors and those issues. They have mental health counselors there, and they do have some services there, but they are not for the acute mental health youth. Part of our struggles with that is later on in the presentations. We all know that criminogenic factors and mental health are always intertwined. There is not one or the other. They are always at some level intertwined. We struggle with, does the mental health drive the criminogenic factors, or do the criminogenic factors drive the mental health? That is the struggle that we have of where to place children, where to get them services, and to best have better outcomes for our children.

I will discuss our youth parole successes and challenges. We implemented the YLS that you heard Dr. Wade talk about. Counties and the state use that YLS to determine how often we see the youth if they are intensive, moderate, or lower. We use that to see the youth in the communities. We also use that to pick services. If you look at the YLS, there are criminogenic factors there. We take the top three, and we hit those hard. The case plans are individualized. They are not a cookie cutter-type of case plan. They are individualized for the youth's behaviors. We also implement the YLS case plan, which is attached to the YLS. We completed all the peace officers' standards and training (POST), mandated trainings as well as DCFS-mandated trainings. I bring this up because, as youth parole counselors and peace officers in this state, we have a huge training regime every year. I counted my hours to keep POST as well as our DCFS training. It was well over 80 hours of training. We have very competent counselors and officers working for us. We completed a transition to our new case management system called Tyler Supervision, which was not an easy task. It is not 100 percent complete, but now we are able to pull data and look at data that we have never had access to before. That was pretty exciting for us. Our challenge is the lack of community programs and services in mental health. We may have a youth who had a burglary, but we also know that there are some mental health issues there. We can deal with the burglary by home visits and making sure that there are no tools. We can deal with that. What we struggle with are the challenges of where to get mental health services for the family and youth. We lack juvenile sex offender services and programs. We just lost one of our biggest programs in Washoe County called Hand Up Homes for Youth. Even though that may be a smaller number of youth, those are the important youth. We lost a big program there, so we struggle with what to do with juvenile sex offenders. The last challenge is with psychiatric services. Who can provide assessments and do medicine management for families that we supervise? I want to point out that our administration has heard these and have responded. They have helped us out and are asking for lots of money this legislative session. They are on it. I wanted to make sure that this Committee knew that. This concludes my presentation.

Leslie Bittleston, Social Services Chief 1, DCFS, DHHS:

The Juvenile Justice Programs Office (JJPO) does not provide direct services. It is an administrative unit that is responsible for a variety of federal and state mandates. Some examples of federal and state mandates include compliance with the [Juvenile Justice Delinquency Prevention Act of 1974](#) (S. 821, 93rd Congress), compliance with PREA, which are federal requirements, and various state requirements to include statewide gathering and collection of juvenile justice data from the time of referral. This is done in the counties to time of discharge, which may be youth parole. This JJPO also oversees various grant funding, both federal and state funding. In addition to federal and state mandates, the JJPO supports DCFS direct services, which would be the three state correctional facilities and YPB by providing oversight of the use of corrective room restriction and facilities' use of force staff training. We also conduct quality assurance reviews to ensure that our staff and facilities are adhering to policy.

Another aspect of the JJPO is that we support implementation of newly enacted bills. I am going to give a brief overview of some of the bills that this office has worked on over the last few months. The first bill is [SB 108](#) (2021). Senate Bill 108 requires all juvenile justice practitioners in the field to be trained in cultural competency and implicit bias. It also requires DCFS to write regulations. The DCFS does not have authority over all juvenile justice practitioners, so the regulations that were written were geared towards DCFS staff and county probation and detention staff. Those regulations have been drafted. Two public workshops have been held, and those regulations have been provided to LCB for drafting. We are currently searching for a qualified vendor and expert to help develop training on the go forward, as this is a highly specialized field. [Senate Bill 356](#) (2021) is a joint bill between DCFS and NDOC to conduct a study on the housing of youthful offenders who are convicted as adults and, as you heard Mr. Guinan say a little bit ago, regionalization and keeping kids where they live. There was an appropriation tied to this bill of \$50,000 to hire a vendor to gather the data and write the report for the Division. A request for proposal is currently out in search of a vendor. That request is up on the DCFS website, and we are accepting applications until the 10th of May. We are hoping to get a good, qualified vendor to assist. Senate Bill 356 study components— the ratio of staff to juveniles versus the ratio of staff to adults. In juvenile facilities, we adhere to the PREA ratios of one to eight. Adult facilities may be much higher than that, like 1 to 20 or 1 to 50, or possibly even higher.

As you heard Chief Laity say, here is quite a bit of training required for staff that work in juvenile facilities. Another component is reviewing the age of majority. The age of majority is outlined in [NRS 62A.030](#) as 18 and up to 20 in certain circumstances. This study will also include looking at raising that age of majority to something higher than that. Additional requirements for juveniles in facilities is education, vocational training, and mental health services. All of these things may add to costs of housing juveniles in juvenile facilities.

Moving on to [SB 385](#) (2021). Senate Bill 385 is a study of the use of prevention funds in Nevada. Prevention funds are front-end services and may also be referred to as diversions. Prevention services are provided within the counties. Those are where the front-end services occur. The half of the funnel on this page was taken from an earlier slide that Dr. Wade presented to indicate that front-end services are provided in the counties, and they do a fantastic job. There is a requirement that all prevention services must be evidence-based. Study components of SB 385 include looking at the percentage of diversions compared to referrals, looking at the types of programs and services that are currently provided by our counties as compared to what the national trend is, and funding mechanisms, which is how are counties funding those front-end services, and the average cost per youth for diversion.

[Senate Bill 398](#) (2021) is a bill that requires the JJOC to update their progress on their five-year strategic plan. The strategic plan was a component of [AB 472](#), which passed in 2017. The strategic plan was written by the JJOC in 2018. This bill is to provide an update on what the JJOC has done. Here are the SB 398 (2021) successes and challenges. The first success is the selection of a risk and needs assessment. You have heard both Dr. Wade and Chief Laity talk about the YLS. The YLS is that risk and needs assessment that was selected. The JJOC looked at three tools and selected the YLS. Staff were trained statewide in 2018 and began using that tool in roughly 2018. The JJOC also selected a quality assurance tool. The tool is called the correctional program checklist. This tool assesses the quality of evidence-based programs and services provided within the three state correctional facilities and the two youth camps. There are currently 12 trained assessors on this tool. Assembly Bill 472, which passed in 2017, also required the creation of an evidence-based resource center. The JJOC selected a vendor, and a resource center was created in roughly 2018. The last success was the establishment of an array of performance measures which look at the youth from referral to case closure and what is happening with those youths.

The challenges of the JJOC and of DCFS include data sharing across county and state lines and across systems. As you know, children touch many systems, such as the education system, the court systems, and possibly even the child welfare system. We have multiple systems that youth are touching. Measuring recidivism can become difficult and is difficult as youth move through the systems from county to state and possibly even moving on into the adult criminal justice system. Program evaluation and outcomes is much like recidivism. It gets difficult to track youth as they move through programs and services and across county and state lines. The last thing is training. Chief Laity discussed the massive amount of training. It is just making sure that our staff are keeping up and are current with training. That concludes my presentation and the presentation of all of the DCFs staff. We are available for questions.

Chair Scheible:

Thank you so much for your presentation and for that update. We will move to questions from members of the Committee, starting with anybody here in Las Vegas. I do not see any questions from the members here. Do we have questions from the members up in Carson City? I am not seeing any. How about from our Committee members online? I have one question. I am particularly interested in [SB 108](#) (2021). It is a bill that I worked on closely last session, and I am concerned that we are having trouble finding a vendor for that training program. I am wondering if there are parameters that are set in the administrative code or in the law, that maybe I am not familiar with, about who would be a qualified vendor or whether you are speaking more generally and that we are having trouble finding somebody who does this kind of training.

Ms. Bittleston:

There were no outlines of what is a qualified vendor within the bill. It is more of a high level of looking to find somebody maybe associated with the university or an advocacy group who is familiar with that topic and gear it more towards our juvenile justice population. There is a lot of training out there for cultural competency and implicit bias but very little training that is geared towards the juvenile justice field. That is what we are looking for.

Chair Scheible:

I have a couple vendors in mind, so maybe we can chat afterwards. I also want to clarify; I am sure that the department has particular qualifications that every vendor has to meet. Do you only contract with firms or organizations? Do you contract with individuals? Do you contract with people out of state? What kinds of considerations go in from the administrative side?

Ms. Bittleston:

Part of the regulations that DCFS drafted addresses those very issues; however, when conducting or contracting with a vendor to provide any type of training, we do and have contracted with in-state and out-of-state vendors. It is looking for that best fit for the actual training program or training topic.

Chair Scheible:

Fantastic. Thank you.

Senator Pickard:

I did not really have a question, just a comment. Having been in connection, particularly through my wife, who was a juvenile hearing master for quite a while. I wanted to compliment you guys on how good a job you do. Our kids need the kind of services that you provide. I wish we could send more money your way to expand those services. You guys do a great job.

Assemblywoman Marzola:

Earlier it was stated that a program was lost relating to juvenile sex offenders in Reno. I wanted to find out why.

Mr. Laity:

The program in Reno that was lost was called Hand Up Home. It was a juvenile sex offender-specific program. Those programs are difficult to keep open because we just never know how many juvenile sex offenders we get. Sex offender treatment primarily is a year or longer. I believe it was economics that had that program not be able to keep their doors open. I do know that when we found out that they were closing their doors, our administration tried other avenues of trying to get them funding. It just was not able to keep that open. I believe it was a funding issue.

Assemblywoman Summers-Armstrong:

Can we just follow up a little bit further on that inquiry? Thank you, Assemblywoman Marzola, for asking because I also had that written down. Without that program, what is the stopgap? What do you do now without a program like that in that area or in any area? If there is no outside program, what happens to the young people?

Mr. Laity:

We have one other program in Clark County, and then we look for out of state, which we do not like to do. We do not like to send the kids out of state, especially in this demographic where part of their treatment is to reconcile with their family or their victims. We cannot do

that from out of state. It is very difficult to do from different cities. We do our best. We place youth in Clark County, and then we would go out of state to have them do that treatment.

Dr. Wade:

In those instances, we also have providers within the counties that are providing outpatient juvenile sex offender treatment. We are able to fragment services in that specialization.

Assemblywoman Summers-Armstrong:

Do you find though that the youth respond better and have less recidivism with an in-house treatment? Do you have quantifiable data that you could share with us late about how that works?

Dr. Wade:

We could certainly find data if we have it. We will provide that to you. That is a good question regarding services in house as opposed to going out. We also have services come into the facilities with contractors. We have a hybrid approach to treatment when it comes to that specialization.

Mr. Laity:

I also want to point out that with this demographic, it is very difficult to have that youth in their home while treatment is happening. A majority of the time, the victims are in the home, and it is not appropriate to have the victim and the perpetrator in the home at the same time while doing that. Unfortunately, if there is not a program, we try foster homes. We try any other home that we can keep the youth safe while they complete their treatment. When we do lose a residential treatment place where there is a bed and a safety net, it is huge for us.

Chair Scheible:

Are there any other questions? I am not seeing any. Thank you for your presentation. We will move now to the next item on our agenda.

AGENDA ITEM VI—PRESENTATIONS ON CURRENT SERVICES AND FUTURE PLANS OF LOCAL JUVENILE JUSTICE SERVICE ENTITIES

Elizabeth "Liz" Florez, Director, Washoe County Department of Juvenile Services:

I want to express my thanks for allowing us to speak about Washoe County and the services that we provide to our community ([Agenda Item VI A](#)). We work out of the Jan Evans Juvenile Justice Center. Our mission is to help create a safer community by providing a continuum of services and sanctions to at-risk youth and their families. For those who do not know, Jan Evans was a former assemblywoman who was a tremendous advocate on behalf of children in both the dependency and delinquency systems. We are very honored that our building bears her name. We operate under the authority of title 5, which is [Chapter 62](#) in NRS. Our administrative oversight is provided by the honorable Judge Bridget Robb of the Second Judicial District Court. Our organizational chart shows our administrative areas as well as our detention center—which is called Wittenberg Hall, named after Helen Wittenberg, who was an advocate in the 1960s—and our community probation services, community services, our traffic court, and clinical services. Those clinical services

are dedicated primarily to the youth in our detention center. We have an operating budget of about \$17 million dollars.

I wanted to talk about our philosophical underpinning. We follow an approach called the balanced approach. I have been in this business for 28 years, and this is the philosophy that I was trained under. It is very similar to the more recently known restorative justice model that was a major theme in this last legislative session. A lot of the tenets of the restorative justice model have been incorporated in the school district as well. Our practice reflects the values that we place equally on community safety, victim restoration, accountability, and youth and family development. All our practices and policies support this holistic approach to managing youth and clients.

This next slide provides context as to who we serve. In Washoe County, our population is 485,000. Our school-age population is 61,000. Of those 61,000, about 38,000 are jurisdictionally eligible for our services. This means that they fall between the ages of 10 and 18. In 2021, we had about 2,100 referrals, which is a very low number. This is much lower than are pre-pandemic referral numbers. We had 39 state commitments, 33 residential treatment center placements for children who require psychiatric care, and 14 county placements. Our county camp is called the China Spring Youth Camp, Aurora Pines Youth Camp. That is a lower-than-normal number as well due to the boys' program closure that occurred due to budget reductions. I will speak more about that later.

Here is the funnel again, the famous juvenile justice funnel. The reason we continue to use this funnel, and it has been presented probably over the last 10 years to this legislative body, is because it is an excellent illustration of how youth enter our system and the various point of exits that are afforded them. I will not go into it a whole lot because it has been explained. I appreciate our state partners indicating that they recognize that there is a great diversionary effort that happens at the county level.

Next is our department overview, starting with our detention services. When law enforcement bring youth to our detention center after they have established probable cause, we then have to review our detention criteria, which are primarily risk of flight, risk to self, and risk to the community. There are other categories as well. Our detention center is called Wittenberg Hall, and it opened in 2004. We have 108 beds. We have Washoe County School District (WCSD) teachers onsite, food and nutrition services, mental health services, and we have programming within our facility as well.

You can see how our probation services are organized here. We have an informal supervision unit. That is the unit that is staffed by civilian case managers who provide assessment and intervention for all of our misdemeanor offenders. We then have our probation assessment unit. That unit provides assessment for all of our felony, gross misdemeanor offenders, as well as our chronic misdemeanants who have been unable to benefit from the interventions that we have tried at the lower level, the top tier of the funnel. We have our compliance units, otherwise known as general supervision. We also have specialized probation units, including our sexual behavior unit, our gang unit—which is part of the gang unit in our region— and a behavioral health unit. We have officers dedicated to the youth who are placed at our local camp, and we have officers dedicated to our substance abuse caseload. We have a community services unit. Our staff teach many youth development programs, including basic skills. We have evidence-based programming, aggression replacement training, and a victim awareness program. We also work in conjunction with the Nevada State Police, who provide an excellent driver safety course. We have an evening reporting program going on its 15th year of operation, where we work very closely with the Boys and Girls Club of Truckee Meadows. Our staff pick up youth after

school, take them to the Boys and Girls Club, where they were afforded opportunities for educational supports and pro-social learning, pro-social activities, and then we take them home in the early evenings. We know this is the time of day when youth are most likely to engage in delinquent behaviors. We find tremendous success with this program. We also operate a work program. The youth in our work program are assigned to local county parks. We also have a partnership with the Truckee Meadows Water Authority (TMWA), where youth also work on those sites. We have a youth employment program where youth are able to earn income after they learn basic skills and basic employment skills. We do that in conjunction with the Washoe County Parks and TMWA, I failed to mention that another partnership with our work program is with the Reno-Sparks Convention and Visitor Authority, or the Reno-Sparks Livestock Event Center. We also have a restitution program. We have a victim services coordinator who collects restitution on behalf of our victims in our community, and she also helps our victims navigate the court process.

In juvenile justice, we have a couple of metrics that we use to try to measure how it is we are doing and what are our outcomes. One of those is our diversion rates, which we have talked about before. In 2021, we had a 74 percent diversion rate. Twenty-three percent of our youth ended up on some sort of court supervision, whether it be formal adjudication or supervision and consent. You can see that 3 percent fell in the deepest part of our funnels with state commitments and adult certifications. Another measurement we use is recidivism. This is just a snapshot of one of the things that we track. One of the things we track are the re-offense rates for two for juveniles over a two-year period of time. You can see this one, for example, for youth that were placed on supervision in 2019. When we tracked them for 24 months, 82 percent had zero rearrests, 14 percent had one. Three percent had two rearrests, and then 1 percent had three or more. This was for felony and gross misdemeanor offenses. We are proud of this number. We continue to challenge ourselves to improve these rates. One thing of note before I move on is that while we look at diversion rates and we look at recidivism rates, there is another metric that we are exploring. It is a concept called desistance. There is a training that we brought in. It started yesterday and is ongoing today called "growth focus case management." Part of the concept is around desistance, which is an attempt to measure the gradual ceasing of problematic behaviors. It is difficult to do that, but some of the metrics include things around wellbeing, stable housing, employment, education, and healthy relationships. This is something we are exploring in Washoe County to measure how it is that children are decreasing those behaviors. I hope to report more on that at a different time.

We also monitor trends. We are data analysts in all our juvenile justice agencies, and this was always an interesting one to refer to. There is an error. It is a 15-year snapshot. It is not from 2010 to 2021. It is actually from 2007. Nationally, as well as locally, juvenile crime has subsided. We did see an uptick in 2019, and we saw increased rates of referrals in the first two months of 2020. However, the pandemic hit in March, and our referrals dropped by half. In 2021, we did see an increase. We will continue to monitor these trends.

To segue into a separate area as a matter of interest, even though we have seen decrease in delinquency rates across the country, sadly, we have seen an increase in suicide over the same period of time for teens and young adults. We track regularly our average daily population in our detention center as well as our average length of stay. Another measurement is the average length of stay of youth who stay over three days. That three-day mark is when youth go to a delinquency hearing. By statute, that has to happen within 72 hours. You can see the length of stay, when we look at it broadly from the time a youth enters our detention center to the time they leave, those numbers are in the teens; however, when we look at those who are detained after a court hearing, it goes up beyond a month. One of the reasons we look at these numbers is that juvenile halls, by

statute, are designed to be short-term housing facilities pending the disposition of a case. They are not architecturally or programmatically designed to be long-term housing facilities. In 2004, we were selected by the Annie E. Casey Foundation to be a juvenile detention alternatives initiative site. Part of that process was to eliminate the overuse of detention. For that reason, we closely monitor our statistics around the length of time children are staying in our facility.

This is a look at our placements. Our residential placements on the left show residential treatment centers, so youth who are sent to treatment centers who are requiring psychiatric care. You can see a general decline in these numbers. In 2021, we had 25 in-state placements and 8 out-of-state placements. Our state and county commitments are generally declining. In 2021, we had 39 state commitments and 14 county placements. That 14 is not representative of a normal year. The camp had closed their boys' program for part of the year. It has now since reopened.

Other trends that we monitor, and hopefully these just stay a trend and do not stabilize, but we have seen an increase in serious crime, gang shootings, violent gang activity, and a significant increase in firearm offenses. Unfortunately, we have seen increased fentanyl use, which has resulted in drug overdoses and death. In 2021, we had eight overdoses, and three of those youth succumbed to that overdose and died. The mental health component has been shared at length by our DCFS partners. That does impact us in our local facilities and in our local communities. We have seen reduced access to acute psychiatric care and residential treatment center beds. It was mentioned that the local sex offender program closed. I support Chief Laity's assessment of how that occurred. We also worked very closely with that vendor in northern Nevada to assist them in keeping their doors open. Economics was the driving force of that. The good news is that there was a significant reduction in the number of youth who require that level of care for sex offender treatment. The bad news, though, is that it makes it difficult to sustain funding to provide that intervention. Hand Up Homes was a fantastic partner, and their rates of success were in the 80th and 90th percentiles. Another question had been asked previously about what is happening with these youth? To support Chief Laity's assessment, we did have a case that, unfortunately, we had to send out of state. We are looking at our local providers to provide that support. The challenge is specifically around the youth who cannot return home due to the fact that victims remain in the home.

A very brief update on legislative updates because that has been largely covered as well. We are in compliance. We have either institutionalized or are continuing to institutionalize all the reform efforts that took place with [AB 472](#) (2017), the juvenile justice reform, and all of these reforms. We have instituted a lot of the changes in our policy and in our practices. Some of the training was regarding implicit bias, cultural competency, and for peace officers, crisis interventions. We are working with all of our partners to ensure that we are in compliance with these requirements. Regarding the juvenile justice studies, prevention activities in the housing of youthful offenders. We continue to be partners at the table in those discussions.

Here are the challenges that we are currently facing. This is a snapshot of the number of evaluations that we do on average every year in our detention center. This does not include the ones that we do for children who are out of custody, but we conduct a lot of evaluations for our youth. One of the requirements of AB 472 was to institute a mental health screening tool for youth who are not in custody. You can see in our juvenile justice funnel that at the very top, assessment is a piece of that. We are identifying in juvenile justice a lot of the needs that our youth are presenting, not the least of which is the mental health needs,

which are increasing at an alarming rate. We have taken many efforts in the juvenile justice system to identify the youth. The problem is what we do after that.

Within our detention centers on any given day, approximately 60 percent of our youth are suffering from mental health diagnoses, and a significant number are prescribed psychotropic medications. Our juvenile services act as a mental health agency by brokering assessments, navigating the placement process, case management, managing treatment, and we are housing youth awaiting treatment. The primary barriers include lack of quality residential beds for both acute and long-term care and Medicaid reimbursement rates for providers. Unfortunately, recent events have demonstrated that our out-of-state placements are denying Nevada youth treatment due to the low Medicaid reimbursement rate. The byproduct of that is that we have youth remaining longer in our short-term facilities, in our detention centers, waiting for mental health treatment. Another challenge we are facing is regarding our China Springs Youth Camp due to reductions of state funds to the camp. They had to shut down their boys' program for a period of time, which did result in an increase of our state commitments. The boys' program is now back online. A proposal had been made by the 16 user counties in conjunction with the Nevada Association of Counties (NACO) to stagger the reduction over three years, and that was accepted. The immediate impact was reduced capacity at the camp. The current status is that the camp has made a lot of adjustments and improvements in gaining compliance with juvenile justice reform efforts that took place in 2017. They have done a lot of restructuring with staff training and reclassification of staff, and we continue to work with the camp closely to support their success. I will end on the note that we talked about the juvenile justice funnel and how it is that we want to provide interventions at the earliest point possible to minimize the number of youth who fall deeper into the system. Nevada has a system of care on the mental health side that has a similar concept, where they attempt to do assessments at the earliest point possible, determine what level of intervention is required, and start treating youth earlier on during their mental health needs. What we are finding is that if there are interruptions in both the corrections funnel as well as the mental health funnel, these youth are staying longer in our detention centers. Those are the challenges that we are currently facing. With that, I will end my presentation, and I would like to thank you for your time. I would like to extend an invitation to every member of this Committee to come to our facility. I am available for questions.

Chair Scheible:

Thank you so much. Are there questions from members of the Committee up here in Las Vegas? I am not seeing any, so we will go next to Assembly Member Krasner.

Assemblywoman Krasner:

Thank you for your presentation and for the excellent work that you do on behalf of the juveniles in the state of Nevada. During the 2021 Legislative Session, I sponsored [AB 251](#) with many co-sponsors of both parties, and that regards juvenile sealing of records at age 18. The prior law was automatic sealing of juvenile records at age 21. Assembly Bill 251 changed it to automatic sealing of records at age 18 in order to give our kids a second chance because studies overwhelmingly show that if we are going to reform and help people to become productive members of society, our best chance of doing that is when they are juveniles. This bill gives kids a second chance by automatic sealing of records at age 18. I am wondering if you can tell me if that has been implemented in Washoe County and across the state of Nevada. If you cannot tell me, I am hoping you can direct me to somebody who can give this Committee that information. I know it is important to every

member of this Committee because that bill passed unanimously in both the Senate and Assembly.

Ms. Florez:

Thank you for the question, Assembly Member Krasner. I am not the best suited to answer this question. I know in Washoe County, our courts and our agency, the district attorney's (DA) office and the public defender's office, have been working on this. I believe it is part of the presentation coming up soon by the DA's office.

Michael Whelihan, Assistant Director, Clark County Department of Juvenile Justice Services (CCDJJS):

I can answer that question a little bit more robustly. In Clark County, we have been working with the Tyler technology to have an automated feature in the system, especially since our county is so big. The problem with the system right now is when you press the button, it does not delete certain misdemeanors. If a charge is reduced from a felony to a misdemeanor, it is not reducing that charge; however, all the other ones are being automatically sealed, so we cannot use that feature yet. I am being told in the next week or two that the system should be fixed for the first time. We have never had that that option before, but in Clark County we are doing it manually. We started at age 21 worked our way backwards. We Did all the 21-year-olds and 20-year-olds, and now we are working on the 19-year-olds. Once that is in place in the system, the other counties in the state should be able because not all of us, but the majority of us, have that in Tyler Tech. It will be an automatic sealing for the system.

Assemblywoman Krasner:

How do we ensure that Tyler Technology is being shared by all juvenile agencies, DAs, public defenders, and juvenile courts across the state of Nevada? Obviously, that is what needs to be done. The whole reason for this bill was because kids were not being able to get jobs because of a misdemeanor. For example, maybe drinking a beer when they were 17, being arrested, cited for a misdemeanor, and then having that on their record for the rest of their life. They were not being able to get jobs because this was coming up. They were not being able to get into college. They were not being able to get scholarship money. I know the entire Legislature, both parties, unanimously passed this bill because we all believe that kids should have a second chance. It seems like there is a little roadblock. I know it is not your fault, but it seems like there is a roadblock here of getting this technology implemented across the entire state of Nevada. I appreciate that Clark County is doing it, and I think it is so important that we, as a society, invest in our youth and try to do everything we can to rehabilitate our youth so that they can be productive members of society.

Mr. Whelihan:

Ms. Bittleston mentioned earlier that there is a statewide system that was required by AB 472. It is called Caseload Pro. Tyler Technologies bought them out, so it is a Tyler Technologies system. Not every county is up and running yet, but the majority of the counties are. Once that feature is finalized, all those counties should be able to request that from Tyler Technologies and put it in their systems. Washoe County will be doing a presentation on their end from their DA.

Chair Scheible:

Are there other questions from our members in Carson City? It does not look like anybody is moving to ask a question. Thank you so much, Ms. Florez, for your presentation. We will move on to our next presenter.

Mr. Whelihan:

I have worked for the department for over 27 years. One of the things I would like to bring up now that we are having these conversations with data as one of the priorities in the state. That is one of the laws that has passed recently, and that is why we have the Tyler Technologies. We are trying to get it up and running, like Ms. Bittleston said earlier. If you go on the Clark County website and go down to the juvenile justice department, we have a data book that goes back several years. It is very robust data analyzed with crimes and race, gender, age, and zip code. It has a lot of stuff in there. If you get an opportunity, I suggest getting on there. We are going to make it better. Everything can be improved. There is a group called the Nevada Association of Juvenile Justice Administrators (NAJJA). The state, Washoe County, Clark County, and all the other counties meet monthly and discuss a lot of these issues. A lot of the things that Washoe and Clark County are presenting today will be the same for the other counties because we share a common goal, and that is to rehabilitate children and meet the state law requirements.

Getting to last year's legislative session. I just want to give you a brief update because it is very important. A lot of people had bills that were passed and want to make sure that they were completed. The CCDJJS tracked more than 40 bills, but in the end, 40 bills directly impacted the CCDJJS. Assembly Bill 132 (2021), which is the Miranda Warning, was implemented within a week of it becoming state law. Assembly Bill 158 (2021)— The DA, The Harbor, and myself— Brigid is going to testify more on that in her presentation. That has already been enacted. Assembly Bill 230 (2021)— Brigid has some data, and that has been enacted with the DA and CCDJJS. We already have that in place. She has some data in the slides on that. As far as SB 7 (2021), that is more of a court function; however, in our Tyler Technologies, we are waiting on a feature so we can track it and give some data on it. Even though we are not the warehouse or the issuer of the protective order, we can be a data function for it. We are working on that. Some of the training that were part of SB 108 (2021), CCDJJS has been doing for a few years. We have a training that we have done called 24/7. It is a three-day training that does a lot of the implicit bias where you do cultural awareness, and they have both been approved by the POST. As Mr. Laity said earlier, we are peace officers. We contracted a vendor from Denver because there were some elements added to the cultural wellness that we did not have, like socio-economic impact, the history, and some things of that nature that were not in ours. We contracted with the gentleman from Denver that got the Denver Police Department out of a Department of Justice (DOJ) investigation. He is a police officer there and owns his own company. It was recognized by the DOJ, by the state of Colorado, and Nevada POST has recognized our trainings too. We are currently waiting on the lesson plan for the trainings that were in SB 108 (2021). Those will be implemented before the year is out. I am guessing in the next month or two, we should be able to roll those trainings out to the CCDJJS, so I can work with the state and provide some of this information. Some of it is more based on your geographic location, your clients, and some of those things. You have to recognize the differences of the people that you work with, right? We will provide some of that to the state.

Now, getting to the PowerPoint, I was giving you a basic overview of what juvenile justice [is] and the difference between adult and juvenile. I am going to roll through this slide

([Agenda Item VI B](#)). This is usually a 2-to-3-hour training, but I want you to understand the difference when we are talking about juveniles and adults. In the end, I will give you some of the diversion data from our truancy prevention outreach program and The Harbor. One of the differences between the juvenile and the adult systems is we share the common goal of safety and restoration towards the victim/ With the juvenile system, our goal is to help young people avoid future delinquency and mature into law abiding adults. That is one of the differences. We are trying to prevent them from going to the prison system. Obviously, with the prison system, it is too late. Not that they cannot be rehabilitated, but we are trying to get to the point where they do not even get to there. One of the biggest interventions to reduce criminal activities is a pro-social adult relationship. That is one of the things we are focused on. One of our goals in the CCDJJS over the last two years is family engagement. We focus so much on what the kids need, but you have to realize that the whole family unit— If you send the child back, and there are no services for the siblings of their parents, they are going to fail. That is why the data has not been as successful as it has been over the last few years.

The way that they enter the system is through the referral process. It is either an arrest or citation that comes into the juvenile justice system. It can be through the school district, the police, CCDJJS itself, or other law enforcement agencies. The intake or diversion process— They come into our intake unit, that would be our probation intake. The DA would work with our probation officers to determine whether this can be formally processed through juvenile court or can be diverted informally or dismissed. The DA and The Harbor divert a lot of those cases, so they do not get the misdemeanors and some of the things like Assemblywoman Krasner was saying earlier. This is because we agree that some of these lower-level charges that are not historically violent or the self-harming behaviors could be dealt with informally by getting the services, counseling, or the mental health treatment that they need. We also have trial by peers, community service, and we hold open cases. On a hold open, you would give certain guidelines for the kid, and if he meets the conditions, then the charges are gone. It will not be on their record. We also do restitution-only cases. Sometimes it could be something small, like breaking a window or something like that, which would be a misdemeanor. We do not want to give them a formal misdemeanor charge. If they can work off that restitution and make the victim whole, then it will not be on their record as well. We also do informal probation in diversion court. How does the kid get from the juvenile justice system to the adult system? There are two different ways. It could be a direct certification based on the current laws. Some laws changed last session, so there are a lot less charges that kids have direct filed on now. Brigid is going to have some stuff on her slide to go over some of the changes with the numbers. Second, there is the indirect where it is based on the DA's recommendations and the judge making the decision based on the totality of the circumstances and the charges and the victim. They would then go through that process.

We have our detention cases. We have a juvenile detention facility, and they would be brought to our detention facility. In the intake, they would do a risk analysis based on the charges, age, and some other factors. We would then determine if they were a threat to themselves or the community. If not, that is where that informal process could be. They could be diverted, or they could be released home on a global positioning system (GPS) if they are not a threat or severe threat to the community. They could be released home to their parents with some additional conditions that they return to court. We have home management, and we also have kids that come into juvenile extension from a failed placement. Sometimes the placement will be willing to take them back. Sometimes they need to get in front of the judge and get some counseling set up, and then they can go back. There is an array of services that happens when the kid comes into detention. If a kid is detained, they have a court case scheduled within the next 24 to 48 hours, except for

weekends and holidays. It could be 2 to 3 days, especially on that Thanksgiving holiday where it is a little bit longer. They get to go to court immediately. The judge makes a decision as to whether they need to go through the formal court process or not at that point. They would then go to a plea hearing where they would plea if they were innocent or guilty. At that point, if they pled guilty, oftentimes plea deals are made between the DA, the public defender, and the youth and their family, on what conditions would be met on probation— Maybe not even probation. At that point, if they plead not guilty, they would go to a contested hearing, which is like a trial for an adult. It would be the same thing. They go through a trial. They present the evidence and go through the court process, and then the judge would make a decision. Later, they could get a consent decree or lesser charge, or they might be placed at another institution. If they were found guilty, they would go to a disposition hearing. As an adult, it would be called a sentencing hearing. At that point, they would go to the sentencing hearing, and then they could be sent to one of our regional facilities. They could be sent to Spring Mountain Youth Camp or a mental health placement. They could be released home. They can be put on the GPS. There is a litany of places. Even if they are found guilty, it does not mean they are going to be locked up. They then also could be certified as an adult.

Ninety percent of youth-adjudicated delinquents are sent to community supervision, better known as probation. The majority of kids, even when found guilty, are on probation. That means they would have court orders that would get them mental health placement. It could be putting them on Medicaid. There are many things that could take place because we are trying to restore the family and make them whole. The goal of probation, like I said earlier, is to keep them out of the prison system. They would get mandatory treatment and other court orders. The YLS Mr. Laity mentioned earlier was ordered by AB 472 in 2017. The YLS is in place. It is a comprehensive risk and needs assessment. The judge does not have to take that, but the judge normally takes that into consideration because it is very robust. It takes about a week to two weeks to complete the report. It is very robust, and it takes some of the bias out of the decision making because it actually has a calculated formula. You submit into the system, and it gives you the very high, high, medium, or low risk. Based on that, there is a matrix on what you can recommend for a kid, as far as our probation officers. Obviously, the judge can make a decision based on the facts in front of them; however, for us, it is trying to take that implicit or explicit bias out of the decision-making process.

Diversions have better outcomes. I will go over some of the data a little bit more when we get into The Harbor slide. For nonviolent minor cases, we try to divert as many cases as possible. That has been with working with the DA and the judge. It has been a collaboration of numerous agencies to work on this. The history of juvenile justice has been its overreliance on confinement of young kids. Oftentimes, those kids do not look like me. I will go over a little bit more of the data on that on a slide. This is the whole state. We are trying to use more risk and needs assessments. We use (National Clinical Mental Health Counseling Examination (NCMHCE) for mental health screening. We use the University of Nevada, Las Vegas (UNLV) prescreening in our intake. It is not, "Hey, I have been a probation officer for 27 years, so I think this kid should be locked up." We have gotten away from that. We are trying to use more data-driven, best practice approaches to making decisions at those points. That has been a lot of the legislative things. One of the goals is to have better outcomes for these children, and CCDJJS agrees with that.

When we are talking nationally throughout the United States, 15 percent of the youth are black, and 35 percent of the youths referred to juvenile courts are black. Thirty-five percent are black, but the actual community is 15 percent. A black child is twice as likely to be referred to the juvenile justice system. Forty-two percent of the youth committed—not just

in the state, but nationally—are youth of color. Black youth. It is 42 percent when you are talking 15 percent. When I am saying that there has been an overreliance of commitments to facilities, that is why we do The Harbor and some of these other things to divert kids out of the system to try to get them to the point to where we do not get to that decision process where they have to be placed in a facility. As we know, youth brains are not fully developed between the ages of 21 to 24. When you compound it by the influence of alcohol, trauma, physical abuse, and poverty, that increases some of the likelihood that they will engage in this type of activity. Most youth will just grow out of it naturally on their own. Minor delinquency is considered normal behavior for children. I am talking minor delinquency. I am not talking about felonies and things like that. I am talking small. As a child, you get in a fistfight with your friend, which is what now would be considered an affray. When we were young, it was not. We did not get arrested for an affray. Now we arrest people, so we have recognized a lot of that. We have worked with the school district and the DA, and that is why The Harbor is in place. Now the truly violent, where you attack a teacher, you attack the staff, attack another student, that is not what I am talking about. Those would be violent charges. We are always trying to keep community safety in mind. That is one of our priorities: to keep everyone safe.

Family engagement and cognitive behavioral approaches and programs are shown statistically to be more effective with juveniles. Incentivizing positive behavior— We are pretty good, as a system, at creating punishments, but we do not reward positive behavior. Any teacher, psychologist, or any program that is very productive is going to have some positive rewards for kids. There are going to be consequences for negative behaviors, but what do you do afterwards? You try to get some positive rewards or recognitions. It is not always money. It can be a certificate. You would be surprised with how excited some of these kids are when you put a certificate in their hand, because it is about completing something they are not used to completing.

The mission of The Harbor is to be responsive to the well-being of youth, families, and victims by providing meaningful services to improve connectedness to the community through academic achievement, reducing truancy, and providing a safe place for guidance. There are many services provided, but the main ones are tutoring, truancy prevention, mentoring, counselling, food, clothing assistance, and distance learning. If you are talking about a child who cannot see the chalkboard and sits in the back of the classroom, as a teacher, you do not know that and start labeling the kid as sitting in the back because he does not want to learn. In reality, the kid cannot afford glasses or has an abscessed tooth because he does not have access to medical care. Those are some of the things that The Harbor works on, such as getting the family the resources to deal with some of these generational issues when you are talking poverty with our youth. It is for the whole family; it is just not for the kid. Seventy percent of the total cases for CCDJJS, not the ones at The Harbor, but 70 percent were nonviolent. The majority of our cases that probation deals with are nonviolent. Brigid is going to have some good data on the top ten offenses that she refers or files on. That is because The Harbor has taken those smaller level cases so we can focus more on the high-end community risk or the kid who is self-harming. Self-harming behavior can just be the fact that you are committing crimes. We can focus on that more than dealing with the kid that stole some shoes from Walmart because he does not have shoes for school. We can work at some of those. It is a collaboration of many partners. I am not going to list them all because it is on your slide. It is the CCDJJS, the Clark County Department of Family Services (CCDFS), the DA, Eaglequest, and a litany of others, as well as other law enforcement agencies that will drop kids off at The Harbor instead of bringing them to our intake, whether it be formally processed and charged. If they do not complete—I know that is a big thing. People are like, “They just do not disappear, and we are not like, “They are done.” If they do not complete, they are given 60 days. If they do not complete

it, they are either— We are working on a new process, so they are referred back to intake. We just met yesterday, and we are going to divert those kids to diversion court. We are working on the process. A lot of times, it means you do not have transportation and your family cannot take off of work because if you take off of work, you are going to lose \$200 you make. If you do not get that \$200, you are going to be kicked out of your house. You cannot feed your children. We are trying to be more understanding. We have done a lot more with technology. I guess one thing you can say about COVID-19 that has been a blessing to us in the juvenile justice system is actually being able to hold meetings live. Some of the families can actually attend counseling and things of that nature instead of having to get on the bus, take their four or five kids with them, and miss work. Now we can do it more conveniently for families.

Since the Harbor opened in October of 2016, we have had 20,050 referrals. Ninety percent of them have not been sent back to probation intake. That means 2,198 were sent to intake. Out of those 2,198, do not be like, "Oh, they all got incarcerated," or something like that. No. A lot of them will go through an informal process through our intake to get them the counseling and services. Sometimes it is just a formality. One of the reasons we are doing diversion court is to sit in front of a judge. Oftentimes, just sitting in front of a judge makes it seem a little bit more serious. The 90 percent success rate means they are not going to probation.

We also run another program called the Truancy Prevention Outreach Program. It is another diversion program to help the school district with chronic truancy. For historical purposes, truancy used to be— They could be charged with that. Kids were held in detention. Laws have been passed since then to keep them out. We all know that truancy leads to being expelled. Being expelled leads to making less money, and that is the school to prison pipeline. We have created this new program to try to get these kids reengaged in school so they do not drop out, so they can graduate, so they are not part of that pipeline. The program launched in October of 2020. There were 27 pilot schools. Since its inception, 226 schools are now participating, and 6,968 referrals. It has similar services offered by The Harbor as well, except The Harbor has individualized education programs, which the school district does for kids that struggle or some have some learning disabilities and some mental health issues. They will get some specialized education. Oftentimes, kids do not know they need it, or parents do not know that that resource even exists. Once you get that kid in there, they can get the help they need to get back on track in school. The major collaboration is between Boy's Town, CCDFS, Clark County Department of Social Services, and the school district. We started seeing kids in January 2021. COVID-19 has obviously been an issue for us. I am sure these numbers would be higher, but the school was not in session for quite some time, as we all know. When you are looking at the success so far, and this has only been a little over years, this is not like, "Oh, we are looking at the data." When you are looking at 60 percent of the interventions, kids attended school 6.5 more days for each quarter, that means they are not getting kicked out. That is the whole point of it. Out of the 77 percent, the top ten of those attended school 27 more days. When you are talking education, when you miss, you get behind. If you do not go, eventually you are going to get kicked out. It has been very successful so far. If any of you would like to take a tour of The Harbor, I have my email and my office number on the slide. Feel free and call me, and I will arrange a tour of either one of those programs. As a comment for the juvenile sexual offenders in Clark County, we have more resources here in Clark County. We have group homes. We are not having those issues because our providers are still providing services. In the next few months, we are going to be opening up a girls' program. It was mentioned earlier by the state that we are looking for girls' programs. The CCDJJS is opening a halfway house to try to divert some of these girls from the Caliente Youth Center,

which is the only facility that houses girls. I am here if there are any questions. Thank you for your time.

Chair Scheible:

Thank you so much for your presentation. Are there questions from members of the Committee?

Senator Pickard:

Thank you for being here. As you know, I have been a proponent of— The Harbor brought a bill last session to try to expand it into the schools. It did not get a hearing, but it is an important effort. Can you tell me how The Harbor is doing in terms of the number of people they are able to help and those that are turned away because there are not resources available?

Mr. Whelihan:

Thank you for the question, Senator Pickard. We do not turn anyone away. We have expanded The Harbor. Originally, it was our juvenile detention center, and now we have five and are getting ready to expand it to a mobile Harbor. It will be like an RV bus. We are working on that right now. We will be able to take it to the rural sections of Clark County. Where we are failing in our services is reaching out to Moapa, Laughlin, and some of those other places. When we are having issues in the school, we can take The Harbor— When they are having severe issues, maybe we can go there and try to get some of these kids to services. A lot of times the behavior is because of things that are going on in the home. That mobile Harbor is going to be a huge step for us.

Senator Pickard:

How are you able to meet that need or meet the demand? How are you able to expand if we do not have additional funds? Are we getting outside sources, or are there contributions being made? How are we meeting that demand?

Mr. Whelihan:

The City of Henderson and North Las Vegas have allowed us to use buildings like in-kind donations, so to speak. We have had those. The county has pretty much funded the majority of it since the legislation did not pass. Funding is a big issue for us right now and for the Harbors.

Chair Scheible:

Are there questions from members in Carson City or online? I am not seeing any. Thank you so much for your presentation. That concludes Agenda Item VI.

AGENDA ITEM VII—PRESENTATIONS BY DISTRICT ATTORNEY JUVENILE DIVISIONS: SYSTEM OVERVIEW, STATISTICS, AND LEGISLATIVE REVIEW

Chair Scheible:

We will move on to presentations from the DA's offices.

Brigid Duffy, Chief Deputy District Attorney, Clark County Juvenile Division:

Our first slide is an overview of the juvenile delinquency court process ([Agenda Item VII](#)). Chief Scott made this slide, and I realized I needed to put it at the front because I think it is important for the community to understand how cases even get to the DA's office. I have learned a lot through 20-some years. One thing I learned this year is that the community does not really understand that the DA's office does not just take cases and file cases. They come to us through a process. In juvenile justice, it is different than criminal justice in that in both Washoe and Clark Counties, the cases start with the juvenile probation department. I will make sure Chief Scott is able to talk about her county, but in Clark County, if a law enforcement officer cites or arrests a child, all of those cases are funneled through to the probation department. By statute, the probation department has the right to divert misdemeanors completely and totally away from the DAs. In Clark, we use diversionary services. We use probation intake, which you have heard a few times this morning, or probation officers for an informal process. On gross misdemeanors and felonies, the probation department are, for the most part in Clark, the first to see those. We have direct submissions from law enforcement agencies to the DA's office if it is not a probable cause arrest. They would first be seen by the probation department and then by statute, they would come to the DA's office, unless we determined to reduce them and refer them back to a diversionary or an informal process. I received a lot of calls as school violence was increasing about, what is the DA's office doing with these fight charges? Batteries are misdemeanors. I had to explain to a lot of the public that I do not even have a case because those misdemeanor battery cases go through a probation office referral and are diverted from my view at all. That is how it works in Clark. Chief Scott, do you want to add anything to that before I go on to the rest of the PowerPoint?

Shelly K. Scott, Chief Deputy District Attorney, Washoe County Juvenile Division:

Our court process is very similar as that described by Chief Duffy. You have already heard from Ms. Florez, the Director of the Washoe County Department of Juvenile Services. They end up diverting away from prosecution. Probably close to half of the referrals they receive will be diverted and never even come to my office. Most of those will be misdemeanors because they are not required by statute to send them to us. The remaining part that can be referred back to probation can come after a DA review and a decision not to pursue formal charges in the delinquency system, but it is agreed that this child is best suited to be diverted from the juvenile system and handled informally with juvenile probation. Approximately half of the referrals that probation receives are handled informally, and approximately a third of what we receive fall into that category that are referred back to probation.

Ms. Duffy:

Here is an overview of the Clark County District Attorney's Office. As most of you know, I run the Juvenile Division, and it is made up of two divisions: delinquency and child dependency. I have a total of 58 employees; 29 are deputy district attorneys. I have nine dedicated to the delinquency team and 20 dedicated to the child dependency team. I am supported by one law clerk, one investigator to process servers, one victim advocate for nine courtrooms, 13 secretaries for part-time hourlies, and five various office assistants.

I put some stats because I know everybody is always interested to see our trends in filing cases. I have always prefaced this for the last 7 years I have been doing legislation—my office still does not have a case management system for the Juvenile Division. While these stats are gathered with our partnership through juvenile probation, I always want to make

sure [the Committee knows] these are rough stats. I will say they are fairly on point, but it is confusing. I want to make sure that the top part of my slide talks about how this is not unique children. When I say my office filed 3,128 petitions in 2021, that is not 3,128 children. That could be one child with five times through the system. It is how we pull statistics. It is difficult to pull down to each child having a petition. You can see from 2017 to 2021, we have been decreasing in the amount of petitions filed. The year 2020 was a unique year. In 2021, we had an increase of referrals; however, we had a decrease of filings in my office. We only filed 46 percent of the referrals that we obtained. That is an exact shoutout to our diversionary programs. The Harbor came into place in October 2016. That was one Harbor. We expanded to two, and now we are at five by 2020. Using that to divert these petitions that are coming to us has been a success at this point. The other interesting stat I know that you all like to see is the certifications filed. Clark County, of course, files the most in the state. In 2021, we have filed 159 petitions to certify youth to the adult system. Of those 159, 48 children were certified to the adult system.

These are charges. These are our top ten offenses that we file petitions on, in 2021 only. There could be more than one charge per petition. I think that is an important point because it is very rare that the only charge on a petition would be violation of probation or parole. The majority of the time, that would come with a substantive offense. It would be one of the charges that we would file, along with whatever offense that child picked up in the community. We talked a lot about batteries and the fact that they are misdemeanors. You will see that is the second highest offense filed. That could be coupled with a violation of probation. The battery by a probationer is considered a felony charge. The batteries themselves are victim crimes. If we divert a child to The Harbor or to probation, and that child denies the offense and is not going to accept whatever services are being offered, it often then comes back to my office. Since I have a person victim on a charge, that weighs the decision to end up ultimately filing a petition. That gives the subject minor who is denying that they committed the battery the opportunity to go before a judge and deny it and have their trial in court. It also allows the victim to know what occurred in the case. Battery constituting domestic violence have been on the rise since COVID-19. I know that it is one of the top offenses that The Harbor is dealing with. That stress and tension in the homes is increasing. A lot of times, in these cases, we are looking at one child with one, four, five, six times that they have been through and offered diversionary programs and have not been successful to the point where the family is asking for judicial intervention. These cases we are seeing often have a large mental health component for the perpetrator child on the parent. I am going to combine lewdness with a child with sexual assault. That has also been on the rise since our pandemic shutdowns. We have that as being one of our top charges and is obviously something that we need court intervention with. You will then see are more serious offenses with robberies and firearms.

I am always proud to talk about our participation in diversionary services. The Harbor has been talked about a lot. I will be happy to answer any questions from my end that you have on it later. I also co-chair what is called the School Justice Partnership (SJP). That is a collaboration between the CCSD, juvenile probation, and the DA's office. It was implemented by a memorandum of understanding in 2018. It was our attempt to stop the school to prison pipeline. As you heard Assistant Director Whelihan talk about, kids who are excluded from school are fast tracking their way to prison. The SJP worked to determine what school-based acts that were committed should be dealt with as a diversionary or school-based discipline and not sent to the juvenile justice system. For example, possession of marijuana on school property—if it is not for sale and just normal possession by a child, maybe with a wax pen—first time batteries, affrays, and obstructing a police officer. For those types of offenses, we have asked that the school districts use our diversionary services and use their Positive Behavioral Interventions and Supports (PBIS), which is their

school-based level of interventions before sending them to the juvenile justice system. I think that is a large part of why we are seeing a decrease in filings. In 2021, Attorney General Ford put forth a call to start restorative justice in our juvenile system and in our criminal system. I am only going to talk about juvenile right now because I am actively a part of it. We are using The Harbor program to start these restorative circles where we are bringing the harmed individuals, or what we would call victims, and the harming individuals, or the minor who perpetrated the offense, together with trained mediators to talk about what happened, how it impacted them, and come to a joint resolution as to how that should be handled. We are dealing mostly with misdemeanors in those cases, although my office has referred some felonies, like larceny, from a person where the harmed individual is getting their property back. Maybe a child stole a cellphone at the park, but they received the property back, so there is no restitution. That is a felony, but we are able to bring those two individuals together, the harmed and the harmer, to talk about what happened and how it made them feel and come to a joint resolution with the families as to how the person who conducted the harm should be consequenced.

I will discuss some of the impact of AB 230 (2021). This was our bill from last session that excluded certain offenses from direct file or kept them in the juvenile justice system. Those would have been offenses that were use of firearm for children who had prior felonies. Since implementation on October 1, 2021—so now we are into seven months—we have had 26 children that are 16 or 17 who would have been sent directly to the adult system remain in the juvenile system. Twenty-six children in seven months remained in juvenile. All of them were firearms cases, robbery with use, discharging a firearm, or assaults with deadly weapons. Of those 26 to date, three have been certified to the adult system because, although they do not directly go to the adult system, the DA's office still has the ability to file a petition and a motion to certify them. The court then makes that determination. Three of 26 have. Eleven have remained in the juvenile justice system in juvenile placements. These children are now given another opportunity because all of them have prior offenses, but most of them had other opportunities on probation. We have given 11 of them, who would not have had that opportunity before this legislative body passed AB 230 (2021), the opportunity to be in the juvenile justice system. We still have 12 pending at this time. In 2020—I want to talk about the impact of this on our juvenile probation department. In 2019 and 2020, prior to AB 230 (2021), only 21 children in the entire year would have been directly certified to the adult system. This is creating 26 extra children in the juvenile justice system who are remaining in detention a lot longer. That fiscal impact that was discussed in the 2021 Session actually came to fruition on the Clark County Juvenile Detention Center because they are remaining there for on average of 60 days.

Our next slide talks about direct files or auto certifications. It is called different things throughout the state depending on where you are. These are the cases whereby children are automatically sent to the adult system. These cases include murder and attempted murder that are committed by children ages 16 or 17. So far in 2022 we have had two. In 2021, we had 18. We had ten in 2020 and 16 in 2019. We are fortunate that so far, almost halfway through the year, we have only had two children certified or direct filed to the adult system for murder or attempted murder. Before I pass it off to Chief Scott up north, I want to say that to date, we have 120 certifications that have been filed by the DA's office in Clark; 42 are pending those certification hearings, and 14 have been granted. Two of those in 2020 are for murder. They are children under the age of 16. Unfortunately, we have had two so far this year. Certifications for murder and attempted murder for under the age of 16 have been going down. We had 11 in 2019, 12 in 2020, 9 in 2021, and so far two with almost half of the year done for 2022. I will discuss the other pieces of legislation right before we take questions at the end.

Ms. Scott:

We are divided a little bit different in the juvenile system in Washoe County than Clark is. Where Chief Duffy oversees both the dependency and the delinquency divisions, I oversee only juvenile delinquency. Our juvenile dependency falls under our civil division and is overseen by a separate chief and a separate assistant DA who handle the child dependency cases. In the first slide, I have shown you a breakdown of what our two juvenile divisions look like. Our juvenile dependency is a fairly large unit for the size of Washoe County. We have nine attorneys, one of which is a grant funded position. They have four legal secretaries, and 1.5 office assistance to process all the paperwork. In addition to the juvenile dependency hearings, they handle parental termination of rights cases. They handle and will especially appear in some guardianship cases. Those nine attorneys handle a very heavy caseload. On the criminal division side, our juvenile team has four attorneys, and one is me, as the chief. We have two legal secretaries, a part-time office assistant, and unlike what is available in Clark County, we do not have any dedicated support staff in investigations or process serving. We will pull out of the general pool for access to those services on a case-by-case basis when the need arises. As you have seen with both Director Florez and has been discussed by Chief Duffy, we have seen a decline overall in referrals, especially during the pandemic. In 2020 and 2021, our caseloads and referrals dropped dramatically. The cases were decreased, and we lost probably a third of referrals. I attribute much of that to the children not being in school. A lot of our referrals come from school police because that is where we have eyes on them for eight hours a day. When there is not that supervision, it defers back to the local law enforcement agencies who routinely do not have as much contact with youth, which is a good thing. We did see a dramatic decrease in the referrals that came to our department, as Director Florez also noted, there was a decrease in referrals to juvenile services overall. Our caseloads have been fairly steady for the last five years, aside from the pandemic, We have gone between 1,500 to 1,700 referrals. As Chief Duffy indicates, we are in the process this week of getting a case management system that will allow us to pull much better numbers in a much wider variety of cases. These are generalities over the last five years that we have been able to pull by hand on a rather quick basis for this Committee's use.

Certifications in Washoe County are very few. We have a vetting process before we even file a petition. It necessitates the youth usually remain in custody a little bit longer. I think the vetting process results in fewer youth being certified, fewer hearings going forward for certification, and a much greater stipulation by the youth to be transferred to the adult system after the vetting process has occurred. We staff internally with the juvenile team. If there is a recommendation from the juvenile team for likely certification, it is staffed with our assistant DA and a Criminal Division chief to make sure that they both are approving the transfer. In this process, we also consider mitigating information. We seek information from the child's defense attorney for any medication, any evidence they want us to be able to present internally and to our chief or are assistant DA as the vetting process goes forward. The certification numbers that you see bear out the fruit of that process. In 2017, we only filed four motions for certification. For four of those, the youth stipulated to transfer, and there was one that we did withdraw. In 2018, there was only one motion filed. That was for an attempted murder case where a youth was under 16. That motion went forward to hearing and was granted. The year 2019 was a very big year for Washoe County. It was unusual that we had 11 motions for certification filed. However, of those, nine of the youth stipulated to transfer; one went to a hearing and was granted; and one was withdrawn. In 2020, we filed three motions. One stipulated; one was withdrawn; and one youth was incompetent, so he was held in the juvenile system and sought treatment for a significant amount of time until he aged out of the system. Unfortunately for our victim, the offender in that case could not be held accountable. I think that is where some of the

housing issues with long-term incompetent youth may be important for this Committee to consider on an upcoming basis. Right now, we only have one motion pending from 2021, and we have not filed any yet in 2022. Our numbers compared to Clark County are significantly smaller. We have a significantly smaller population.

Direct files also reflect the difference in the youth in Washoe County. One case in 2021 was a direct file that was attempted murder. In 2022, we currently have two that are pending. The effects of AB 230 (2021) in Washoe County were not nearly as dramatic as they were in Clark County. Based on the prior felonies between 2018 and 2021, we only had five cases that went up on a direct file. That was before AB 230 (2021) came into effect. Since the application of AB 230 (2021), only one case has remained in the juvenile justice system. The state decided not to move forward with adult certification, and the youth remained in the system and was sent to correctional care.

The DCFS touched briefly on SB 7 (2021), which was the protection order hearings. The DA's office is not a party to the protection order hearings. I sought information from our court master who oversees the protection order hearings for juvenile justice to get some numbers from her on what she has seen since SB 7 (2021) was enacted. She indicates that they have set 36 hearings where the adverse party is the minor. Not all of those are 36 different youth. She indicated that some of those were hearings that had to be continued so the youth could converse with council so the proper service could be had. However, in all cases that came before her, appointed counsel was given for the adverse party. That is typically by the Washoe County Public Defender's Office. I know my partner, Ms. Bertschy, has prepared some slides with respect to their participation in these protection order hearings. The court master noted that in many of these cases, if not all of them, the petitioner is also a minor child, and in none of those cases was the petitioner/minor child afforded council.

Chief Duffy and I both collaborated on this "moving forward" slide. I will let her make some final remarks to the Committee about our thoughts and moving forward. I want to thank the Committee members for their time this morning. I am available for any questions.

Ms. Duffy:

Here are some of the things that the two DA's offices have talked about. We are still in need of competency and restoration services across the state. I failed to put the SB number. I believe it was [SB 366](#) (2021). We, the DA's office, were trying to push to mandate that beds be available within our state mental health facilities for juveniles who are deemed to be incompetent. We were trying to move forward so that we have a place for juveniles who are deemed to be incompetent to either be restored or to get other types of treatment. That bill turned into a study bill and for data collection. That data collection piece is currently housed under the Governor's JJOC. We are working forward with that. We need improved mental health services in our schools and our community. The DA's offices join in that voice. We see that a lot of the children we are taking a petition to court have deep trauma and mental health issues. It does not make me feel good about it, but this is how we have to get them help because families themselves are unable to access services in the community, and the escalation of their violent behavior is getting to a point where the family needs the assistance of somebody other than themselves. Our juvenile detention facilities are much like our adult detention facilities; they are becoming mental health hospitals. We clearly need better, more robust mental health services. The Medicaid funding is a huge issue. It is a big issue. We joined the charge for needing a blended sentencing model that includes developmentally appropriate programming for our violent youthful offenders. When I have a 14-year-old who commits two murders and one attempt murder only because the victim did

not die, the placement options for that juvenile in the juvenile justice system are zero. That is our most violent type of offender with a very underdeveloped brain and a lot of trauma. We really need to get moving on these bills that have been put forth. I believe my friend Holly, from the American Civil Liberties Union (ACLU), is going to continue to talk about those. We agree there has to be something that comes between a juvenile who commits an offense that is violent and adult and Lovelock until they are of age to be able to transition. We support that blended sentencing model. As Chief Scott said, we have a desire to address the juvenile victims of domestic violence not having counsel at those protection order hearings. In most of those cases, because they are dating relationships, we are filing those petitions of domestic violence. We have the perpetrator, or the harming individual, getting attorneys at the civil protection order hearings and then having our victim not have that same protection.

I want to follow up with a couple of the other bills from last session, starting with the easy one, SB 108 (2021). You heard Assistant Director Whelihan talk about the training that we had in Clark County. It was phenomenal for my office and my attorneys that I mandated take it. I shared with Senator Scheible through the interim and Senator Weiner, who runs the Children's Legislature, that I saw an article where there is another state that is picking up a similar bill that this body passed last session to include that adverse childhood experiences as part of training. What Nevada did was at the forefront of recognizing that people who deal with children in the juvenile justice system have to understand what an adverse childhood experience is and how children respond to stimuli based upon those experiences. Way to go, Nevada Legislature, because other states are looking at your bills now.

As to AB 158 (2021)— In Clark, the implementation is a little odd because the statute requires on the first or second referral. On the third referral, it comes to the DA's office. Well, in Clark, first- and second-time misdemeanor marijuana offenses are not referrals to the juvenile justice system anymore. They are diverted to The Harbor. We do not even have a counting system to know what the first and second are to even get to the third. We had to come together with CCDJJS and the managers of The Harbor to say, "You guys can take number one and number two and number three. When it gets to number four, we are going to refer it to probation intake, and that is going to start the clock all over again." We did not want to have to start giving children juvenile records when we do not do it now because we divert them out of the system altogether. We had to find a fancy way to do it; however, it is in the best interest of the children at this time. It is diverting and not circumventing the law. There is just no way to capture that in our system.

Ms. Scott:

I would echo Chief Duffy's concerns or comments with regard to the original referrals for marijuana and alcohol possession. Our juvenile probation department, Juvenile Services, do not have a Harbor up here, but Washoe County Department of Juvenile Services has their community programming. It is rare that even before the enactment of AB 158 (2021), we saw referral for a misdemeanor marijuana or alcohol case until the third or fourth offense, unless the child was given services and refused to accept them, or the child very quickly escalated even though services were provided. Primarily both Washoe and Clark County were acting already in diverting the very minor offenses out of the juvenile delinquency system even before the enactment of this bill.

Ms. Duffy:

That concludes our presentation. We will be happy to take any questions that you may have.

Chair Scheible:

I think we will have a couple of questions. I also wanted to note for the Committee and for others that we touched briefly on AB 158 (2021), which was Assemblywoman Monroe-Moreno's bill from last session. It was a fantastic bill, and she has also submitted a public comment, which is available online to review, about a gap in the measure that we intend to fix next session ([Agenda Item II](#)). I know that she could not join us today, but it is all in writing on our committee website. We appreciate her for that. I encourage all of you guys to read that and just get up to speed on what is happening with our treatment of juvenile marijuana offenses. I am going to go to questions. I am also going to let you guys know that my plan is to break for lunch after this presentation.

Vice Chair Nguyen:

Thank you for your presentation. I have a couple of questions. Did you have a chance to read Assemblywoman Monroe Moreno's comment regarding the disproportionate treatment of marijuana vape pens and with children?

Ms. Duffy:

I have not.

Ms. Scott:

No, I have not had an opportunity to read that comment.

Vice Chair Nguyen:

I would encourage you to do that and reach out to Assemblywoman Monroe-Moreno because it sounds like she is looking at a legislative fix going into 2023. You had mentioned you do not always charge everything, and things come to you differently. One of the things that she brought up in her concerns is the ability and the discretion that you have in your offices on whether to charge certain things surrounding marijuana. Can you discuss how you take into consideration moving trends away from criminalizing that type of behavior?

Ms. Duffy:

I consider this my personal opinion and not my office's opinion. I do not consider marijuana much different than alcohol, in that we do not support children being under the influence of alcohol. We are talking about brain development. How often am I told that I need to treat children differently because their brains are not fully developed? I have to recognize that they make boneheaded decisions because their brains are not fully developed—and there is a difference between boneheaded decisions and true armed robbery-type behaviors. I am extremely concerned about the impact of marijuana on those underdeveloped brains, as well as I am about alcohol on those underdeveloped brains. I also have concerns when I see that the children we get for the fourth and fifth and sixth petitions are escalating; you know, the "gateway drug." We divert most of those kids. I have not seen whatever it is that may be the issue, and I am definitely going to look for it and see how we can address it in a satisfactory way. But, there are the kids that are kicking back at a house party, and then we

have children that are using it every day and showing up high to school every day. We have children that are using it and driving, running red lights at a high rate of speed and taking the lives of individual citizens in our community. I have some concerns about marijuana usage. I do not think I would treat it any differently than I would alcohol.

Vice Chair Nguyen:

I guess that is the concern in Assemblywoman Monroe-Moreno's comments. It is being treated differently than alcohol. I know it is not your office's policy per se. I think we all have the same concerns about children and any kind of substance abuse. I think that some concern is that marijuana possession is treated as a felony, and now the alcohol violation is not. Is that correct?

Ms. Duffy:

Possession of marijuana with intent to sell is treated as a felony but not just personal possession. In fact, the number one or two charge that is diverted to The Harbor is possession of marijuana, possession of drug paraphernalia. I do not believe it is even one of my top ten offenses for 2021 being filed because we divert them to The Harbors.

Vice Chair Nguyen:

Maybe this is a question for Shelly up north, as it specifically pertains to vape pens. I do not know if she can address that.

Ms. Scott:

I can address that. My office has differentiated between concentrated tetrahydrocannabinol (THC) and marijuana, just as the statute has differentiated between the green leafy substance known as marijuana and THC or concentrated cannabis. We have looked at all of the clinical information with respect to child brain development, the use of the concentrated THC, and we have filed those charges. We have filed those charges only after an assessment by Probation and a substance abuse evaluation that recommends treatment, especially in cases where there is reported daily use, several times a week, or it has been a long-term pattern of use for a youth. It is my understanding that the school district is not sending all the vape cases to our offices or making law enforcement referrals for all of the cases. Much is being handled in the school districts informally with suspension and education. Once the referral does come to my office, if Probation's assessment and the substance abuse evaluation indicate that this is minimal use—meaning very experimental and that there are no other mental health needs or substance abuse needs that need to be addressed—then we are authorizing those to be handled informally with Probation without the filing of a petition. If intervention is indicated by the substance abuse evaluation, we are filing the petition. After filing the petition, on almost all cases, we are referring the matter back pursuant to what is called the supervision and consent decree, which adds a layer of support to the youth with a probation officer. Upon completion of the programming and terms that are imposed by the court, the charge is dismissed at that point. It is an intermediate handling that we are utilizing in cases where—primarily we see it in vape pens—but where the vape has become more of a crutch for the individual, or we are seeing an elevated use, and it is not your experimental, "I was at a party, and we were passing around a vape pen." Those are not the kind of cases that we are taking into the system, but we do differentiate between possession of the green leafy plant material and concentrated cannabis because it is differentiated in statute.

Vice Chair Nguyen:

I have one other question. I know that it does not really affect this Committee per se, but you have talked about having a problem. Is it a problem finding Medicaid providers? What has been your experience with that?

Ms. Duffy:

The issue is the Medicaid rate. We are having an issue finding providers because Nevada's Medicaid rate is so low compared to other states that providers are not willing to come to our state to provide services for us. We also find it difficult to send children who need treatment out of state because providers will not accept our children because we pay at such a low rate. I will say—because I never want to talk about my state partners—but it is a conversation we have been having with them over the interim that something needs to change, and we need to readdress our Medicaid rates.

Vice Chair Nguyen:

Are there any services that are just not covered by Medicaid that are also problematic? I know in a previous meeting, we heard about how inpatient programs were not covered. Do you have some of those same struggles with your juveniles?

Ms. Duffy:

We definitely have a struggle. I have had a struggle here in Clark with dual custody kids, who are foster kids who are also on the juvenile delinquency side with inpatient drug treatment programs, to the point where Clark County was making a contract to pay just straight county funds to get a child assistance because the only in-state provider that would take a child inpatient for drug treatment did not take Medicaid.

Senator Harris:

This question will be for both Ms. Duffy and Ms. Scott. We heard a little bit about national disparities in sentencing and in certifying. Are either of your offices tracking whether there is currently a disparity here in Nevada in our own practices? Are there any efforts to be proactive and do our best to ensure those disparities are not creeping in?

Ms. Scott:

Our prior case management system did not have the ability to track the information that would be utilized to establish any kind of a racial bias or disparate treatment among our youth. The new system that has gone online this week has the ability to do just that. Washoe County is moving forward with an ability to identify our youth, not only by gender but by other ethnic categories, and be able to pull the data to see if we have any disparate treatment. I know that when my deputies or I am charging a case, we do not look at the race of an individual. That information is buried in the police report on biographical information. What I am looking at is the nature of the offense. I think where we may see some disparate treatment, however, is in the ability for our families to access resources outside of the criminal or juvenile delinquency systems. If the families have access to therapeutic services and/or private placements, that will mitigate the need to use correctional placements or detention facilities or the judicial and juvenile delinquency system to access those services. It is definitely something to look at, moving forward. I am not aware of any current information that I can pull from our system to answer that question.

Ms. Duffy:

I am going to say with absolute clarity, it is disproportional in Clark County. There is no denying it. I believe part of the presentation from CCDJJS highlighted it. Having said that, my office actively participates in the diversionary programs which are assisting in cutting down the numbers. School districts expel and suspend children at a very disproportionate rate. The SJP is addressing things such as the code of conduct, restorative practices, and not sending low-level offenders to the juvenile justice system. We know that there is an issue there as well. We are working there at those grassroots misdemeanors—and some felony, gross misdemeanors that are nonviolent offenses—to try to get those out of the system and allow those families to access services without coming in. As I start getting into cases that involve firearms and robberies and cases that involve murder and attempted murders, it is not as easy to divert those cases. They come in as we get them, as Chief Scott said, they come in from law enforcement. The demographic information is buried somewhere in a police report. We do not go looking for it, but I do not have a mechanism of capturing it. I rely on CCDJJS's case management system to tell me what the numbers are.

Senator Harris:

I appreciate your frankness and honesty, and I am probably just as sure that there are disparities in the north as well. I think that is just a feature of our system and not on any individual specifically. I would encourage you both to try to be as proactive as possible because complacency is what leads to these disparities—not necessarily intentional acts on the behalf of one individual DA on one individual case. Absent an intent to chase down these gaps, they just continue to grow.

Mr. Whelihan:

We are aware, and we are recognizing the racial disparities. We have created a diversity committee where we use data and are creating processes within our own systems. We know they exist. We have started a continuous quality improvement (CQI) division to look at the impacts of decision making based on a racial lens. We are being very proactive, and we are going to do our best.

Senator Pickard:

I will say, having been a member of the SJP from its inception, I want to applaud Chief Duffy and Assistant Director Whelihan for your participation and the great progress you have made. That would not have happened had it not been for your participation. I will make a shoutout to Jack as well because that has made great strides in addressing the issue. Obviously, it has not been fixed yet. I do not know that we will fix that in our lifetime, but we will certainly try. My question goes to the concentrated cannabis. This is something I have personally been connected to through my work with youth recovery programs. My wife and I facilitated a 12-step group for youth for many years. In the process, we did a fair amount of research into things like marijuana as a gateway drug. From an anecdotal standpoint, we spent time with literally hundreds of kids. Without exception, all the kids that were suffering with drug addiction or any kind of substance abuse started with marijuana. In any event, my understanding is there is a pharmacological difference between, as Chief Scott said, the green, leafy substance and the concentrated THC that we see in these wax pens. There is an associated difference in how it affects brains. Assemblywoman Monroe-Moreno suggests that there is a 1/8-ounce cutoff for those. Is there any evidence in the record that we have so far to suggest that any amount is tolerable, or we have a threshold after which the damage is done? Is there any kind of evidence to support that or is that?

Maybe that is a question for her, but is there any evidence to support deviation from what we are currently doing?

Ms. Duffy:

Chief Scott, I am going to pass that question to you because while we believe we could file, we are diverting those cases at this point. It is sort of what Washoe is doing. I am not sure if there is an answer to your question, at least not from my perspective. I will see if Chief Scott has one, but we are diverting them so that they can get the full assessments and determine what is needed to treat that child. If they continue to come back to the system, that is when we would ultimately file.

Ms. Scott:

I do not know that it is a one-and-done situation. In speaking with our clinicians at Quest Counseling, which is our residential program who treats most of our youth, they have articulated to my department that they have seen differences in the way that youth respond to concentrated cannabis, the way the brain responds to the concentrated cannabis, as opposed to the green, leafy substance. The percentage of THC in most of the vape pens that I have seen coming out of the high schools, middle schools, and even some elementary schools, is 65 to 85 percent THC, which is about four to five times the concentration of THC that you find in a very well grown, green, leafy substance. I cannot say that it is a one and done and the damage is done. It is a situation where damaging occurs much more quickly, and we want to—no pun intended—nip it in the bud. We are seeing vape pens being sold on school grounds. They are being used on school grounds. The gummies are being brought in. Kids are overdosing because friends or family members have given or bought the cookies, the gummies, the pens, and our youth are suffering the consequences. Those are the reasons why we differentiate between the THC concentrates and the plant material.

Senator Pickard:

Ms. Duffy, I am aware that we try to divert 100 percent if we can. What I was not aware of was that CCSD is not referring those to the juvenile program. Is that by design? Is that by policy, or is that just an issue of happenstance? Maybe they do not have the manpower. What is driving that? I was not aware of that.

Ms. Duffy:

I have a clarification. When you say not referring “them” to the juvenile program, do you mean citations for the THC?

Senator Pickard:

Correct.

Ms. Duffy:

Yes. they are referring, but they are going to diversionary services or for first-time offense under the SJP, they could do school-based services. It is up to their discretion as a law enforcement officer. They are still being seen. It is one of The Harbor’s top two charges. It used to be one of our top file charges, but we are using the program because in Clark, we say, “Does this child need a probation officer, or does this child need an assessment and services?” For something like that, that is something we see that borders on a first offense—maybe on a second offense—as somebody who needs an assessment and services,

and those are best done by the programs that we build up outside of the court system. But they eventually could become part of the court system as they do not accept those services or the services do not change the behaviors.

Senator Pickard:

Thank you for that because I was a little alarmed. I had interpreted what you said as they are just keeping it in house. They are not saying anything, and that is not my understanding of how that should happen. I appreciate the clarification.

Assemblyman O'Neill:

I am not sure this question can be answered. We have talked a lot about Washoe County. We have talked about Clark County. I am just curious. Do we have any numbers? How are the juveniles being treated in the rurals? Do they have diversion programs? What about their arrests? We have 15 other counties to deal with. I know the numbers are not there, but I would be curious to see where they stand on some of these issues too. I know we have Washoe, Clark, and DCFS, if they could chime in? Can anybody give me any assistance or information on the rurals, the 15 other counties?

Ms. Duffy:

It may help you to know that myself and Washoe County DA's Office, as well as the DA out in Carson City, routinely spend time together on Teams discussing issues. I cannot speak for the other 15 counties obviously, but I can say that they are, at least in Carson City, facing similar issues that we have and having the same type of diversionary programs, not as robust say as The Harbor, but they are diverting more children and seeing the same amount of top offenses within their county. We spend time talking to each other about how we operate, how we process cases, and what we are seeing within our counties.

Ms. Florez:

I wanted to add that also in our state, as Assistant Director Whelihan mentioned previously, we have the NAJJA, where all the chiefs, assistant chiefs, detention managers, and other other staff across the state who work in juvenile justice, including state membership, discuss juvenile justice matters. Just from that interaction, it is very clear to me and others that the rurals also participate in active diversionary practices. There are unique constraints and resource issues that are unique to rural agencies. We are required to annually report our diversionary numbers to the state. The state does have access to that data on an annual basis.

Assemblyman O'Neill:

Thank you. I appreciate that. You said "unique." I guess that is what I am looking for: some of those unique differences and how they are handled out in the rurals, and are we meeting the juveniles' needs to ensure that we do not have them as adults? That is what I am trying to drill down to.

Ms. Florez:

I believe on the JJOC, there is a member, Commissioner Pauline Sala, who routinely speaks on behalf of the rural jurisdictions. She is over in Humboldt County. If, at any time, this Committee wishes to have specific information about how the rurals are managing their

diversionary practices, I am certain that she, on behalf of the rurals or through NAJJA, can provide that information to this Committee.

Assemblyman O'Neill:

Maybe at the next meeting or in the future, we could have a comment made or presentation on the rurals by Ms. Sala. Is that correct?

Ms. Florez:

Yes. Director Pauline Sala from Humboldt County.

Chair Scheible:

It sounds like Ms. Sala was invited to this meeting and maybe was not able to make a presentation or able to send anybody from NAJJA; however, if I am wrong, and someone is here and wants to make a comment, now would be a great time. Otherwise, I would encourage them to follow up with Assembly Member O'Neill, and of course we would welcome them at a future meeting. I am not seeing anybody hopping up or calling in, so I am thinking they might be listening in from the Internet. Are there other questions from our members in Carson City or anywhere else? I am not seeing any. That concludes [Agenda Item VII](#). Thank you for your presentations and all your hard work. This brings us to our lunch break. We are going to take a 40-minute break. I am going to ask everybody to be back here at 12:30 p.m.

[Chair Scheible called for a recess.]

AGENDA ITEM VIII—PRESENTATIONS BY PUBLIC DEFENDER JUVENILE DIVISIONS: SYSTEM OVERVIEW, STATISTICS, AND LEGISLATIVE REVIEW

Chair Scheible:

We are going to call this Committee back to order. We are on [Agenda Item VIII](#), our overviews from the public defender's offices.

Kendra Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

I have the pleasure of presenting on behalf of our office along with Jennifer Fraser, who is the Chief Deputy Public Defender of the Juvenile Division in Clark County, about the legislative updates, recommended legislation, and trends that we have seen ([Agenda Item VIII](#)). I will turn it over now to Jennifer Fraser to discuss an overview of the Clark County Public Defender's Office.

Jennifer Fraser, Chief Deputy Public Defender, Juvenile Division, Clark County Public Defender's Office:

Thank you for inviting me today to discuss the topics of juvenile justice specifics for our office. I have been a public defender for a little over 15 years. I have been in the position of chief deputy public defender, the supervisor at our office, for the past three years. To give a little bit of information about our office or just juvenile court in general, all children who come before the court when a petition is filed are appointed counsel, whether it is a misdemeanor, gross misdemeanor, or a felony offense. In juvenile justice court, counsels stay on, unlike other jurisdictions, post disposition. If there are issues after the dispositional

hearing—a dispositional hearing is akin to a sentencing hearing in the adult system—counsel remain on the case for issues while the child is on probation. If there are restitution issues, placement issues, a whole host of issues come up after a disposition, and our office remains on the case for those. Our office has 12 attorneys, including myself. We have four attorneys that are specifically devoted to the certification and juvenile sex offense cases. Those are a specialization within our specialization of juvenile defense. All of our attorneys handle multiple specialty court calendars that we have in juvenile court. I will list those for clarification. We have certification calendar. We have mental health calendars, which primarily deal with placement issues. That has been a topic brought up throughout the morning about difficulties with competency and severe mental health cases. Those cases end up on that calendar. There is a juvenile sex offense calendar and a sexually exploited youth calendar. There is a dual status calendar. Dual status describes children who are both in the systems of juvenile delinquency and dependency, so an open CCDFS case as well as delinquency. Those youth would have both a probation officer and a CCDFS caseworker. The goal is to have all parties work together. That is a newer calendar in the past few years. There is a drug court calendar, a restitution court calendar, as well as a day court calendar, which deals specifically with youth who are on the autism spectrum. We have a total of 22 employees, including investigators, social workers, secretaries, and clerks.

To go over some data with regard to our more serious cases that we handle, in the 2021 calendar year, we handled approximately 70 certifications. Those are cases that did not necessarily end up certified but where the State sought certification. We had approximately 112 juvenile sex offense cases. In 2020, as discussed earlier, that was an anomaly with lower cases. However, we did have 65 certifications, so that number was not that different from where we were last year. We had 136 juvenile sex offenses. In 2019, we had 70 certifications and 158 juvenile sex offense cases. These are just cases that our office handles, but you can see the certification numbers always hover around 65 to 70 and there is some variation within the sex offenses. I will turn it over to Ms. Bertschy to discuss the Washoe County office.

Ms. Bertschy:

I think Ms. Fraser did a great job, and you have heard from the other presenters about what we do with the public defender's office when we represent our clients involved in the juvenile justice system. The biggest difference between our office and Clark County's office is obviously the number of attorneys. We only have three attorneys who are designated specifically to juvenile justice. They are the attorneys to handle any case that comes in with a minor child who is under the purview of the court system. That does now include those temporary protection orders (TPO) hearings as well. There are only three attorneys that we have designated just for those positions. Because there are only three, we do cross train and so our attorneys are able to assist as needed. That is not our preference. Obviously, we want to have those who handle the juvenile justice issues covering those cases. As you saw in the presentation from the Washoe County DA's Office, we do not have a full-time secretary assigned. We have one who assists. We do not have a full-time investigator who just handles these cases. They also provide coverage for other attorneys as well.

I will turn to our next issue of discussing the legislation that was just passed. I will start with [SB 7](#) (2021). As a reminder, that is the TPO bill that authorizes those who are the adverse party to have counsel. Our office has been providing counsel to those children. Since January of 2022, we have had 18 cases. We conflicted off of three of those cases, which means that they went to either the alternate public defender's office or conflict council in order to assist those individuals. In hearing these cases, we are still working through some of the process issues. There have been some issues in terms of making sure

that we get notified in time before the hearing to actually meet with our client to go over the facts and figure out what defenses, if any, or how to proceed with that case. There are also some clarifications that we would like to see. We are working with stakeholders to find out if this is the best system in terms of the standard. Right now, it is whether or not it meets the satisfaction of the court. There are some issues regarding the delay between when cases are filed versus when the incident occurred and whether or not that needs to be added into statute to have some form of immediacy involved in these hearings. We still have concerns about invited conduct. Since the applicant is technically the parent—at least that is how it has been appearing in our system—and then that is not the person who is in the classroom potentially with the other child. There is still that issue of whether when that adverse party— The applicant is the one who reaches out to the adverse party. Obviously, if there is a TPO in effect, the adverse party cannot respond. We still have, especially with children, some issues of how this is going to play out. We have not seen a case that was dissolved has been sealed, so we are working forward with the courts, as well as will be reaching out to the central repository to make sure that is being done. It is a crucial issue to make sure that if this case was dissolved or did not go forward, that information is sealed so that it does not impact this child negatively. What I mean by “we do not know that it has been sealed,” is that we have not received a return from the central repository indicating as such. Jennifer, I do not know if you want to pipe in now about how your office is handling SB 7 (2021).

Ms. Fraser:

Our office is not handling these, but I did reach out to the hearing master. By administrative order, the hearing masters in our juvenile court have been responsible for handling these hearings since January 22, 2022. There have been 49—16 in April alone.

Ms. Bertschy:

I will turn to AB 158 (2021). This is the bill that we were just discussing a lot with the Clark County and Washoe County DA’s Office. What we have noticed as indicated by the Washoe County DA’s Office is that they are interpreting marijuana as not including all forms of marijuana. As part of our testimony on the bill, we believe that the intent was to include all forms of marijuana. The whole purpose is to make sure that we have equal justice and have a system in place so that all children who appear before the juvenile courts, whether it is in Clark County, Washoe County, or in any of the rural jurisdictions, know what the penalties are, what they are facing, and that they are evenly distributed. Unfortunately, we do not have the same diversionary programs like The Harbor up in Washoe County. This is a very important issue because children who have a vape pen on campus are facing that felony charge, which of course has a whole slew of issues which we believe that we had resolved with AB 158 (2021). We have already been working with the DA’s Office, and we will continue to try to work with them, as well as Assemblywoman Daniele Monroe-Moreno, to make sure that we capture these individuals correctly. To respond to some questions that I think I might be asked, what we are hoping to do is have it treated the same as marijuana so that the children would be receiving some form of informal probation. It is not that someone who is caught on campus with a vape pen does not face any penalties or any treatment options; we just want to make sure that it is treated the same way as we had anticipated with AB 158 (2021).

Ms. Fraser:

I echo everything that Kendra just testified to regarding the disparity and treating marijuana versus the marijuana concentrate. We heard testimony earlier from DA Duffy

indicating that this is not a present issue in our jurisdiction and that we are not seeing these charges, although her testimony was that she does believe, with the current law, that she does have the authority to do that. I would welcome the fix and to look back at the legislative intent of AB 158 when that was enacted in 2021.

I would like to move on to our discussion about AB 132 (2021). Assembly Bill 132 was 2021 legislation which simplified the Miranda Warning for youth. I do not have any specific feedback about this change other than that it is very appreciated to see developmentally appropriate language for our kids.

This is a good segue into talking about potential legislation to move forward from that change and to talking about ideas about enacting legislation which prohibits peace officers, law enforcement officers, from making false statements during an interrogation to invoke a child to confess. There has been recent legislation in both Oregon and Illinois that passed that in 2021. I do not think most people even know because I know when I am talking to my clients and their families, they do not understand that it is perfectly legal, perfectly acceptable, during an interrogation for an officer to tell a suspect, whether a child or an adult, that they have evidence that in fact does not exist, that they have video surveillance of a child committing a crime that does not exist, that they found the child's fingerprints in the room of a burglary that does not exist. The problem with that is that it leads to false confessions. We know that false confessions are more of a problem for youth than it is for adults. That is why this proposed idea for legislation is specific for kids to try to curb any type of false confessions. The goal is to reduce the likelihood of false confessions by prohibiting any kind of false statements being made during an interrogation. I will pass it along to Ms. Bertschy to discuss that as well.

Ms. Bertschy:

We would echo how important it is to ensure that our children are protected. I know that both Assemblywoman Krasner and Assemblyman Flores worked very hard in the last legislative session to ensure that our children are afforded all the protections that they can because of the unique circumstances that deal with having children with their brain development. We appreciate the hard work that has been done already in this area, and we believe that this is the next natural progression to ensure that our children have what they need when they are deciding whether to speak with law enforcement and one what information to provide them with. I will turn it back to Ms. Fraser to talk about AB 230 (2021).

Ms. Fraser:

Assembly Bill 230 (2021) is the legislation that has been discussed today that limited the number of direct files or auto-certifications depending on where in the state you are. As expected, we heard stats from Ms. Duffy earlier this morning about the certification numbers increasing. That was expected. When we were in discussions about this legislation, I noted, looking at a six-month snapshot from November 2021—the law was enacted in October 2021—seeing the difference in the immediate six months after. We are handling about 50 certifications. Comparing that to that same six-months snapshot, 32 and then 35. The numbers have increased to where I think we expected: approximately two to three extra cases per month. That is in line with what we have talked about. I wanted to discuss when we are eliminating direct files, the natural progression is that we are increasing certifications. The intent to eliminate direct files is the automatic transfer of a child into the adult system. Our office's goal, as well as Washoe County's, is to decrease overall transfers to the adult system, whether it is through an automatic process or the discretionary

certification process. There was discussion earlier about the racial disparity in juvenile justice. I think when you are looking at diversion cases which are the lower-level offenses, you will see disparity. As you go through the system to each higher level of care, probation, correctional placement, and then certification, I think you will see the disparity widen as you get more and more serious or to more higher-level cases. This is a snapshot of the cases from our office. This is not of the entire certification cases from the Clark County DA. Within our office, the 70 cases that we were appointed to in 2021, the numbers are clear. There are twenty-one Hispanic, 36 black, 10 white, 2 Asian American/Pacific Islander, and 1 Native American. Eighty-one percent of certifications are black and brown children, and 85 percent are nonwhite. That is a clear snapshot of racial disparity in the certification process. When we are looking at the petitions, a lot of people would think that the certifications are used for the worst of the worst, the more serious offenders. But, looking at the numbers, many of the cases that the state is seeking to certify to the adult system are on their first petition to juvenile court. That means those kids did not have any prior services from the court. They may have been through The Harbor, but they have never been before the judge. Those are first petitions, their first arrest, their first time in detention, and then those kids and their families are facing the certification and facing the adult system. Many of those kids can also be as young as 14 or 15 years old. The way the statute is written today is that any child 14 or older who is accused of committing what would be a felony offense as an adult is subject to discretionary certification. There is no limitation on what kind of felony offense could subject a child to certification. Of course, the majority of the ones that we see are robbery offenses or other offenses with the use of a firearm, but it is not unheard of to see nonviolent offenses facing certification—something like a possession of stolen vehicle.

Our goal is to reduce the number of children transferring to the adult system, and we have suggestions for that. We would like to see an increase in the minimum age for certifications and to reduce the numbers of first-time offenders facing the possibility of entering the adult system. We would like to see the minimum age increase from 14 and 15—I think we had approximately ten cases in 2021 of 14- and 15-year-olds facing certification—and to also limit the type of offenses the state can seek certification on to get rid of that broad discretion they have and limiting it to only violent offenses and the most serious offenses that we see. I will pass it to Kendra to discuss this topic as well.

Ms. Bertschy:

As you saw from the Washoe County DA's Office presentation, we do not have the same large number of children who are either being direct filed or having certifications. We do have some concerns about children who are in our Washoe County detention center when they face direct certification. I know that our office has worked a lot with the DA's office and the juvenile probation services to figure out ways to better assist those children. I know that is a topic on a different bill. I personally have worked with Chief Deputy DA Scott on some of these issues, and I have appreciated her willingness to work, as well as Ms. Florez, on figuring out the best ways to suit our clients and what best fits their needs as well as the needs of the facility.

I would like to turn to AB 251 (2021). This is the bill that Assemblywoman Krasner set forth about expungement and sealing. The same thing with this— We have had some issues that we have been able to work with the court on to make sure that this is being applied retroactively. We are still working with the programs. There is a struggle to make sure that this is being implemented and that it is being implemented as quickly as possible so that when the children in the justice system turn 18, they are able to now receive the benefit of AB 251 (2021) to get that second chance to seal their records. It looks like we are still

working on implementing it, and much more needs to be done with the court system to make sure that this is done in Washoe County. We look forward to continuing to work with the partners to make sure that our children are getting that second chance.

Ms. Fraser:

I am happy to report, as you heard earlier from Assistant Director Whelihan, that our jurisdiction takes this very seriously and is making efforts to make sure this is happening. Of course, there is a backlog, but they are always open to working with me, our office as stakeholders, and have contact people that we can contact to make sure this is rolled out. I am grateful for this bill. It is nice to be able to talk to our clients and tell them that their records are going to be sealed when they are 18 instead of 21. When you are talking to a 14- or 15-year-old, 21 just seems so far off. Being able to communicate that and let them know about the 18 has been a real pleasure.

Ms. Bertschy:

We wanted to share some potential ideas for legislation. In going along the lines of that last bill, now that the records are supposed to be sealed at 18, we have concerns with how this will impact a juvenile if they come back into the justice system as an adult. Currently, if somebody is convicted of a felony or gross misdemeanor at their sentencing, the division of parole and probation will provide what is called a presentence investigation report to the court. Contained in that presentence investigation report is someone's criminal history. Previously, the criminal history, depending on the person's age, may include some of their juvenile history. Someone could be before the court for a gross misdemeanor offense, and let us say they are 21, and their juvenile history—what happened before they turned 18—would be provided to the court. Given the posture of this Legislature and really wanting to ensure that children have second chances, we believe that the next progression would be to ensure that the juvenile history is not allowed to be provided in that presentence investigation report. We believe that could be done through [NRS 176.145](#), which discusses what can be contained in that presentence investigation report. It has been allowed to be provided to the court through [NRS 62H.030](#), which permits the inspection without a court order of records which have not been sealed. We are hoping that, in combination with those statutes, we can ensure that when those children are adults and have to come back before the criminal justice system, those records are not contained in a presentence investigation report. They should be sealed, and the following court should not have access to them just like if it was a 26-year-old going before the court, the court would not be allowed to see that prior juvenile history. I will turn it over to Ms. Fraser to discuss consent decrees.

Ms. Fraser:

We have some ideas on improving the consent decree, but first I will explain what a consent decree is. Pursuant to [NRS 62C.230](#), you will find the statutes headed under the informal supervision. You have heard a lot about diversion and informal supervision. Consent decree is considered an informal supervision, but it is under the heading of the court being able to refer for a consent decree. Specifically, the statute allows for the DA to file a delinquency petition with the court. These are cases that are out of The Harbor, out of diversion court, and the statute provides that the court has options to either dismiss the petition and refer the case to probation for informal supervision or place the child under the supervision of the court by way of a supervision and consent decree. In these instances, the child is not adjudicated delinquent and not placed on formal supervision. This type of diversionary tool is particularly helpful for jurisdictions not in Clark County. As you have heard all morning, we have a lot of diversionary practices. The harbor helps us out. I have been at the public

defender's office since 2006 before The Harbor. A lot of our low-level cases that are now being held handled in The Harbor were consent decree cases. I think the consent decree would be a useful tool for our other jurisdictions, including rural jurisdictions. There is an issue within the statute that, although it allows the court to refer for informal supervision, the DA has to provide approval. We believe that poses separation of powers issues and that it is not giving the court the power to do it, it is giving the state the power. I know that has raised some issues in Washoe County.

Ms. Bertschy:

That is exactly what was just discussed. We believe that this is a tool that can be used by judges to make sure that cases are receiving those informal treatment. Our goal with what we are hoping to see in proposed legislation is just giving that power and that discretion to the court. What is set forth in subsection 1(b) of [NRS 62C.200](#) requires the written agreement from the DA. We believe that is a violation of separation of powers, which is exactly the issue that this body took up in the 2019 Legislative Session based off of the Hearn decision with [AB 222](#) with the veterans court program. We are hoping that this body would look into that issue to give more discretion to the court to utilize those consent decrees for those jurisdictions that do not have the amazing diversionary programs like they do in Clark County. We are hoping that this would help to increase access to justice and present more equal opportunity for all of the individuals across the state to have that ability versus just those in Clark County.

For our next suggestion for potential legislation, we would like the court or the Legislature to consider actually imposing some probationary term limits. Currently, there is no defined term limit in juvenile justice cases. For example, a 13-year-old— there is nothing in statute that says that if they come before the court at age 13, when they would be off of probation or even when they could be looking at being off of probation. Other jurisdictions—and I am happy to provide more information to the members of this Committee—have set various different terms. Some of them are six-month terms. We do not have the best answer yet for this body of what we think would be the model legislation, but we think that based off of what had occurred with [AB 236](#) from the 2019 Legislative Session, this is also a natural progression of that bill to impose some probationary term limits in these cases so that we can have that information for children who are involved in the system.

Ms. Fraser:

We would echo those sentiments currently in Clark County. We do have term limits. The average is six months for the average case. More serious cases could be up to 12 months. Per statute, some juvenile sex offenses are 36 months, and then others would be anywhere from one to three years. We are a jurisdiction that has term limits. As Kendra indicated, there is nothing by statute that guarantees that. We would like some statutory help with that. Related to probation term limits is what we see as an issue with restitution and probation. Currently, probation terminates when all terms and conditions of probation are completed, except if a child has a restitution balance. There has been legislation within the past several years that allow the juvenile court to issue a civil confession of judgment for any of those outstanding balances for fines, fees, and restitution once the child turns 18. But, you have children who might have committed an offense that caused damage when they were 13 or 14, and they would remain on probation until they are 21 or until 18 when a civil confession of judgment would be ordered. This impacts children of lower socioeconomic status. If a child struggles to pay or his family cannot pay, that child stays on probation longer than a child who has means and can pay. Our request is that a child will not have to remain on probation. If restitution balance is owed, it would not eliminate the

restitution order. It would not eliminate the ability for a civil confession of judgment to be triggered at 18. It just allows the child to terminate from probation. I would note in the adult system, adults who have not paid off their restitution balance do not remain on probation or parole. We think this would be a positive move forward for our kids. I heard Assistant Director Whelihan talk about incentives for kids, and it is a huge incentive to finish probation to know that you accomplished it and did not get into trouble. You completed all your terms. I think it is an anchor on a child to keep them on probation for potentially years, even if they transfer to a probation without supervision, that is still an anchor on that child simply because of a financial issue.

That is it for our suggestions. We have some closing thoughts regarding our kids and mental health. I know in the news recently, there have been a lot of stories about issues in school and increased incidences of violence. I do not think that can be discussed or looked at without talking about mental health. I think that is something that all the presenters can agree on today about the increased need. With our kids mostly being out of in-person school for almost two years, what we know, what the social science and the brain science tells us, is that kids learn from each other socialization skills and emotional development skills. That just was not happening for the past two years. We have kids who went from elementary school right into middle school during the pandemic. We have kids who jumped from middle school to high school. Those are huge milestone developments that were happening in those periods, and it just did not happen with them together. They were in isolation. They did not have the extracurricular activities. They did not have the mental health services in place. I think we are seeing the effects of that. Kids are stuck in homes and as we know, a lot of those homes are not positive places for those kids. We know that a lot of our citizens have struggled during the pandemic. There have been recent articles talking about Las Vegas being one of the most stressed cities in the country. Those are our kids' parents. Those parents were having stresses from finances, were out of work, and had COVID-19 health concerns, and all of that is being absorbed by the kids at home. When we see these increases in mental health issues and violence, it is unfortunate it is happening. I do not think it is a surprise, knowing what we know and what we have been through for the past two years. Recently, I was in court this week, and a child was struggling with some academic issues. The judge reference that a lot of our kids are having to catch up academically from the past two years. I think they also are catching up socially. I think that we need to allow them to do that developmentally and increase services for them to help them succeed and to catch up from the past two years.

Ms. Bertschy:

We hope that when this legislative body is considering your BDRs for juvenile justice, keep in mind that mental health needs to get to the forefront and that we need to provide more services to these children. We need to figure out how to get them more services in Washoe County. I will echo the statements that were said before about how difficult it has been to keep kids in Nevada receiving treatments, especially with important programs like Hand Up Homes being closed. This is something that we hope you are willing to look into, and we hope to continue to work together to step up for our children. The future obviously depends on ensuring that we invest in our children to make sure that they grow up to be the best citizens that they can be so that Nevada will continue to thrive rather than suffer. We hope that this answers some of the questions on what has been going forward after the last legislative session. If you have any questions, our contact information is provided in the slides. We would be open to any questions that the Committee has.

Chair Scheible:

Thank you both so much. That was really informative. I appreciate your suggestions at the end because as you know, this Committee will be looking at some BDRs in August. It is always good to get started on that earlier rather than later. Do members here in Las Vegas have any questions?

Vice Chair Nguyen:

Can you clarify? You were talking about juvenile records being included in the presentence investigation report. I thought we do not include them in the presentence investigation report any longer.

Ms. Bertschy:

What we have seen is depending on the adult's age, if they are under the age of 21, it has been included. We are hoping that AB 251 (2021) will solve some of those issues. We just want to make sure that it is very clear that it cannot be included in the presentence investigation report regardless of how old that individual is.

Vice Chair Nguyen:

Are you seeing that? Because it was my understanding they should not be included as of the first of the year. Are they still being included in presentence investigations reports?

Ms. Bertschy:

I cannot answer that as of the first of the year. It is my understanding that it was, but I will get back to you just to make sure. I have not seen it in any of my cases, but this was something that my office has put forward as something that was important. I will double check and get back to you.

Ms. Fraser:

I know that was an issue that we put on our radar at the beginning of the year to look out for. I did not specifically, when working on this presentation, get to talk to Mr. Piro about that. I can follow up. We heard testimony earlier that there is a backlog in sealing. They started with the 2020 to 2021 and 2018 to 2020. I think there is potential that those records of that age group that have not been sealed could still be making it on, but I do not have specifics. I will talk to Mr. Piro, and we can get that information.

Vice Chair Nguyen:

Thank you. That would be great if you could follow up. I am sure the other members want to make sure that the legislation we passed is actually being implemented.

Chair Scheible:

Indeed. I do not see any other questions here in Las Vegas. Do we have any questions from Carson City? I do not see anybody raising their hands. Do any of our members online have any questions for these presenters?

Assemblywoman Summers-Armstrong:

Just a quick clarification. Pardon me for asking you all to back up just a little and explain to me the vape pen. I know that we had passed legislation that was sponsored by Assemblywoman Daniele Monroe-Moreno. Could you please explain to me what is going on with that? What is the differentiation, and how is that being handled?

Ms. Bertschy:

I will join in since this is right now what I have seen as a Washoe County issue. The DA's Office is deciding that there is a difference between marijuana versus a vape pen, so concentrated cannabis. The statutes do allow for them to not utilize Assemblywoman Daniele Monroe-Moreno's bill and everything being in that diversionary state of having the informal probation when it is a vape pen. If someone is on campus with the vape pen, they are facing that felony charge rather than getting that benefit of having it treated just like marijuana.

Assemblywoman Summers-Armstrong:

Thank you. For a little further clarification, was this an unseen consequence from that law? Was it unexpected that the concentrate could be excluded, or is this people having the agency to decide?

Ms. Bertschy:

I can say based off my recollection of all the discussions regarding AB 158 (2021), there was not a distinction between concentrated cannabis and marijuana. It is my understanding that the intention was to encapsulate all forms of marijuana to be utilized under this bill to make sure that all children across Nevada are receiving equal forms of treatment in terms of how their cases progress. I think that it is an unforeseen issue that is now coming forward, especially when you look at how it is just being resolved across the state. I welcome the remarks that were provided by Assemblywoman Daniel Moreno-Moreno regarding the intention. I hope that either her or this body does look into fixing that issue.

Assemblywoman Summers-Armstrong:

Thank you. I appreciate that because when we were discussing it in session, I did not think that there was any delineation. I am kind of surprised, but I appreciate the clarification.

Chair Scheible:

Thank you for asking that question. I do not see any other questions in Las Vegas, Carson City, or online. That will conclude this presentation and [Agenda Item VIII](#). Thank you so much for joining us.

AGENDA ITEM IX—PRESENTATION ON PAST JUVENILE JUSTICE INITIATIVES AND FUTURE GOALS OF THE AMERICAN CIVIL LIBERTIES UNION (ACLU)

Chair Scheible:

That will move us to Agenda Item IX, an update from our friends at the ACLU.

Holly Welborn, Policy Director, ACLU of Nevada:

Thank you for inviting me to come and talk a little bit about some of the work that we have done in this arena. I want to say at the outset that I adopt every statement that has been made by Ms. Fraser and Ms. Bertschy. Those are different issues that we also work on and support several different entities, such as Mass Liberation Project, our colleagues at the public defender's offices, in moving forward with a lot of those policies. We also recommend the legislation that was brought up through that presentation, but I want to focus on the other consequence. When we are talking about these direct file and certification statutes, we also need to consider where we are housing young people who have been tried as adults. This is a project and an issue area that we have been working on for about 15 years and have been trying to change our statutes to address this issue.

I am going to spend a lot of time talking about background because I think it is important for the Committee to understand the origins of this issue nationally. Some of the case law is very important for our analysis and what we are looking at, and understanding where kids are currently housed is also incredibly important. When a child is sent to the adult criminal legal system either through the direct file statutes or the certification process, those young people are automatically sent to an adult correctional institution. Pretrial, in Clark County, a young person is sent to the youth pod. We have seen the youth pod. We have been in the youth pod. There is educational instruction and other more age-appropriate activities for those individuals in Clark County. When you branch out to, let us say Elko County, young people are held in isolation units at one of the local jails pretrial due to PREA and other federal laws. That is the same case for Washoe County, where currently, there are not any suitable facilities for young people who are sent to the adult system. The alternatives would be putting those young people in the infirmary while they await sentencing. Fortunately, Jan Evans and the juvenile justice institutions up in the north do retain kids pretrial at the youth facility until they are sentenced as a matter of policy, as a matter of practice.

We talked a lot earlier about the many discoveries and adolescent brain science that demonstrate that youth are physiologically and psychologically different from adults. This discovery has led to many reforms in the juvenile justice system, including limitations on solitary confinement of youth, the abolition of the death penalty for juveniles, and ending life without parole sentences. The end of life without parole for juveniles is operative in our consideration when we start having this conversation. A lot of the times, when I engage with lawmakers on this particular issue, people really focus on the intensity or the egregiousness of an offense that leads a young person to end up in adult court. The response to that is we have effectively, through U.S. Supreme Court precedent and through state law, have abolished life without parole for juveniles. The landmark case of *Miller v. Alabama*, 567 U.S. 460, held that the imposition of a life sentence for juveniles is a violation of the Eighth Amendment. Subsequent case law in *Montgomery v. Louisiana*, 136 S. Ct. 718, expanded this in states that youth at the time of offense weighs in favor of parole. This means that every young person who is transferred to the adult system will eventually have a parole date. They will be released to the community. Right now, in the places that we house young people and the manner in which we try to meet those young people's needs, we are not preparing them to enter society because they are living in isolation. All stakeholders agree. We have been working on this project for a long time. We issued a report, which I have submitted for the record, so all of you should have received a copy of that. It is called *Youth Confinement in Nevada* ([Agenda Item IX A-1](#)). What we ended up doing was an assessment of most juvenile institutions throughout the state, those that are most likely to house one of these young people when they are transferred over. We used a minimum standards assessment, not the best practices standards assessment. I want to make that entirely clear that our analysis back in 2018 when we looked at this— We were

not in there looking to see whether or not juvenile facilities in Nevada are perfect or meeting best practices standards, but rather are they meeting minimum standards to meet those physiological and physical needs of a young person in order for them to appropriately develop and to be successful for life outside of prison. Our conclusions at that point were that adult institutions are not an appropriate placement.

Let us start by looking at Lovelock Correctional Center (LCC). Once a young man is sentenced, they are sent to the NDOC, and they are put in the youth pod at the LCC. That is a private unit at any given time. There are about 18 to 23 boys who are living in that unit. When we first embarked on this project, the conditions were very poor. Because it is in an adult facility, PREA requires sight and sound separation between young people and other adults. That sight and sound separation can be accomplished either through isolating young people away from the adult population or by having appropriate staff ratios. Due to budget constraints, there are not appropriate staff ratios at LCC for young people to engage in programming throughout the day. We were looking at kids in LCC spending anywhere from 20 to 23 hours in that isolated unit amongst themselves every single day, with only one day of outdoor recreation because the practice is to shut down the entire facility in order for the boys to go outside and get some physical exercise. When we first started looking at this, under the leadership of former Director James Dzurenda from NDOC, we had a conversation about what we can do to more humanely address the needs of young people. It was very much his position at the time that the NDOC and LCC was not at all the appropriate place for these kids. In here, today, I am yet again testifying at an interim committee about these young boys who are living in a place that they should not be living.

As for young women, young women right now, once they are sentenced, they are transferred out of state. There is no placement for young women in-state, so they are sent away from their families, mostly in Arizona right now. At one time, there was some discussion of placing a portable housing unit on the campus of Florence McClure Women's Correctional Center. There was one girl at the time who qualified. She would have lived in isolation for three years until she reached the age of majority. That is the picture that we are painting here of how we are failing young people by keeping them in adult institutions. When all of the evidence suggests that retaining young people in juvenile institutions, regardless of whether they have been transferred to the adult court, is better for public safety. In Washington State, the recidivism rate for young people dropped by 25 percent. In the state of Oregon, the recidivism rate dropped by 20 percent. In Virginia, it dropped by 30 percent when they retained youth. The outcomes for those young people were exponentially better.

We are grateful for the number of stakeholders who have come to the table on this issue. We have talked with the DA's. We have had conversations with the JJOC. What ends up happening is we keep coming back to the Legislature with proposals, proposals to review and analyze what bed space looks like, what the cost would be to transfer funding from, let us say the NDOC to DCFS, in order to find more appropriate placement. I do not think that there is anyone who agrees that adult institutions are the right place, but the disagreement is, what will this cost and what will it take? Some of the background here— There has been a lot of legislation that has sought to outright outlaw the practice of sending kids to adult correctional institutions. There have also been bills that have been proposed to retain them in the juvenile institution until they have been sentenced. There have been lots of different creative ideas. Really, what it comes down to is, how are we going to analyze bed space and shift funding around in order to make this possible? There are now a total of 19 states that retain youth in juvenile correctional facilities, and they are seeing a lot of success. There are a lot of different models. A couple interims ago, we brought some folks out from Washington and Oregon, and they testified before the CWJJ—the former interim committee

that Mr. Guinan spoke about earlier—and talked about the success of those programs and the different models that exist to get this off the ground. Some states will have correctional officers from the department of corrections who actually work in the juvenile facility to work with some of these kids that might have more egregious offenses and need different therapeutic services or level of supervision. But, by and large, there is no difference between a child who commits an offense that gets them transferred into adult court and a child in the juvenile system. Fundamentally, the way that they learn and develop and the needs that they have are all the same.

Where are we at now? To the demographic conversation, I wanted to point out some of the racial disparities of the LCC boys in particular. Eleven percent of the population are white, compared to 48 percent of the general adult prison population that are white; 61 percent are black, compared to 14 percent of the adult population that are black; 22 percent are Latino, compared to 29 percent of adults; and 6 percent are Asian, compared to 3 percent Asian in the adult population. It is not only racial disparities in the way that we sentence youth. Compared to the adult prison population, we are seeing that these transfer statutes get these kids into an adult correctional facility for crimes that mostly include robbery with use, which is a deadly, serious offense, but we are talking about moving boys to the prison that houses convicted sex offenders. This is the system that we have set up in the state. With stakeholder help, last session we pushed SB 365 (2021) ([Agenda Item IX A-2](#)), which would have established a pilot program that would have moved ten of the boys down to one of the DCFS facilities. Unfortunately, that bill did not move forward. It had a \$2.4 million fiscal note in order to establish the program. The backup bill was to keep this conversation going and to really understand what beds are available, how much will it cost, what types of cost-sharing agreements can we enter into between the NDOC and juvenile service providers? We were able to push through SB 356 (2021) ([Agenda Item IX A-3](#)), which requires JJOC, NDOC, and DCFS to analyze those points, so we can start moving this forward. There is also SB 357 (2021) ([Agenda Item IX A-4](#)), which requires NDOC to keep various data on the young people in their custody.

The ultimate goal and aim is exactly what are our friends at the public defender's offices have said: that we have to do everything we can to limit transfer—period—but we also have to do something to address the inhumane conditions that young people are living in the State of Nevada and the systems that we have set in place. We can do that through legislation. I do think that passing a bill that is requiring the state to retain youth, at least presentencing, is incredibly important. Of course, we will need to advocate for budgetary considerations to get some of that money moved in order to find bed placement in a more appropriate and suitable institution for young people. We are open to talking about things like what Ms. Duffy had talked about regarding looking at different sentencing structures to retain youth in juvenile institutions, but by and large, we have pushed this out for several interims. It is time to get moving on this. I am happy to talk to any members of this body. I think really diving into some of the data from other states to see the success of this program can make people feel more comfortable with it. It is past time that we find a solution. With that, I will take some questions. Thank you.

Chair Scheible:

Thank you so much. Are there questions from Las Vegas? I am not seeing any. We will go to the Internet first. Do any of our members online have any questions?

Assemblywoman Summers-Armstrong:

Can you give me an idea of what we are talking about, timewise? On average, how long between the time that a child has been arrested and is in custody and when they go to trial and can expect to have a verdict? Just so I know how long we are talking about retention in youth facilities if we just did the one thing, which was retention in the youth facility if they are convicted. Can you give me an idea about that?

Ms. Welborn:

Sure, I can give a loose idea. We did get some presentations from the counties with some of those stats earlier today. I think they were in their presentation, so I can get the concrete numbers for you. It does seem to vary county by county. For the certified youth, I believe what they had said earlier on the record was that it is about a six-week turnaround to go through the certification process before there is a determination to move the child to adult court. The turnaround for the direct files, the kids who commit offenses that automatically send them to the adult institution— I do not know that people spoke to that, but I think it is within a matter of a week or a few days once they make that charging decision.

Assemblywoman Summers-Armstrong:

You had mentioned before that you all would like to see legislation that does not put juveniles in adult facilities at all, as an option, or retaining them in juvenile facilities presentencing. I am trying to figure out the period of time they would stay in the juvenile facility for the entire process, both during the process of certification or direct file and trial. How long are we looking at?

Ms. Welborn:

I think it is best for me to circle back and talk to our friends in the public defender's offices to get some more clarity. I think depending on the trial process and how long it takes to move through that—That proposal would be, if we were talking about something pretrial or presentencing, that timeframe between the moment that a person is charged and the moment that a person is sentenced. That can range from weeks to a few months.

Chair Scheible:

Are there any other questions from our members online? I am not seeing any. Are there any questions from our members in Carson City? I am not seeing any. Thank you, Ms. Welborn, for your presentation and, much like the public defenders, for providing us with some policy solutions for the upcoming session. We appreciate it and look forward to talking to you about them more. That concludes Agenda Item IX. that brings us to agenda item number 10 which is public comment again. Everybody wishing to make public comment. We'll have three minutes.

AGENDA ITEM X—PUBLIC COMMENT

Chair Scheible:

That brings us to Agenda Item X, which is public comment again. Everybody wishing to make public comment will have three minutes. We will go ahead and start with anybody here in Las Vegas. I am not seeing anybody in person. Is there anybody in person in Carson City wishing to make public comment? I am not seeing anybody. We will go to the phones. I have also been informed that we are on a little bit of a delay. We are going to wait about

three to five minutes with the phone lines open to make sure that there is nobody waiting to give comments. Is there anybody there already?

Jim Hoffman, Nevada Attorneys for Criminal Justice:

I would like to thank the presenters first, especially the public defenders and the ACLU. Mr. Whelihan, I found that presentation very interesting. My policy comment is about this issue with juveniles being in the adult system, being certified or direct filed up to adult court, and then being placed in adult detention facilities. There are a couple of numbers that I wanted to introduce into discussion from studies. Juveniles in adult prisons are five times as likely to be sexually assaulted as juveniles in juvenile detention facilities. Juveniles in adult prisons are 36 times as likely—36—to commit suicide as juveniles in juvenile detention facilities. Anytime a juvenile is sexually assaulted or commits suicide is too often. Those numbers are so severe, and those disparities are so severe. I think that imposes a duty on us to look for policy solutions. I think eliminating certification or restricting it more sharply and finding the funding somewhere for more dedicated juvenile beds are both morally incumbent on Nevada as a state. I would urge the Committee to look at those solutions. Thank you.

Broadcast and Production Services (BPS), LCB:

Chair, you have no more callers.

Chair Scheible:

Since our first caller was so brief, we are going to wait for a couple of minutes to make sure that there is nobody wishing to make public comment that is on a delay. We have been on the line for about four minutes now. Broadcast and Production Services, is there anybody else wishing to make public comment?

BPS:

Your line is open and working, but you have no callers at this time.

Chair Scheible:

Thank you for keeping the line open. That brings us to the conclusion of today's meeting. We have a twofer in May. We are meeting again a week from today on May 13th. We look forward to seeing many of you there again, as well as in June and July. Next week, we will have a little bit of a later start. We are planning to start at 10 a.m. on Friday May 13th.

AGENDA ITEM XI—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:46 p.m.

Respectfully submitted,

Julianne King
Assistant Manager of Research Policy
Assistants

Patrick Guinan
Senior Principal Policy Analyst

APPROVED BY:

Senator Melanie Scheible, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II	Assemblywoman Daniele Monroe-Moreno,	Written Testimony
Agenda Item IV A-1	Patrick Guinan, Senior Principal Policy Analyst, Research Division, Legislative Counsel Bureau (LCB)	Bill List
Agenda Item IV A-2	Patrick Guinan, Senior Principal Policy Analyst, Research Division, LCB	Report
Agenda Item V	Jacqueline Wade, Ph.D., LCSW, Deputy Administrator, Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS); David Laity, Youth Parole Bureau Chief, DCFS, DHHS; Leslie Bittleston, Social Services Chief 1, DCFS, DHHS	PowerPoint Presentation
Agenda Item VI A	Elizabeth "Liz" Florez, Director, Washoe County Department of Juvenile Services	PowerPoint Presentation
Agenda Item VI B	Michael Whelihan, Assistant Director, Clark County Department of Juvenile Justice Services	PowerPoint Presentation
Agenda Item VII	Brigid Duffy, Chief Deputy District Attorney, Clark County Juvenile Division; Shelly K. Scott, Chief Deputy District Attorney, Washoe County Juvenile Division	PowerPoint Presentation
Agenda Item VIII	Jennifer Fraser, Chief Deputy Public Defender, Juvenile Division, Clark County Public Defender's Office; Kendra Bertschy, Deputy Public Defender, Washoe County Public Defender's Office	PowerPoint Presentation
Agenda Item IX A-1	Holly Welborn, Policy Director, American Civil Liberties Union (ACLU) of Nevada	Report

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item IX A-2	Holly Welborn, Policy Director, ACLU of Nevada	Senate Bill 365 (2021)
Agenda Item IX A-3	Holly Welborn, Policy Director, ACLU of Nevada	SB 356 (2021)
Agenda Item IX A-4	Holly Welborn, Policy Director, ACLU of Nevada	SB 357 (2021)

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