

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

**Seventy-Eighth Session  
February 18, 2015**

The Committee on Judiciary was called to order by Chairman Ira Hansen at 8 a.m. on Wednesday, February 18, 2015, in 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/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Ira Hansen, Chairman  
Assemblyman Erven T. Nelson, Vice Chairman  
Assemblyman Elliot T. Anderson  
Assemblyman Nelson Araujo  
Assemblywoman Olivia Diaz  
Assemblywoman Michele Fiore  
Assemblyman David M. Gardner  
Assemblyman Brent A. Jones  
Assemblyman James Ohrenschall  
Assemblyman P.K. O'Neill  
Assemblywoman Victoria Seaman  
Assemblyman Tyrone Thompson  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

Minutes ID: 227



**STAFF MEMBERS PRESENT:**

Diane Thornton, Committee Policy Analyst  
Brad Wilkinson, Committee Counsel  
Nancy Davis, Committee Secretary  
Jamie Tierney, Committee Assistant

**OTHERS PRESENT:**

James W. Hardesty, Chief Justice, Supreme Court of Nevada  
Nancy Saitta, Associate Justice, Supreme Court of Nevada  
Andres Moses, Staff Attorney, Eighth Judicial District Court  
Brian Vasek, representing Clark County Office of the Public Defender  
Sean B. Sullivan, Deputy Public Defender, Washoe County Office of the Public Defender  
Steve H. Fisher, Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services  
John T. Jones, Jr., representing Nevada District Attorneys Association  
John M. "Jack" Martin, Director, Clark County Department of Juvenile Justice Services and President of the Nevada Association of Juvenile Justice Administrators  
Scott J. Shick, Chief Juvenile Probation Officer, Douglas County Juvenile Probation Department  
Frank W. Cervantes, Director, Washoe County Department of Juvenile Services

**Chairman Hansen:**

[Roll was called. Committee rules and protocol were reviewed.] We have one introduction to make this morning, it is Bill Draft Request (BDR) 15-912.

**BDR 15-912**—Makes various changes relating to the crime of burglary. (Later introduced as [Assembly Bill 174](#).)

ASSEMBLYMAN GARDNER MADE A MOTION TO INTRODUCE  
BILL DRAFT REQUEST 15-912.

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We are now going to hear a presentation on the Commission on Statewide Juvenile Justice Reform.

**James W. Hardesty, Chief Justice, Supreme Court of Nevada:**

At the suggestion of the Chair, we were encouraged to provide you with an overview of the Supreme Court's Commission on Statewide Juvenile Justice Reform. The Supreme Court, by order, appoints or establishes, on occasion, commissions or committees that study areas of improvement to the administration of justice. In February 2011, at Justice Saitta's and my urging, the court entered on Administrative Docket No. 455 an order which created a commission to study statewide juvenile justice reform. Justice Saitta and I have co-chaired that Commission since its inception. The Commission is unique, first because it includes every stakeholder in the juvenile justice system: juvenile probation officers from around the state, juvenile judges from around the state, representatives of counties, and detention centers. It is perhaps unwieldy because it is so big, but it is extraordinarily productive.

What is significant in our state is that it was, for the first time ever, an effort to collaborate and bring all of the stakeholders involved in juvenile justice into one arena to focus on areas of interest and concern to all about juveniles and how we are dealing with them in our system. It is interesting that during the very first meeting, many of the stakeholders expressed an objection to even being there. Since that time, the Commission has produced many recommendations, and at my last count, not a single one has passed without being unanimous. We have developed enormous consent and consensus on various issues that I think affect the juveniles in our state.

At the very beginning, the Commission focused on two primary subjects. One was the deep-end commitment in our state, that is the ultimate correction facility for juveniles and, secondly, the data collection systems that are used by various stakeholders throughout the juvenile system. As to the second, which I will discuss in a moment, it is astounding the number of systems that exist, the number of reports that are being generated, and the waste of time that exists with various systems that do not communicate with each other or produce meaningful information that can provide effective administration of juvenile justice in this state. The Commission has spent a tremendous amount of time revising the suggested reports, the data collection methods, and the manner in which the various juvenile departments, courts, and the like communicate with one another. In 2013, the Commission also recognized the importance of sharing information between and among various agencies that affect children. Schools were not talking to juvenile probation officers, and juvenile probation officers were not getting information from counselors. Senate Bill No. 31 of the 77th Session, which the Legislature ultimately passed, improved sharing of information between and among child welfare agencies, schools, courts, probation departments, and treatment providers. Senate Bill No. 106 of the 77th Session allowed juvenile court judges to hold

young offenders accountable for monetary penalties in restitution, and that legislation was passed, converting those to civil judgments. Senate Bill No. 108 of the 77th Session increased the length of time a child could remain in detention or shelter care pending the filing of a petition alleging delinquency or need of supervision. In 2013, this Legislature approved the concept that we have advocated since the Commission began, which is to regionalize the location of juveniles. As many of you know, most of the Clark County youth were held at the Elko facility; probably 85 to 90 percent of the youth in that facility came from Clark County. Anyone in juvenile justice will tell you that getting a child into a regionalized area, close to his family, home, and support system, provides better outcomes for rehabilitation. As a consequence, we advocated for, and this Legislature approved, the opening of Summit View Correction Center as the deep-end facility for southern Nevada youth.

In 2014, the Commission focused on further regionalization and created the Regional Facility Planning subcommittee, co-chaired by Frank Cervantes, the Washoe County Juvenile Services Director, and Scott Shick, the Chief Juvenile Probation Officer from Douglas County. They spent considerable time developing research and approaches to how to best address a regionalization plan for a juvenile justice facility for northern Nevada for our young people in the rural counties. The effect of this study allowed the judges and juvenile probation officers to spend more time at Elko. One of the recommendations that came out of the subcommittee to the Governor was, instead of building another facility, we should improve Elko, expand its capabilities, and do some serious thinking about what takes place there. As a consequence, the Department of Health and Human Services, Division of Child and Family Services (DCFS) has accepted those recommendations and incorporated them into their budget.

We did one more thing that I would like to highlight for you and will also bring to the attention of the money committees throughout the course of this session. Our Commission asked every district in the state to identify front-end dollars that could be used, that are appropriate in their district, to effect a reduction in the number of juveniles going into detention facilities.

Every juvenile probation group from each district, working with their judges, presented a plan specific to their judicial district. In doing so, we compiled a list, a very specific list, for front-end programing that would reduce the involvement of youth in detention facilities. The total cost of that is \$3,641,000. Unfortunately, that amount was not included in the DCFS budget, and you will hear me say a couple more times during the course of this Legislature that you should examine that. Far too often we have been paying a lot of money at the back end of things, when, if we had paid for it at the front

end, we would have avoided those costs. The very best example of all of this is an article that was in the *Las Vegas Review-Journal* which showed we are housing 340 people, some as long as 12 years, that the parole board said should have been released and were no longer in need of supervision. Why would we spend \$4 million to house those people, when we could have supervised them out of prison for \$7.43 per day? This concept is exactly what we are talking about with regard to the front-end proposal for juveniles to keep them out of our adult criminal system.

The Commission also appointed a subcommittee to examine juvenile competency. You are being presented with a piece of landmark legislation for our state on this subject. I would like Nancy Saitta to present it.

**Nancy Saitta, Associate Justice, Supreme Court of Nevada:**

I am honored to co-chair this Commission because, as Justice Hardesty indicated, more progress has been made in the last two years in juvenile justice than anyone could measure nationally. For those of us who are concerned about our state, whether it be at the juvenile level or the back end of the adult system, the meaningful changes that this Commission has and will continue to create will make a difference for all levels of detention and care and consideration of our juveniles. The Juvenile Competency Statute subcommittee was chaired by Susan Roske, the Chief Deputy Public Defender from Clark County, and co-chaired by Jo Lee Wickes, the Chief Deputy District Attorney from the Washoe County District Attorney's Office. The competency statute that you will have presented to you tomorrow is Assembly Bill 138. It will create a new section, a land-breaking section in *Nevada Revised Statutes* (NRS) under Title 5. It will allow juvenile justice for juvenile competency to create standards, much like in the adult system, where the competency of a defendant who stands accused of a crime can and should be tested and considered before the case proceeds. So too, with the passage of this statute will a juvenile's competency be considered. The new statute will outline the process of determining competency in juvenile proceedings, including the appointment of experts, the creation of competency evaluations, a full-blown hearing on competency, and the results, findings, and orders of the court to deal with the competency of the juvenile. It is essential that the competency of the young person who stands accused be considered before that child be adjudicated or further processed through the system. With this piece of legislation, Nevada will step ahead of other states across the nation and take a first step for the competency evaluation of our juveniles. We urge, on behalf of the Commission, that you seriously support and send on this bill for its creation as a part of NRS Title 5.

**Justice Hardesty:**

Another area supported by the Commission was an examination of the statutes dealing with the sealing and unsealing of juvenile records. An important question: When should a juvenile's records be unsealed and under what circumstances? You will have presented to you Assembly Bill 113, a bill that examines the factors and the circumstances under which records which are sealed can be unsealed, depending upon the nature of the juvenile's behavior after he turns age 21 and circumstances that exist before age 21. Justice Saitta has been an advocate for the involvement of schools. She will talk briefly about the various objectives of the School Attendance and Disturbance subcommittee of the Commission.

**Justice Saitta:**

It became apparent to us rather early in the process that the front end includes schools, and if we do not join hands with our schools, our teachers, and our school counselors, it is unlikely that we will be able to defer juveniles from the system at an even earlier point. The School Attendance and Disturbance subcommittee was created in this Commission. I was honored to be able to chair it. We have a simple and straightforward objective. The subcommittee has worked to promote a safe, respectful, and supportive school environment for all students by advocating for appropriately timed services and by identifying and applying best practice models that encourage student engagement and the prevention of school suspensions and expulsions. I am also pleased to report that—although longstanding in our statutory scheme—was something called the School Attendance and Review Board (SARB). Clark County had never come together and created a SARB, largely due to the size of the school district. It appeared at one point to be an unmanageable process to put together in Clark County. The good news that I am happy to report to you is that we created, with a little pressure from the Commission, a pilot program in Clark County. We have what we refer to as a SARB report, which will be presented to the Commission and to all of you. What we have done with the Clark County Pilot and other SARBs around the state is to generate meaningful diversion for kids who are truant. If a child is truant, he is not learning; if he is not learning, he is likely to be getting into some form of trouble. The SARBs review every truancy after a certain number, which requires the parent to appear before the board with the student so that the school can manage the truancy issue, whatever it may be, and bring that child back to school with the parent's cooperation and continued support of school employees, whether it be counselors or otherwise.

I mentioned that the Clark County SARB had never been in place before because of the size and the concern that Clark County could not handle something that large. I am pleased to tell you that, as a result of the success of our three pilot

sites, Clark County is doing everything it can to find a way to create more SARBs in more schools. Believe me, that is a step in the right direction.

We also have some proposed legislation that will deal with school discipline. It is a proposal that will amend NRS 392.466 to allow the superintendent of the school to use discretion in order to allow a modification to what is now a mandatory expulsion. Currently, the law requires mandatory suspension and expulsion for battery, sale or distribution of a controlled substance, and status as a habitual disciplinary problem. The amendment to this section will not remove these considerations because we all recognize how important they are, but it will allow the local school superintendent, by consultation through counselors and principals, to decide when and if such an expulsion is appropriate and, more importantly, how and when services can be directed to avoid continued or repeated behavior. We are happy to note that this modification, to leave the discretion in the hands of those who know best in terms of expulsion, will be something that you will have an opportunity to consider. We are also going to present to you an amendment to NRS 392.910 which will remove certain language from subsection 1 that makes the use of vile or indecent language within a school a misdemeanor. None of us would like kids to be using vile or indecent language, but it certainly does not rise to the level of a misdemeanor. We hope to change that in this session. We also have the Standardized Juvenile Justice Data Collection subcommittee.

**Justice Hardesty:**

One of the things the Commission has focused on is the data collection and assimilation. We found that all of our juvenile probation officers and administrators are confronted with having to produce all kinds of reports that are a horrific waste of time when no one reads them or cares about the content. We developed a subcommittee that would study the use and collection of data information. We formulated a data dictionary for use as a resource for courts, juvenile justice departments, and the Legislature. I want to thank co-chairs Scott Shick and Stephanie Heying for doing an extraordinary job. We would invite you to take a look at this data dictionary. It has compiled all of the various terms, such as the definition of recidivism in the context of juveniles. Having base terms defined provides a better guidance as to what kinds of statistics you need to have to guide these programs. We have adopted this and will continue to work on how we develop and identify data collection to reduce costs and create efficiencies in this area. Finally, there are two legislative recommendations in addition to the ones that we have mentioned. Assembly Bill 46 does some cleanup to the civil judgment statute for juvenile court unpaid fines and administrative assessments. The Senate also has a bill dealing with information sharing between and among child welfare agencies, schools, and juvenile probation.

**Assemblyman Ohrenschall:**

I had the privilege of serving on the Commission during the interim along with Speaker Hambrick; we were two members of the Legislature on the Commission, and I learned a lot on that Commission. If, in 15 to 20 years, the Legislature is not seeking funding for new prisons, hopefully it will be because of the work of this Commission. The kids who end up in the child welfare system when there is delinquency, abuse, or neglect many have not had the advantages that our children have had. They do not have stable families; many times parents are missing, or a parent may be in prison. Oftentimes the children who end up in the system are the children of inmates. I would like to compliment you on your work. Thank you for letting me be part of this.

**Assemblyman Thompson:**

Thank you for this presentation. It means a lot to communities to know we are really trying to break down that school-to-prison pipeline. We are boldly, as a state, addressing it. I really believe in what you are doing, and I know a lot of members in our community do too. It is so important that we pay on the front end instead of the back end because then we are paying two to three times more.

**Assemblyman Jones:**

Likewise. An ounce of prevention equals a pound of cure. I have seen a lot of programs where people do not have the accountability aspect. Also, I really like the pilot program. You can see what works instead of just saying we think this will work, we spend a lot of money, then nobody follows up to see if it works. On that regard, have you identified a specific factor, like broken families, or the child cannot read? Is there one factor that stands out most with these juvenile offenders?

**Justice Hardesty:**

I think there are multiple factors that affect juvenile delinquency. I do not know if one is predominant. The absence of parent involvement probably is the most significant. What is important to me is this: Children cannot decide whether their parents drink, are addicted, or commit crimes. I think it falls on the state to find a way to help those children avoid doing what their parents did. There are ways this can be done. The thing that has impressed me, sitting on this Commission, is the dedication of the people involved in the juvenile justice system. I welcome any of you to attend a Commission meeting or a site visit and see "boots on the ground." You would be extraordinarily impressed at the dedicated work of the people who sit on this Commission, day in and day out. They are dealing with kids with tough problems. They work with these kids and bring out some extraordinary success stories. There are some failures, but by and large, the success is pretty impressive.



**Justice Saitta:**

I think that Justice Hardesty touched on the answer: the absence of a parent. Whether it be due to some form of addiction or some form of criminal behavior, the fact of the matter is that with most of these juveniles, the issue gets down to a very simple fact: lack of connection to something or someone that can keep that child focused on the forward path of education, law-abiding, responsible behavior, and moving ahead just because he can. The Commission has had the privilege to look at the deep end, the kids who have committed serious crimes and need to be separated from the rest of society; but we have also gone back to just plain old school truancy where we find frequently that the lack of connection can be solved by a teacher, a counselor, a juvenile probation officer, even the truancy cops. They can be as much of a positive connection for these kids as negative. It begins with creating and maintaining a connection for a child who does not have that connection in his family. That is what the Commission has found to be most consistent in terms of where it begins.

**Chairman Hansen:**

Is it too early to see success of the Commission and its ideas? Has there been a reduction in the number of crimes committed, or a reduction in recidivism for some of the kids who are now underneath these guidelines provided by the Commission?

**Justice Hardesty:**

One thing I think we should acknowledge is the success that was accomplished by juvenile judges and probation officers in individual districts. Let me use Washoe County as an example. We have a juvenile detention facility that is built to hold 73 people. Through the work of Judge Frances Doherty, Frank Cervantes, and other folks in that district, they were able to hold the occupancy down to 38. That is a result of principles that have been advanced by juvenile detention alternatives to incarceration throughout the country. That is a front-end effort. You spoke about accountability. We can show example after example throughout this state of kids who are not going into deep-end detention because of proactive efforts being made by these folks. What the Commission is attempting to do is to advance that one step further and break down barriers on the statewide level for everyone. The state of Nevada is at the cutting edge of much of the effort on juvenile justice, and I do not think there are many states that have a statewide commission with all of the stakeholders present and meet fairly frequently to vet these various issues. This is a fluid issue. These are constantly changing and evolving questions, issues, and solutions; that is why the Commission's effort is ongoing. I think we already have results to point to even before the Commission began and since its efforts.

**Chairman Hansen:**

You mentioned that you had quite a bit of resistance to your initial efforts to integrate all the different potential agencies. Is everyone now on board, or are you still finding some resistance?

**Justice Hardesty:**

In 2013, just before the legislative session, we asked the members of the Commission if they wanted to continue this. To a person, they said yes. That was quite a contrast from the first meeting when 27 people sat around with their arms crossed.

**Justice Saitta:**

Perhaps a smaller example of success is related directly to the SARB. I had a fortuitous opportunity: I went to Clark County to attend a review board to see how it was working. At that board was a most indignant young woman who was angry that she was there and did not need to come to school. Mom sat next to her with tears running down her face because she could not control the child, could not get her out of bed in the morning. The child was so inappropriate that she was given a 30-day warning: Either you show up for school or we are going to file a petition which will go before the juvenile court. Of course, she did not comply and 30 days later she found herself in front of a juvenile judge simply for truancy. I can certainly comment on the waste of judicial resources, but the short version is that after she appeared in front of that judge, she saw the light and went back to school. She was able to finish that semester, bring her grades up and graduate that semester with a B+ average.

**Assemblywoman Diaz:**

I am hearing about the success stories. How well equipped are schools with this information to help our youth who show signs and symptoms of not being well and going down the wrong road? As an elementary school teacher, we start to have truancy issues starting in fifth grade. I am not sure we are all as informed as we need to be in terms of how to be proactive and take the necessary steps in order to start addressing those issues you know are happening in the home. How do we get the schools to know what avenues there are to start helping our children sooner?

**Justice Saitta:**

One of the beauties of the pilot program in Clark County was that we were able to show in these three schools the difference that engagement of teachers and counselors can make. However, money is a problem. As you well know, the districts are stretching every dollar they can. By the pilot program alone in Clark County being such a success in turning the truancy around and educating

teachers, administrators, and principals, the school district in Clark County has said, we will make it happen if you will give us the ability to form a SARB here. They will step up and educate their teachers. My sense is that the largest school district in the state has seen the success and possibilities and is willing to step up, using their own budgets, to educate their teachers and counselors, that we will continue to see that throughout the state. The rural communities are well equipped to access resources and are well trained to do so. Some of the very same people who serve as juvenile probation officers find themselves in the schools teaching the right thing so they do not end up with those children on their probation lists. The word is spreading. The ability to get information and education about how and where to divert these children is spreading and as long as we are able, we will be sure that continues to happen throughout the state.

**Justice Hardesty:**

I would like to thank Assemblymen Hambrick and Ohrenschall for their attendance and participation on the Commission. I would also like to thank the Office of the Governor and the Office of the Attorney General. Both have sent representatives to the Commission meetings. I would add that the representatives from DCFS have also been very active participants. We have worked on a number of issues that do not involve legislation. For example, how do we resolve disputes over Medicaid reimbursements for juveniles? This is not something that would require legislation, but it did require better communication between the juvenile courts and the state in identifying these kids.

We are also studying the question of how many kids we are sending out of state. This is a very expensive proposition. This state does not have deep-end resources for a number of kids that have committed juvenile acts. We have kids who are being sent out of state that Nevada has to pay for. We want to further examine that to see how we can reduce the number of kids we are shipping out and reduce the costs associated with that. This has been a collaborative effort with the Governor's Office, the Attorney General's Office, as well as the other stakeholders.

**Chairman Hansen:**

Thank you for your presentation. I will now open the hearing on Assembly Bill 46.

**Assembly Bill 46: Revises provisions relating to the enforcement of certain civil judgments entered by a juvenile court for unpaid fines, administrative assessments, fees or restitution. (BDR 5-489)**

**Andres Moses, Staff Attorney, Eighth Judicial District Court:**

Assembly Bill 46 is a clean-up bill to Senate Bill No. 106 of the 77th Session. This bill removes an unworkable provision in the law. Senate Bill No. 106 of the 77th Session allowed the juvenile court to reduce financial obligations, such as fines, fees, and restitutions into civil judgments. Included in that bill was a provision that sought to carry over the outstanding civil judgment into a criminal case for a juvenile or parent that may occur. In the summer of 2013, after the legislative session, this issue was brought before the criminal judges in the Eighth Judicial District Court. Judge Douglas W. Herndon, who is the presiding criminal judge, started a working group to look into how we could implement this provision. We have the police departments, the district attorneys, and the court staff, and we racked our brains to try to figure out a way to do this. The problem, simply put, is that there is no mechanism or database in place to communicate from the juvenile court to the criminal court that there is an outstanding civil judgment. As an example, if a person in Clark County has an outstanding civil judgment and he gets a speeding ticket in Washoe County, he goes before the court and is sentenced on the speeding ticket. Pursuant to current law, that court should include the civil judgment as a part of that sentence. There is no way for the court in Washoe County to know there is a civil judgment from Clark County. Essentially, this provision is not practical, and we cannot implement it. That is why we are bringing this before the Committee today. Also, section 2 states, "This act becomes effective on July 1, 2015." I see no reason why we could not make that effective upon passage and approval. I would like to propose a conceptual amendment for that.

**Chairman Hansen:**

This bill mentions the remaining unpaid civil judgments. Are civil judgments usually financial in nature?

**Andres Moses:**

Civil judgments are a final decision from a court ordering a party to pay a specific amount of money.

**Chairman Hansen:**

Was this originally put in for some payment mechanism? You mentioned it is unworkable, but obviously when it was initially drafted, there must have been some legislative intent. Do you know what that may have been?

**Andres Moses:**

I think it was put in as another arrow in the quiver the court could use to collect this money for the state and for the victims. I think there were good intentions,

that if this juvenile or parent goes on to commit a crime, this is something that could be thrown into the sentence to ensure payment.

**Assemblyman Araujo:**

If there is a fee that is overdue, would that overdue fee also be forgiven once the sentence is set in place for the second crime?

**Andres Moses:**

When a fee becomes overdue, the juvenile court will reduce it to a civil judgment. At that point, it becomes an enforceable legal order that a party could attempt to collect on the outstanding restitution or fees. Assembly Bill 113 will correct other problems in the Senate Bill No. 106 of the 77th Session that relate to sealing and confidentiality of victims' personal information. This is the first of the two clean-up bills.

**Chairman Hansen:**

Are there any other questions? [There were none.] I will now hear anyone who would like to testify in favor of A.B. 46.

**Brian Vasek, representing Clark County Office of the Public Defender:**

We also support A.B. 46. As indicated, this is to repeal a provision from S.B. No. 106 of the 77th Session. During the working group it was determined there were logistical concerns with implementing this provision of the bill. We support it because that problem does exist. There is no statewide criminal justice database to enforce these judgments.

**Sean B. Sullivan, Deputy Public Defender, Washoe County Office of the Public Defender:**

We support A.B. 46.

**Chairman Hansen:**

Is there anyone else who would like to testify in favor of A.B. 46? Seeing none, is there anyone who would like to speak in opposition? Seeing none, is there anyone in the neutral position? [There was no one.] I will close the hearing on A.B. 46. I will now open the hearing on Assembly Bill 13.

**Assembly Bill 13: Revises provisions governing support enforcement to ensure compliance with federal law. (BDR 11-373)**

**Steve H. Fisher, Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services:**

In brief summary, in 2009, Nevada enacted the 2008 amendments to the Uniform Interstate Family Support Act regarding international child support

enforcement. [Continued to read from prepared text ([Exhibit C](#)) and provided an amendment ([Exhibit D](#)).]

**Assemblyman Ohrenschall:**

Former Senator Terry Care is our state liaison for the National Conference of Commissioners. I have been in touch with him. This is very important legislation. For a little background, Nevada was one of the first states to pass this. In 2009, then-Assemblyman Tick Segerblom was the sponsor of Assembly Bill 280 of the 75th Session. Because of the circumstances, we really do need this bill, or the state could lose funding, correct?

**Steve Fisher:**

Funding would be jeopardized for the Temporary Assistance for Needy Families block grant, as well as losing funding for the Child Support Enforcement Program.

**Assemblyman Gardner:**

Regarding the treaty this was based on, it looks like that treaty has been ratified by only about five countries. If so few countries have it, how will it be of any help to us?

**Steve Fisher:**

Obviously, it is our hope that more countries would opt into this.

**Chairman Hansen:**

Any further questions? [There were none.] Is anyone else here wishing to testify?

**John T. Jones, Jr., representing Nevada District Attorneys Association:**

I do not have a lot to add; I just want to put on record that we are here in support of Assembly Bill 13.

**Chairman Hansen:**

Is there anyone else in favor of A.B. 13? Seeing no one, is there anyone in opposition? Seeing no one, is there anyone neutral? [There was no one.] I will close the hearing on A.B. 13. We will take a short recess at [8:51 a.m.].

We will reconvene [at 9:05 a.m.] with a presentation on Juvenile Justice.

**John M. "Jack" Martin, Director, Clark County Department of Juvenile Justice Services and President of the Nevada Association of Juvenile Justice Administrators:**

As an overview, the Nevada Association of Juvenile Justice Administrators represents all the chiefs and administrators for all counties in Nevada. It is representative of about 35 voting members, and this is a presentation we prepared to give you to ensure you understand what our purpose and role is in the criminal justice system ([Exhibit E](#)). The purpose of the Nevada Juvenile Justice System is to hold juveniles accountable for delinquent behavior, provide effective deterrents, interventions, and diversions, and protect the public from delinquent activity. There are some very significant differences between the adult and juvenile system that we will capture. We practice a restorative justice model which is a balance of attention between offenders, victims, and the community. A large purpose of our system is that it is a bifurcated system, so the state runs the correctional centers and operates the youth parole bureau. At probation, our local county jurisdictions operate probation departments which seek to divert kids from escalating in the system by maintaining a continuum of care that seeks to rehabilitate and deter further escalation, yet meets the needs of the child where he is at. A common line we like to use in juvenile justice is "Children are often the symptom bearer of a dysfunctional family." We take all of those things into consideration when making determinations at first contact. The juvenile justice system is rehabilitative in nature and seeks to utilize the least restrictive approach.

Components of the Juvenile Justice system are the juvenile court; local law enforcement, including the probation departments; and the state law enforcement agencies such as the youth parole bureau, prosecution, defense, and community corrections.

Slide 4 shows the differences between the adult and juvenile systems. In the adult system it is a criminal act and in the juvenile system it is a delinquent act; the adults have probable cause reviews and the juveniles have detention hearings. The biggest difference is if an adult is found guilty, he is sentenced or convicted. With a juvenile, he is adjudicated and committed, whether he is committed to the state or a county camp.

The jurisdiction for juvenile justice is 8 to 18 years old. We have jurisdiction oftentimes up to 21 years if the crime was committed before he turned 18. The *Nevada Revised Statutes* (NRS) requires three years of supervision on specialized cases, usually juvenile sex offenders. We can supervise a child until he turns 21, but we have no ability to have an initial offense after he turns 18 years old.

Slide 6 shows the overview of the process leading to court. It begins with the initial contact, either arrest or citation depending on the initial contact, either a misdemeanor, a gross misdemeanor, or a felony. There is an informal process of handling the child where we try to connect the family and the child to resources as early as possible in our intake process. Obviously, with a gross misdemeanor or felony, we go through the formal judicial process. We see a judge who determines whether to adjudicate or commit. The public defense and the district attorneys are involved. We make recommendations on that point for the court and the court will make the determination. When we are talking about the informal supervision, a great majority of our children have one contact with the juvenile justice system. In Clark County we had 14,000 cases last year, and 3,000 of those cases came through detention. The other 11,000 were cases that were handled informally or formally through intake. Low-level offenses require alternatives to detention and require a continuum of care outside of using detention or state correctional facilities. There is a lot of low-level stuff, a lot of substance abuse stuff, delinquent acts that do not necessarily rise to the level of correctional placement, so the probation department and the state seek alternative placements, alternative sentencing, or what we call adjudications to connect those kids to resources to deter them from escalating further into our system.

Slide 7 demonstrates how the funnel works. I can only give you examples from Clark County. Out of those 14,000 cases we saw last year, around 200 made it to the bottom of the funnel. So, about 200 of our kids were passed through our system, exhausted all of the resources at the local level, and a judge committed them to the state. You will see there are several different interventions, whether it be diversion, formal probation, or suspended commitment. Oftentimes a child will be adjudicated to the Spring Mountain Youth Camp and if he completes that program successfully, that suspended commitment will be held and the child can earn his way out of going to the state. If he goes to Spring Mountain Youth Camp and continues to act up, continues to be delinquent, the judge has the opportunity to escalate that and send him to state commitment.

**Assemblyman Gardner:**

How are minors determined to be an adult?

**Jack Martin:**

That is more of a question for the district attorney. I can tell you that the level of offense determines that. There is a hearing where a district attorney, if he believes the case rises to the level of a minor being certified as an adult, makes a case to our judge. Our judge will oftentimes seek competency or psychological evaluations, and the judge will then make a determination



whether the child meets the standard of an adult and whether he acted as an adult in the terms of that crime. Last year in Clark County, we had approximately 30 kids that were entered into our system and certified as adults. Some crimes in Nevada are automatically treated as an adult—murder, attempted murder are automatically remanded up to the adult court.

The next slide shows how we make the determination to detain a child when brought in from a police officer's car into our booking center. We make these decisions based on the risk assessment instrument, which determines the threat of flight, the likelihood to commit a dangerous offense to himself or others, basically community safety. Is he a fugitive from another jurisdiction? Does he have a warrant? Is he in violation of a court order? All of those things are taken into consideration when that child is initially detained. If the child meets certain points, he is detained and will see a judge within the next 72 hours. If he does not meet the point threshold, he will be released back to the community with conditions such as informal probation. He will be given a court date and he will be connected to services as quickly as possible in anticipation of the court hearing.

Slide 9 is a map of Nevada, showing the location of juvenile detention facilities. It should be noted that Mineral County has closed their facility. The next slide lists the youth facilities. We have two jurisdictions that have county youth camps; one is the China Spring Youth Camp in Douglas County, which serves all of the rural counties and Washoe County. In Clark County there is the Spring Mountain Youth Camp which serves 100 boys from Clark County. There are three corrections facilities in Nevada, the Nevada Youth Training Center in Elko, the Caliente Youth Training Center, and the Red Rock Academy in Clark County. In order to be committed to a juvenile correctional center, the child must be at least 12 years old.

Slide 11 discusses trends and best practices. In Nevada we continue to seek alternatives to detention. We work at building our infrastructure out in the community to deter children at first touch. We are looking for detention reform where we reduce the number of hours that kids are isolated; we spend a lot of time trying to connect services immediately upon a kid touching the system. All of these strategies that we try to implement are evidence-based. They are not just a good idea we cooked up in the back room and want to implement. With continued state collaboration, there are numerous committees, the Governor's Juvenile Justice Commission, the Nevada Supreme Court Reform Commission, and Nevada Association of Juvenile Justice Administration, which are all working simultaneously and collaboratively to find solutions to our juvenile justice-related issues. A big point for us in the probation departments are to

expand our diversion and front-end services to deter children from escalating to the state system and to divert them from escalating to a life of adult crime.

Slide 12 is mental health. This is a large challenge for us in juvenile justice. We continue to look to implement a continuum of care that includes early access to mental health services. Nevada law requires that every child who is detained must be screened for a possible mental health or substance abuse condition. We are required by law to use the Massachusetts Youth Screening Instrument 2, which we do on every single child that is detained in our detention centers. In Clark County, over 55 percent of our youth who touched our system had at least one diagnosable mental health condition, oftentimes more than that. About 35 to 40 percent had dual diagnosis of a substance abuse-related issue and a mental health issue, often related to those children self-medicating to deal with any mental health issues they may have. If you couple the mental illness along with substance abuse and poor familial resources, the issues continue to compound exponentially for that child. As I have continued to say, a true continuum of care is what is needed for these children. In the probation department we continue to seek intervention and diversion dollars and expand our evidence-based programs. We are also finding evidence-based solutions for our deeper-end children who land in the state system.

**Assemblyman Araujo:**

What is the recidivism rate of our children who attend county camps? Of those, how many are then moved into the state's prison pipeline?

**Jack Martin:**

I can get you the specific numbers. The number we use is that about 90 percent of our children from Spring Mountain Youth Camp do not escalate; we have about a 90 percent success rate. In Clark County we look at Spring Mountain Youth Camp as a last chance before being committed to the state. We track kids for about six months or until they turn 18 years old. We lose jurisdiction at 18 years old, so it becomes very difficult to track a true recidivism rate. We want to track for three years, which is the national best standards in terms of tracking recidivism. Also, what is recidivism? That became a great question. Is it a re-offense? Is it a recommitment? Is it any law enforcement contact? We have used a general overview of recommitment or the detention in an adult system.

**Chairman Hansen:**

The term competency has been used quite a bit. Is that strictly a mental competency?

**Jack Martin:**

The definition is: Does this child understand what he has done or what he has committed. That could be due to age, a mental health condition, or substance abuse impairment. Competency is something we are seeking to define further in current bills this year. Competency is often ordered by the court. The judge may order a competency hearing where a psychiatrist will meet with a child to determine whether he knew and was fully aware of the ramifications of his behavior at the time of the crime.

Continuing with the mental health slide is that the juvenile justice system has become adept at assessing the placement of youth with a serious emotional disturbance. We do not only refer kids to state or county commitments. When we determine a child has some serious mental health issues, whether they be trauma or substance abuse or other issues, we make referrals to residential treatment centers, substance abuse placements, and all different kinds of placements which can occur in lieu of correctional placement.

**Assemblyman Jones:**

Do you have statistics on how many detainees are put on psychiatric medications?

**Jack Martin:**

About 35 percent of our detention population is on psychotropic medications.

Slide 13 deals with funding. Local jurisdictions are funded through county general fund budgets, plus we get pass-through grants through the Juvenile Justice Programs Office, run by Pauline Salla who circulates dollars through us to the Formula Grant funding from DCFS, and our Specialized Room and Board funding through a block grant. A lot of those grants are determined by our K-12 enrollment rates to determine a fair solution on dividing those across the board. Also, we have whatever grants the individual jurisdictions write to federal grant funding sources. The Annie E. Casey Foundation or the MacArthur Foundation are examples of grants that currently exist in Nevada. Our funding is important for us both for the state and the counties in building a true continuum of care. We are constantly looking to invest further in the front end and relieve the reliance on the state correctional institutions, realizing that state correctional institutions are still very vital to our continuum of care.

The last slide is Nevada moving forward for our Nevada Association of Juvenile Justice Administrators. There is a federal mandate which is the Prison Rape Elimination Act, which was enacted in 2003 and has a lot of cost-prohibitive measures attached to it to include video cameras in our detention centers, how we write our contracts, the background checks that are done, how we report,

and how a child can report possible sexual behavior inside our institutions. This is a very complicated federal act that we are all moving into compliance with.

The conditions of confinement are always an issue that we continue to improve. Reducing the frequency and length of room confinement is a goal. Senate Bill No. 107 of the 77th Session requires us to track the use of isolation in our institutions. A huge part of our juvenile justice plan is the Disproportionate Minority Contact initiatives. Our Minority and Gender Committee works very hard to ensure our system is color-blind and provides services to all people equally. We continue our collaboration with the state and our local educational systems and truancy and school disturbance initiatives, and to support student success. One of the very fortunate circumstances we have in Nevada is our continued collaboration with the Supreme Court Commission on Statewide Juvenile Justice Reform, the Governor's appointed Juvenile Justice Commission, and the Nevada Association of Juvenile Justice Administrators. All work harmoniously and many of us belong to one or more of those committees. We continue to want to do good things for children and continue to protect our community. We continue to ensure that a viable and effective continuum of care exists, and we continue to seek and expand our mental services available to delinquent youth.

**Chairman Hansen:**

Are there any questions? [There were none.]

**Scott J. Shick, Chief Juvenile Probation Officer, Douglas County Juvenile Probation Department:**

I would like to reiterate everything Jack Martin said. I think it is extremely important to understand that the collaboration for the last 2 to 3 years has been essential to the success of the bills being presented to the Legislature this session. We stand shoulder-to-shoulder with them and want you to understand that. It is on behalf of the kids and families that we work with in the small jurisdictions. We are in support of the presentation, and we continue to try to reduce juveniles from penetrating the juvenile justice system with the best possible resources and that we are all working together.

**Frank W. Cervantes, Director, Washoe County Department of Juvenile Services:**

I would like to thank Jack Martin for the presentation. The information that he provided is very accurate. We have worked on this presentation for several months to give a synopsis of what juvenile justice looks like in Nevada. You heard about the commissions and standards we are trying to set forth in Nevada. We have a very progressive juvenile justice system. I know there were some questions about the statistics on recidivism. I will provide the Washoe County numbers as well.

**Assemblyman Thompson:**

Mr. Martin, Mr. Cervantes, and Mr. Shick, thank you so much for working together. That is so important when we have such a big system trying to solve situations that arise for our young people. Thank you also for looking at diversion instead of locking them up, letting them wait, and then putting them back out.

**Scott Shick:**

The front end is essential to what we do. We will continue to do that on a case-by-case basis in the urban or rural areas. That basically is our war cry.

**Frank Cervantes:**

Nevada is unique in that there are rural areas, Washoe County, and the large metropolitan area in the south. The fact that we can work together as a juvenile justice community is really helpful.

**Assemblyman Ohrenschall:**

I worked with the presenters today during the interim. I was privileged to chair the Juvenile Justice Task Force, and I would like to echo what Assemblyman Thompson said. I appreciate how much you care about the kids and how much you do not want to see them end up in the adult system. My day job is a deputy public defender, and I work in the juvenile division. I have gotten to know Jack Martin very well. I am very impressed by him and his staff. These are people who work with the kids. They try to talk to the kids and counsel them. They do not want to see them back in juvenile detention. Do you have many 18-year-olds who end up in detention facilities, waiting adjudication? If so, how do you handle the situation where you have a young adult who recently turned 18; is he housed with the juveniles in the detention facility?

**Frank Cervantes:**

One answer is that in the juvenile system we can retain jurisdiction until the age of 21, so that scenario can happen. When an 18-year-old enters the juvenile justice detention facility, he is still a juvenile by jurisdiction, so technically he can be housed with other detainees. There are classification schemes that we use across the board for 18-year-olds, different types of offenses, age, maturity, that is all factored into how we house juveniles.

**Assemblyman Ohrenschall:**

Then you are able to house the over-18-year-olds with the juveniles?

**Frank Cervantes:**

That is correct.

**Chairman Hansen:**

The interaction that Chief Justice Hardesty and Justice Saitta mentioned, the coordination, et cetera, sounds like it is working well. They also mentioned they are working aggressively to reduce unnecessary paperwork and endless reports that no one reads, data that is being collected that is of no value. Is there anything we can do on our end that will make your work better? Also, it was mentioned that there is a juvenile detention facility in Washoe County that has 75 beds and currently holds 38, which is a good thing, but has there been any increase in dangers to the public by releasing too many people? Is there any negative effect to not filling those beds?

**Jack Martin:**

In Clark County, four to five years ago we had over 250 kids in our detention center. This morning we had 134. Part of that is an overall decrease in juvenile crime, along with all crimes. It is an ebb and flow, and we are now seeing the downward trend, couple that with our interventions and strategies, which have kept kids out. There is no marked increase in Clark County of violent crimes that would suggest that kids being released are committing further crimes. I would argue the opposite. There is a lot of national research that has been done that suggests kids supervised in the community, with their loved ones receiving services also, is far more effective than incarceration at reducing violent crime and reducing risk to the community. No matter where we incarcerate a child, whether in Elko or in Clark County, we remove them from their family. Their family is a large part in how the child changes, so we believe that community corrections and supervision is far more effective—cost effective—than incarceration. That is why less than 3 to 4 percent of our state kids end up going to the state system. We are doing a lot of good stuff with the kids on the front end and diverting them.

**Chairman Hansen:**

That is the answer I was hoping to get.

**Frank Cervantes:**

Regarding your discussion about streamlining the system, the Supreme Court has been very valuable for that as far as being able to consolidate our data into a more digestible system, which makes it easier. Regarding the second part of your question, the Jan Evans facility is actually architecturally built for 108 beds. The average daily population is around 30 to 40. When we look back in time, about a 10-year study, the kids who were incarcerated in detention, when we had high numbers, were typically low-end offenders. We have a risk assessment that determines who should be in and who should be out. The kids that we let out during the reform, we released safely, either on

a house arrest, or a supervised release program, or a straight release. There is a mechanism to evaluate who is in detention and who is not.

**Scott Shick:**

I was chair of the Standardized Juvenile Justice Data Collection subcommittee for the Supreme Court Commission and the whole concept was to streamline the juvenile data dictionary, which we accomplished. The final step would be to facilitate the technology necessary for the state to distribute that to the judicial jurisdictions. Basically, I can complete my report for Douglas County, it goes into the state server, and the state juvenile justice specialist can then qualify reports for anyone. I would just reiterate that everyone uses a detention screening tool, and that is why the kids who need to be out are out and the kids who need to be in are in.

**Assemblyman Nelson:**

I want to follow up on something that Chief Justice Hardesty mentioned, and that is a program that has not been funded. He said if we had put a little bit of money in the front end, we would have saved a lot of money on the back end. I am curious if you can elaborate on that.

**Jack Martin:**

About six months ago we were asked to fill out our requests for expanding our programming. Obviously we are looking for ways to divert children from the front end. In Clark County, we requested dollars for more staff at Spring Mountain Youth Camp so we could become compliant. We requested approximately \$1 million for increased substance abuse beds. We lack some substance abuse inpatient and outpatient treatment centers for children who may not have reached the criminality that is associated with going to the state, yet they still have a very strong need for substance abuse treatment, or mental health treatment. Clark County requested all of our front-end stuff, which came to a total of about \$2.3 million. We have proven that the front-end and diversion monies do divert kids from state custody, and more importantly divert them from adult care. I cannot speak to everyone's request, but in Clark County, we requested a lot of substance abuse and mental health monies to continue to serve families and children before they escalate.

**Scott Shick:**

All the jurisdictions submitted that front-end money which is the accumulation of the total figure. Also the youth camps, Spring Mountain and China Springs, need some capital improvements; this is the whole continuum of care. Where do you want to spend the dollars, on the front end where it is cheaper, where kids are not going to penetrate the system? That was the vetting that took place in the Supreme Court Commission on Juvenile Justice Reform to drive

that concept home. These funding requests are certainly based on strategy and proven data from past experience.

**Frank Cervantes:**

Supreme Justice Hardesty also alluded to the mental health population that we sometimes send out of state. One of the front-end programs we are looking at is some models to keep kids closer to home. Mental health plays a role in that. There are some wrap-around models, early intervention products that we are looking at now to try to address that population.

**Chairman Hansen:**

Thank you for your presentation. I will open the meeting for public comment. Is there anyone with public comment? Seeing no one, this meeting is adjourned [at 9:43 a.m.].

RESPECTFULLY SUBMITTED:

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Nancy Davis  
Committee Secretary

APPROVED BY:

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Assemblyman Ira Hansen, Chairman

DATE: \_\_\_\_\_



**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** February 18, 2015

**Time of Meeting:** 8 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 13	C	Steve Fisher, Division of Welfare and Supportive Services	Written Testimony
A.B. 13	D	Steve Fisher	Amendment
	E	Jack Martin, Clark County Department of Juvenile Justice Services	Slide Presentation