

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Eighty-Second Session
February 14, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 8:01 a.m. on Tuesday, February 14, 2023, Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Elaine Marzola, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Venicia Considine
Assemblywoman Danielle Gallant
Assemblyman Ken Gray
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Selena La Rue Hatch
Assemblywoman Erica Mosca
Assemblywoman Sabra Newby
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Traci Dory, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Patrick Cates, County Manager, Douglas County
Jennifer Berthiaume, Government Affairs Manager, Nevada Association of Counties
Mary C. Walker, representing Douglas, Lyon, and Storey Counties
Cadence Matijevich, Government Affairs Liaison, Washoe County
Cindy Pitlock, Administrator, Division of Child and Family Services, Department of Health and Human Services
Sharon Anderson, Deputy Administrator, Juvenile Justice Services, Division of Child and Family Services, Department of Health and Human Services
Brigid J. Duffy, Assistant District Attorney, Juvenile Division, Clark County District Attorney's Office
Shelly K. Scott, Chief Deputy District Attorney, Juvenile Division, Washoe County District Attorney's Office

Chair Miller:

[Roll was called. Committee protocol was explained.] Today we have one presentation and one bill. We are going to take the agenda out of order and will start with the bill presentation on Assembly Bill 68.

Assembly Bill 68: Revises provisions governing the assessment imposed on certain counties for the operation of a regional facility for the treatment and rehabilitation of children. (BDR 5-438)

Patrick Cates, County Manager, Douglas County:

Assembly Bill 68 seeks to change Chapter 62B of *Nevada Revised Statutes* that deals with regional facilities for the treatment and rehabilitation of children. This particular section of statute only applies to one camp in the state: China Spring Youth Camp. China Spring Youth Camp is operated by Douglas County and is under the supervision of Judge Nathan Tod Young of the Ninth Judicial District Court. The employees at the camp are all Douglas County employees. Douglas County has been operating China Spring Youth Camp since the 1980s and it serves all the counties in the state with the exception of Clark County. Clark County operates Spring Mountain Youth Camp. The state has three different facilities that are similar to China Spring Youth Camp.

China Spring Youth Camp serves up to 56 youths at a time, both male and female, and it is routinely ranked one of the highest-ranked facilities in the state in terms of their outcome. What we are trying to do here is pretty straightforward. The current statute describes the funding formula for assessments for counties. The camp's budget is funded primarily

through assessments from appropriations from the state and assessments on the counties that it serves. It also receives grants, but those are the two major portions of funding.

Existing law for those county assessments is based on student population. What we are seeking to do with this legislative change is to change that formula so that half of the assessment is based on student population and the other half is based on utilization of the camp. That would be determined by the two prior complete fiscal years in terms of bed days and utilization of the camp. The reason that we are seeking to do this is that we have been working with the 16 counties that participate in the camp and going through a variety of issues to make sure that the camp is meeting its mission and meeting their needs. One of the topics that came up was the fairness of that assessment. Basing it on student population does not necessarily reflect how much the camp is being used by different counties. A lot of counties like having some of it being based on student population so that every county is paying something all the time regardless of utilization. But the other half being, if we change that to being based on bed days, it will not change the overall assessments to all counties, but it will shift the assessment between counties.

In the data set that we looked at [page 3, [Exhibit C](#)], there would be a slight decrease to Washoe County. They are the largest utilizer of the camp, but in proportion of the student population they do not send quite as many kids there as some of the other counties. Douglas County would see our assessment go up, as well as some other counties. What it does, in my mind, is help the very small rural counties. Some of those counties may go a few years without sending a kid to camp and it will decrease that assessment on them.

In a nutshell, we are just trying to find a more equitable distribution among counties to fund this very important program. I am happy to answer any questions.

Chair Miller:

Are there any questions from Committee members?

Assemblyman Gray:

Will this bill stabilize the operation? I am from Lyon County, Mr. Cates, and as you may know, we have fought with funding issues over the past few years. Do you think this will stabilize a little bit more?

Patrick Cates:

This bill does not change the overall funding for the camp; it just makes it a little more equitable for the county. You know, we did have some funding challenges in the last biennium; some of that was caused by COVID-19 and some from the state budget cuts. We addressed all of those. The state has been really good about restoring funding. I think going forward, we are in a good position financially. This does not directly impact that; it is more equity among the counties that participate.

Assemblywoman Bilbray-Axelrod:

I had a question on the breakdown of what we are spending. I am just curious, for each child, is that how it is broken down by county? Is that something you can do? I just want to get that number on the record, if you know it.

Patrick Cates:

I do not have a specific number per child. This is more the aggregate budget of the camp minus the state funding, and the rest is county assessments. I do not have a specific figure per child. I think the total funding of the camp, and I am doing this off the top of my head, is about \$5 million a year to fund the camp.

Assemblywoman Mosca:

Are all the counties in agreement with this formula? What have their reactions been to the change?

Patrick Cates:

We had robust discussion in the interim with participation on all 16 counties. We brought this language forward, talked it through, and looked at different models, and all the counties were in agreement with this language.

Chair Miller:

Not seeing any more questions, I will open it up for testimony. Is there anyone who would like to testify in support?

Jennifer Berthiaume, Government Affairs Manager, Nevada Association of Counties:

Thank you for the opportunity to provide testimony in support of Assembly Bill 68 on behalf of the Nevada Association of Counties (NACO). Assembly Bill 68 represents a collaborative agreement on the methodology to provide funding for the regional treatment and rehabilitation facility utilized by 16 of Nevada's 17 counties. This equitable assessment to counties reflects usage of this facility and as such, NACO is in support of A.B. 68.

Mary C. Walker, representing Douglas, Lyon, and Storey Counties:

We rise in support of A.B. 68 without reservation. This formula has not been changed in a couple of decades, and for many rural counties, China Spring is the only juvenile services they have in their entire county. It is really important to us, and we appreciate your consideration of this bill.

Cadence Matijevich, Government Affairs Liaison, Washoe County:

As you heard earlier, Washoe County was an active participant in the working group during the interim and we are in support of this bill. We appreciate the equity that it brings to the formula for the funding of the China Spring Youth Camp and would ask for your support as well.

Chair Miller:

Is there anyone else who would like to testify in support? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in the neutral position? [There was no one.]

I would invite the presenter back to the table for any concluding remarks. [There were none.] I appreciate when all the different municipalities and groups are working together and come together with a solution and support one other. I will close the hearing on Assembly Bill 68. Next on the agenda is a presentation on juvenile justice. We have the Department of Health and Human Services with us to begin the presentation.

Cindy Pitlock, Administrator, Division of Child and Family Services, Department of Health and Human Services:

We would like to work through a fairly high-level PowerPoint with you this morning to tell you who we are, what we do, who we serve, and tell you about some of our high-level successes and challenges [[Exhibit D](#)].

Sharon Anderson, Deputy Administrator, Juvenile Justice Services, Division of Child and Family Services, Department of Health and Human Services:

We have provided you with our mission and vision [page 3, [Exhibit D](#)]. Nevada has always believed that youth and adults should be treated differently and in different systems, which is why the juvenile justice system is kept in the Division of Child and Family Services (DCFS). I would like to share with you some key differences between the adult justice system and the juvenile justice system.

In the adult system, the person is referred to as the defendant. The defendant is found guilty or convicted by a judge or jury and then they are sentenced. The judge determines what that sentence is, based on minimum and maximum terms as prescribed by the applicable *Nevada Revised Statutes*. In the juvenile system, the person is referred to as the youth or child interchangeably. Rather than a conviction, there is an adjudication. The judge adjudicates the youth as delinquent and the judge can choose to keep the youth in their county under their local county probation department supervision or commit them to the Division of Child and Family Services. There is no determinant sentencing for juveniles in the state of Nevada. The length of stay in the facility is determined by the youth's progress within the program, and the average length of stay in our state juvenile justice facilities is about six to nine months [page 4, [Exhibit D](#)].

This slide outlines county versus state roles [page 5, [Exhibit D](#)]. The counties are usually the youth's first contact with the juvenile justice system. They try to intervene at the lowest level possible. If they get involved with any part of the front-end interventions, this would deter them from getting into more trouble and going through the process again. Others may continue to engage in delinquent behavior and face more county-level interventions, but at a certain point, judges will make the decision to commit a youth to the state.

This slide shows the juvenile justice funnel [page 6, [Exhibit D](#)]. Our counties do a really great job at diverting and keeping youth in their communities with their prevention services, which can be seen by the narrowing of the funnel, and their work keeps many youth out of state custody. Before I get into what our Division does, once a youth is committed to us, I want to point out that our work in juvenile justice is guided by federal standards of care outlined by the Juvenile Justice Reform Act of 2018 [page 7, [Exhibit D](#)]. The Act is based on a broad notion that children, youth, and families involved with both the juvenile and adult criminal justice system should be guarded by federal standards for care and custody while also upholding the interests of safety and the prevention of victimization. The law also promotes the use of alternatives to incarceration when possible, aiming to lean in on community supports and services including mental health services.

We recognize the impact of exposure to violence and trauma on behavior and development. All of our staff are trained in trauma-informed care. We have implemented an evidence-based assessment that helps us match evidence-based practices to our youth based on their needs. We are also working to address racial and ethnic disparities throughout the juvenile justice system through our work with the Juvenile Justice Oversight Commission. We also focus on family engagement, which I will talk about later in this presentation.

When a youth is committed to DCFS, we take into consideration the majority of them experienced some type of trauma in their lives, whether it is physical, emotional, or sexual abuse. They are coming from tough situations and many of them were not set up for success. With this in mind, our missions team reviews the documentation for each newly committed youth and makes a placement determination based on each youth's history and needs. Some youth are appropriate for placement in one of our state facilities. They are the youth who have not been successful with county-level interventions, their delinquent behavior has escalated, or the nature of their crime causes the judge to bypass county interventions altogether.

However, some youth are committed to our care who are not appropriate for a juvenile justice facility. These are youth who are in need of significant mental health services. This is a youth who has been actively suicidal within the last month or so, has multiple co-occurring diagnoses, or has a profound intellectual or developmental disability. These youth are typically diverted to a mental health facility in our state or to specialized treatment in other states. If a mental health placement is not available, these youth end up spending extended time in detention centers while appropriate placement is being sought. In these scenarios, we have actually seen courts rescind commitment orders and place youth back on probation. Our admissions team has also diverted some of these cases and placed these youth back at home and wrap them in services offered by our sister agency, Wraparound in Nevada. We have also connected them to outpatient mental health services as well as placed them on a global positioning system (GPS) device for public safety.

We also have unique challenges with youth who are in the child welfare system and in the custody of a child welfare agency who are also committed to the custody of DCFS. Finding an appropriate placement upon their release can be a challenge. These youth do not have

a family home to return to and foster care placements are scarce. Unfortunately, through no fault of their own, some remain in our facilities longer than necessary while a placement is being sought. There is a need for more community-based services options for these youth, and our team struggles with how to support these youth.

Back to the youth who are appropriate for one of our state facilities [page 8, [Exhibit D](#)]. These youth are admitted to either the Caliente Youth Center or the Nevada Youth Training Center, which are both staff-secure facilities; or they are admitted to the Summit View Youth Center, which is a higher-level security facility. Once they arrive at the facility, it is not our job to punish them for their commitment. Time spent away from their families is a significant consequence for their actions. Remember, we do not have determinate sentencing; we have programming that lasts between six to nine months. We do not want youth in our facilities longer because we know that research says that keeping them longer is not helpful to them. In fact, it impacts their mental health, and it does not reduce delinquent behavior.

When they are committed to us, we are here to help them [page 9, [Exhibit D](#)]. We provide a comprehensive array of services to address the needs identified, and each youth has a program that is developed specific to their individualized needs. Each facility has an on-site school that allows youth to earn credits towards their high school diploma, or they can earn a high school equivalency certificate. We have limited career and technical education opportunities as we have struggled with obtaining and maintaining the teachers to teach these classes. Each facility offers mental health services.

This slide shows the variety of mental health and substance use services at each of the three facilities [page 10]. Again, we are here to help these youth. Our mental health teams in our facilities work hard to address the mental health needs of the youth in their care. We are seeing an increasing need for a wide range of mental health services for youth in our care, including youth with self-harm thoughts and actions. These are the youth who have experienced a history of trauma. We serve pregnant youth through their second trimester. These youth receive prenatal care and are paroled and returned to their community prior to their third trimester due to the prenatal care needs being more extensive.

I do want to take a moment to share something about our facility staff. Our staff have a heart for these youth and are committed to helping them succeed. We have had youth become suicidal and even make serious attempts on their lives and due to the diligence of our staff, these youths' lives were saved and these youth were subsequently transitioned into psychiatric hospital care.

We know that youth do better in the juvenile justice system when they maintain a strong relationship with their family and when their family can be involved in their treatment planning process. Division of Child and Family Services has a statewide plan outlining the responsibility of facilities and the Youth Parole Bureau to engage families in their child's treatment throughout their commitment to DCFS [page 12, [Exhibit D](#)].

The state's family engagement plan is designed to increase the youth's family's contact with their youth while they are placed at one of our facilities. This includes engaging them in the development of their child's case plan and inviting them to monthly child and family team meetings where the family is able to actively participate and provide feedback on the plan and make suggestions to improve the plan. Since COVID-19, we have actually had more family engagement with the youth in our care, as this is when we began using videoconferencing for visits and for meetings. We also have a family travel plan program that financially assists families if that is a barrier to them visiting their child while residing in one of our facilities.

When a youth completes their program at our facility, they achieve parole status and are returned to their communities and placed back with their families. Depending on their individualized needs and their after-care plan, youth can be placed on a GPS device. If they have significant substance use issues and are assessed as needing more intensive substance use treatment, these youth are entered into the parole drug court program. Many of the youth are assigned a psychosocial-rehabilitation and basic skills-training community partner to help them successfully transition back into their home and community. These youth are also initially placed on intensive supervision, which includes 45 days of house arrest where they are seen weekly by their youth parole counselor. The youth parole counselor also meets with the family and monitors the youth's school attendance. Our youth parole counselors also really care about these youth who are under their supervision and they often serve as advocates, as coaches, as support figures to the youth they supervise. The goal of parole is to supervise these youth transitioning back into the community and assist them with the goals related to their independence and to reduce their risk to reoffend.

The next two slides highlight our programs office, which is a small office of six state employees who are responsible for policies, planning, and quality assurance of the system and management of federal grants [pages 13 and 14, [Exhibit D](#)]. They also gather and evaluate data for us to make informed decisions, fulfill various reporting requirements, and monitor performance-based standards. You may have heard the term "PREA" when talking about services and staffing. This is the Prison Rape Elimination Act, which is a federal act supporting the prevention, detection, and response to sexual abuse and sexual harassment within facilities. Minimum staffing ratios must include an appropriate number of staff to keep both our youth and the staff safe.

This slide shows some of our successes and our challenges [page 15, [Exhibit D](#)]. I will first discuss some of our successes. Division of Child and Family Services was the subject of an investigation by the United States Department of Justice regarding the use of Oleoresin Capsicum (OC) spray in our facilities. This investigation was closed satisfactorily. In fact, the use of OC spray has decreased significantly with only 2 incidents in 2020 compared to 33 incidents in 2019. Oleoresin Capsicum spray is only used as a last resort to restore safety and security to a facility. Just last week, Summit View Youth Center was recognized by the Positive Behavioral Interventions and Supports (PBIS) program as a platinum-level implementation site and received the platinum-level award for their work with the PBIS program. This team also presented their work at the PBIS national conference this past

October in Chicago, Illinois, as well as last week at the conference held in Las Vegas, Nevada. The Summit View Youth Center is identified by the national PBIS organization as a model correctional program that implements PBIS to fidelity.

Due to the number of female youth committed to DCFS and the challenges with admitting them into the Caliente Youth Center in a timely manner, we have expanded our services by opening a female dorm at the Nevada Youth Training Center in Elko, Nevada. These beds are prioritized for female youth who are from our northern counties to keep them closer to their families. Opening up the Nevada Youth Training Center for females has helped to decrease the wait times for female admissions, but note that we do still continue to serve female youth at the Caliente Youth Center.

Like other state agencies, staffing is a huge challenge. It creates safety issues for both youth and staff in our facilities and results in youth waiting in detention for placement into our facilities. We are having staff and retention challenges in our Youth Parole Bureau, which has resulted in significant increased caseloads for youth parole counselors.

The United States Department of Justice released a final report titled, "Investigation of Nevada's Use of Institutions to Serve Children with Behavioral Disabilities." The report highlighted that Nevada does not provide adequate services in the least restrictive setting to youth with behavioral disabilities. There is not adequate access to community-based services, and Nevada over relies on institutional settings. As previously mentioned, there is an increase in mental health needs of youth committed to DCFS and a lack of mental health placements and community-based services. Some characteristics of youth make it difficult to mix with other populations. For example, youth with severe mental health needs or profound disabilities and juvenile sex offenders may be better supported in smaller groups more focused on their needs. This poses a challenge in terms of physical space and staffing and can result in sending these youth out of state to get their needs met.

Discharge planning is so important, primarily for youth who are also a part of our child welfare system, because we do not want to see these youth coming back to us. Finding the needed supports in the community and connecting the youth with those supports is a constant struggle. They do not have a family home to return to. We have youth who spend months in our care after they have achieved parole status; they have completed their program, they have graduated high school or earned their high school equivalency, they receive a parole date, and there is nowhere for them to go. This has a ripple effect on our system as this often delays the admission of another youth who has been in detention waiting to be transported to the respective facility.

Over the past years, Nevada has seen a reduction in vocational programs offered to youth in our juvenile justice facilities. Trade programs including hospitality, food services, welding, auto mechanics, textiles, graphic arts, and computer technology can provide youth with skills that lead them to jobs with sustainable wages to support themselves. We are working to build up that program in all of our facilities, but this continues to be a challenge. Again, our

goal is to support the youth committed to our care and to reduce their risk to reoffend. That concludes our presentation, and we are here to answer any questions you may have.

Chair Miller:

Are there any questions from Committee members?

Assemblywoman Hansen:

If you could address why in juvenile services, we address issues with the youth as old as 20 versus the standard for a minor under 18. Sometimes we see, and for those who are new, that when we are dealing with juvenile offenders, we go to the age of 20. They are treated a certain way versus some things we see with youth who are 18 years old.

Brigid J. Duffy, Assistant District Attorney, Juvenile Division, Clark County District Attorney's Office:

It is a jurisdictional issue in statute. We can only charge children under the age of 18 as juveniles for a delinquent act. However, they can stay on parole or probation up to age 21. If they were to commit an offense in the community at age 19, that is a criminal offense, but they could still be on juvenile parole or probation so that we can still infuse services into the family until they are 21.

Assemblywoman Hansen:

That is what I was hoping we could address so that we have that understanding as part of the Committee. As far as when you talked about discharging, and we talk about family engagement, I know how important it is to connect back with the family. Do we also assess that sometimes family could be part of the major problem for this youth; who makes that assessment, that perhaps the child being connected to the family is the toxic factor some of the time? How does that assessment happen?

Sharon Anderson:

Once we receive the case, our team immediately reaches out and connects with the families, and there are times when you are able to see that there are some issues in the family that may contribute to the situation that the youth is in. We really do try to focus on strength of the family and build on that, and if we see a need for some additional support to help strengthen the family to be able to better care for that youth when they return, we offer that. We also do offer family counseling, and we have community partners that we work with that also work in the homes to even help train some of the family members to be stronger supports of our youth once they return home.

Assemblywoman Hardy:

I agree with my colleagues. Thank you for the work that you do. I am sure it is very tough and difficult to see such young people go through challenging times and be in situations when they are in the justice system. Could you discuss the mental health services that you mentioned and the lack thereof? What are some of the barriers to having more mental health providers? Are they in-house in these facilities? Are online services available? Have we

made any progress attracting mental health providers into these facilities and to help these youth? If you could just expand on that topic a little bit.

Cindy Pitlock:

With successes and challenges come solutions. I can say that we have made a little bit of progress in that area through COVID-19 because it really did help us focus on more of a telehealth model. I think, in general, I would say that staffing challenges and provider access challenges continue to be a problem. The increased acuity levels of our youth and our services have been notable, meaning that we have youth who really have intensive mental health needs. One thing that we really would love to see is being able to strengthen our mental health programming, not only in our facilities, but also to have those access points for those youth who really do not need to be in one of our juvenile justice facilities but really need mental health services. It is like, which one is driving which? Is it the mental health issues that are driving the behavior? If we go upstream and really intensively wrap around mental health services, can we prevent placement into a facility or perhaps shorten that length of time in the facility? Absolutely, that would be our goal. Staffing challenges are huge for us. Some of our youth in our facilities even need one-to-one supervision because of their mental health needs or their desire for self-harm. When you have a facility that is short staffed as it is, to literally take staff and assign them one-to-one creates risk for other youth and other staff members. So that is quite a little package rolled into that concept. Thank you for that recognition.

Assemblywoman Considine:

I am looking at the slide [page 8, [Exhibit D](#)] with the capacity for each of these youth centers. The overall capacity number is much higher than the budgeted amount. I am curious what that means. Does that mean there are empty beds? Is that a staffing issue? Can you explain that?

Cindy Pitlock:

What we really tried to show on that slide [page 8] was the difference between capacity and our staffed beds. When we prepare our budgets, we do not necessarily budget to full capacity if we cannot staff those beds.

Assemblywoman Considine:

I know there are youth waiting in other facilities to come to this area. Is this a staffing issue or is this always budgeted? And then if you are able to get closer to capacity as opposed to budget as far as beds are concerned, do you have to make up that funding somewhere?

Cindy Pitlock:

It is a staffing issue. Bottom line, if we had appropriate and safe staffing, we could accommodate more youth into the program.

Chair Miller:

Are we saying there are opportunities where youth are denied services because of capacity issues?

Sharon Anderson:

Youth are not denied placement when they are appropriate for a facility. They just may remain in detention longer until the bed is available because we need the staffing to be able to safely supervise those youth and provide them with the programming that we have. It really just causes the delay with them entering into the program more than anything.

Assemblywoman Gallant:

I worked in a facility much like you guys are talking about that provided mental health services. Most of these kids come from pretty traumatic and violent homes and a lot of times it is not the biological parent but somebody else living in the home. The families really need to have family counseling in order for them to succeed, and what we found was very few of those families participate. I am curious if you are keeping statistics on how many families are participating so that we have a benchmark to see how we improve and meet certain goals, and then to also have the ability to measure what is working and what incentives are working and the success rate from that as well.

Cindy Pitlock:

Thank you for the work that you have done in this area in the past. Hopefully, discharge planning begins for youth and families even prior to admission, but at least upon admission, to wrap the family in the services that we need. I do not know that we have specific statistics on family participation. I think that would be illuminating for us to help us really determine better foci of services. I am going to ask my data analytics people if that is something that we can track.

Assemblywoman Mosca:

Regarding the discharge planning, are you able to work with the school districts or the placement in education, and if not, what barriers exist for that?

Sharon Anderson:

We do work with the local school districts. We also have a liaison who helps the youth get connected with their local school districts. We make sure all the documentation is able to follow them so that they can enroll in school. Our youth parole counselors are also a resource for the youth to actually get them to school and help them get enrolled. We actually have a good working relationship with our school stakeholders also.

Chair Miller:

I do not see any additional member questions so we will continue the presentation with the deputy district attorneys.

Brigid Duffy:

I have been newly titled the Assistant District Attorney over the Juvenile Division. My first slide gives you an entryway of how cases get to me in the juvenile justice system [page 2, [Exhibit E](#)]. Kids come in by two ways: arrest or citation. In Clark County, there are many opportunities to divert misdemeanors before my office even sees them or even the court sees them. If you look at the left side of the slide, a misdemeanor will potentially go to juvenile

probation first and a probation officer will meet with the child. We also have our diversionary programs through "The Harbor." Every misdemeanor in Clark County where a child is not actively on probation goes directly to our juvenile assessment center called The Harbor before they even see a probation officer. Probation officers can do informal supervision without the case even going to the court and then, if all that fails, it finally comes to me. On the right side of the slide are gross misdemeanors and felonies. By statute, those need to be screened by the Clark County District Attorney's Office first to determine whether or not we want to file. If we want to file, then we file. If not, we can send them back to the probation department to handle informally. If we determine to file, then we end up in the juvenile justice court system.

The Juvenile Division has 56 employees; 29 of them are deputy district attorneys, 9 of those are in my delinquency team, and the remaining 20 are in my child dependency team [page 3, [Exhibit E](#)]. I have one victim advocate, an investigator, and some process servers.

From my appearance in front of this Committee over the years, I know that stats are very important, so I do my best to bring you what I believe you are interested in [page 4, [Exhibit E](#)]. The Juvenile Division of the Clark County District Attorney's Office does not have its own case management system. I rely on others to obtain stats. I was going to drop off 2017, but I kept it there. I think it is great to see the progression of where we have come. I have been in this job running the Juvenile Division since 2012. In 2017, you can see we had 5,700 referrals and filed 4,644. In 2022, we had almost the same number of petitions, 5,800, and we filed 2,748. That is a significant decrease in filings and that is because we have over the past several years really built up our diversionary programs for juveniles in Clark County. The District Attorney's Juvenile Division is only filing half of what we see. What you will see in that 2022 stat is 246 petitions to certify children to the adult system. Of those 246, we certified only 64. In 2021, we had 159 petitions to certify and certified only 48.

I am probably going to get questions about the why. I will try to answer some of those now. We had the passage of Assembly Bill 230 of the 81st Session, so that took out a chunk of children who were directly filed to the adult system that we now file certifications for. That is about 44 additional certification petitions. We have also had a lot of gun charges in this last year. One thing that the certification process does for the juvenile system, it mandates a risk evaluation for the community so that we can then make a better determination on behalf of community safety if this child could be treated in the juvenile system versus treated in the adult system. We do not get that type of evaluation without that certification.

Here are our top charges for 2021 and 2022 [page 6, [Exhibit E](#)]. Violation of probation is number one in both years. Most of those violations of probation that you see come with a substantive offense. It is not just that they did not check in with a probation officer or they failed a urinalysis. They are on probation and commit a substantive offense. That is why it comes as one of our top charges. The other issue goes to Assemblywoman Hansen's question, which is when family is the issue to be addressed. One thing that we struggle with in the Juvenile Division is when we have 13- or 14-year-olds on juvenile probation and they

are not doing what they are supposed to be doing. Holding that 13- or 14-year-old accountable for that is a difficult thing—especially if you are talking about a teenage boy. I have a 15-year-old whom I have to hold accountable every day just to do the minimal things at home. If you are going to expect kids who are 13, 14, 15 years old to hold themselves accountable to get to counseling, that is an issue and that is really more of a family issue. Our probation department has put in a really rigorous level of oversight before a probation officer can request a violation of probation. It has to go all the way up the chain of command because they do not want these minor infractions ending up bringing a kid back into court. Most of these are issues that we have within the family, they are not helping the kids get through those terms, or they are committing additional offenses.

You see with our next level, these firearms offenses are really increasing; the next top two offenses are robberies and minor in possession of a firearm. Those are pretty significant things in our community. Battery constituting domestic violence has been an ongoing issue and has increased since our pandemic year. In a lot of those, the families themselves want court interventions to address their issues. I will talk a little bit about some diversion services we are trying to get in place there to stop bringing kids into court on these types of issues. Battery constituting domestic violence is mostly a child on a parent. We do have several interpersonal—like boyfriend/girlfriend—serious cases too. You will see battery by itself; those are misdemeanors. We have robbery with use of deadly weapons. In 2021 our sexual assault numbers were really high coming out of our 2020 pandemic years; there were 196 filed charges in 2021. Just in reference, I can show you they have decreased a little bit in 2022. That is the only reason I put that on there for you.

We are very proud of our diversionary services [page 7, [Exhibit E](#)]. We have The Harbor, our juvenile assessment center that this body has been very supportive of, that came into play in 2016. With regard to questions around our engagement with schools in Clark County, our Clark County School District is a great partner with us. We have developed the Clark County School Justice Partnership and what we have determined to be focus acts. One thing we know as experts in our field is that a kid who is educated and in school is more likely to be doing better than victimizing our community. Trying to reduce those exclusionary practices that schools have that are mostly affecting our minority population, that is coming up and butting heads against some issues with some school violence that is going on that needs to be addressed. I guarantee you those things that need to be addressed are being addressed outside of schools.

We have a restorative justice program that I am working on with the Office of the Attorney General that is also being run through The Harbor. For those who do not know, it is a practice where the person who is harmed by the delinquent actor crime meets with a trained mediator/facilitator and with the person who actually committed the offense or the person who did the harm, and they come together and have an opportunity to talk about how it impacted them so that the person who committed the act can hear that and they together can come up with a resolution of how they should be held accountable for what happened. It is an old practice. It is very fascinating if you have not researched it. Those people whom we can get to participate, because it is voluntary, are satisfied with it, but it is very hard to get

victims to want to be there and understand that process. We do not have really good public relations around it, but we have had some success with it.

You heard Deputy Administrator Anderson talk about the difficulty we have with children who are in foster care who enter into the juvenile justice system. They absolutely stay longer in our system. They stay longer in our facilities. They have worse outcomes because they do not have supportive people in the community to care for them when they come out. Clark County is working with the RFK Community Alliance out of Washington, D.C., to pilot a program that should be in effect this spring to do early interventions on kids who are in both statuses so that we can try to prevent them from going to Deputy Administrator Anderson's facilities. I am talking about front-end, about Clark County, and about trying to get to kids before they end up in any of our correctional care. Those are the areas that we are working on.

The next slide deals with the impact of Assembly Bill 230 of the 81st Session, which was sponsored by Assemblyman Cameron (C.H.) Miller [page 8, [Exhibit E](#)]. It has been in place for 16 months. There were 44 children. For those of you who were not here last session, prior to this bill, children who were 16 and 17 who committed a crime in our community with a gun and had already had a felony in the juvenile justice system, they bypassed juvenile justice altogether and went to the adult system. That is the way the law worked before. Now, after A.B. 230 of the 81st Session, those children who commit crimes with guns at age 16 or 17 stay in the juvenile justice system and my office must file to put them into the criminal system. When we testified in support of this bill at the time, in 2019 and 2020, we had a total of 21 kids who had been impacted by the fact that they went directly to the criminal system because of a prior felony record. Because our firearms crimes have increased, and you can see they doubled in the 16 months, 44 kids would have gone criminal pre A.B. 230 of the 81st Session, but they stayed in the juvenile system. We filed certification petitions on all 44 of them. We certified only 14 of the 44, so 30 of those children had an opportunity to stay in the juvenile justice system in a juvenile placement, not in the criminal system. Unfortunately, of those 30 who stayed, 18 of them reoffended, and it has only been 16 months. It was either after finishing their services or while they were still on parole or probation. We still have some work to do, and I am going to talk about it when I talk about moving forward, how we get to preventing kids from recidivating.

What we still have left in our juvenile system that goes directly to the adult system are our direct files or what some people might call "autocertification" [page 9, [Exhibit E](#)]. We have murder and attempt murder for children who are aged 16 or 17 who commit murder or attempt murder. They go directly to the adult system. I think most people would recognize a case out of Clark County where a student, with a teacher in the classroom, tried to kill her five times and sexually assaulted her. He was aged 16 or 17 and he went directly to the adult system. I never saw his case at all. He is one of our 2022 cases. We have had a reduction and that is something I am really happy about because that is fewer children committing murder or attempting murder. In 2022 we had eight.

Moving forward, if you were to ask me what I really want—because I know you all want to ask me what I really want—and what can help me in the final few years of my career [page 10, [Exhibit E](#)], we need improved mental health services in schools and in our community. We have a lack of providers. You heard that from my partners with DCF. We lack mentoring services. We have a lot of people, but we need more; we need to get in there and really figure out how to keep these kids from finishing their terms of probation and then committing more crimes. How do we do this? Our mental health services—there is no good answer. There is a waitlist; there is not enough.

I also would say that with our kids coming out of our pandemic, the level of violence has increased. It is not a school fight like we used to see in my years. It is not just, I punch you once and that is it; you are down—I win. Now it is, I punch you once, you are on the ground, I kick you in the head, I continue to stomp on you—and as Assemblywoman Gallant stated, if you have to watch those body cams over and over and over again of children just beating children, it is really hard on your soul. You really want to try to figure out how to get to the root of what is going on and fix that. We need, as a community trying to help this population of youth, some services around us, and that is going to take some creativity, working possibly with our university systems and college systems to get some incentives to get people to want to stay here and to get people to want to work with our kids.

We need blended sentencing. I am not encouraged by the fact that when we do have to take children out of our community because of the offenses they are committing and the risk that they place upon our community, that we send them to Lovelock Correctional Center. I get that that is not ideal. If we cannot commit to putting together a blended sentencing model that this legislative body has been studying session after session, to get together and say, you know we can put them in a facility—because there are children who need to be removed from the community. I hate to say it; there are. But we need to be responsible about how we do that and where we put them so that they are getting appropriate levels of services for their brain; and then if they have to stay past 21, then they need to stay past 21. We need that blended sentencing model. Those are my wish lists for the future. I will help my colleague from Washoe County do her presentation and then we can take questions together.

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

I have been in this system for about 30 years. I have seen a lot of changes. I have seen a lot of good. I know how much effort our team members put into keeping our children safe, to getting services to our children, and in those cases where it is necessary, to remove them from the community and that we do it in the most behaviorally appropriate manner possible. Knowing that juvenile justice is a niche and that not a whole lot of people understand where we came from and how we got to be here, I just put a couple of slides in to introduce you to the history of juvenile justice [page 2, [Exhibit F](#)]. It was originally created because of the idea that juveniles and adults should be treated differently, and the idea initially was to fully incorporate rehabilitation as well as some punishment. In 1899 the first juvenile court was established in Illinois. Illinois has led the juvenile justice reform since the inception. By 1925, almost all of the states in the United States had created a juvenile court.

We operated initially in the 1960s under *parens patriae*, basically taking the place of the parent and wanting to put them under the umbrella of the courts instead of just punishing them as adult criminals are punished [page 3, [Exhibit F](#)]. In 1967, *In re Gault* [387 U.S. 1 (1967)] gave all of the constitutional protections to our youth save and except for a jury trial. They have the same rights as an adult offender: the right to counsel, the privilege against self-incrimination, cross-examination, confrontation, and all of the Fourth Amendment rights against unlawful searches and seizures. They all came into play within the juvenile justice system, and this initiated the Juvenile Justice and Delinquency Prevention Act.

The Juvenile Detention Alternative Initiative (JDAI) was something that came to our state in late 2003, early 2004, and Clark and Washoe Counties both participated in this new approach to juvenile justice [page 4, [Exhibit F](#)]. The triangle represents the three aspects that we seek to utilize when we are working with the youth: addressing community protection as a deputy district attorney is one of my chief functions; holding youth accountable so they recognize the impropriety of their actions; and competency development and restorative justice rehabilitation. They are the three prongs to this balanced approach. It wanted us to put services on the front end—heavily load that front end of the access to the juvenile justice system to keep them from penetrating deeper into the system or even into the community criminal system.

We put these programs in place, fronted by our juvenile probation department. We added resources to address them at intake, much like The Harbor is now, working in a more formal manner to try and keep youth from getting to my desk in the first place and moving them out of detention as soon as safe alternatives can be located [page 5, [Exhibit F](#)]. After initiation of these juvenile detention alternatives [page 6], with evening reporting and supervised release, we engaged our community partners with the Boys and Girls clubs, working hand-in-hand with juvenile probation. We have outreach specialists with both juvenile probation and mental health counselors, some wraparound services, electronic monitoring to make sure that the kids coming out of detention were monitored for a period of time, or house arrest. We moved these youth out of our facilities and reduced our average daily population in four years by 50 percent [page 7, [Exhibit F](#)].

When I first started at the Washoe County District Attorney's Office in juvenile delinquency—many of you may remember the old Wittenberg Hall. It is now the parking structure at Renown Regional Medical Center. When we had that facility, we had over 100 youth detained. The youth were housed in the lunchroom on bunk beds because of the huge overcrowding. We were fortunate enough to build a new juvenile justice center that will house over 100 people. Its current average daily population is about 28. We have taken the majority of kids who can be safely monitored in the community, and we wrap services around them and release them back to their families or back into other services so that they are not in detention. This was huge.

My office is much smaller than Clark County [page 8, [Exhibit F](#)]. We serve a much smaller population. There are four attorneys in the Washoe County District Attorney's Office, including myself. We have two legal secretaries and a half-time office assistant to try and

get all of our cases into our new computing system. We do not have a dedicated advocate or an investigator. We are on the rotation if a need arises; we request it and pending availability, will get the assistance. The only cases that we currently have that automatically get an advocate assigned out the door in my office are the sexual assault/lewdness cases, because we want a seamless handoff from our Washoe County Child Advocacy Center partners where most of the investigation has taken place to the district attorney's office to make sure victims do not fall through the cracks. The advocate is assigned initially for the handoff purposes there.

You have seen this slide with my partner [page 9, [Exhibit F](#)]. There are multiple avenues of diverting kids out of our system. We see very few misdemeanors now coming through in juvenile justice unless there have been multiple attempts to rehabilitate, and a youth keeps offending. Probation will send the misdemeanor offenses to us if they have had lack of either follow-through by the family or repeated offenders and the problem is not getting addressed at a lower level of supervision and intervention.

Ultimately, however, our referrals have gone down. This was a slide prepared and presented to me by my juvenile justice service partners, the probation department, showing their total number of referrals for 2019 to 2022 [page 10, [Exhibit F](#)]. They received about 3,300 referrals from local law enforcement in 2019, down to about 2,500 for 2022. It is interesting to see the pandemic really shut down the numbers received by juvenile justice because our kids were not in school. The school police are our primary referral source, because that is where you see eyes on every day. When the kids do not have the eyes on every day and we are not in the community given all the shutdowns in the pandemic, we saw a significant reduction in referrals. Once those restrictions started being eliminated and kids were coming back, a lot of the frustrations and anger and isolation that they dealt with during that pandemic started to show. I think we have seen those numbers increase in the last couple of years, especially with crimes of violence as articulated by Deputy District Attorney Duffy.

The county cases that we received from juvenile services obviously went down as well. The yellow indicates the number of charges [page 11, [Exhibit F](#)]. It is important to note that in the juvenile justice system we treat kids, not crimes. A lot of times more than one agency will have referrals or made arrest on a child. Those do not come in individually. Probation serves as the funnel point through which those come in, and the referral will come to us on a single docket sheet, which can include agency charges from multiple agencies. That is why there is a big disparity between charges and referrals, because there are often multiple agencies that are included on a referral. As you can see, though, we traditionally have reviewed and no issued, or returned, the cases that we do receive. Somewhere between 20 and 30 percent will either be no issued or referred back to juvenile probation for informal handling without a petition being filed even when it has come to us. Once it does come to us, there is a possibility of sending it back after a plea is admitted. It is just another opportunity to remove the child from the formal juvenile justice system and give them an opportunity to have the charges dismissed when they complete the informal sanctions.

I have completed the top five charges [page 12, [Exhibit F](#)]. I do not have actual numbers for you, and I apologize to the Committee for this. We switched case management systems midyear last year, so it is really difficult to try and find the numbers. I think most of the youth parole numbers got lost altogether. Just in generalities, parole and probation violations are the highest referral source. As Ms. Duffy indicated, that is a lot of times associated with a new delinquent offense. They come over together. We have seen a drastic number of increases in substance use and substance abuse in our systems. Currently, we are working with juvenile probation and the Washoe County School District to put some services and interventions in place before the kids become juvenile justice front-end kids, before they make that referral or make the arrest. Washoe County used to have a substance abuse program that was taught to its students where they had picked up a substance-related offense. With the pandemic, that went out of play, and there were no interventions that the school was able to offer for our kids probably from late 2019 or 2020 until 2022. They are reinitiating that system now to provide services, interventions, and counseling to the youth in the school district, which should alleviate the number of cases being routed to probation and ultimately to my office.

What we are mostly seeing in the school district has modified from your "weed," meaning the green leafy substance, to concentrated cannabis vapes. They are easy to find, easy to access, and easy to conceal. Join Together Northern Nevada has even talked with the school district about putting vape detectors in the restrooms at school, it has become such an issue. I do not know where that is going. I can see that making a huge escalation in the number of cases that are identified. I do not know if that means it will trickle down into the juvenile justice system or if they will have the protections and services in place to address them at the school level.

Aside from that area, we see similarly what has been seen in Clark County, which is the increase in violence against persons—either physical violence, domestic partnerships, and weapons use. Weapons have gone through the roof—primarily firearms. We have seen more unserialized firearms in the last year than I have seen in the last 15 years. It is a big issue for our kids, and they are easy to come by—from breaking into cars or targeting parents who have guns. One young lady was upset with her stepdad who had a lot of firearms. She laid them all out on the bed, called her boyfriend, and said, Come and get them. They broke into the house, stole six firearms, discharged one accidentally in the house, and took them all back to school. It is a huge issue with our kids. Many of those have then been used to commit very heinous crimes against other youth as well as other adults in our community.

Briefly touched on by my DCFS partners were the differences between the criminal and the juvenile system, and one of them is dispositional outcomes [page 13, [Exhibit F](#)]. In criminal settings, there are certain determinant sentences for crimes. None of those exist in the juvenile justice system, and in fact, no delinquent acts have any mandatory incarceration. Most of our services are designed to rehabilitate, and the accountability piece is where we get community service, get the kids active in the community, working with nonprofits, working on the work program to feel a little pain for the delinquent act they have caused, but give them the support to continue to rehabilitate as they come through the system. As Ms. Duffy

indicated, we do have the ability to keep kids on our caseload through age 21 as probationers or parolees and to have that supervision and services for them and their families until they are past the age of majority.

One of the things that Washoe County has done is called the Project One system, which is a special designation for our youth who are cross-designated, meaning they are active in the abuse and neglect system as well as the juvenile justice system. It is one court, one family in that regard. The judge who oversees the delinquent acts that the kids are engaged in has also seen the abuse and neglect that has gone on in the family. It makes a much more cohesive approach to this very special population, and I think we have had some pretty good results. Judge Bridget E. Robb oversees that population and has handled the cases for the last several years.

This is just another pie chart to show you how many of our cases actually get diverted out of the system [page 14, [Exhibit F](#)]. Probation handles about 80 percent of their cases informally or through a diversion program that has come back from my office, and they handle them with case managers and the intake specialists with juvenile probation. Only about 20 percent will be on active compliance supervision, and then 1 percent of the cases that come in go to youth parole after being sent to DCFS.

You have seen this funnel and it is just another representation of where along the process we can divert kids; from the initial arrest and citation; diverted out of the system with intake; diverted by probation's internal house; diverted by informal probation, where a kid will come to court but is referred back for informal supervision either by agreement or by court order [page 15, [Exhibit F](#)]; then ultimately down through the levels of juvenile probation supervision involving both our China Spring Youth Camp, which is our regional program that you heard from earlier; ultimately to our state correctional; and those very few who are moved out of the system into adult certification.

Assembly Bill 230 of the 81st Session, as indicated earlier, removed automatic certification or direct files for kids who were 16 years or older who had been previously adjudicated of a felony [page 16, [Exhibit F](#)]. It eliminated those youth who would then reoffend with a firearm or had reoffended with sexual violence. Those were the two that were removed from the automatic or direct file situation. Assembly Bill 230 of the 81st Session also removed presumptive certification for those kids who were 16 years or older but did not have a prior felony conviction. The motion for certification still had to be filed, but they were presumed unfit for juvenile court if they were 16 years of age or older and either committed a firearms offense or an offense of sexual assault involving force or violence. Those were the crimes that were removed.

Washoe County was not as impacted by A.B. 230 of the 81st Session as our colleagues in Clark County. Our process for determining whether or not to file a motion for certification is more front-end loaded. We do not end up filing as many. The process in Washoe County is staffing with the juvenile team, staffing with the assistant district attorney, who oversees the Criminal Division, and a criminal district attorney on the facts of the case and the history of

the child that may or may not previously exist. It is only with the concurrence of all three of those that a motion will be filed. We also provide to our defense attorneys and youth any opportunity to present us mitigation information: problems with the families, any psychological reports, or anything that they think is important—adverse childhood experiences which have negatively impacted the child that may affect them, making them more appropriate to remain in the juvenile system. We look at all of that information on the front end. It does mean that more than likely our kids are spending some more time in detention than they would if we filed the motion and moved ahead, but we do like the way that process has moved forward. There have been very few cases that we have actually filed.

As you can see [page 17, [Exhibit F](#)], the cases that are filed are almost always stipulated to by the youth because we vetted the case pretty thoroughly before we move forward. We have only had a couple of impacts of A.B. 230 of the 81st Session, and that was one who remained in the juvenile system last year and one this year. Once we filed on the one this year, he was stipulated to go to the adult court. It was a crime spree of robbery throughout the valley at several different locations, use of firearms, and one person was shot in the chest. It was not a good place.

One other thing that I have seen and have been impacted in Washoe County is with the protection order hearings that came about in Senate Bill 7 of the 81st Session, where the adverse party, the youth on whom a protection order was being placed, was automatically appointed counsel [page 18, [Exhibit F](#)]. That counsel came from our public defender's office. Those were cases involving domestic relationships—sexual violence, primarily. Through April of 2022, 36 cases had come to the hearing, and all counsel had been appointed for the adverse party but none for the petitioner. The district attorney's office is not actively involved in protection order hearings. How this came to my attention was in sexual assault cases where my victim and her family had sought an order of protection, had gone to court against the adverse party who was represented by the same counsel, who is now representing him in the juvenile delinquent action—they have already had one shot at my victim before I even get a case, and that victim has been there without representation because there was no notice. That is one of the things that I am hoping in my moving forward [page 19, [Exhibit F](#)] is that we will be able to address the victims of the domestic violence and sexual assault protection orders to allow for the juvenile petitioner to also be represented by appointed counsel, such as Washoe Legal Services or another entity. It is not appropriate for the State to take on that role because we represent the State, not directly the victim. It has been a big impediment to the comfort level of my victims when I now get them into the juvenile court because they have already been through at least one court hearing where they were questioned by a judge and opposing counsel and felt blindsided by the juvenile justice system, which is unfortunate.

The other two things that I have, moving forward, are very similar to what you have heard this morning. We have a significant lack of mental health services in our communities, in our school systems, to work with the youth as they are coming into the system, and then ultimately blended sentencing. The Supreme Court committee, juvenile justice, the Assembly, we have been talking about and trying to figure out a way to do this for many,

many years. It does have a huge fiscal impact, and unless we can figure another work-around, I unfortunately do not see that it is going to be happening in the near future, but it would be a huge benefit for our kids. It would be a way to keep them in the juvenile justice system with appropriate interventions—behavioral, psychological interventions—and not put them directly into the criminal justice system. We welcome any questions.

Chair Miller:

Are there any questions from Committee members?

Assemblyman Orentlicher:

One thing that struck me was in the top referred charges in Washoe, the second was controlled substances. I did not see it at all in your top 10. Could you explain the differences?

Brigid Duffy:

I think in Clark County, almost all of those offenses are diverted to our Harbor program. We have, with our school justice partnership—which is my office along with school police, school administration, and juvenile justice services—worked over the last several years to ask the school administration to refer those children out to The Harbor program. We only see them if the families will not engage in that program. If they engage in the program, then I never see the case.

Assemblyman Orentlicher:

Have you tried to do something analogous in Washoe County so they do not have to come into your system?

Shelly Scott:

We have no means for diverting them at this point, which is why the school district is working with our juvenile justice system, our probation partners, and my office to reinstate much of the school programming before referring it to juvenile justice in the first place because we do not have that outside entity such as The Harbor that can accommodate the number of cases that we see. It clearly is something that we hope is able to be diverted from the juvenile justice system with appropriate treatment and interventions because these are not our violent offenders. But at this point, unfortunately, we do not.

Assemblywoman Hansen:

With regards to the top 10 charges that we are looking at, do we have a number or percentage of these charges, robbery with a deadly weapon or some of the minors who might be in possession of a weapon, that are gang-related? I am just curious to what degree gang activity is playing in the youthful offenders.

Brigid Duffy:

I do not know, and I would only be guessing and telling you what I can project. I read all the arrest reports that come through for those felonies, but I do not have an indication of how many are gang-related.

Shelly Scott:

I actually am the gang liaison for my office. I attend the briefings and have all the gang caseloads that actually end up on my desk for prosecution. In addition to reviewing the overall types of cases that come in involving guns, I would say we are looking at at least 70 percent of our cases are gang-related, that have had guns or used guns in a violent manner. There are the occasional outliers, but primarily it is gang-related youth who have been arming themselves with firearms.

Chair Miller:

Ms. Duffy, you presented earlier about gun-related offenses, a commission of another crime using a gun, whether it is robbery or an attack or whatever it is, but we also know there are often times where students have guns in schools that they have not used in a crime. The crime is the possession of the gun in school. Do we have data separating those two out? Often when we ask the students the reasons why they have the guns, sometimes they can articulate very specific reasons, which could be for protection: the student threatened me, they were going to fight me, or they were going to come for my family, or bullying. Again, we appreciate in a juvenile logical mind that this is the best scenario for protection. It is not always that they are actually using the firearm or intend to use it on others other than for actual protection. We have also had students say, Because it is cool, it will give me status, and I want to show it off. Do we have a separation between those who are actually committing violent offenses with firearms and those students who are bringing them for these miscellaneous reasons?

Brigid Duffy:

I would think that school police would be able to tell you how many firearms were retrieved on school campuses. I do not have that breakdown, but I will give you a lead for that research. In my stats, I believe you will see in 2022 we have 331 minors in possession of a firearm and 257 robberies with use of the firearm. Some of the minors in possession probably were not in use of any type of additional offense. We can find out from school police how many there are. I agree, that is probably the number one thing we hear is, I brought it for protection. It also scares me a lot because we go back to that child having poor impulse control and undeveloped reasoning skills. Firearms in the hands of children are the scariest thing I can think of.

Assemblywoman Cohen:

We have heard a lot about trends with women who are incarcerated over the last few years. Are we seeing those same types of trends with the girls who are in the system right now? Are you keeping track? Can you tell us about what you are seeing with girls versus the boys and why they are there?

Brigid Duffy:

Juvenile Justice Services would have the exact statistics, but I know we have an increase in our girls committing delinquent acts. Our girls population in juvenile detention has been on the rise. A lot of those girls have severe mental health treatment needs, and we are unable to find solid mental health services for them. Detention becomes our alternative because they

are committing violent offenses in the community among other children and among adults. We do have an issue with our girls population. We definitely need more mentors for girls, more strong mentors, to come forward for them. I think that would be one big help; mental health services to deal with some trauma that our children who are female in Clark County have suffered, sexual trauma being one of the big predecessors of their starting to commit acts of violence in the community. I can get with Juvenile Justice Services and let you know what the last five-year trend is of where we see our girls population increasing. In Clark County, the Department of Juvenile Justice Services just opened a facility to assist with girls so that we do not have to go from zero to Caliente or Nevada Youth Training Center. It is a house in Clark County staffed by Clark County Juvenile Probation, and I believe Rite of Passage is the private provider. They are a struggle for us.

Shelly Scott:

We have seen the same trends in our detention facility. At least currently, with the population that is averaging about 30, we have seen girls as high as 12. They have become a high population in the detention facility. They do not normally stay as long in the facility and they cycle through, meaning at times we will have one or two, and then we will hit a peak. Some of that has to do with the girls acting together in placements, and because they have either eloped from placement, stolen cars, and run away from placement together, or they have planned a breakout of a mental health facility together, we see them in bunches. So the numbers will increase based upon them committing acts together.

We have Aurora Pines Girls Facility at China Spring Youth Camp. That is our group regional placement for them besides juvenile justice. We access Sierra Sage Treatment Center, which deals with a lot of our mental health providers, our sexually trafficked, our at-risk youth. The girls go through that program, which is supervised and run by Rite of Passage up in the north. We have some of those facilities, but not nearly enough to meet the needs of our youth as they are coming in.

Assemblywoman Bilbray-Axelrod:

Ms. Duffy, you had indicated that most of the weapons that we are seeing for juveniles were found in homes. That is also what I have learned in my research. Are those usually unsecured firearms? But then you indicated in Washoe that 70 percent were gang-related. Is it just a difference in southern Nevada and northern Nevada? Because those numbers do not seem to add up unless I am missing something.

Brigid Duffy:

I do not have the stats for gangs. They might add up to 70 percent. I really do not know. I could do a public service announcement, Please do not leave your firearms in your cars. A lot of what I heard Chief Deputy District Attorney Scott say, and what we see too, is children are doing these handle jiggle things when people leave their guns in their cars unlocked on streets, in driveways, and in parking lots. We have people reporting that their car has been broken into and their gun is missing, and then we find the gun in the hands of a child. That is one way we see them. Another way we see them is through residences. We recently had maybe a sixth-grade juvenile—middle school—who brought a gun and sold it to

another kid at school. He got the gun from his uncle's house because his uncle just had guns in drawers in the living room. He just decided to bring a gun to school to sell it at the age of 11. So yes, we see some of that.

We also get kids, I think more of our sophisticated kids that are gang-related, they find a lot of guns in parks. Apparently, there are gun bushes in our parks. That is the other thing we hear. Where did you get the firearm? In the bush at a park. We see that along with lots of obliterated serial numbers, so they are untraceable. There is a lot of sophistication there. It is from a lot of different ways that we see them. I do not know that I could pinpoint the main way. These are just the ones that we see.

Assemblyman Gray:

You mentioned unserialized guns and how easy they were to obtain, breaking into cars, and the one child at home putting them all on the bed. Are you talking about actually 80 percent guns that are finished by somebody who has bought the kit to finish building it? Or are you talking about firearms in general, that have had the serial numbers obliterated?

Shelly Scott:

The ghost guns that I am talking about are ones that are polymer-manufactured without serial numbers. We have seen probably five of those in the last year come across with our youth, which may not seem like a lot, but they are absolutely untraceable. They get handed off quicker than we can get search warrants to track them down. Carson City has just had a huge incident involving the firearms. They get broken down and transferred and disappear. Tracking them is the hard part. We have not seen as many guns that have obliterated serial numbers where someone has actually scratched them off. We are not seeing that as much. I am seeing guns with serial numbers and ghost guns.

Assemblyman Gray:

I guess the big question is, what makes that any different from any other gun, especially if it has been obliterated? A gun without a serial number is just hard to trace period. You say five in the past year, but how many other guns were there? Were there 10 other guns or 100 other guns?

Shelly Scott:

I cannot tell you the number of guns that we have seen. Most of them are serialized. I am just concerned that the ones I have seen that are polymer, unserialized ghost guns have been ending up in the hands of kids at school.

Chair Miller:

At the end of the day, the distinction is not between which type of gun. We do not want any guns in our schools.

Assemblywoman Summers-Armstrong:

When we talk about an increase of women in your facilities, are you keeping any statistics, and I am asking this from your perspective and not from the juvenile, but on the ones whom

you are binding over—age, race, or any of that data—so we can sort of peel it back a little bit to see where this is coming from? There is some concern in our urban communities that there is significantly disproportionate arrest and adjudication of those young women. I would like to know about that.

Brigid Duffy:

I do not have statistics because I do not have a case management system. Everything that I bring around certifications and direct files is a hand count that I have somebody on staff do. I get all my stats from Juvenile Justice Services, and I feel very confident that they would have that information for you. That would be the Clark County Department of Juvenile Justice Services and probably Washoe County as well. They keep those kinds of stats all the way down to gender, race, and ethnicity.

Shelly Scott:

I would echo the comments of my colleague. Juvenile probation and juvenile services keeps those numbers and keeps a very detailed account of the youth: race, ethnic origin, ages, and crimes. They are able to correlate that very well. We just established a case management system this past summer which can capture that information because our prior system did not. It is something we will be able to provide to you moving forward.

Assemblywoman Summers-Armstrong:

Do you all believe from what you are seeing with those who are reoffending after COVID-19 that there is a correlation between the effects of the lockdown and reoffense of the young folks who are coming through?

Shelly Scott:

I do not have any statistical data on that, only from what we have seen in a day-to-day working in the system. I think the negative effects, mental health effects, and isolation that our youth went through, especially the youth who were middle school-aged and moved from middle school to high school during this pandemic, have had a tremendous detriment. They did not get the socialization; they did not get that outlet that they were used to having and no place to funnel energy. When they came back to school, I know our schools in Washoe County saw an increase in violence. And I cannot correlate that officially, but it was an anomaly that we had not seen before.

Brigid Duffy:

I would like to add, when we do our risk assessment, the Youth Level of Service (YLS) Assessment, to determine the appropriate level of probation or whether correctional care is needed or placement outside of the home is needed for our children, there are several indicators that we look at. Two of the highest risk factors of a child entering the juvenile justice system is lack of connection to education and lack of extracurricular activities. When we went into that pandemic shutdown, we took away those two things from our kids out of necessity, but we have to expect that there is going to be consequences for that. If you are saying that when we determine a high-risk child who needs to be removed from the community, and those are two of the things that are usually in those indicators, that is the

best I can get—as not being a scientist—but knowing that those things are definitely going to impact our kids' mental health.

Assemblywoman Hardy:

In looking at the statistics about the top five or ten charges that were filed in 2022, and then looking at those, especially in Clark County, a lot of those were doubled or nearly doubled in their occurrences. Admittedly, sadly, our youth have faced unspeakable things in the last few years that many of us have never faced and probably never will face even in our adult lives—what is going on in society and violence and emotional maturity and family, all of those things. When these youth come in, what are the deterrents or what services do you have to help these kids so that they do not continue to commit these more violent offenses? That would be my concern; we do not want them to continue to do this. How do we help them, or are you able to do that so that they do not keep committing these more violent offenses?

Brigid Duffy:

As I just mentioned, we have the YLS, which is our screening assessment tool, to determine what type of supervision a child would need. The offense has something to do with it, but it also looks at different factors around the child. A first time with no prior history in Clark County—a typical first-time robbery without a firearm; or the child that is with the kid who had a firearm, but he did not have the firearm; maybe there are three kids, and he is just along for the carjacking—that juvenile would more likely than not be placed on probation with an electronic monitoring system, and then whatever our youth assessment tool laid out, which would probably be counseling, community service, urinalysis testing, mentoring, if possible, or any type of gang interventions or services that we may have available. That would be our typical first-time offense even for a felony in Clark County, if you were not holding the firearm.

Now, if you are holding the firearm, then we would assess it to determine whether or not we would be looking to certify you if you are 16 or 17. We have an array of services for kids. It is really all about making sure that the probation team is supervising them appropriately, that we have family engagement, and what they need to do to prevent that reoffending. Sometimes with kids it is really hard because they will just go back to the bad influences of the groups that they ran with. It is difficult. It is really just doing our best to make sure that we can give them what we have and prevent them from going to the criminal justice system.

Chair Miller:

I do not see any additional requests for questions right now. I do see requests for some data though: if you could submit to the Committee statistics about the firearms that have been seized and also about the gang-related youth crimes. There seems to be such a difference. We want a lot of data. Could we get a breakdown on female population by race and age, and if that specifically could reflect the increases for the female population, as well as by offense. I know it is difficult. In all the presentations right now in 2023, I feel like we have those gap years, those two years of the pandemic, which really altered human behavior and pattern and trend. When you said, I am still including 2017, I appreciate that because it is almost like we

have to start over, because that was, for all of us adults, it was also a different time. If you could submit that to the Committee when possible.

Brigid Duffy:

I already wrote down the girl statistics and the gang-related statistics. On the firearms stats, is that the school-based firearms versus non-school based? Because I do not think I am going to be able to give that to you—I do not think even Juvenile Justice Services clicks off what type of firearm it was.

Chair Miller:

While the conversation was around schools and that is where most of our youth are during the day, we would like the school-based firearms statistics. I will close the presentation. I will open it for public comment. [Public comment was heard.] Tomorrow we will have a mix of bills and presentations. I will see everyone promptly at 8 a.m. tomorrow on Wednesday the 15th. This meeting is adjourned [at 10:05 a.m.].

RESPECTFULLY SUBMITTED:

Traci Dory
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a letter dated February 11, 2023, from Mary C. Walker, representing Douglas, Lyon, and Storey Counties, regarding Assembly Bill 68.

[Exhibit D](#) is a copy of a PowerPoint presentation titled, "Juvenile Justice Services, Division of Child and Family Services," dated February 14, 2023, presented by Cindy Pitlock, Administrator, Division of Child and Family Services, Department of Health and Human Services; and Sharon Anderson, Deputy Administrator, Juvenile Justice Services, Division of Child and Family Services, Department of Health and Human Services.

[Exhibit E](#) is a copy of a PowerPoint presentation titled, "District Attorney's Office Juvenile Division," presented by Brigid J. Duffy, Assistant District Attorney, Juvenile Division, Clark County District Attorney's Office.

[Exhibit F](#) is a copy of a PowerPoint presentation titled, "Juvenile Justice in Washoe County," presented by Shelly K. Scott, Chief Deputy District Attorney, Juvenile Division, Washoe County District Attorney's Office.