

Steve Sisolak  
Governor



Victoria Gonzalez  
Executive Director

**STATE OF NEVADA  
DEPARTMENT OF SENTENCING POLICY**

625 Fairview Drive, Suite 121 / Carson City, NV 89701-5430

**NEVADA SENTENCING COMMISSION**

**MINUTES**

**Date and Time:** February 19, 2020, 9:00 AM

**Location:** Old Assembly Chambers of the Capitol Building  
101 N. Carson Street  
Carson City, Nevada 89701

**Video Conference Location:** Grant Sawyer Building  
555 E. Washington Avenue, Ste. 5100  
Las Vegas, Nevada 89101

**MEMBERS PRESENT:**

John Arrascada  
Chuck Callaway-**Vice Chair**  
Senator Nicole Cannizzaro  
Chief Anne Carpenter  
Director Charles Daniels  
Chairman Christopher DeRicco  
Judge Scott Freeman  
Justice James Hardesty-**Chair**  
Chris Hicks  
Darin Imlay  
Christine Jones Brady  
Keith Logan  
Assemblywoman Rochelle Nguyen  
Russell Marsh  
John McCormick  
Dr. Elizabeth Neighbors  
Dr. Emily Salisbury  
Tod Story  
Dr. Tiffany Tyler-Garner

**STAFF MEMBERS**

Executive Director Victoria Gonzalez  
Sherry Glick

**OTHERS PRESENT:**

Attorney Leonard Engel, Crime and Justice Institute

Heather Field, Governor's Finance Office

Mary-Sarah Kinner, Washoe County Sheriff's Office

Mindy McKay, Record Bureau Chief, Department of Public Safety

Valerie Meade, Crime and Justice Institute

Jennifer Noble, Washoe County District Attorney's Office

Barbara Pierce, Crime and Justice Institute

Michael Sherlock, Nevada Commission on Peace Officer Standards and Training

Abigail Strait, Crime and Justice Institute

Meagan Winn, Crime and Justice Institute

## 1. Call to Order / Roll Call

**Justice James W. Hardesty, Chair:** I'd like to welcome everybody to the Sentencing Commission Meeting. We have a robust agenda today, and so, we'll be here for a while together. We are also, of course, in a new setting for both the North and the South. Here in Carson City, we're in the Old Assembly Chambers, and in Las Vegas, you're in the Grant Sawyer Building, in the area next to the Governor's Office. But I understand, through the excellent work of our Executive Director, we have still managed to make our proceedings available to the public. Where else, but YouTube?

ROLL CALL

## 2. Public Comment (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Commission will impose a time limit of three minutes).

**Chair Hardesty:** I'll open up the meeting for public comment. Because of the length of our agenda, I'll limit public comment to three minutes. We'll have public comment at the beginning and again at the end of the meeting. Seeing none, I will now move on to the next agenda item.

## 3. Approval of the November 15, 2019 Minutes (For discussion and possible action)

**Chair Hardesty:** You have received a copy of the draft of the minutes of the November 15<sup>th</sup> meeting. Are there any edits, comments, or corrections to those minutes?

JUDGE FREEMAN MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 15, 2019 MEETING OF THE NEVADA STATE SENTENCING COMMISSION.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY

**Chair Hardesty:** Before we get into item four, I would like to acknowledge the appointment of Assemblywoman Nguyen as the new Chairperson of the Advisory Commission on the Administration of Justice (ACAJ), our sister commission. Congratulations Assemblywoman. We are fortunate to have you as a member here and of course as Chair of the Advisory Commission. You'll be able to keep all of us in balance and coordinated, I hope.

**Assemblywoman Nguyen:** I don't know about that but thank you, I appreciate the confidence.

**Chair Hardesty:** Would you care to share with the Commission before we get into the agenda, just a brief overview of what the Advisory Commission has initially done and what your expectations are as Chair?

**Assemblywoman Nguyen:** I am very excited to be chair and I am very excited that we can work so closely together. I know that I have a very good relationship with Justice Hardesty as well as Vice Chair Callaway and I know that they also sit on the ACAJ. So, I think it will be a perfect blend that we are not doing things twice and we are able to coordinate our efforts and hopefully come up with some really good legislation. I know I'm curious to see kind of where we're going here with this commission and where the direction is so we're not doing any kind of overlap with ACAJ. I have some ideas and am still taking some initial polls with other members of ACAJ to kind of see what direction to take. But it is our intent in light of some of the substantial legislation that passed with Assembly Bill 236 (AB 236) to address some more qualitative work instead of quantity. So, working on some of the things that potentially need fixing or adjusting or modification to make more efficient and more effective. So, I look forward to that and look forward working with this commission as well. Thanks.

**Chair Hardesty:** Thank you Assemblywoman. Do any Commission members have any questions for Ms. Nguyen? All right. Then let's proceed. As you all know at our last meeting, we had proposed our selection for Executive Director, Victoria Gonzalez. And, the Governor has since appointed her and she has, she accepted that appointment. I am very grateful personally that she did that as I think you'll begin to see as the meeting develops, she has just been fantastic. She is absolutely a major contributor to the work of the Commission already. She was appointed on December the 9th. Since that time has been working on establishing and standing up the Department as well as getting it staffed, set, going through the trials and tribulations of state government trying to find offices, computers, steal chairs. Oh, I didn't say that, did I? And she has just been terrific. I have met with her weekly since her appointment. She has provided to me weekly reports on her progress and her work, and her meetings, and her engagement. I can tell you firsthand that she has really been a very busy director. I asked her if we could have, at the beginning of each meeting, a kind of a summary, an executive director report, that she could share with all of you so you that you'll see in each one of our meetings, some of the specifics and the activities that she's been involved in. So, welcome Ms. Gonzalez, and we look forward to your comment and your reports.

**Victoria Gonzalez, Executive Director:** Thank you Justice Hardesty and the Commission. I want to thank this commission again. I know I've taken the opportunity to email all of you individually and have also had the pleasure to be able to meet with some you at this point to become better acquainted and to discuss issues of the Commission in general and what each of you bring to the Commission individually. I will continue to thank you in the future and try not to gush too much, because this is such an honor, and I feel so lucky. And I think we're lucky to have each other and so I just want to thank you again, to the Commission, to Justice Hardesty.

#### **4. Report from the Executive Director of the Department of Sentencing Policy and Overview of the Duties of the Department and the Commission** (For discussion and possible action)

Victoria Gonzalez, Executive Director, Department of Sentencing Policy

**Director Gonzalez:** I want to give you a quick overview of what my report will entail today. I will begin by going over the duties not only of the Department and of the Commission, which I know were reviewed at one point, at the beginning, when you started meeting, when the bill became effective October 1.

But I'm going to go over those briefly, again, and then, I will go over the activities of the Department and the Commission, since I've been appointed. And I will also give you an overview of the budget of the Department and the Commission. So, just a little bit of background information. As we know, the Department of Sentencing Policy was created by Assembly Bill 80 (AB 80), in the 2019 Legislative Session. Since Session has ended, those provisions in AB 80 have been codified into NRS 176.01323 and 176.01327. Those provisions were added to the existing provisions that provide for the Sentencing Commission.

As you can see here, I've specified what NRS 176.01323 provides, that as the Executive Director, I serve at the pleasure of the Sentencing Commission. While I was appointed by the Governor, my name was selected by this Commission, and I serve at your pleasure. The requirement for this position is that I be a licensed Attorney in Nevada, I devote my entire duties to the Department and the Commission, and I am authorized to employ or enter into contracts as needed to fulfill the duties of the Department and the Commission.

My duties, generally, are provided in NRS 176.01327. It is my duty to oversee the functions of the Department. I serve as the Executive Secretary of this Commission. I report to the Commission on the functions and related issues of the Department, which is what I'm doing in this presentation. I assist the Commission in determining necessary and appropriate recommendations in carrying out the responsibilities of the Department. And so, in future meetings, I anticipate I'll be bringing recommendations about certain decisions we would like to make in developing the Department. It is my duty to establish the budget for the Department, facilitate the collection and aggregation of data from courts, Departments of Corrections, Division of Parole and Probation, and the Department of Public Safety, and any other agency of criminal justice.

These are requirements specifically provided in AB 80. I'm also going to address the duties that have been put on this Commission pursuant to AB 236. And that will be on a separate slide. But that's just what came out of AB 80 for the Department and the Commission. It is also my duty to identify certain areas in criminal justice data that are not currently collected or shared within this State. As we know, one of the duties of the Commission and the Department is to help the Commission in making data-driven policy recommendations related to sentencing and corrections. And so, included in that is to, then, assess the data in the criminal justice systems in general throughout the State.

My duty is also to assist the Commission in preparing and submitting a comprehensive report. This is just the report that's provided in AB 80. There is a slide I'll present, soon, about the

deliverables in general that are supposed to come out of this Commission, but AB 80 provided for this specific, comprehensive report. There is an additional report that the Commission's also required to prepare and submit. And the Department will assist the Commission in doing that. Additionally, I need to take any other actions necessary to carry out powers and duties of this Commission.

Just for a comparison of where we are now, for some of you that are familiar with the fact that we have moved from the Legislative Branch, now over to the Executive Branch, just a little background information. The Sentencing Commission and ACAJ have gone through various forms. But in our current form, the Sentencing Commission was established with Senate Bill 451 (SB 451), in 2017. That bill established the Commission within the Legislative Branch. The Commission was supported by the staff of LCB, and those provisions were codified in 176.0133 to 176.0139. AB 80 made some of these changes, as we are aware.

AB 80 established the Department of Sentencing Policy, put the Commission within the Department of Sentencing Policy, and amended the membership of Commission slightly.

It amended the membership of the Commission by removing the Attorney General and the State Public Defender and instead, added a representative from the Washoe Public Defender and the Clark County Public Defender. And then, finally, there was this requirement added in AB 80 for the Commission that required the Commission to meet by September 1 of each odd-numbered year.

Here are the duties of the Commission, which I know the Commission is familiar with. I won't go over all of these. I provided these in the materials in advance, and I know that you received this information at a previous meeting. But we know that the duties are, in general, to make data-driven policy recommendations to the Legislature related to sentencing and corrections. And this is the way we can do that, by evaluating these various parameters within the criminal justice system in this State.

And then, the duty that was added there at the bottom of – on the left-hand column of 176.0134 was that, in addition to – to the other duties related to making recommendations for sentencing policy, is to provide recommendations to me, concerning the administration of the Department. Now that the Commission is housed in the Department, we have that relationship where those recommendations – that's another duty, the Commission is to provide recommendations to me, in terms of the Department.

AB 236, on the right-hand column, again, I just put some bullet points there of specifically what applies to the Sentencing Commission and that there would – therefore would apply to the Department of Sentencing Policy, as we are in place to help the Commission carry out its duties. So, generally, as we can see, AB 236 requires this Commission to track and assess the outcomes of the enactment of AB 236. The Commission is going to do that, with the

Department's support, by collecting data from three agencies.

So, the Department of Corrections, the Division of Probation and Parole of the Department of Public Safety, and Central Repository, are all required to submit very specific data elements to the Department and then to the Commission, to assist in determining – tracking and assessing the outcomes from the enactment of AB 236. And as you can see in your agenda, we will go into much more detail about that, later, where we're at in that process, what those requirements are.

Additionally, the Commission is required to track and assess outcomes with respect to savings and reinvestment. As we know, AB 236 is in essence the Justice Reinvestment Act of Nevada. It was a result of justice reinvestment from ACAJ, and so, that is one of the duties on this Commission, is in a sense to provide oversight in tracking those savings and reinvestment and how justice reinvestment is going. The Commission is also required to identify gaps in the criminal justice data, and that's where that section has been codified. And then, looking for areas to identify gaps.

So, that's something that we'll be looking at when – that would be included in a report as well, that comes out of this Commission. As we are out assessing what data we are able to collect, we'll also be assessing what gaps in the system there are, statewide – in the systems there are, statewide. The Commission is required to identify a formula to calculate costs avoided. And, finally, the Commission is required to provide staff to the Nevada Justice Reinvestment Coordinating Council and receive recommendations from the Council. As you can see in your agenda, I will also go into detail about that as well, later.

Justice Hardesty asked me to identify the deliverables of this Commission, all in one slide, which was good for me, too, as we all calendar things that we – our goals and our – that we're working towards. So, these deliverables come out of AB 80 and AB 236. And I've also put the section of NRS along with the bill Section, if you would like to refer to that specific language. Just in general, there is a comprehensive report of the Commission required by January 1 of each odd-number year, to the Legislature. I'm calling it the AB 236 Report, which is separate from the comprehensive reports. And so, that is due to the Legislature the second week of Session, to the Governor, the Legislature, and the Nevada Supreme Court. This is a specific statement of account costs avoided that the Commission will be required to submit. That is due December 1 of each fiscal year, to the Governor and the IFC.

And then, finally, this Commission is required to prepare and submit a report of projected amounts of costs avoided and recommendations for reinvestment. And that's due August 1 of each even-numbered year. So, now, I'll move on to the activities of the Department, since I've been appointed. Since I've been appointed, as Justice Hardesty mentioned, I have been in regular communication with him.

So that you know where we are physically housed, the Governor's Finance Office (GFO) has been very generous to provide us some vacant office space that they have in their building right now, and we are very appreciative, not only of the office space they provided. They provided an infrastructure to help us get started, because we were starting from nothing. And they've been very helpful in answering our questions and giving us the support, we need, to get up and running. And we're very appreciative of them. Since I've been appointed, I was tasked with finding us office space that fit within our budget, which I'll provide that – some of the information about those numbers. But we had a very specific amount of money the Department has been allocated for rent. And so, I had been tasked with looking for space that would help us use that money responsibly and that would also house the Department properly.

And so, the office space I've secured is over at 625 Fairview, we're in Suite 121. It's a very cozy 500 square feet, I think we're going to fit in there very nicely. It's a good starter home I think for the Department. And so, I just secured that. Right now, we are on a monthly lease for that, and we are working on getting the infrastructure. We can't move into that office space at this point. It needs to be wired for internet and for telephones, because we need to be able to access the State systems, and so, they need to put the internet in place and then put another system in place that we can access the State systems from that office space. So, I believe we're still a few weeks out from moving in there. But we have the space secured, which is nice. We know where we're going to live.

Additionally, I've been building the infrastructure of the Department in general. That means doing everything from making sure we have Microsoft Office, to figuring out where -- how to run our HR, how we're going to – trying to get our website up and running. Just so you know, that is in production right now. I just got the email from I.T. and are going to be at [sentencing.nv.gov](http://sentencing.nv.gov). Both the Department and the Commission information will all be there, and so, that will be up soon, and I will email the Commission as soon as that is live. And you'll be able to access now all the materials and the agendas, and our reports will go up there, and then, other information about the Department.

As many of you know, I've been meeting with members of this Commission. I've also been meeting with stakeholders in the criminal justice system that are important for fulfilling the duties of the Department and the Commission. I really look forward to getting to know every aspect of the criminal justice system in Nevada, and it's been a real privilege to meet with everybody so far. And I look forward to meeting with everybody else. Additionally, you received the email from Justice Hardesty related to the data inventory. And so, I've had an opportunity to meet with different agencies and stakeholders in discussing just what types of data you collect, what issues you face in collecting that data.

And then, finally, I've been in regular communications with the Crime and Justice Institute (CJI). Because we are so tightly related to AB 236, we are part of the implementation plan of AB 236. And so, CJI – I had the pleasure of working with them when I was working with the



ACAJ, last Interim, but now, I get to work with them very intimately. And they are not only helping us in getting the Commission up and running, over here in the Executive Branch, but also helping the Department get up and running, and then, helping us throughout this implementation process for all of the requirements that are tasked on this Commission.

So, finally, on to the budget of the Department and the Commission. So, this is something new for this Commission, and then, something new for a lot of us. I'm going to refer to the materials that I provided to you in advance, just so you have a general snapshot of where we're at with the budget. Just in general, this is just year one, what I have here. So, year 1, right now, we have appropriated \$404,492. Year 2, it's going to be about \$488,000. That amount of money is to get the Department up and running and keep it going and then, also fund this Commission.

The Department has been allocated four staff, the Executive Director, me, a Staff Attorney, and two Administrative Assistants. I recently hired, as I notified you by email, I recently hired one of the Administrative Assistants, Sherry Glick, who started on February 10<sup>th</sup>. She is already a huge asset to the Department. She's enthusiastic, she is a go-getter, and she is ready for this adventure, to build a new department, which this is not a task for the – the weak – for anyone who isn't up for an adventure. And so, I'm very appreciative to have her on staff, and she hit the ground running and has helped get this meeting in place today as well.

I have not hired anyone else at this point, because we are temporarily housed in GFO. Sherry and I are sharing an office, which we appreciate just having a place to live, but Sherry and I are sharing an office at the GFO right now. So, we don't physically have the space to put anybody. After we have everything in place over at the new office space, I will then start the job recruiting for the Staff Attorney position and for the other Administrative Assistant that we've been appropriated. I have already purchased furniture for the Department.

We were allocated, in these budget items, under – I believe it's under Equipment. So, that amount there, that's the \$10,894, that amount was appropriated specifically to buy new furniture for the office space. And so, I was able to buy enough desks and bookshelves and a filing cabinet, just to get us started with, in that amount, and I actually have purchased those through Silver State Industries. And so, I'm excited to work with other agencies within the State. And so, that is one of our purchases.

The staff of GFO and the Department of Public Safety (DPS) are providing us fiscal support we need, that they are helping us actually process our finances. Neither I, nor Sherry, fully have the experience needed to get all of that, and we don't have enough staff to have the internal controls in order to process transactions and financial activities of our Department to the point. So, DPS and GFO have been very helpful in providing that support to us. But – so, what GFO and DPS did, in advance, was, they purchased our computers for us. So, by the time I showed up, the computers were already in place and ready to go. And they used that –

and they used our funds that were allocated.

And then, in addition, AB 80 became effective on October 1. I was appointed December 9<sup>th</sup>, and so, we are going to have some salary savings. And so, those savings will help us make some additional purchases that will just help the – that – and unexpected costs that come with getting an office up and running. For example, getting the wiring set up for this office is an expense, and so, we're going to be able to use salary savings for that. We do not have specific funds – a lot of specific funds allocated to the actual administration of the meetings. And so, that's one thing I wanted to mention.

Not only are we now housed in the Executive Branch, but by being housed in the Executive Branch, we get to use this amazing room and the conference room in Las Vegas, without cost. If we were to go over to the LCB Building, we would be charged an hourly rate to use those facilities, and we do not have that line item in our budget. In order to make sure that I am being responsible with the budget the Department has, that's why I'll make decisions about how – where we're going to meet and how we're going to administer the meetings, based on that. And as I – I had mentioned, too, when we sent out the materials, we were still trying to get a handle on our office supplies and what we can afford.

And so, support that the Commission can provide, in printing off your materials or going electronic, will help us, as we get up and running. And then, we hope to provide the full service at some point to the Commission. But those salary savings are really going to help us in the first year to get the Department up and running. And finally, related to the budget, starting February – so, February 27<sup>th</sup>, which is next week, is the budget kick-off. So, the Department's already going to be learning about how to build a budget, based on the budget we were provided. And so, we'll be going through that process, starting February 27<sup>th</sup>, as we start learning – already trying to reflect what we have right now and start to build our budget for the next Legislative Session.

And so, that is all I have. I'd be happy to answer any questions the Commission has of me.

**Chair Hardesty:** Any questions for Director Gonzalez? Would appear not. Very thorough report. And thank you, Ms. Gonzalez. We'll proceed with the next agenda item.

## **5. Presentation on the Role of the Crime and Justice Institute in Implementation of Assembly Bill No. 236 (2019)** (For discussion and possible action)

- A. Plan of Implementation of Assembly Bill No. 236 (2019)
- B. Discussion of article, *Justice Reinvestment and the Justice Reinvestment Initiative: Impractical Vision and Oversold Program*, by William J. Sabol and Miranda L. Baumann

C. Discussion of response to article

Len Engel, Director of Policy and Campaigns, Crime and Justice Institute

Barbara Pierce, Director of Justice Initiatives, Crime and Justice Institute

Abigail Strait, Senior Policy Analyst, Crime and Justice Institute

**Chair Hardesty:** Let's go on to agenda item five. As you know, AB 236 came about as a result of our collaborative effort and the staff support that we received from the Justice Reinvestment work and the work of the CJI, with funding from the Department of Justice's Bureau of Justice Assistance and The Pew Charitable Trusts. After the Legislative Session concluded, Governor Sisolak, Majority Leader Cannizzaro, and Speaker Frierson and I were invited to send a letter to the Department of Justice requesting assistance for Nevada, to implement various aspects of AB 236. I was really pleased to learn, just before October 1<sup>st</sup>, that we had been approved.

And we now have the benefit of the CJI and staff and technical assistance, to assist the State as we work through the implementation of the various issues that have been addressed in AB 236. As you know, this was the adoption phase, if you will, the legislative phase, was a very, very expensive proposition, with all of the data work that had been done. Well over \$1 million in assistance had been provided to the State, and I think we are going to see the benefit, going forward, of the staff assistance from the CJI.

And I want to extend publicly my thanks and appreciation to the Department of Justice's Bureau of Justice Assistance, the Pew Charitable Trust, and the extraordinary staff of the CJI, for their assistance to Nevada. CJI has, since October 1<sup>st</sup>, been working on an initial statewide implementation plan for consideration by this Commission. They've been working with agencies, meeting directly with agencies throughout the State, responsible for AB 236 implementation, on agency-specific plans, and have been doing a lot of work looking at AB 236 policies and deliverables.

You're going to meet two people here that we probably will see on a pretty regular basis. Barbara Pierce is the leading staff member of CJI to lead the implementation effort, and Abby Strait is her colleague, who will also be assisting in the CJI implementation effort. So, I'd like to introduce both ladies and ask them to join us. They will be making a presentation to all of us and will be providing an overview of the introduction to the implementation plan, from their perspective, and the kinds of assistance that we might look forward to. Ms. Pierce?

**Barbara Pierce:** Thank you, Justice Hardesty. As Justice Hardesty said, I'm Barbara Pierce. I'm the Director of Justice Initiatives at CJI, and I have Abby Strait here with me. Abby is leading up the work of your state agencies, and I'm heading up the work with the Commission and the Department of Sentencing Policy. We also have two of our colleagues here today with us, Valerie Meade and Meagan Winn. They're doing a lot of the work with us as well, and you heard Len Engel joining by phone. He's our Director of Policy and Campaigns.

So, I just wanted to briefly talk about Justice Reinvestment, as a review. So, Justice Reinvestment is a public-private partnership to really assist states who are working on justice system reform. The process involves, as you know, the use of data as well as qualitative assessment. And what – the point is to identify opportunities at each decision point in the criminal justice system and when we do something different and get better outcomes. Justice Reinvestment also applies research and best practices to actually implement the new policies, with the aim of reducing recidivism, shifting resources to more effective public safety strategies.

And then, as you know, because it's part of your charge, Justice Reinvestment also utilizes data to determine outcomes and impacts, obviously, as a result of implementing the policies. So, really quick, there are two phases of Justice Reinvestment. The first phase, as you see in white on the screen, that is called Phase I. And during this time, technical assistance providers work with the stakeholders, analyzing data, conducting a system assessment, using findings to develop policy, providing assistance during the legislative process. And so, you know, with the passage of AB 236, we completed Phase I. And we're now here to talk about Phase II, which is the implementation and sustainability of your policies.

I'm just going to talk really quick about what Phase II looks like. Abby's going to get into more detail on the actual implementation plan and the work to date. So, this slide is my explanation of what the difference between the two phases, implementation versus policy. I'm not going to read it to you, because you can see it on there. But basically, there's a lot of fanfare around the passage of criminal justice legislation, and rightly so, because it's a big deal. But the passage of the bill does not mean that the policies get implemented and implemented well. And implementation's a really long process, and I think the agency has – excuse me – can tell you implementation is really hard.

So, that's what we're here to talk about. Just briefly, these are the states that we have done implementation technical assistance in. There are some groupings here, but the states are vastly different, and we've learned a lot from working in all of them. Just for a bit of history, it used to be that Justice Reinvestment was really just that policy development and legislative phase, and then about seven years ago, the Department of Justice really recognized that implementation matters, and it's not just a magic light switch, when you pass legislation. And so, they decided to fund implementation technical assistance delivery.

So, our assistance varies based on the states' needs. So, there's just some general things that we typically do with states. It looks very different in each place. Justice Hardesty mentioned that we work with agencies and the state on implementation planning. That's really just in recognition that everybody who's responsible for implementation has a lot on their plate, and so, it's just something that we can help with. So, I just want to make sure that people aren't missing the steps that are involved in implementation.

We do a lot of work around training, and we do that in different ways. Sometimes it's just simply putting together educational materials on what the new legislative requirements are and what it means to an agency. We often train agency staff on evidence-based practices. Our preferred method of training is "Train the Trainer". We're not going to be here forever. And so, we want that to be sustainable. So, we most – we mostly use a "Train the Trainer" model,

again, so that can be sustained over time. And then, sometimes we have trainings that we don't offer or that are specially required in the legislation. And so, we help identify either instructors or curriculums as well.

We also do a lot of work with agencies on their own, internal agency policies. Sometimes we're asked to take a look – if somebody has to institute graduated sanctions, we'll do research on what other states are doing, to help the department or the agency write their own policies. Sometimes we help draft. Sometimes we help review. We're really here just for extra staff support. And then, Justice Hardesty's favorite thing, the data and measuring impacts. And I know you all have an interest in that. We are here to help whatever you need, to figure out how you're going to measure all the impacts of the policies.

The important part, as you all know, is that we also communicate the results of what's happening. And so, that can be either through inner reports, press releases, articles for agencies, topical briefs, and so, whatever we can do to support you in sort of promoting the progress that you're making in the State. And lastly, we assist with Reinvestment Strategies. Those can be as simple as helping you do research on sort of what the needs are in the State, that kind of thing. So, it's really at your request. So, overall, I said, we're here to provide extra staff support. Our assistance is available for the next year and a-half, at least, probably through September 2021.

And I'm going to turn it over to Abby, now, to talk more in depth about implementation.

**Abby Strait:** So, as Barbara was mentioning, implementation happens in stages. Believe it or not, there are folks who get their Ph.D.'s in implementation science, and one thing they have discovered is that, as you can see on the slide, implementation doesn't just happen overnight, and it's not just a one-step process. It happens over time and with different stages.

You know, an example of – maybe incorrect way of thinking about this would be an agency lead writing out a new policy and emailing it to staff, and then, wondering why staff aren't following the policy. You know, if staff haven't had training or communication about the new changes, if they haven't gotten any sort of follow-up on supervisors, about how they should be doing something or checking in on if they're doing it correctly, there's no way that they're going to be able to do that. So, with that in mind, these sorts of stages are important to thinking about not just doing it, but doing it well, and how do we get to that point.

So, just to briefly kind of go through these stages, the first one is exploration. That's when you're deciding what you need and putting a plan in place and figuring out what you want to do and making a timeline for that. The next is installation. That's when you're preparing. So, you're not doing it yet, but you're getting ready. So, you're training staff, if you need to. You're developing some internal policies, figuring out what resources are needed, and figuring out how you're going to measure what you're doing. Next is initial implementation. This is the go-live or the first sort of effective date. So, this is when you're just starting to do it, its initial roll-out, writing some coaching to staff, monitoring how things are going with the data and making adjustments as needed.

And then, we kind of get to full implementation, which is when we are to business as usual. I think of these two ones, initial implementation versus full implementation, as doing it versus doing it well. In full implementation, this is business as usual. We're doing things as we normally would, and we're also monitoring our quality and adherence to policy, and we're continuing as we go through, to coach staff. I think one thing to keep in mind is that, throughout all of this, communication is really important. It's important that people who are responsible for implementing the new policy and practice know why they're doing what they're doing and to be aware of the successes that are resulting from their work.

So, it's crucial to communicate both what's happening with – to staff and also to the public, because full implementation, I think, one of the important things that come along with all this research is, it can take two to four years. So, it's not an overnight thing. It takes a lot of time. And so, it's important to communicate to the public what's happening, what work is going on, what success stories there are, and it's important to make sure that the progress is being shown, because a lack of communication can be interpreted as, 'Nothing's happening, no one is doing anything, what is even going on here?'

So, it's important to make sure that we're communicating throughout, what we're doing, why, and what successes are happening. I think this graphic makes it look pretty simple and neat, but, of course, it's not. Implementation is messier than that, and, like I said, it takes time. So, I just want to point out that sustainable implementation requires time and attention to things like organizational culture and changes, and that takes a lot of time and attention to do.

I just wanted to share some of the other lessons we've learned from states who have gone through similar JRI changes as you all are going through. The first one I think is the – one of the most important ones is that frequent cross-agency communication is really essential. The actions one agency takes often impacts other agencies. So, it's important to meet regularly and communicate those changes and coordinate implementation.

It's also helpful to establish relationships and a 'we're in this together mentality'. That makes it easier to work together when issues or barriers arise and also to avoid any – any finger pointing, but to form relation – positive relationships. And part of this also is, you know, communicating within your agency and to the public what's going on. You know, what's our plan for implementation, and how is this going to impact you.

The next one is that, engagement of all stakeholders is important. Related to what I just was talking about, but engaging all stakeholders is important, to make sure these policies are implemented well and sustainably and working together to kind of identify areas of concern or challenges and figure out ways to address them. Next is using data to identify areas of progress or concern. If you remember from my last slide, one of the steps for moving from doing it to doing it well is looking at the data, showing what we're doing, and to use that to make adjustments and to figure out, you know, what's going well and celebrate those successes and then, figure out also, what are things that maybe aren't going the way we attended or aren't going well, and then, figuring out how to make adjustments, based on that.

Next is ongoing staff training and quality assurance. It's not just enough to do, you know, one, quick memo or one training, but to make sure that we are doing frequent communication in

various ways and trainings as well, along with coaching, to make sure staff understand what they need to do and how to do it. And then, we must also check back in with quality assurance measures, regularly looking at the data. It takes time to build a new habit, and it's not just going to – even if people understand what they need to do, they can't just maybe change what they're doing, overnight. So, it's important to check back in with quality assurance and coaching, to make sure people know what they're doing and are prepared to do that.

And then, finally, along with all of this communication, is sharing successes, both big and small. It's important to celebrate successes within an agency, to celebrate what people have done and to appreciate their work, but also to celebrate other stakeholders and the public. Negative stories are going to always appear at some point, and comprehensive reform and outcome measures like recidivism can take a lot of time to come up. So, in the meantime, it's important to share success stories and to show the public that you're working hard and also combat negative stories.

So, one thing – and that first step of the arrow I showed you earlier was creating a plan. So, you have, in your folders - this grid is the implementation plan for AB 236. This is really important for any sort of – implementing anything, but especially with something as comprehensive and with as many pieces as AB 236 has. These aren't meant to be static. It's helpful to add and adjust, as you go along, to track progress. So, what have we done already, and what new things are coming up, that we need to add, and we need to do? So, the plan that you have in your packet is the one that was submitted to BJA, when we were requesting technical – requesting funding for this assistance. But, like I said, it's the – it's a living document. So, it's been adjusted and added to, as we go.

So, with each of these sections, we've kind of laid out the key components. So, what does this section require? What action is required? Also, the agency responsible, which can be, you know, one or multiple agencies, who is doing this? Who's responsible? Next is possible CJI technical assistance. What steps need to happen? How can CJI help? And then, the next is a timeline and status. What needs to happen first, and what – and what's the timeline for that? This is also a place to kind of mark progress and figure out what has been accomplished yet and what still needs to be accomplished.

As part of our technical assistance, we are working with agencies involved in implementing AB 236. We can work with any agency responsible for implementing any part of legislation, as part of our assistance. And so, next, Barbara and I are gonna kind of go through, in a little bit more detail, a couple of these agencies, just to give an example of what technical assistance for implementation from us can look like.

So, first, I'll start with Parole and Probation (P&P). So, we've been working on them with Sections of 236 that apply – that impact them most, some of which are on the screen in front of you. P&P has created working groups for each of these main sections and has been working with those working groups to support them as they revise policies and practices and answer questions about 236. So, firstly – the first one is training for Parole and Probation Officers. So, it's ensuring that they are prepared to train their staff on the trainings required in 236, some of which we can provide directly, as Barbara mentioned, through a "Train the Trainer" model.

But it also means training staff on 236 in general and the changes in policy and practice that are coming from other parts of the legislation.

Next is the graduated sanctions and response to violations. This working group is revising policies and creating a graduated sanctions matrix. And we've been working to support this by helping the group resolve questions about 236 as well as providing examples of other states' graduated needs assessment and case plan. This group is creating case plans for P&P and a case plan policy. Similar to graduated sanctions, we're working with that group to help resolve any questions about 236 but also develop policies about case planning and draft case plans. And, again, with that, providing examples from other states of what case plans can look like and how states have used that.

And then, within all of this is performance metric and quality assurance. As will be discussed later on in the agenda, CJI and Executive Director Gonzalez have been working with agencies to ensure they are prepared to report data on 236. And kind of along with that, in addition to that, we'll be working with each of P&P's working groups as they sort of establish the new policies and practices, to figure out how do you measure what's being done. How do you measure if staff are – what staff are doing and how that's going? And that – kind of help identify what things are being done well, and what things might need to be added or adjusted, that aren't.

Next as an example, I have the Department of Corrections (DOC). Again, these are just some of the things they're working on. First is training for staff. Similar to P&P, this means both trainings required of them in the legislation, again, some of which we can provide through a "Train the Trainer" model, and some of which is training for staff on the changes overall and how those are going to impact their daily work. Next is a risk and needs assessment. DOC has already been using Nevada Risk Assessment System (NRAS), but we're working on the next step of making sure they have case plans built around the results. They have a training set up on case plans, coming later, but we'll be helping them with some initial training on what case planning can look like, what other states have done, and what case planning best practices are, and what lessons they can learn from that.

Next is medical release. From DOC's data, these changes won't impact a ton of people, numbers wise, but we're talking with them about how to prepare for that. Then, for reentry, this is a pretty big chunk. DOC has been working with individuals – working to make sure that people being released have all the necessary materials, and once that and the other changes are in place, we'll work with them to help support education efforts. So, training staff as well – trainings for staff as well as memos and communication internally and with other partner agencies, to make sure that everyone knows what's happening and what's being changed.

And finally, I think this – I keep saying performance metrics, because I think it's – I think it's really important to remember that it's not just saying we're doing this but an important part of this is also measuring what we're doing and making sure it's having the impact we want. So, again, up here is performance measurement. So, once the policies and practices are rolled out, we'll work with DOC to measure implementation of the new policies and make sure – make any necessary tweaks that are resulting from that.



So, I'll now turn it back over to Barbara, to talk some about implementation assistance for the Sentencing Commission and the Department of Sentencing Policy.

**Ms. Pierce:** Great, thank you, Abby. So, just to wrap up with some description of the types of work that we'll be doing with your state, as you know – as you know, there are several requirements for the Commission and also for the Department of Sentencing Policy in AB 236 and 80. We've been working and will continue to work with both entities. On performance measures, you'll hear from Executive Director Gonzalez, and I will talk more in depth about the work that we've started at the request of Justice Hardesty.

In some states, the legislation does not include a long list of performance measures. So, we do work with agencies, a lot of times, on picking measures, defining what they are, and figuring out how to calculate them. In Nevada, we're going to be working with the agencies to really compile their data and report it, so that you all can show off all the progress that's being done in the State. In terms of the avoided costs in reinvestment, AB 236, as you know, charges the Commission with calculating costs avoided as a result of implementation of these policy changes and also making recommendations. We'll support the Commission in the development of that formula if needed.

We can also do research for the Commission, to help with recommendations on the use of dollars, if that's helpful. With the local Council, we'll be available for things such as conducting research for the Council members on topics of interest to them, providing support as directed by the Chair of the Council, this group, or Executive Director Gonzalez. And then, I think in the coming year, all those required reports are going to be really fun to work on. You have a number of them that will be due in the next year. We typically provide assistance on compiling those reports. We've seen and done that in a lot of different states. So, we can provide you with examples, and you can decide how you want to display the information.

And we can also help with communications around those reports if needed. And so, I think that wraps up our presentation. Our goal is to always make implementation fun and cool. So, hopefully, you'll help us do that. I can tell you're all excited about implementation. So, I'm going to turn it back to Justice Hardesty.

**Chair Hardesty:** Yes. I'd like to circle back and ask – Commission members, I'm referring to an attachment in your materials, if you can go to it. It's called "The Nevada 2019 JRI Implementation Plan, Effective July 1, 2020", that Ms. Strait referred to in her remarks. And I think it would be helpful, Ms. Strait, if you could identify how this was constructed. It would be worthwhile, I think. As you mentioned, this is a dynamic document. It will be subject to change and reviewed periodically. But I think it is helpful to catalog all of the expectations from the bill, and then talk about those components, which agency has responsibility, and so forth.

So, I wonder if you would share with the Commission, briefly, how this was constructed. I don't want people to take offense that this is a plan that has been foisted on them. It's a suggestion. It's a recommendation, for now. And I know that Commission members probably haven't had the time to get this overview and the time to think through some of the specifics. We'll talk a little bit about that under this agenda item and a few other agenda items. But I think, from my perspective as Chair, at our next meeting, we might want to get more specific, and then, I

would hope that the Commission would approve this as a working plan and keep it in its dynamic nature, so that you and our staff can continue to work through it.

But maybe you could share with the Commission just a little bit about how it was constructed, some specifics here, and then, we'll see if there are any questions of Commission members for you or Ms. Pierce.

**Ms. Strait:** So, just to echo what you said, this is not meant to be us telling you what to do. I would say that our approach, as technical assistance providers, is that you all are the expert in your state. We're here to provide support and assistance, to add capacity, to help with planning or with looking at what has worked well in other states. But we're not here to tell you what to do. As part of applying for funding for assistance from BJA, we need to submit a plan, to talk about what could be happening with implementation.

But, yes, as I said, it's not meant to be locking you all into something or saying this is what everyone has to do. It's meant to be a start of a plan of how this can be – what are the first steps to doing this. How can we lay out what we're thinking about? So, how we create this is, we look at the legislation, and we walk through, you know, filling out these first two columns of the policy and the key components and the agency responsible. I've just taken from – from the legislation, just going through the legislation and creating this from there.

Some of the – the agencies responsible are ones that are, you know, maybe not directly named but are sort of implied or might have some sort of supporting role in there. We put that in there to kind of help us make sure that we're talking to all the necessary people and that there's not someone who's maybe implied but not directly stated, that we should also be talking to. And then, the two other columns are sort of brainstorming of things that we think would be helpful to do, and – but, as I said, those change as we go, as we talk to agencies and figure out, you know, what have we already been working on, you know, what other barriers are there that we didn't know about, that need to be added or adjustments to make, once we hit the ground running.

I mean, and then, as I said, the timeline status column is – we fill that out, as we go, you know, checking off what's been done and listing out what are the things that are in progress or that we're working on currently. Anything else that you want to say about how those are created, but that's – does that answer the question?

**Chair Hardesty:** Yes, I believe so, for now. Before we move on to another portion of this agenda item, and, by the way, a number of things that were raised in their presentation will come up again in other agenda items here, in the meeting. So, everybody'll have an opportunity to question our technical assistance providers in greater detail, as we continue to work through the agenda.

**Dr. Tiffany Tyler-Garner:** I appreciate the focus on return on investment as well as the discussion around the implementation, how it will require significant cross-agency communication, as well as stakeholder engagement. And as I review the implementation plan, I am noting things like the item on page six, where it says that NDOC will ensure the individual has a photo ID, in partnership with Parole and Probation. Or on page nine, where it indicates

that we will ensure that POST training now includes a component on behavioral health for law enforcement.

If this is indeed the plan, I'm wondering, will there be a larger – will there be a stakeholder – multiple stakeholders' meetings, and have we already began laying a framework for our folks for work across agencies, to meet some of the things that are laid out in this very detailed plan?

**Ms. Strait:** There has been some of that happening already, of some smaller groups of certain agencies, working together to talk about the parts that impact them both. But that's the reason that we want to continue doing as we go on, to have those groups that been meeting continue to meet, but also expand that, and make sure that everybody who needs to be at the table is at the table. I think the small groups that have happened so far is partially because it's been getting very into the nitty-gritty. So, having a small group of people from a couple different agencies has been helpful to work through that. But it's something that I think that is important to continue on.

And I think that agencies such as this can also be a place to do that more formally, right? Taking it out of just the nitty-gritty work group session, but also to make sure that that communication's happening on a more formal and larger sense. I think the oversight groups we've seen in past states that are especially successful are the ones that allow that – that make space for that, that have time for agencies to report and talk to each other about what they're working on, and to have some time to talk together, to report what they're doing, and to say, 'This is how – what – this is going to impact you. What do you think about this? What's your opinion on this?'

**Ms. Pierce:** I just also wanted to add directly to your question, in a couple states, there have been these informal groups who have formed. In the state of Utah, they had a group that was informal, and then, they made it a little bit more formal. It's all the people who were responsible for implementation. They would get in a room. I think it was once a month.

Then as they got going, they met less. But that proved to be very helpful for them. The state of South Dakota did something similar with their juvenile reforms, where they literally got together every week. And then, it was every two weeks. And again, they found that process really valuable, because everything that one agency does impacts another, and they were able to work things out before they put things in place that would've had a negative impact.

**Dr. Tyler-Garner:** So, in follow-up, may I ask, what is the specific role of this Commission in supporting this effort, particularly because there are a number of stakeholders noted in the plan that aren't reflected here? It probably will require some kind of detailed coordination, or someone serving as an intermediary. Are we the intermediary? How does that work?

**Chair Hardesty:** It is the responsibility of this Commission to oversee and monitor and, where possible, contribute to the progress of what you've been talking about. So, I anticipate, as you will see later in this agenda, in fact, reports from all the various agencies, which will monitor this – provide to this Commission their progress.

As you know, we scheduled dates for the Commission for the rest of this year, so we all have targets that we're aimed at. And those reports will be furnished to us, both by our staff and by the CJI staff and directly from the agencies involved. And you're going to hear, even today, problem areas that have already been identified, in a host of areas. To some of us directly involved in the criminal justice system, it will not come as a surprise. I think some of it will be a surprise, and hopefully, as we work through this, we'll begin to identify impediments to what we're able to do, what we're able to capture. And those impediments, I think, will be something that the Commission will need to tell the Legislature about in our reports, at year end.

I don't know if that's helpful, but I think that's the charge of the Commission, Doctor, and what I'm expecting our staff and CJI to assist us with.

**Dr. Tyler-Garner:** Thank you. That is helpful. And then, my one follow-up – one other question is, I like the focus on the return on investment, and I'm wondering what are some of the models or formulas that other states are using, and have we proposed one in particular, a framework for that? And then, what are we doing around the fidelity of the implementation?

**Chair Hardesty:** So, Doctor, thank you very much for that question. And we're all anxious to get to that point in the process. I've asked CJI to make a presentation to us, at our next meeting, that provides alternative approaches that are being used in other jurisdictions. And we're all kind of putting our heads together as individuals and as Commission members, to determine what is the best formula for capturing those expectations throughout the year. So, the Commission will be looking at a number of things that they have identified here. What are our requirements, our deliverables? What are the steps that are needed by our agencies, to implement, to the extent that they can, the measures identified in the bill, and identify the things that they're not able to do, and why?

From that, of course, we want to be able to develop a formula, and there's a few states that have adopted formulas that'll give us examples, as we continue to work through that. And we'll get presentations of those examples at our next meeting. We could've done that today, but I thought it was premature, given some other things that we wanted to communicate. And, frankly, I don't know that even CJI's staff has worked through all of those alternatives and what the upside and downside might be. So, this'll be a process.

You know, the bill goes into effect July 1<sup>st</sup>, so, we're in the embryonic stage, if you will, of building these various structures. But they're so vital to what happens later this year. As you know, many of these measures will only be in effect for six months. Our report is due, frankly, after only six months of operations, with most of this. So, we're really spending most of our time, I think, this year, getting our formulas scheduled, getting our approaches scheduled, and identifying what we can report and what can't be reported.

**Chuck Callaway, Vice Chair:** I just have a very quick question. In particular, slide number 10 is of very much interest to me in the lessons learned from other states. I just got back from a trip to Washington, DC, to the Major County Sheriffs' Meeting. A few months prior, I went to Major City Chiefs. And in listening and talking to law enforcement leaders from around the country, in states such as Utah or Louisiana, where these Criminal Justice Reforms have been implemented, but also in California, where Proposition 47 went into effect, several years ago,

and many of the elements of Proposition 47 mirror the Criminal Justice Reform recommendations from CJI.

So, now that some of these other states are into this, the concerns I hear from law enforcement is, increases in property crime that they're seeing, repeat offenders that are victimizing, that would have been still incarcerated, had they not been released early, under some of these measures, and they're out victimizing. Substance abuse increase in substance abuse, where in some cases, use of heroin, for example, is, for lack of a better term, being ignored by law enforcement, because it's been reduced to a misdemeanor offense. And officers in those jurisdictions, right, wrong, or indifferent, believe they have better things to do than to try to enforce misdemeanor offenses – the – what the criminal justice system has turned into Misdemeanor offenses.

And so, my question is this. We talk in these slides in your presentation about celebrating successes. And you did mention identifying failures. And I think the failures, to me, are critically important. And I'm wondering, in these other states, now that they're several years ahead of us, what failures they've identified and what CJI, in particular, is doing to help fix those failures. Are you urging the Legislature in those states to go back and tweak their laws, to try to fix that? Or what are you seeing from your side, in these other states?

**Ms. Pierce:** Thank you for that question. So, I'm going to just pick off the easiest example. So, one of the things that we try to do, around implementation in particular, and on the policy side, is – so, for instance, if there are a lot of arrests for substance use, things that are driven by substance use, we also want to see in place, and you all want to in place, more treatment in our communities. Where we see some failures on that, where substance abuse continues to drive some crimes, we haven't seen this corresponding effort to make sure that we all follow through on our promise that we're going to have community-based treatment.

That's pretty much the – the primary example that I can – that I can put in place. We're in states for a couple years, doing implementation work it doesn't mean that we go away. So, in states that we haven't worked with for a couple of years we still try to make that case where if you're going to have one policy lever, make sure you have the answer and are truly following through on that. I feel, in some ways, that's the – the best we can do, because we don't work in these states. But I really appreciate you pointing out that we have to make sure if we talk about holding people accountable now in the community, we have to make sure we're actually doing that and it's important to put those things on the table and have discussions. If something is truly not working in a state, and we see it through the data, we really need - like we encourage and try to work with you on what can we do and sometimes that requires a tweak in legislation for example.

**Assemblywoman Nguyen:** Just a follow-up on that. I know that a lot of the success is based on the fact that the money saved would be reinvested in, like, treatment programs or specialty courts or training programs, in these places, do they – do you know if they have – the ones that Vice Chair talked about, do you know if they have that kind of reinvestment kind of model, or if it was just a, 'We're going to do these changes without doing that reinvestment, retraining, you know, therapy model'?

**Ms. Pierce:** That's a great question. I think Louisiana is the prime example of this. And we actually have something that, if we could, we could send that out. We did a very short publication on what Louisiana did with their reinvestment. Their reinvestment, the one difference is, their reinvestment dictates how you calculate any savings. It also dictates how much of that goes back into the General Fund versus gets invested, and it literally describes what percentage of that savings goes to what. So, Abby works in the State. She leads our effort there, so you might have more insight?

**Ms. Strait:** So, they split – and one thing I think that's important about Louisiana's, too, is that they sometimes – oftentimes, states start with having the reinvestment. But then, it slowly kind of goes away and is put into other pockets, but Louisiana has language in the legislation to guarantee that it's – stays to what it's allocated for. So, their legislation splits it into four different – as Barbara mentioned, part of the savings is returned to the State General Fund, so it gets back into the main pot.

But then, the rest of it is split into different categories, the first being internal investments for DOC, internal investments for juvenile justice, and then, grants for victims of crime and into, like, crime victim support services. And then, the final category was, I think, a pretty innovative one, which is grants to community service providers, to help do recidivism reduction and alternatives to incarceration, supports within the community. So, they've identified several counties, which they call parishes in Louisiana, that were contributing a disproportionately large number of people going to incarceration were coming from those parishes, and they were lacking some community supports in those areas, especially for things about behavioral health, job support, re-entry support, stuff like that.

So, they set up this grant program, housed within DOC, to support expanding some community services in those areas, and they're just, like, two years into kicking this off. So, we don't have results from that yet, but they've been working to kind of buildup that infrastructure within their parishes, through the reinvestment money.

**Christine Jones Brady:** So, Chair Hardesty, you mentioned impediments. And based on my decades of working in Nevada, I can probably predict – I will wait to see your data, that some impediments will be a lack of affordable housing, lack of transitional housing, not enough mental health resources or mental health services. And so, all of these things, to my mind, translate into money. And so, this – these, you know, AB 236 is going to go into effect very shortly. And I predict we might not have a lot of these services in place. So, will you be helping us identify grants, seed money, and other public partnerships to help us get these infrastructures in place, before the proverbial floodgates open?

**Ms. Pierce:** There's a few different things to talk about here. There is the reinvestment that your group will be working on and making recommendations for investment. There's also – one of our next agenda items is about a small pool of money that will be available from the federal government through CJI. And so, we'll talk about that, I think, two agenda items from now.

Also, at CJI, we have a lot of connections with different funders. And I actually was just telling one on Friday morning about some of the work that you're – that you're going to be doing

around mental health in law enforcement. And so, we do try to – we know when federal funding opportunities are coming out, and we do try to make connections, because your state only has so many resources, and there are a lot of resources for certain things out there. So, we'll do our best to bring that to the Commission.

**Dr. Emily Salisbury:** So, I guess I just have a question about – I love that you all are talking about implementation and the implementation science work. I think it's really, really important. So, some of us were actually really listening to that presentation by you, because I oftentimes am geeking out on that stuff, too. So, I appreciate it. I wonder if there's any capacity for helping our major stakeholders in leadership capacities to start understanding that we can't just take what I like to call a "train-and-pray" model, that if we just train the staff, and if we just train the stakeholders, that suddenly it will take root.

One thing that I found in my own work and certainly in the research around implementation science, of course, is that this idea that it takes a certain level of systemic implementation drivers, certainly beyond the competency drivers, of training and coaching staff, that we have to understand the leadership drivers, the communication drivers, the organizational stakeholder drivers, many of which you've already covered. But unless we have people who are sort of coaching executive leadership staff, I find, on how to do this, there's many agencies that know what evidence-based practices need to be in place, but they don't know where to start, and they don't know how to sustain it.

And so, it matters not, if we know what the evidence-based practices are around correctional treatment and sort of correctional rehabilitation and the other philosophies of corrections. It doesn't matter if we actually know that stuff, if we can't implement it and sustain it. So, really, my question is, is there any capacity on the part of CJI or anybody else to be able to really start coaching our executive leadership around what that really looks like and how difficult it is? Because, as you mentioned, change is really, really difficult. It's messy. It's not fun for agencies. And the kind of cultural change that we're talking about here in our state is pretty substantial. Thank you.

**Ms. Pierce:** Thank you for the question and thank you for geeking out on implementation. We've found a soul mate here. So, a couple things around capacity. So, we've done executive coaching in different areas. We don't typically do it as part of justice reinvestment. That does not mean we can't. I think, for the purposes of that, in this State, if an agency is interested and willing, we have the ability to contract with people. And it might be somebody that that person has worked with, or the agency has worked with in the past. So, we have some flexibility to do that.

I would also add that we have a partner who we have contracted with specifically, in recognition that you can do all this great stuff and follow the plan, and it still isn't going to bring about the change you want. And so, this past year, we added a partner who does cultural assessments and cultural coaching. And so, that might also go along with what you were talking about, Dr. Salisbury.

**Chair Hardesty:** If I may, Dr. Salisbury, I wanted to add one other thing, or actually, for the whole Commission. I think you make a really good point about the involvement and the

acceptance of the Executive Directors of the various agencies. One thing that I have had – I’ve been privy to, that the Commission hasn’t been, I don’t believe, when Ms. Gonzalez came onboard, the Governor contacted all of the different agency Directors and expressed, through Mr. Gibson, his support for this effort, his expectations of cooperation, and his intentions to do what is appropriate to work through these various issues. And I think that’s an important place to start.

So, as I said, this is in its embryonic stages, and there will be trials and tribulations, as you’ve noted. By the way, I loved your article and your paper. Thank you very much. That was very insightful. And I shared it with CJI, by the way. But I think it’ll get us started to know that the Governor is behind this effort.

**Dr. Salisbury:** Thank you.

**Chair Hardesty:** We have another item under agenda item five. And I just want to touch on this briefly. I don’t know if people had the time to review this material, but you will recall, at our last meeting, Dr. Salisbury brought to my attention the existence of an article, written by William Sabol and Miranda Baumann, about Justice Reinvestment. And some aspects of the article were critical. I think, as I researched this, I discovered that there were some responses, I’ll call them, and criticisms of the criticizers. So, I had asked that Mr. Engel, on behalf of CJI, provide some responses that I’ve shared with the Commission.

So, I’m going to defer this agenda item, to make him available, to see if anybody has – well, let me ask this, because it may save some time. Do any of the Commission members have any questions for Mr. Engel or would like the opportunity to ask him some questions? If not, then we won’t trouble him, and we’ll move on with our agenda. If yes, we can ask questions offline as well, or we’ll have him call, and we can address them publicly. Do any of the members of the Commission want to engage Mr. Engel directly during the meeting?

**Dr. Salisbury:** I do have a question that I would like to engage. I think it’d be important to hear some feedback from him.

**Chair Hardesty:** So, we will call him. And when we have him, we’ll return to that item.

**Dr. Tyler-Garner:** Just have a clarifying question. Dr. Tiffany Tyler-Garner, for the record. Will he be speaking to specifically items of this article or a counter-position?

**Chair Hardesty:** He provided a written response that was in your materials, and he’ll respond, as well, to your questions.

**Dr. Tyler-Garner:** Thank you.

**Chair Hardesty:** Okay. We’ll move on. They’re delayed in getting him onboard.

## **6. Presentation of Proposed Procedure to Apply for Subawards** (For discussion and possible action)



- A. Discussion and approval of proposed forms to apply for subawards
- B. Discussion and approval of proposed procedure to apply for subawards

Victoria Gonzalez, Executive Director, Department of Sentencing Policy

Barbara Pierce, Director of Justice Initiatives, Crime and Justice Institute

**Chair Hardesty:** Let's turn to item number six on the agenda. As I mentioned before, the State has received a commitment of about \$350,000 to assist us and assist agencies, more importantly, with the implementation of AB 236. What was of interest, I think, to the Governor and to the Prison Board is, when you get a grant like this, how do you decide who decides how to spend it and the like. Turns out that the Governor has delegated to this Commission the responsibility of evaluating, prioritizing, and authorizing the distributions of these awards to agencies throughout the State.

So, I'll give you a little bit of an overview of what we're going to try to do and then ask Ms. Pierce to introduce the subaward issues that are raised. Our state has until September 1<sup>st</sup> to spend the first \$150,000. We will then have available to us approximately \$200,000 after that. Given the decision by the Governor to delegate to the Commission an evaluation and prioritization of those awards, we are putting before the Commission a structure for you to look at, that would allow agencies throughout the State to submit to this Commission applications that would be reviewed by the Commission at its next meeting, prioritized, and then, authorized for expenditures now and after September 1<sup>st</sup>.

So, the purpose of this set of presentations is to more fully inform you and acquaint you with this process and what this is all about. So, Ms. Pierce and Ms. Gonzalez?

**Ms. Pierce:** Thank you. So, subaward is a weird name for anything. It's a federal term that they use. So, I'm just going to take a second to explain what a subaward is. Subawards are essentially discretionary grants that come from the Bureau of Justice Assistance. I referenced in my prior presentation that those funds actually reside currently in our budget, set aside. We can't use them for anything. They're literally set aside for the State of Nevada to use. And so, the funding is specifically earmarked for implementation and sustainability. It cannot fund anything outside of that. And so, it would have to have direct influence on the implementation or sustainability of all the policies in AB 236, specifically.

To be eligible for these awards, a state has to have completed Phase I of the Justice Reinvestment Process. You clearly did that. And then, they have to have progressed into Phase II, which you are in because of a letter. Justice Hardesty mentioned a letter went – an application to BJA. A letter came back and said you're approved for Phase II. There are two other criteria for receiving these funds. The State has to have engaged with a technical

assistance provider. Clearly, you have done that. And you also have to have convened a Justice Reinvestment oversight group, and you are functioning as that.

And so, again, \$350,000 in total has been made available to Nevada. And then – so, the funding is split in two. That is simply because of the federal cycle and the federal funding cycle. And so, the first \$150,000 is available through the end of September 2020. So, again, that's the federal fiscal year. And then, the next funding picks up after that and goes for another year. There is a one-page description in your packet. So, I won't get into too much other detail. But the middle of the document that says, "Nevada JRI Subawards", explains what the acceptable uses of the funding is. And I'll turn it to Victoria, really quick.

**Director Gonzalez:** I'm just going to provide a little bit of background. As Justice Hardesty mentioned, the Department and the Commission will be facilitating these awards, and we have the authority to do so. And so, I'm just going to provide a little background of how we got there. As soon as I was appointed, I met with Justice Hardesty and Barbara, to become acquainted with where we were at in implementation. I was very aware of AB 236, and I was aware of the duties that – broadly, that were going to be put on the Commission and the Department.

I met with Justice Hardesty and Barbara, and they informed me about these subawards and the need for a process. They informed me about a meeting and a presentation that they had already made on discussing these awards and that there were already discussions with the Governor's Office, about how to administer these awards. So, at the direction and support of Justice Hardesty, I reached out to Brin Gibson, and I met with him on January 15<sup>th</sup>, 2020. Because being aware of these awards and being aware of this Commission as essentially an oversight of AB 236, I thought it made sense that – for this Commission and the Department to administer that.

So, I took that proposal to Brin Gibson and pointed out that this Commission would provide, number one, a public forum for this administration of the awards. It would promote transparency and be a way for a full discussion of how best to spend these funds. Additionally, as we've discussed, this Commission functions as an oversight body for AB 236, which would naturally make us an appropriate participant or appropriate entity to administer these awards. And then, finally, our existing partnership with CJI would also make sense for us to assist in administering these awards. Not only with CJI being the technical assistant to all of the agencies, but specifically to the oversight body for AB 236, would put us in a perfect position to help have this transparency and the support to administer these awards.

Brin expressed to me that their number-one concern in the Governor's Office was that these funds would be spent. He was very concerned about making sure the implementation was successful and communicated to me that that was the number-one concern. And I ensured him that this process would ensure the funds would be spent, because we would be able to inform the agencies, we'd be able to answer their questions, and we have this direct connection

with CJI, to make sure that the process happens efficiently. He agreed and said that, through the Governor's Office, the Commission and the Department have the authority to administer these subawards in partnership with CJI.

**Ms. Pierce:** Great. So, you have two things – two documents in front of you. One, again, I referenced, is the one that says, "Nevada JRI Subawards". That simply explains the total amount and the breakout that I described. Again, it shows the acceptable uses of the funds and also the request process, which Victoria's going to explain more in detail, in a moment. The second document is a little bit more important. It's a draft for your consideration of the Subaward Request Form. The form is designed so that agencies can hopefully quickly develop a proposal. It does not have to be that extensive, but enough information so you, as Commission members, can make a decision about prioritization of these funds and also make a selection as to which ones will go in the ultimate application to BJA.

The form also includes the minimum amount of information that we at CJI need to put in an application to the federal government so you can get these funds. And so, you'll just see the Request Form includes contact information from the agency requesting the funds, the length of the project, which will be important, because of the split across the federal fiscal years, and it also has a narrative, enough so that you'll be able to make some decisions and make recommendations on this funding. The budget is very simple, and just a brief budget narrative, and that's all that we've included in this.

**Director Gonzalez:** So, as Barbara mentioned, this is a proposal in front of this Commission. While the Commission and the Department have the authority, ultimately the Commission will need to approve how they would like to move forward with this. And so, that's what Barbara and I have put together, at the direction of Justice Hardesty. And so, again, this is a proposal for this Commission. Number one in the process would be that, along with CJI, we would partner to get what you – the materials you see in front of you out to every agency that is – would need – would be eligible for these funds.

If you refer to the implementation plan that CJI presented earlier, it would be those agencies that are listed there that would be eligible. And so, we would reach out, we would contact all those agencies directly, and send them these forms. As you can see on the form, I am listed as the contact for not only questions, but to submit the application to. The agencies, after we submit the form, they would submit everything back to me, based on this proposed form that we put here. I have put a tentative April 1 deadline as a proposal for when those would be due to the Department, because as Justice Hardesty mentioned, the plan would then be to, after the Department has compiled all of the applications, we would prepare those for the April 29 meeting of the Nevada Sentencing Commission.

And at that point, the applications would be discussed in our public forum and decide how to go from there. So, at that meeting, the Commission may need to amend some of the requested

amounts, based on the number of requests that you receive and the availability of funds at that time. And so, at that meeting on the 29<sup>th</sup>, after anything that's been approved, amended for the awards, the Department, in collaboration with CJI, we would send all those forms to CJI, and then, CJI would process and award those funds to the agencies.

Each of these agencies, after they have been awarded these funds, they will need to refer to their internal controls about what to do with grant funds and make sure that they have their procedures. They are very aware of the procedures that they have in place, to make sure that those funds get expended by the deadline. As we mentioned, the concern of the Governor's Office was that these funds would be expended. And so, just because we have this procedure in place, and CJI works through their process, we need to make sure the funds can actually get to the agency in a way that they can spend them. And so, that will be on the agency, to ensure that they know their internal controls and know who they have to talk to, in order to make sure those funds can be appropriated to their budget.

And so, now, we can take any questions you have about this proposed – not only the forms, the application, and the procedure that we have before this Commission.

**Chair Hardesty:** Are there any questions for Ms. Pierce or Director Gonzalez, about the subaward process and application?

**John Arrascada:** Are the subawards intended to go to existing, say treatment facilities which is what the justice reinvestment is going towards, or is it to open new facilities? Because to open new facilities or new centers, that is a very small amount.

**Ms. Pierce:** Yes, it is a small amount of money. You all have to decide on, you know, within the parameters of what the money can be spent on, where that funding is going to go. It's really driven by you, as the Commission.

**Chair Hardesty:** And I don't think, Mr. Arrascada, this money – I mean, the Commission's going to have to evaluate this, when you see these applications. But as we will learn later in the agenda and through other presentations going forward, agencies that are faced with implementing a number of these issues are going to need staff support to assist them in what they're doing. I don't see these funds as being used for a service provider, for example, but I can see where P&P has formed these implementation groups. You're going to hear about some challenges that exist throughout the agencies, with respect to their data and their software – computer connections and the like. But there's some short-term needs to address and then, longer-term needs, yes. But the Commission will decide the priority of those and the agencies that should receive them, and we'll get those kinds of requests. It's just an opportunity to take this amount of money and spread it out among those who have needs that can help implement the bill.

**Chief Anne Carpenter:** So, Director Gonzalez, when you talked about the internal controls, are you talking about, as with most grants, that you have to provide information to the feds about how it's spent and have measurables, and that sort of thing? Is that what you're asking? Or that's what you stated?

**Director Gonzalez:** Yes. I'm referring to that. Also, I've not fully vetted this information. But I believe there may be some sort of process that may be required to go before IFC or some other entity, if you receive grant funds. That's mostly what I'm referring to, but anything else you need to do, to check the boxes, for receiving grant federal money – or just grants, in general.

**Chief Carpenter:** Okay. Thank you. And another question. So, am I correct, when we were – the Division – if the Division were to receive funds, besides all the obstacles that we have to go through, would we have to utilize existing funds and then be reimbursed?

**Ms. Pierce:** Yes, that is how it works. You would send in an invoice to us, and we reimburse you.

**Judge Scott Freeman:** So, how do we get more of this money? And how did Nevada get 350,000 and no more? And can we get more?

**Ms. Pierce:** So, other states – the amounts have varied over time. When this first started, other states were getting up to \$500,000. Some states were getting up to 400, and it was based on the amount of money that was basically negotiated between us and the feds.

**Judge Freeman:** So, who made the decision that Nevada got \$350,000, as opposed to \$500,000?

**Ms. Pierce:** The Bureau of Justice Assistance did.

**Judge Freeman:** Is there a way we can communicate with them in the future to get 500,000, as opposed to 350,000?

**Ms. Pierce:** Yes. We could – we could try to make that request. It would help to have this Commission helping us.

**Judge Freeman:** We'd be happy to help.

**Ms. Pierce:** I know. What I would encourage is that we have that discussion after the – like, in the next federal fiscal year.

**Judge Freeman:** Thanks.

**Ms. Pierce:** But thank you for raising that.

**Chair Hardesty:** And if we don't successfully spend the first 150, we'll never get to the next 150.

**Assemblywoman Nguyen:** I'm hearing a lot of chatter here about how you spend the funds, and then, you submit for reimbursement? How does that work? Because I know that, in looking at every single agency that's sitting, at least down here, down South, there's not a single person that would be able to, like, request or compete or ask for those funds, because of the way that their, I guess, systems are in play, that they wouldn't be able to do it. And even if it was like a non-profit organization, like, there's not a lot of organizations that would have that kind of money upfront, to be able to spend it and then, seek reimbursement as well.

So, how have these funds been implemented in other places? Because I can see a situation where we don't have anyone that can apply for it, because they have no way of seeking those funds.

**Chief Carpenter:** And absolutely, I'm concerned that the Division, who is a major player in implementation of all of the AB 236 changes, that we won't have money in our budget, first of all. And then, there are obstacles, especially having to go through other entities to get approval for this money. And then, once we do that, we'd have to find out – or, you know, get a bid or whatever, and then, purchase it and utilize all this, before September 30<sup>th</sup>. These challenges are real. And so, I think that's what this group is concerned about.

**Ms. Pierce:** I'm not sure I have much to add on the reimbursement part. We try to turn it around, as quickly as possible. I'll provide just a few examples of what states have used this funding for. So, the state of Alaska, as you know, you can't drive most places. They wanted to do some training, and we literally paid for travel to a central location. So, the Alaska DOC did pay for that, and then, again, submit it for reimbursement.

Some people are able to – you know, they might hire a trainer or something to come in, and they – they might not – like, they might pay the trainer, once we have provided – we just need an invoice, basically, proof that there was an expenditure. I'm trying to think of some other examples. So, the state of Louisiana has a JRI Coordinator, for example. So, it's on their payroll. They submit their payroll monthly to us, and again, we reimburse.

**Chief Carpenter:** So, Dr. Salisbury had talked about having some type of training provided to executive staff, which I think is an excellent idea. Is there any way that we wouldn't have to go through a contract process? Because all the contract processes that I have gone through have taken six months, eight months, a year, and we don't have that time. Is there any way to jump through that hoop differently?

**Ms. Pierce:** I'm not sure that I can answer that. We basically have to do it on a reimbursement basis, regardless of how it works, because we have to submit – we have to have evidence that this - expenditures occurred. And so, we literally take the invoices, and we have to have those available to the federal government. And I do recognize that – I used to work for a state government, and the procurement process in the state I worked for was extensive. So, I think that's part of why – and unfortunately, this money is split over – over two federal funding cycles. So, it may be that you apply for the next round of funding, rather than the one that would have to be expended in September.

**Director Gonzalez:** If I may, as I – thinking about – I'm in a similar position, by being the Executive Director of this newly established Department that is related to implementation. And so, by that, this Department could apply for the funds. And so, I'm just thinking about, if we were, I would look at – if I was just looking at this, I would prioritize, what are some expenditures I could make immediately, that would be within my budget? Because I think that's kind of what we're getting at is, we all – those of us running whatever our entity is, we have these very limited budgets in front of us. And to have to come up with those funds, upfront, and get those through our internal controls, in order to make certain purchases or requests or purchase orders, we have to get through that process.

And then, they're going to look to us and ask me, 'Well, you don't have these funds in your budget for this item. And yet, you're asking for this request.' And I'll say, 'Well, I'm applying for a grant.' And so – and so, I assume that's kind of what we're – a little bit of what we're getting at. And so, when I think about, if I was in this position, I would be prioritizing, what are some of those purchases I can make right now, that then, I could apply for reimbursement for this first round of funds. And then, prioritize, if there is some training involved, that does take a longer process. I could start those steps now, to prepare for round two of the funding, and applying for that process.

So, that's something – as -- you bring up a great point about how to prioritize what I need. And so, as I think about, if the Department might request some of this as well, I'm going to make this list. And based on – you bring up a good point about the questions I should be asking myself. That's exactly how I'll prioritize, if I do apply for anything. It will be based on, what can I afford to buy now, and then get reimbursed for, later, and then, make plans for some of those bigger expenses. And then, we'll just meet with the Department and CJI, maybe, and coordinating that and communicating, is one thought I have.

**Ms. Pierce:** I did also want to link these discussions. Judge Freeman, this actually speaks to exactly why some of the funding has fluctuated and gone down, because we find that states have a really hard time spending money. They have a hard time. So, some people have used it to hire staff for a few years. They have a hard time getting people. Sometimes they're trying to hire IT staff. That person is not up to par, and they leave the job. The procurement laws in some states also make it a slower process. And so, states have had a hard time, historically,

spending the money, and that is why the 500 is not –

**Judge Freeman:** Is there a vehicle so that if -- an agency knows that they have a guarantee, that they know that their budget – when they don't have a budget item, that they're gonna be reimbursed, before they do so? In other words, they say, 'We need additional staffing. We don't know if we're going to get reimbursed.' Is there a way that you could provide a letter of - preapproval process?

**Ms. Pierce:** There actually has to be, it's part of the process. We have to – CJI and that agency establish a contract, essentially. So, it is guaranteed.

**Chair Hardesty:** So, I wanted to put this on the agenda for lots of reason. First, we have this opportunity and these funds available to agencies throughout the State, that could use them. We have – these – this is the impediment I was referring to. We – structurally, we run into a problem of being able to spend money that's made available to us. We need to resolve that problem if we can, with various agencies. So, in order to get this moving forward, I'm not willing to sit around and wait till somebody decides what the process is. I want to get the requests out, and I want to find out who needs money and for what purposes.

If we just keep operating the way we usually do, it's too hard, and I can't get it, and there's too many processes, by the time we figure it all out, it'll be gone. And this is part of the frustration I had when we were requesting this money, in the first place. To Barbara's point – to Ms. Pierce's point, when we were talking about the amounts, these funds are available, but states can't spend them. They can't spend them, because they're in their own way. So, I'm trying to overcome some of those issues. And I've asked the Governor's Office to assist us in this, and their Finance Division, and if necessary, we'll get with the Legislature and IFC as well.

But we need to get the agencies to start requesting these dollars and identifying what their priorities are, so that the Commission can start focusing on that. The how-to is a separate piece that we as a Commission probably can't solve. But the Executive Branch and the Legislative Branch needs to address this, so that these funds can be utilized.

**Dr. Salisbury:** So just to note, for all agencies, this may be one way, and I just mentioned this to Chief Carpenter. In our Department at UNLV, and the Department of Criminal Justice, we have the Center for Crime and Justice Policy, which is the statistical analysis center for the State. It has historically been underused and underutilized by state agencies, particularly in the realm of criminal justice. That may be able to serve as an entity to apply on behalf of these agencies, just as a word of procedure and process. That may be something for agencies to look into and for us to discuss as a possibility.

**Chair Hardesty:** So, what I would like to request, unless there are other questions, is for the Commission to authorize the staff to proceed with the process, the solicitation of agencies for



these awards, and utilize the forms that are in your packet. And then, if the Commission is in agreement to do that, then I'm going to appoint a subcommittee of three or four of you, to work with the Executive Director, to provide information, at least, about what the Commission might be able to do, to address some of these perceived impediments.

But I also will ask the Director to, in soliciting these awards, ask the agencies to express what their concerns or the steps they feel they'll have to go through, that will delay this process, and what we might do to overcome those problems, along with the suggestion with Dr. Salisbury has made. And there may be some other suggestions as well. So, I'd like to invite a motion with respect to the process and the forms and see if people are supportive of initiating this.

ASSEMBLYWOMAN NGUYEN MOVED TO APPROVE THE SUBGRANT PROCESS AND FORMS.

MS. JONES BRADY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Hardesty:** All right. Then, we will proceed along those lines. And I'm sure the Director will be in contact with all of the grant – potential grant recipients and Agency Directors, and in those conversations, for example, with Ms. Carpenter, how many impediments are there for you to get money, that we might be able to help solve.

**7. Presentation on the Establishment of the Nevada Local Justice Reinvestment Coordinating Council Pursuant to Section 8, of Assembly Bill 236 (2019)** (For discussion and possible action)

- A. Discussion and approval of creation of Nevada Local Justice Reinvestment Coordinating Council
- B. Discussion and approval of solicitation of appointments to the Nevada Local Justice Reinvestment Coordinating Council

Victoria Gonzalez, Executive Director, Department of Sentencing Policy

**Chair Hardesty:** Then, let's move on to agenda item number seven.

AB 236 provides for the establishment of the Nevada Local Justice Reinvesting Coordinating Council. That's another item on the to-do list in AB 236. I've asked Director Gonzalez to make a presentation to you on what this Council is, what its responsibilities are, and make recommendations concerning getting that phase of AB 236 started. Ms. Gonzalez?

**Director Gonzalez:** Thank you, Justice Hardesty. So, AB 236 did provide for the Nevada Local Justice Reinvestment Coordinating Council. You'll find section 8 establishes the Nevada

Local Justice Reinvestment Coordinating Council, which I'll just refer to as either the Council or the Coordinating Council. The Coordinating Council will consist of 19 members, which it means – which is 1 member from each county whose population is less than 100,000, and 2 members from each county whose population is 100,000 or more.

The manner in which the members will be appointed to the Coordinating Council is, they must be appointed by the governing body of the applicable county. At some point, the Chair of this Commission, so, Justice Hardesty, in this situation, appoints the Chair of the Council, after the members of the Coordinating Council have been appointed. Each of the members – the statute requires that – mandates that each member will serve a two-year term.

As provided in the bill, and then, as codified, the duties of the Council are as follows: To advise the Commission on recommendations on issue related to the enactment of AB 236, as it relates specifically to local governments; identify needs for programming at the local level; provide recommendations regarding grants to local governments and non-profits; oversee implementation of local grants, if local grants are in place; create performance measures to assess the effectiveness of grants, again, if grants are in place for these purposes; and then, identify opportunities for collaboration with certain agencies for treatment services and funding.

In terms of how this Commission and its relationship to the Coordinating Council, this is also provided for in statute. The Commission is required to, if available, to the extent of – availability of appropriation, provide staff to the Council, to the extent of legislative appropriation, and then receive recommendations from the Council. Then, that's the relationship between the Sentencing Commission and the Coordinating Council. So, that is the extent of the language that establishes the Coordinating Council and then, the duties of the Coordinating Council.

And so, from there, as the Executive Director that works with this Commission, I took it upon myself to come up with a proposal in how this Council could become established in terms of making a recommendation to this Commission on how to move forward with what's required in statute. A proposal I have to establish this Coordinating Council would be to, number one, approve this Department, the Department of Sentencing Policy, provide staff to support this Council, as is provided for in statute, and then, authorize the Department to solicit appointments to get this Council going, because, otherwise, I don't see a way that this could just get going on its own.

If the Commission has approved that staff can support the Council, then, by all means, the staff can start getting the Council going. And so, the Department would then solicit appointments with a letter we would send out to each county, laying out, basically, in a letter form, of what I just presented to this Commission, about what the Council is, how it was established, what the duties will be, and what – and then, just the requirement for an appointment and maybe a deadline for when we would need that appointment, so that this Commission could appoint the Chair of that Council.

And so, that's why I put here as a future agenda item, that could be something after the Department – if this is approved, have – after the Department has solicited letters, we could create a timeline, either by the April meeting or the July meeting, to have those members in place and then, start that relationship with the Coordinating Council and the Commission. That is a very brief overview, mostly because that is the extent of what's provided for in the statute. And I came up with this proposal so we could start the discussion of this Coordinating Council. The duties, I would point out, are – I would say, are broad, and I would say, the relationship between the Coordinating Council and the Commission is a close one.

And so, I would foresee the Commission guiding the Coordinating Council on what you would like to see from this Coordinating Council. So, that's just generally my – my – I wanted to get some perspective of what – how I read the statute and what I perceive this Council to be, but I'd be happy to answer any questions that you have about this and about this proposal that I have brought before the Commission.

**Chair Hardesty:** Are there any questions for the Director, about the establishment of the Coordinating Council, per the statute?

**Chris Hicks:** So, have you maybe talked with CJI about this? Like, is this a common thing in other implementation sites, to have this kind of Council? What I'm curious is, for example, Washoe County, there would be two. And what type of individual are we looking for, are typically on these Councils? Because, as I understood your presentation, I think it would be my Board of County Commissioners that would appoint the two people, and I would like to be able to give them some insight as to what type of individuals might be best for this kind of Council. Have you done any research into that?

**Director Gonzalez:** Yes. I have researched – so, they – we have found – in talking to CJI and just in – based on my experience, there are – I'm aware of two other entities that are somewhat analogous. In the previous Interim in this – when the Sentencing Commission of – of this form existed in the Legislature, this Sentencing Commission received a presentation from Oregon, which presented a version of their Coordinating Councils. And I can provide some information right now about that. But they're very different from what I think this legislation envisions. There's also a Coordinating Council in Maryland, which seems a little more analogous to what Justice Reinvestment looks like in Nevada.

Both of these councils did come out of a Justice Reinvestment Act, in those states, in both Oregon and Maryland. In Maryland, they have an oversight body, which would be analogous to this body, and then they have – this is – this Council, which is a way for them to get information from the local governments, about how implementation's working, and just a way to interact with how that implementation's working at their level and recommendations they have at the local level, to then bring to the oversight body, in terms of what they'd like to see included in a report, let's say. What was going on in Oregon, and, based on the presentation

that this Commission received, and I'd be happy to send those materials to you, but it's very different.

With Oregon, their Justice Reinvestment Act was a little more focused on just grants and some modest sentence reforms. And that presentation was back on February 16<sup>th</sup>. When Oregon participated in their Justice Reinvestment Act, they focused on grants. And so, in response to their Justice Reinvestment Act, the Oregon Legislature appropriated almost \$40 million to this kind of entity, to administer grants. So, they had created their Local Coordinating Councils to then administer grants at the local level, put performance measures in place, hold these counties accountable, and then, administer grants that were appropriate for those counties.

Nevada's version of Justice Reinvestment doesn't look like that. We – this Coordinating Council was created in AB 236. It's got a variety of duties. It – this grant – this – administration of grants is a possibility, but we have not had the same response that Oregon had, where Oregon had that appropriation, that very substantial appropriation to their Criminal Justice Commission, to then administer a substantial amount of grants. So, that could be one thing that this could do, if we get to that step. But like I said, I think it'd be more analogous to what's going on in Maryland.

We could look at Maryland. I can just give you that detail about Maryland, being an oversight, and then – it's a way to communicate with the locals. It's a way to make sure that this oversight body, as it's implementing AB 236, is not just – is making sure we – it's a – it's a holistic view on implementation, and we get down to that local level. And that's what I think it would be at this point. And I think this Commission can take that insight, from what happened in Oregon, what happened in Maryland, and we make it Nevada's own, based on these duties.

And I see this as an opportunity, with those duties not being as specific as some of these other Coordinating Councils in other states, to provide that opportunity of what would you like it to look like, and how would you like to communicate, what would you like to communicate with your local counties? So, to answer the second part of your question, I'm aware that some counties have their own version of a criminal justice advisory body. And so, it might be – when I'm reaching out to the counties, that might be a place to start, with those counties that have those bodies in place, to – they might want to appoint somebody from that body, since that's already within the realm of communicating with criminal justice.

And then, from there, I would be happy, because I'd be the one reaching out to the counties, to provide any guidance and help, when they're looking for somebody. But I imagine it would be something very similar to either this body or ACAJ, where you have different members of the criminal justice system, based on who they would like to represent that component, in their local area, and then, have them represent the county, in this discussion of criminal justice and implementation of AB 236.

**Chair Hardesty:** Mr. Hicks, in my discussions with CJI and with Director Gonzalez, my vision of this was that it does provide a vehicle for the – all of the counties to provide local input to the Sentencing Commission on a variety of topics, issues that they see that are problematic in the implementation phase. More importantly, to piggyback on a portion of what Oregon does, to provide input on what will be effective criminal just measures in their counties. In our state, I think we're very fortunate in the two urban counties to have – such as the Criminal Justice Advisory Council in Washoe County and a similar organization of stakeholders in Clark County that can provide local input to this process.

And so, I think the purpose of the Council is to assure that and to also create opportunities for rural counties to start providing input to a state Commission about those processes. But like other areas, we have a blank slate. We can work with them and draw up those duties as we see fit. I get your point. How does the – how do the Board of Governors or the County Commissioners, I should say, decide who to put on there? But I think the general description is, to convey implementation issues, problems, concerns, suggestions, from the local level and ultimately, I would hope, offer local level solutions that the Commission doesn't get in the way of and helps promote, actually.

**Ms. Jones Brady:** Are Tribes included in that, by any chance?

**Director Gonzalez:** Not specifically. Members are appointed based on the county.

**Chair Hardesty:** What I would like to invite is a motion to authorize the Director and the Department to proceed with communicating with the various County commissioners, to begin the formulation of the Nevada Local Justice Reinvestment Coordinating Council.

MR. ARRASCADA MOVED TO PROCEED WITH COMMUNICATING WITH VARIOUS COUNTY COMMISSIONERS TO BEGIN FORMULATION OF THE NEVADA LOCAL JUSTICE REINVESTMENT COORDINATING COUNCIL.

MR. MCCORMICK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

[Five-minute break taken]

## **8. Report on Required Collection of Data by the Nevada Sentencing Commission** (For discussion and possible action)

Victoria Gonzalez, Executive Director, Department of Sentencing Policy

Barbara Pierce, Director of Justice Initiatives, Crime and Justice Institute

**Chair Hardesty:** We'll reconvene the Commission and begin with agenda item number eight. As you know, one of our most important duties as a Commission is to track and assess results from the enactment of AB 236 and provide a report regarding these various issues. So early on, I asked the Director and CJI to begin a process of meeting with various agencies throughout the State, to begin to catalog the types of data information or data inventory that is available to us as a Commission, from those various agencies.

And so, I'll ask the Director and Barbara to provide you with a summary of what they've been doing, who they've been meeting with, what the bill requires, and give you an update on some of the things that they've identified and spotted with respect to data availability and data collection problems.

**Ms. Pierce:** Thank you, Justice Hardesty. So, when we talked about cataloging data, we created, basically, a form to fill out, when we met with all of the agencies. The first step of that was pulling every performance measure out of AB 236. And, in total, there were over 170 different measures. It sounds really shocking, but I just want to explain why there are so many.

If you look at the – there's a handout that says, "AB 236 Required Performance and Outcomes Measures" on the top. If you just look at that top section, around "Prison Admissions", this is something – this is information DOC is required to report to the Commission. Within the prison admissions category, there's – there's breakdowns listed in the statute that are required, and so, for prison admissions, it's in total prison admissions, and then, by type of offense. Type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, and risk score.

And so, within that prison admissions category, that's essentially 11 measures. And that's why the number is so large. So, this data inventory form that we created basically had each performance measure listed on the left-hand column, which agency is responsible for collecting the data, what data elements are needed to calculate the measure, whether that data is currently collected, any key definitions, so, things like recidivism, how is the agency defining that, and specifically any challenges to data collection and what's needed to address the challenges identified. And so, we have met with Parole and Probation, the Central Repository, and I think we have a meeting next week with the DOC.

**Director Gonzalez:** So, as Barbara has said, they helped to create this form, to help us guide these discussions and the measures that we are looking for. And so, going back to AB 236, AB 236 requires specifically that DOC, P&P, and Central Repository send these specific measures to the Commission, and then, therefore, the Department. So, we – I will go through what we have done so far.

So, we are scheduled, as Barbara said, to meet with NDOC. And there have been some

preliminary meetings. I'm going to summarize. I'm going to summarize a very thorough meeting we had with P&P, just to begin this inventory, to begin these discussions, and then, our – our introductory inventory meeting with the Central Repository. I first met with Director Daniels, at Nevada Department of Corrections (NDOC), on Monday, January 27<sup>th</sup>, just so we could be acquainted in a couple of ways, not only because he is a member of his Commission, but because of the requirements on his Department, to provide these data measures to the Commission.

Since then, with his guidance, I then participated in a meeting with various members of NDOC, on Tuesday, February 11<sup>th</sup>, where we were just there to begin discussions on how we're going to collaborate -- just to begin communication on how we're going to collaborate, in terms of implementing AB 236. And finally, as Ms. Pierce mentioned, we have a meeting scheduled next week, to have that very thorough introductory discussion about these very specific data measures.

So, now I'll move on to our discussion with P&P, to start to get to know these measures. As we discussed, AB 236 has very specific requirements that each of these entities are supposed to send to this Commission, so that it can then track and assess the outcomes of AB 236. As you can see on the handout that lists the data and performance measures, the Division of Parole and Probation is responsible for reporting on eight different categories: Supervision intakes, terms of supervision, time credits, supervision discharges, behavioral health, in-state supervision, revocations, time credited on suspended sentences, and administrative sanctions.

Barbara and I first met with Parole and Probation last Friday, to learn more about their data reporting capabilities and review each piece of data required by AB 236. P&P explains that one of the overall challenges the Division has is the data collecting and reporting. One of those is -- the biggest hurdle the Division faces is extracting information from the Offender Tracking and Information System. As those who are familiar, it is referred to as OTIS. So, I'll refer that to – refer to the Offender Tracking System as OTIS, from here. OTIS has no reporting capabilities. Parole and Probation uses a separate software to extract data from OTIS to then create a report.

However, after they've extracted the data – so, they use Crystal Reports to extract data from OTIS. After that's done, there is additional review and calculations that must be made in an Excel worksheet, to put together any sort of data. Another issue with the data extraction is that when P&P extracts large amounts of data, the system may freeze or crash. And that's happened more than once. And in one incident, they were trying to extract a large amount of data and then went to the IT Department of the State, as we refer to as EITS, those of us who are in this – a branch of government. And at some point, EITS system also froze and crashed, when it was trying to extract a certain amount of data that P&P was required to put together.

Next, I'm going to provide an overview of some of the data issues to expect within the eight categories, meaning, what we're actually going to be able to receive, in terms of this data. Most of the information on supervision intakes is available. The exceptions are, OTIS does not contain information on mental health status, mainly because it's not something that is determined for each person who comes into supervision. The risk scores that come from the risk assessment are housed within EITS, on a separate document. And so, that cannot be queried by this Offender Tracking System, which could then be extracted by the Crystal reports.

Performance measures on terms of supervision, time credits on supervision, and time credited for suspended sentences are available and can be calculated, based on data extracted from OTIS, like I said, through the Crystal report system, and then, through whatever additional calculations and review needs to be done, in another Excel spreadsheet. P&P will be able to report on most of the information in the supervision discharges category. As I mentioned before, behavioral health information for those under supervision is not collected in OTIS.

This means that the information on the total number of persons on supervision with a mental health or substance abuse issue cannot be reported as required. Data on administrative sanctions cannot be extracted, as there is no field for this in OTIS. So, it's a limitation on the system itself. The information is in narrative form. So, what they have is a spot in the form, where they can put any sort of notes about the individual, and they refer to that as CHRONOS or case notes. And that's where that information would be, which, in order to extract, that would mean – to do an individual review of every single file, in order to extract whatever notes have been put in there. And that's if the notes have been put in there.

Finally, as far as where we're at, this is the – I just went over the – what's required, what some of the hurdles are, what some of these limitations are. Parole and Probation is in the process of an RFP, and they have specifically requested all of these data components that are required by AB 236. Next, I will move on to a summary of the report we received from our meeting with Central Repository, in discussing this initial data inventory and the requirements of AB 236. One of the main challenges for Nevada's reporting of crime rates, moving forward, is driven by a federal reporting change.

So, there's a federal requirement now, on how certain information needs to be reported. Effective January 1, 2021, all states are required by the FBI to have transitioned to a new federal reporting system called National Incident-Based Reporting System, or, as those who are familiar with it, call it NIBRS. Currently, Nevada reports into a summary reporting system. So, NIBRS is where we're going. Right now, we're in a summary reporting system. The data the State submits to the summary reporting system includes data collected at the aggregate level. This aggregate data is collected from local, state, and federal law enforcement agencies. Those individual agencies tally the number of certain offenses themselves that come to their attention, along with arrest data for certain offenses. The agencies then submit those totals in



a monthly summary report to the Central Repository.

NIBRS, on the other hand, requires the collection of more detailed information, such as incident date and time, whether reported offenses were attempted or completed, demographic details, location data, property descriptions, drug types and quantities, and the involvement of gang activity. The new reporting requirements change how data is reported. So, it will not be – so, it will not be possible to compare crime rates as reported in NIBRS to the summary reporting from prior years. The summary reporting system counts only the most serious offenses on a case, whereas NIBRS requires all unique offense types to be reported on a case.

NIBRS also includes more crime reporting categories and offenses. In the summary reporting system, which is the system we're in now, crimes were categorized into two groups, crimes against persons and crimes against property. NIBRS adds a third category, of crimes against society. That is a very brief summary of what we've had, so far. And so, we'd be happy to answer any questions this Commission has about the requirements put on, as far as the other entities, and what is expected to be submitted to this Commission and the Department.

**Chair Hardesty:** Any questions here in Carson City, by Commission members?

**Mr. Hicks:** So, do they think they're going to be able to meet these outcomes? Because, what I'm kind of hearing from you is, the systems aren't going to be able to do what we need them to do. And my – and as a follow-up to that -- I'll let you answer all my questions -- is, I recall, for example, the Department of Corrections made a presentation to this Committee, I think, early on, and – when we started. And their data – I think everybody on the Commission would agree with me, was very poor. There were crimes in there that weren't even crimes. There were sentences that were – illegal sentences, that didn't match what the crime the person was supposedly convicted of.

And so, my concern, and I know everybody here is very much embracing the value of data, but if the data isn't sufficient, it's going to be a waste of all of our time. And so, that's my first question, is just, are you getting the feel that there's actually systems in place to even do this? And how are we going to address that? Maybe that's where this money goes, that we have. But the other question is, is – definitions, for example – for example, if you look at the Department of Corrections, under average sentence terms, you might have one average minimum sentence term by prior criminal history. Who's going to define what prior criminal history is? Or by type of offense, how's that going to be defined?

And so, again – and that might be a larger question for the Commission, Mr. Chair. But I'm just trying to digest how this is ever going to be done. So, sorry. I don't want to be a downer on this, but it's a concern.

**Chair Hardesty:** I think your question, Mr. Hicks, is precisely what I wanted the Commission

to confront. You know, a lot of information in the legislation was requested. I think it's, again, worth repeating that the legislation requests 184 measures from these various Departments, and my concern is, yes, these are all important measures for us to assess and to report on. But our agencies are not capable to do so, in many instances, and without extraordinary expenditures of staff time. That's why, for example, the OTIS issue is important.

So, when the Director and CJI went out to canvass this, and they're going to continue this process, by the way, I wanted to get specific information about what they can and cannot do, so that the expectations can be assessed more accurately. What you see here, to a degree, from the Criminal History Repository, for example, is, by January 1<sup>st</sup>, they're going to be on an entirely different system, with more specifics. But we still don't know for sure how long it will take to implement that system, with the data that they've got to work with. And Mindy is here, and I'm sure she's thinking, 'Oh, my word. We have quite a chore ahead of us.'

But with that overview, I'll ask the Director and Ms. Pierce to respond.

**Director Gonzalez:** Your question is exactly on point and exactly why we're here to echo Justice Hardesty's point. And I think that is – the approach that I want to take and how I would like to guide and lead the – and at the direction of the Commission but also guide the Commission, based on the response we get, is, we need to figure out where we're at. This legislation was passed. We have specific goals in mind about where we want to be. I think a lot of entities know that, just because there are these requirements, doesn't mean that's where we're at. And so, I think we can look at it in a couple of ways.

This is where we want to be. This is information people want. And so, that's exactly why we are going out to meet, and we are not – while this entity and the Department – this Commission and this Department functions as an oversight, we are a collaborator as well. And so, to me, while we're in oversight, we're collaborating. And that means we're going to meet you where you're at, first, and see, what do you have. We understand these mandates are in place on all of us. I – in our meetings, somebody said to me, 'This – we are bound together. All of us are bound together by AB 236.' And I really appreciated that, because we're all working together.

And so, that is our approach, number one, in going in with these mandates and these requirements. And so, by first meeting everybody where they're at, we're here to tell you, this is where we're at. I don't think it's positive. I don't think it's negative. I think, this is what we're being asked to report. This is what they're being asked to report. And this is what we've got. So, then, we come back to this Commission, and we say, 'This is what they've got.' And as we continue, I think the next step, after collaboration, is, we communicate. So, now, we're going to collaborate, and we're going to communicate.

And so, from there, this is our starting point. We're going to be talking. We've got AB 236 as

our guide. We're meeting with them. We're going to meet on a regular basis, because we're bound together. We're in this together. And so, from there, we're going to see what data they can give us, what does it look like, and then, be – we're all going to be transparent in what we have, and we don't have. And we come back to this Commission, we can say, 'These are the capabilities of this agency or this department, and here is what we can report.' And we run with that. And then, we set our goalposts and our recommendations for, how do we get to that next step?

And I think the two entities – I mean, we haven't met in depth with NDOC yet. So, I can't comment to your other comment. And I remember that presentation, and I had mentioned it to CJI. And so, we're going to review that as well and keep that in mind as what this Commission is familiar with, in terms of data at NDOC. But I will say, when we look at what's going on already, with Central Repository, with the Records Division, and with P&P, we can see that there are these entities that are working on progress. And we can look back at what has been done and where we want to be.

And I think the experience -- for those of you who participated in ACAJ meeting -- and I think when presentations have been made to this Commission in terms of records, and the journey they have been on for their modernization project has not been an overnight phenomenon. They have had an interesting journey with that. And so, that is an indicator to look at, even when we have a goal in place, the cost it takes, the time it takes to implement a system. But what I see the – this Department's Commission can do now is bring these entities together and communicate, and make sure that we're working together. And to me, that's going to be the goal with these deficiencies.

We're not going to deny that they exist. None of the entities are denying that. But now, we know what we need and what we want, and we can bring all of these issues in a place where we can discuss them, and then, figure out, where do we want to go from here, and then, also utilize what we have. I think it's important not to throw up our hands, just because we don't have all the data. But what do we have? And I will say, what – I think we're going to be able to get a lot. While we're not going to have everything that AB 236 mandates, we're still going to have a lot that this Commission can work with, and it's going to empower this Commission to make those recommendations.

And I think that empowerment is going to move everyone – is going to motivate us to work together and then, make more recommendations, and then motivate other agencies and departments, as we all want to see this. We all want this outcome. So, that's what I'll say about the deficiencies in the data.

**Ms. Pierce:** That's what I just wanted to quickly address your question about definitions - and who will define them. I just want to provide some examples from last Friday, actually. So, sometimes it'll be probably defined by what's available. So, one example for the P&P data,

they're required to report supervision intakes. An intake, in P&P, means something very specific. It's a specific event. I think like you and I might think it's the start of supervision. So, they don't have a field that says, "Supervision Intakes", but they have a "Supervision Start". It's things like that. So, I think some of it will be driven by what is available.

And I think some of it also is that part of this data inventory that we're doing is to record exactly – so, the Commission members need to know exactly what – what you're seeing and also what you're not seeing. And so, we're trying to literally record every definition. And so, hopefully, we'll be able to bring you this really long spreadsheet. And when you're curious, you can go and look that up. So, that's what we're trying to do, essentially, is bring that back to you.

**Dr. Salisbury:** So, I just have a question about – so, I see the three different agencies and the data that are represented in the file. But I guess I'm curious why we don't see any data requests or data coming from the Board of Parole Commissioners? If you could just speak to that.

**Director Gonzalez:** So, in thinking about the data, for this Commission and then for the Department, I have actually broadened my scope in meeting with entities, because, as I mentioned, in AB 80 and in general, the Sentencing Commission is tasked with collecting data from basically every criminal justice agency. So, I have already added that to my list, as far as reaching out to various entities, to determine their tracking capabilities. And so, specifically to your point, I did reach out to the Board of Parole for two reasons, because we have a member on this Commission.

And then, for exactly the reason I said, that there's already a mandate on this Department and this Commission, to collect data in general. And so, I'd be happy to speak more to that. I will say in general, based as a summary of that meeting, their reporting – the data they collect comes from the system that NDOC uses, which is – and I don't know the acronym right off, but I know that they refer to it as NOTIS, rather than OTIS. And so, that can – that meeting was very enlightening, so that I know what data they do collect. That was my understanding, that's why we don't have that here, specifically.

But in the future, I would be happy to, in my report that I give to this Commission, report on these additional meetings that I'm having. Because I've had additional meetings with other entities within the criminal justice system here in Nevada, just to become acquainted with their data collection capabilities, because I predict, in the future, when this Commission has questions and would like to know certain information, I would like to see the Department as a resource for just knowing where to point and where to go ask questions. And so, I'm tasking myself with that already.

But I can just tell you, in general, that's why we don't have data, specifically. It's not required in AB 236 for this purpose. However, I think, for the purposes of the Commission and the

Department, it's still important to know what everybody's data capabilities are, and that is what I can report about their data capabilities.

**Christopher DeRicco:** Just to kind of piggyback onto Director Gonzalez, there, and she's absolutely right. We met a couple of weeks ago, and we met prior to that. But the data collection that the Board uses is NOTIS, the Department of Corrections' program. So, everything that we have and that we pull is from their system. So, we're not going to have anything different than what they have. We're not like the Division, that has OTIS, their own separate program. So, in a lot of respects, it may be kind of nice that we use the NOTIS system. Everything that is in NOTIS is listed in here, in the Department of Corrections, can be measured through that system, and there is no separate program that the Board uses.

**Director Gonzalez:** And if I could just add one more thing – I really appreciated this meeting as well, because it showed me the capabilities of a model of what the Department might look like, when we're utilizing another records system or data collection system, and the potential of reports, because the reports, I think, that Chair Hardesty DeRicco mentioned that they put out, I think might be a good model to look at. Here's the reports they're able to use, using the capabilities within the State, and that might be a good indicator of potential.

**Tod Story:** Question for Director Gonzalez about your timeline for gathering all of this information. Not to hold you to a permanent date, but do you have a sense of when we might get access to this information, obviously, with the other deadlines that are looming?

**Director Gonzalez:** In terms of the specific data requirements from AB 236 and those requirements for that data, we've worked backwards. We've looked at the reports that are due out of this Commission. And so, there are two big reports. The AB 236 report I had mentioned earlier is the report that is due the second week of Session. And so, we worked back from that. So, the Commission would need to have recommendations and proposals in place to prepare a report. So, we worked back a couple months from that, and then, went back to – we're looking at requesting data, I think – what'd we say? September? October – October 1<sup>st</sup>. So, what we're looking at right now is a deadline from the agencies to request – they submit whatever their baseline is by October 1<sup>st</sup>. We would ask for the data, running up the – for the previous fiscal year. And we have not – anyway, for the previous fiscal year and maybe a couple years before that. We're going to work with the agencies on what they can provide, by that October 1 deadline. And then, from there, we would hope from that October 1 deadline, the Department will work on – with CJI on how to compile all of that, that we've received, and then, bring it to the Commission at the October – I believe we have an October meeting.

And so, we could start those discussions. So, those discussions – you'll start seeing some of that in the fall, and then, it'll evolve. But the initial requirements for AB 236, we predict to have something for the Commission in October.

**Chair Hardesty:** So, Mr. Story, the goal is to have the agencies provide what they can provide for data through June 30, by October 1, so that the staff can begin the drafting of the report that reflects that data or its insufficiency and whatever impediments prevent it from responding to some of those specific requests. If I may, I'd like to circle back to the relevancy of this discussion we had about the subawards. And I don't want to put P&P on the spot. But, as you saw from the description of the data collection challenges versus the areas that they're to report on, they are confronted with having to use Excel spreadsheets and personnel to communicate between OTIS, Crystal Reports and other documents within their system, in order to answer some of the data questions.

And if I'm misstating, Ms. Carpenter, I hope you'll correct me. The reason I raised some of my comments earlier, about how this money can be used quickly, is to try to find support for the staff needs that may be needed in these various agencies, to do this kind of hand-counting and so forth, that might facilitate our data collection, if that's the priority of the Commission, which I think, under the statute, and for us to meet our obligations, has to be. But that's just my point of view. So, the relevancy of this money and its utilization is really very, very specific. We talked about training, generally. We talked about travel, generally.

But in situations like many of our departments are confronted with, just having enough staff to collect this information and pull it, by hand, from the reports or the systems they're operating under, I think is going to be critical. I didn't mean to shape your funding request, Ms. Carpenter, but that's my impression from the data inventory report I got back from the Director, after visiting with your staff. Any other questions for the Director or for Ms. Pierce, on this topic? Okay. So, if we could, then, we'll close that item.

I believe that it was Dr. Tyler-Garner who raised the question about agencies and what are we going to see, going forward. What you're going to see, going forward, is exactly this continued process, where, each meeting, we'll get an update as to what the staff and CJI gets from their interface, and their meetings with these agencies and the collaborative effort that the Director talked about, and their status in being able to do this stuff.

## **9. Update on Judicial Training Relating to Sentencing and Presentence Investigation Reports** *(For discussion and possible action)*

John McCormick, Assistant Court Administrator, Administrative Office of the Courts

Anne Carpenter, Chief, Division of Parole and Probation of the Department of Public Safety

**Chair Hardesty:** I'd like to turn agenda item number nine. And, by the way, we are going to have to defer, regrettably, our discussion with Mr. Engel. He's just not available. We can't get the connections done. So, we'll defer that to the next meeting, in April, the last week of April. And he'll be, hopefully, available there, where we can ask questions and clarify some of the

issues that are in those articles.

So, one of the things that is required under AB 236 is the training of the judiciary on changes that are going to occur. And there are several changes that are pretty dramatic. For example, the Division of Parole and Probation will stop making recommendations for sentencing, something that many judges throughout the State, for most of their careers, have looked at during a sentencing hearing. It'll also change how defendants are sentenced, where both the State and the defendant or defendants will be arguing to the judge what is an appropriate sentence or probation or diversion, under the statute, and what kind of evidence should be considered.

I've asked Mr. McCormick, the Assistant Court Administrator for the Office of the Courts, to provide you with an update on the training of judges and the status of that. And then, we will also ask Ms. Carpenter to speak about what's taking place with respect to training obligations for the Division of Parole and Probation, at least partially required by AB 236. So, Mr. McCormick?

**John McCormick:** As Justice Hardesty indicated, I'm the Assistant Court Administrator at the Administrative Office of the Courts. With Chief Carpenter's indulgence, I'll start off, and then, being that we are collaborating on these requirements, she can fill in. Currently, as Justice Hardesty indicated, Sections 12 and 13 of AB 236 remove the sentencing recommendations previously provided by Parole and Probation in the PSI. And so, the judges are going to need training on using the information that appears in the PSI on working on those sentencing recommendations or sentencing ideas.

So, we're looking at collaborating with P&P and bringing in their experts at our District Judges Conference, which is at the end of April, beginning of May, to provide that training on using the information in the PSI. And we're currently looking at – we have a Staff Attorney within AOC, who is charged with assisting with district judge education. She's currently looking at finding an expert or faculty to kind of handle the other half of the training required in Sections 12 and 13, being training on mental health and developmental and intellectual disabilities and how those pertain to sentencing and bringing that also to the District Judges Conference.

Additionally, we conducted a needs assessment, a while back, and have gotten around to utilizing that. And the district judges have indicated a desire for training on sentencing, through our distance education portal. And so, we're looking at, obviously, bringing that in and these requirements in, as we go forward, and develop a plan for ongoing distance education. So briefly, we're planning on engaging at our District Judges Conference, so there is some training that occurs before the effective date of AB 236. And I'll turn it over to Chief Carpenter for her thoughts.

**Chief Carpenter:** Hello, everybody. So, ever since July 1, the Division has had a team of

people looking into our PSI and how it should look in the future. And so, right now, they kind of have a shell of what it looks like, to take out the sentencing recommendation and to figure out if there's no sentencing recommendation, how do we request certain special conditions and that sort of thing. So, that team's working on it. The last PSI recommendation will be June 30 of 2020, and CJI has been helping us communicate this date and talked to the judges, statewide.

What we did find is that, with the 17 counties, we have quite a bit of inconsistencies with our PSIs, in the sense of, throughout the – how many years, different judges have requested different things in our PSIs, and we can't really do business that way. The Division needs to have one Pre-Sentence Investigation Report, statewide. And so, they are also looking at having a template for the entire State that will be used. And as Mr. McCormick said, on April 30<sup>th</sup>, we have a 2-hour block and our team will be out there, explaining to the judges what the new PSI will look like.

**Chair Hardesty:** Does anybody have any questions for Mr. McCormick or Ms. Carpenter?

**Ms. Jones Brady:** Question about the PSIs. In terms of incorporating mental health or those kinds of things, is that something that will be – will mental health evaluations or substance abuse evaluations necessarily be done at sentencing, and then, that will be incorporated into the PSI? Or how will those factors be captured?

**Chief Carpenter:** I'm not quite sure, because the team's still working on it. But I can definitely get you that information.

## **10. Update on Training Relating to Crisis Intervention by the Commission on Peace Officer Standards and Training** (For discussion and possible action)

Michael Sherlock, Executive Director, Nevada Commission on Peace Officer Standards and Training

**Chair Hardesty:** So, one additional area is the issue of an update on training relating to crisis intervention by the Commission on Peace Officer Standards and Training. And Michael Sherlock is here. Thank you for being here. I'd like to have you go forward with your presentation, if you would, please.

**Michael Sherlock:** I am the Executive Director of the Commission on Peace Officer Standards and Training, also known as POST. So, let me get this out of the way. My last name is Sherlock, and I've been involved in policing or the legal profession for most of my adult life. So, go ahead and make jokes. The very purpose of the POST Commission, I hope you know, is to develop, establish, and ensure compliance with minimum hiring standards, basic training standards, and advanced training standards, for all Peace Officers in the State of Nevada. We



are also tasked with developing and presenting training to enhance the professionalism of policing in Nevada.

In addition, we now have Law Enforcement Dispatchers that fall under our umbrella. We are essentially 100 percent funded via Court Assessment Fees, of which we get a small amount. We get no general funds, at all. Funding is a critical issue for us, and it does affect our ability to fulfill our mission, every day. In terms of AB 236, first, let me say that this bill fundamentally changed a significant portion of basic training for Peace Officers, without even getting into Section 104. So, this bill and other bills that came out of the last Legislative Session required us to change nearly every criminal statute lesson plan mandated for Peace Officers in basic training. This was based on changes in the categories of crimes, even definitions of crimes.

So, we regulate all the Academies in the State, and we had to use quite a bit of staff time in updating lesson plans in anticipation of these changes, obviously. But we have completed that, and those curriculum changes have been sent out to our Academies across the State already. Obviously, understanding that Academies are in session, and you're going to have graduates that are coming out of the Academies that are going to have to understand the new changes. And so, we got that done fairly quickly. Section 104 of this bill requires that POST develop and implement, subject to available funding, and I emphasize that, a Behavioral Health Field Response Grant Program, to allow law enforcement and behavioral health professionals to safely respond to crisis involving persons with behavioral health issues.

So, in terms of funding, we submitted a Fiscal Impact Note on this particular bill, of around \$95,000, at a minimum. Even that, frankly, was a fight, in terms of our fiscal impact and getting that in. This bill requires POST to not only develop and implement the training required to establish these Behavioral Health Teams, but also to develop training related to behavioral health response, track the data related to the program, work with allied agencies in evaluating this program, and implementing in conjunction with Health and Human Services. The bill then specifically mandates the use of existing resources to measure, evaluate, and report the results of the program.

Obviously, this is difficult, if we haven't implemented the program. So, that would not come into play, in our mind. That said, in terms of policing, POST obviously is quite supportive of this plan. We would implement it enthusiastically, if we had the funding. Anytime that we can show that a program makes policing in communities safer, more efficient, reduces calls for service, we understand the value. That's what we do. But it requires financial backing for us to implement that program. Section 104 establishes the application and selection process for the POST portion of this, relating to the grant recipients. It also requires POST to submit an annual report during each year the grant program is funded, to the Governor and the Chairs of the Senate and Assembly Standing Committees on Judiciary that contains information relating to the grant program.

But again, if we've not received funding, then, there is nothing to report from the POST requirements. Section 105 of this bill requires every law enforcement agency to, one, establish a policy and procedure for interacting with persons who suffer from a behavioral health issue, and, two, subject to available funding, contract with or employ a behavioral health specialist. So, POST is not specifically mentioned here, but I can tell you that, traditionally, much of our law enforcement community across the State looks to POST, when these types of mandates come along. And I just wanted to make you aware of that.

Section 107 of the bill requires POST to develop and approve a standard curriculum of certified trainings programs on crisis intervention, to address specialized responses to persons with mental illness. Sometimes this gets confused. So, in the policing world, CIT's been around for a long time. We've mandated that training, but it's not always what the intent of the legislation is, I think. But there – so, I just wanted you to understand, there is some confusion here, between what CIT is and perhaps what a Mental Health Response Team is. They're actually two different things, from our perspective.

But that being said, at the Academy level, we have implemented and updated our curriculum to include both crisis response and response to mental health issue, which actually had been part of our curriculum for a long time. But we made some updates there and increased some of that training, at the Academy level. Section 108 of this bill requires POST to establish by regulation standards for a voluntary program for the training of law enforcement dispatchers that includes training related to crisis intervention. So, we do have dispatchers under our umbrella, at this point. It is a voluntary program.

Basic training for dispatchers has been developed and implemented to include training related to crisis intervention. The current training is 120 hours. It's an online program that we have put out for dispatchers across the State. Dispatch training is a new category for us, but I think our staff's done a good job of developing and putting that particular training together. In terms of this bill, the training is under the NAC now. Can be found under 289.335. It includes subjects such as excited delirium, agitated, chaotic events response, effective communications, stress management, and what the role of the dispatcher is.

So, with all that said, I'd be happy to answer any questions you might have, related to POST and our implementation.

**Chair Hardesty:** Director Sherlock, have you heard the discussion about the subawards and the possibility that your Agency might be able to apply to assist you, under the obligations of Section 104?

**Mr. Sherlock:** Again, I think many of you know the budget process here in the State. For us to fund a position – and that's what our fiscal impact is, is one position, a Grants Manager position, they're – most of you know, bureaucratically, it's impossible for us to pay a position

up front, and wait for reimbursement, under the current budget system. There's just no way for us to do that. But again, there may be other ways of utilizing that for a position. But my thinking is, it's probably an appropriation issue for the Legislative Session.

**Chair Hardesty:** Any other questions for the Director?

**Dr. Tyler-Garner:** You know that the implications of what essentially feels like an unfunded expectation or mandate as a part of their process. In response, are you proposing a timeline? Have you even begun reviewing opportunities to get an estimate of what the cost would be? Do you anticipate incorporating it into your budget in this month or any of those discussions? Or are you suggesting that this isn't a place where we can expect that anyone would be complying with the expectation? Just want to have a sense of where you are and how others might support?

**Mr. Sherlock:** For us – for budget items, you know, obviously, we have to go through the budget process in terms of positions and that sort of thing. Now, don't misunderstand me. There were certain mandates that were unfunded as a result of this bill that we have accomplished. But Section 104 is very specific. We received a legal opinion on the implementation of 104 that clearly states that, without grant funding, that particular section does not move forward. In other words, it would require funding through the grant process.

**Dr. Tyler-Garner:** Just with a follow-up, so, you're currently undertaking the planning needed to get it incorporated as an enhancement in the next Session? Or, like, kind of where are you in that process?

**Mr. Sherlock:** We haven't started budget process yet, for this next Biennium. That being said, we'd have to look closely at it and how we would couch that, given that the bill doesn't allow for legislative funding of that particular Section. So, I'm not really sure how to answer that, on whether or not we could move forward, through the legislative process, if that makes sense.

**Chair Hardesty:** Well, the reason I asked you about the grant funding is, the bill itself has a condition precedent of grant funding, and you have available to you a grant fund. So, I get the concern that agencies have about bringing on positions during a fiscal year or during a Biennium. But this is one that the statute contemplates utilizing grant money. So, that's why I asked whether it's something that you might put on your agenda for that purpose.

**Mr. Sherlock:** Yeah. And I agree with you. From future budgeting issue, yes, that is something we would definitely look at and would allow us to justify that.

**Keith Logan:** You have influence where each agency has to come up with policies, and through when we write those policies and send them out is there a way to verify the agencies actually comply with fulfilling those requirements?

**Mr. Sherlock:** Frankly, the bill does not put the requirement for developing a policy under our jurisdiction. So, I don't know that we would be the entity that ensures compliance with that particular portion of the bill from our perspective. That's not uncommon. And that's what happened in this case. We have jurisdiction over certain portions of this bill, obviously, in terms of compliance. But that's not one of them that specifically mandates POST to ensure that policy is written and complied with.

**Chair Hardesty:** Mr. Logan, is that something that you think that our Department should ask law enforcement agencies about, to see if there is compliance?

**Mr. Logan:** I think that there's an important thing to determine why they're not going to get the – why we may not accomplish the results we're looking for. It's maybe because the agencies -- there's a mandate to have them, but it doesn't have them verify compliance. That's why we won't – very similar to why the State repository doesn't receive the information that they need to complete their data, from the individual agencies or courts. It's very possible that we won't get the response back with, what are the numbers, the real numbers of who we're providing mental health help to and such like that, if there – no verification that the policy ever existed and that there's a way to track that information.

**Mr. Story:** So, curious about all of the training that we're talking about prospectively. But what's happening currently at police departments, and how much of this has already been incorporated into their internal policies? And how much training needs to be done, obviously, going forward, for new officers, but for current officers, who may already be operating under some similar training scheme? Do we know – is there any analysis that would let us know what that is?

**Mr. Sherlock:** That's a pretty broad area. In terms of – specific to this bill and the changes and, for instance, criminal statutes and crime definitions and that sort of thing that you find – and changes for basic training, it was also put out to all agencies for their use in what we call advanced training or professional development. This, along with many other bills – or several other bills, as you may be aware of AB-478 and 129 and others, in fact, so, we do put that out to agencies. There's no reporting requirement on most of that, not all of it, but some is reported to us. But much of it is not reported to POST, if that helps.

**Chair Hardesty:** Well, it may answer the question, but I don't think it helps. Any other questions for Director Sherlock?

**Ms. Jones Brady:** So, we have Director Sherlock here, and he's coming to us. He has a need for funding, and I just think that, we're all here, everybody, all of us at the table. And we're going to be able to put our heads together and think of how we're going to get all of this done, including helping you with the training. We have mental health professionals here. We have Attorney Generals. We have DA Offices. We are going to do this, and so, what I'm

wondering is if, you know, as a body, I hope that we're committed to helping him implement this. And I just want to know what – like, what we can do. If you – you think of some things that each of the offices that are here, how we might be able to help you in implementing this.

**Mr. Sherlock:** You know, for us, as in any budget process, it's communication and the support that we get, in terms of the legislative end of this, and frankly, the Governor's Budget Office, in the long term. We'll look at applying for the grant, you know, a portion of the \$150,000 between now and September 1. But I hope everybody understands that partial funding doesn't – when you're talking about a position to – to administer our portion of this bill, partial funding is the same as no funding. So, that's part of our problem. But we'll certainly look at that and – again, communication and support, when it comes to budget time, is crucial for us.

**Chief Carpenter:** So, I'm just a little bit confused. My understanding of POST is that that's the entity that deals with all training and that everybody in the State goes to POST for guidance or whatever that is. And so, I'm hearing that maybe there's some statutory language that needs to be changed so you guys are the entity that everyone looks to, number one. And, number two, I have a lot of civilian staff that need training.

My Pre-Sentence Investigation writers see things every day and pictures and read things every day that they shouldn't, that is not probably good for their psyche. And so, they also, I think, would be in need of these types of training, and I don't want to lose sight that civilians need training as well. I don't know if there's a question in there, but that's what I have to say.

**Mr. Sherlock:** Just to be clear, agencies do look to us for training, and rightfully so. But, from a practical matter – and frankly, from, you know, our mandate is, we establish the minimum standard, both for employment, but also for training. So, we do a lot of encouraging to go beyond the minimum standard, and, where our budget allows, we provide training above the minimum standard. But many agencies rely on their own resources, in terms of training, and don't look to us. But a lot do.

**Dr. Tyler-Garner:** And my apologies, as a new member, this is likely just for my own education. So, when we find ourselves at a place where legislatively there's something that we should ensure is happening, and we – it is being reported that it cannot happen or will not happen, what – what, then, happens? Because it's listed in the implementation plan, are we, like – do we say, as a Commissioner at the meeting, it needs to be revised, or it's not going to happen, or please don't report out on that? Like, how do we get to a resolution? Or what actually happens? Or what is our position on that?

And this is just for my education, as someone that – because this is maybe my third meeting, and I'm probably overly results-focused. So, I want to acknowledge that but understand kind of where – where does this leave us? Are we at an impasse, or does the expectation change, or what exactly happens?

**Chair Hardesty:** I'm glad you're on the Commission. I'm glad we have your perspective. And if you feel that that's an important issue, you should raise it, and we should report on it, and we should debate it. That's why you're here.

**Dr. Tyler-Gardner:** And then, I want to say, from my role on – I think it's the Sheriffs' Advisory Committee, that I'm – I sit with Tod Story, where we had a number of incidents happen just in the community here, around individuals who had mental health challenges, officers were not equipped with the training, and it escalated, including to a loss of life. So, from that perspective, we kind of lived through it in some of the communities. And if indeed this legislation or the expectation is the attempt to ensure that folks are equipped with the skills, they need for that not to happen, that it was serious to me, from that perspective.

And so, if, indeed, it's just a resource issue, for me, it's important to understand kind of what the exact amount of the resource issue is. What is the timeline by this statute that we have to have it in place? And how do we begin problem solving, to get to some reasonable timeline that we could meet the expectation? Or are we saying, 'Take the expectation off the table'?

**Chair Hardesty:** Well, if you consider it a priority, as a Commissioner, then, other Commissioners should listen to you and hear what you're saying. And if we collectively, as a Commission, feel that it is a priority, we should report on it. That was what I was saying earlier. And to that point, it sounds as if there is a transparency and an accountability problem, with respect to this training that needs to be examined and considered. So, I'll ask staff to look at these statutes and give us an update as to what POST is mandatorily required to do, by statute, and what may be missing.

And to Mr. Logan's point – I prefer to call him Sheriff, the absence of accountability causes many of these things to fall off the shelf. So – and it's interesting that we already have a disconnect of an expectation of the Director of P&P and the need for additional training for her civilian staff, and yet, we may not have the vehicle to be able to accomplish that. It seems to me like all of those are issues that are important to what was the expectation of this bill when the Legislature passed it out. So, I think those are all valid questions, and we'll ask our staff to augment our information on this area with some of the statutory provisions.

**Dr. Tyler-Garner:** Thank you.

**Chair Hardesty:** So, we can continue this agenda item, Doctor, in future agendas.

**Dr. Tyler-Garner:** Thank you.

**Chair Hardesty:** Any other questions for Director Sherlock? Seeing none, thank you, Director, for being here today. We appreciate it.

**Mr. Sherlock:** Thank you.

## **11. Overview of Certain Crime Rates in Las Vegas** (For discussion and possible action)

Chuck Callaway, Police Director, Las Vegas Metropolitan Police Department

**Chair Hardesty:** And I want to invite Director Callaway, now, to make a presentation. There are some materials in the handouts, but I thought his presentation that he sent to me about the enormous progress made by Metro and the Sheriff was worth us hearing about, toward the end of this meeting. So, Director, if you wouldn't mind, I would invite you to go over your presentation with the group.

**Vice Chair Callaway:** Thank you, Justice Hardesty. Back around the end of December, the statistics that this body has been distributed to came to my attention, and we were about two weeks from the end of the year. So, there were some additional crime numbers after this data was collected. I believe we had another homicide, after this data was collected, unfortunately, and some of the other numbers, obviously, have slightly changed. But I think this gives a pretty good overview of what our crime picture looks like for the Las Vegas Metropolitan Police Department's jurisdiction.

And I'm going to talk really fast, because I know we've been here a long time today, but I think there's some really important points contained within this data that I wanted to highlight. And just for reference, as most of you know, LVMPD, our agency, covers a jurisdiction of about 2,000,000 residents. We get about 50,000,000 tourists a year, on average. We have about 8,000 special events a month, or more. As you know, currently, this week, we've got a number of debates in town. We've got POTUS in town. A number of issues that our officers are handling in addition to their normal duties.

We handle about 3,000,000 calls for service a year. Depending on whose numbers you look at, we're around the 11<sup>th</sup> largest police department in the country, with about 6,000 employees. Our Analytical Section, which is responsible for collecting crime data in our jurisdiction, every year puts together a Strategic Plan, so to speak, of crime trends that our Bureau Commanders can take that information and put it to use in the field, to develop strategies and plans to reduce crime in their particular jurisdictions. As we know, each area command is unique, and one area command may have crime problems that another area command doesn't see, and vice versa.

So, what we've learned from – over the years, looking at that analytical crime data, is that, number one, we see that January and February of each year tends to be spikes in crime, for some reason. And we also have developed the information that there's about 11 persistent hot spots for violent crime, within our jurisdiction. And these hot spots are areas where we typically have the most violent crime calls for service. And so, as I said, that information's

passed on to our Bureau Commanders. They develop a strategy based on enforcement and non-enforcement, which they use to address that. And I'll get into more detail in a second, of what that looks like.

To quickly touch on the numbers, the data you have in front of you compares 2018 data, 2017 data, to 2019 data. Overall, our property crime has seen a decrease of about eight percent. We've seen a 22 percent decrease in burglary, about a 2 percent increase in theft, and about a 16 percent decrease in vehicle theft. But moving into violent crime, and this is the area that the Sheriff has made a commitment that it's his number-one priority is reducing violent crime in our neighborhoods and our communities and making our communities safer for not only our citizens but tourists as well, we've seen, since 2017, a shocking 22 percent decrease in violent crime.

And I'll bring to your attention that recent FBI statistics show that the nationwide average is a 4.6 decrease violent crime, so we are significantly above the national average, which shows me that this is not just the wave and flow that we see in trends, that sometimes crime's up, sometimes it's down, that this is a result of a number of factors. But significantly, the men and women that are out there, day to day, boots on the ground, addressing crime and also the partnerships we have, again, which I'll get to in a second, we've seen murder decrease by 41 percent. And we've seen a slight increase over the last year of sexual assault, by 12 percent, but compared to the 2017 numbers, it's still down 10 percent.

We've seen a robbery decrease of 44 percent and aggravated assault decrease of 15 percent. So, when we talk about murder, the murder rate, the shocking thing there is that our population continues to increase. And although our population continues to increase, in other major cities such as Chicago, Baltimore, areas like that, tend to see the homicide rate rising, we've seen a significant decrease in homicide rate, and our numbers have not been this low since 2011. Currently, our Homicide Section has a 90-percent solvability rate. The document you have, I believe, says 87 percent. It changes on a daily basis.

But as of just the day before yesterday, I believe we were at about a 90-percent solvability rate. The national average solvability rate is 62 percent. So, that means, you commit a murder in some other jurisdiction, you got a 40-percent chance, almost, of getting away with it, whereas, you commit a murder in our jurisdiction, there's a 90-percent chance you're going to be caught and held accountable for that. When I talked about the hot spots, we had 10 murders in hot spots in 2019, compared to 24 murders in our hot spots, in 2018. And we had a total 85 murders in 2019, compared to 121 in 2018.

I want to talk quickly about shooting victims. When we count shooting victims, these are individuals who are injured by a bullet fired from a gun, and it does not – it does not take into account for self-inflicted gunshots, and it does not take into account accidental gunshots. Those are not counted. Our shootings have declined, from 271 in 2017, to 210 in 2019. And



hot-spot shootings have decreased by 43 percent, compared to last year. Our robberies also continue to decline. We currently have almost a 23 percent reduction, compared to last year.

We had 20 robbery series in 2019, compared to 55 in 2017, and 29 in 2018. So, series, as you know, are a small crew that's going out and committing multiple robberies, and they're responsible for a number of robberies, but it's a small group of individuals doing it. Currently, we have a robbery clearance rate of about 85 percent, which, again, I don't know the national average on robbery clearance. But I believe we're higher than the national average there as well. Reasons for decrease in crime, these are some of the areas I really wanted to highlight and the reason I sent this information to Justice Hardesty and a few of our Legislators, was to highlight these areas.

First of all, More Cops. More Cops makes a huge difference on our streets. The studies show that when you have more officers on the street, crime goes down, and vice versa. When you have less officers on the street, crime goes up. The More Cops legislation that our Legislature helped us with, over the last few years, and the Crime Prevention Act and removing the Sunset on the More Cops legislation, has allowed us to hire over 900 officers since the recession. So, we are now back to about the 2-officers-per-1,000-citizen ratio that we were way below, during the recession.

Other issues that we believe are helping us fight crime is technology and high-tech crime fighting. To touch on that, just briefly, we embrace new technology at LVMPD. You've probably all heard of Shot Spotter. Shot Spotter's a technology that allows us to instantly hear when a gunshot goes off and send officers to that location. Through GPS, we know the exact location the gunshot was fired from. In the past, 64 percent of gunshots went unreported. Citizens just didn't report them. You get used to hearing gunshots in your neighborhood, and after a while, you just don't call the police anymore.

And what we found is, the person that's out in the street, shooting a gun in the air today, or driving down the street shooting a gun out the window today, and it doesn't hit anyone, is the same person that, then, is shooting someone the next day and ultimately committing homicide. So, we found that if we get in front of that, and through the Shot Spotter technology, we get officers out there immediately, we're collecting shell casings, we're looking for suspects, we're doing relentless follow-up. Shell casings that we gather are put into the National Integrated Ballistics Information Network (NIBIN) System, which, again, last Legislative Session, there was a bill that mandated law enforcement agencies in the State use the federal system of NIBINS, to catalog and collect data on shell casings to connect crimes.

That information alone is helping us solve a lot of crimes and getting people in custody that otherwise would have graduated to more violent crime, other than just shooting firearms off into the air or into neighborhoods. Our Southern Nevada Counter-Terrorism Section real-time cameras, which you probably have seen around town, they have the big, flashing red and blue

lights on 'em, they're real-time, live camera feed to our Fusion Center. When we have these hot spots, where crime is consistently occurring, we have a park where, say, people are – have had – have been robbed or had their property stolen, we put one of these cameras up in the park. Everyone knows it's a police camera, but it significantly helps us reduce crime.

On the Strip, it's helped us solve a lot of crimes. We had one case in particular where a person was a victim of a trick roll. The person that committed the crime fled the casino and got into a cab. Through the crime camera, we were able to see the number on the cab and follow that cab to the location of where it dropped the suspect off and subsequently take her into custody. Another technology that we're using is facial recognition. I know on a national level, facial recognition is getting a lot of pushback for privacy reasons, and we're very cognizant of that. And our system is based solely on jail photographs, and it's based solely on using facial recognition to develop reasonable suspicion, to follow up. It's a tool that gives us an investigative lead. It's not probable cause.

And it's basically comparing one photograph we have of someone to another photograph we have of someone, through a computer database that looks at facial features and determines the probability of whether or not those pictures are the same person. And then, we have the ability to send a Detective out and do follow-up on that, to verify. We had a sexual assault that occurred at the Venetian, a few weeks ago. Through facial recognition, we were able to compare a snapshot of that person from surveillance video to booking photos, and within 24 hours, we had that sexual assault suspect in custody, as a direct result of facial recognition technology.

DNA has been a huge success for us since several Legislatures ago, when mandatory DNA for all felony arrestees went into place. I don't have the specific numbers with me today, but I know we've had a number of hits on DNA, and we've solved a significant amount of crime through DNA. And then, computer forensics, we've actually established at Metro a Computer Forensics Unit that that's their sole job, is to – technology looking at – when we make an arrest, and the suspect has – say, they're involved in child pornography. This Unit has the ability to extract data that otherwise they would not be able to extract from devices such as cell phones and laptops and that sort of technology.

Moving on, again, I'm trying to talk fast, but – I apologize for that. But I talked about crime-fighting strategies. One of the huge components of crime-fighting strategies is our partnerships. We have a very close partnership with UNLV. In fact, some folks from UNLV Criminal Justice Section came to our headquarters for one of our action meetings and provided a very good presentation on research that's being done not only in Las Vegas but in Cincinnati as well. Part of that strategy involves getting Captains engaged in their areas.

As you know, the Sheriff, when he took office, one of the first things he did was decentralize our Detective Bureau. So rather than having Detectives in the Ivory Tower, so to speak, an

officer in the field takes a report, and that report works its way up over several days and finally gets to a Detective, who's got a caseload on his desk this big, and eventually he gets to it, and by then, two months have gone by. Victim thinks that law enforcement doesn't care. Suspect's committed another 15 burglaries. Now, those resources are pushed down to the Bureau level, Detectives are more engaged. They're often responding right out to the scene with the Patrol Officer. They're getting real-time information.

And we've seen huge success in solvability of burglaries and also timeframe of how fast the Detectives are working on those cases. In law enforcement, you often hear of the 80/20 rule, and I touched on that with the robbery series that we have. But when we talk about hot spots, and we talk about the 80/20 rule, what you find is, is that a lot of time 80 percent of your crime is committed by 20 percent of the suspects. So, when you find those 20 percent that are out there, victimizing people, committing your robberies, committing your burglaries, and you get them off the street and hold them accountable, you see a significant decrease in your crime. And so, that's an area of focus.

Networking, another thing that UNLV brought to our attention, that we're looking at, and I – based – I believe this was based on a study in Cincinnati. For example, you have a lot of violent crime that's occurring at a convenience store. And typically, officers respond, they go to the convenience store, we take a report, people go to jail, people go to the hospital, and we – we're constantly responding to the convenience store. But when you start looking at the networks, you find out that, across the street from the convenience store, there's a drug house. There's a house that's being used to sell narcotics. And up the street from the convenience store, on the other side, there's a chop shop, where someone's taking stolen cars and ripping them apart, selling the pieces of the cars.

And you start looking at these factors, and it just so happens that that convenience store is centrally located between these other crime spots that are networks. And so, instead of constantly responding to the – to the convenience store, to address crime, you're takin' a proactive approach and looking at where some of these issues are actually originating from, and then, you see the crime start to decrease at the convenience store, when you're looking at the source, rather than just responding to the incidents as they occur. And it comes down to problem-solving policing, and evidence-based policing, which, in the world of policing, we've been talking about this for decades.

But it's really being proactive and trying to solve crime and solve problems, versus just responding to them. And we can't do it by ourselves. The partnerships I've talked about are extremely important. We need help from City, from County. Business Licensing in both the City and the County are huge assets to us. When we have a problem, say, a nightclub where we're having shootings or we're having incidents occurring at those places, being able to get to the City and have the City pull licenses or put restrictions on those businesses, to get the owners to comply with us is huge.

So, having those partnerships is extremely important, having partnerships with education, both the school district and higher education, and then, other law enforcement agencies in the State that we work with. We've put together an Office of Community Engagement that goes out routinely and works with our community at various degrees. They attend functions. We have – of course, everyone knows our First Tuesday event, which, every first Tuesday of the month, citizens can come to their Bureau Commands and meet the officers, face to face, that work their area. They can bring up concerns they have in their neighborhoods to the Bureau Commander.

We have a strong faith-based Community Intervention Program, where, if we have a shooting in a neighborhood that may be gang related, our officers go out with the faith-based community, and we do intervention. We talk to people in the neighborhood, and we try to reduce, you know, responses or retaliation to that shooting. And that's been very effective. We've seen the benefits of that. And then, again, community policing at a Bureau level, you know, making sure that the Bureaus have the tools and resources that they need to fight violent crime, rather than the top-down strategy.

So, I think that we have a good story to tell, but the future is that there's a lot more work to be done. Reducing violent crime remains a top priority for the Sheriff and for LVMPD. I think that we're a very forward-thinking agency. We're always looking for new ways to tackle crime in general and specifically violent crime. We're looking at new ways to partner with the community. We know that many of these issues that we talk about, such as homelessness, we can't arrest our way out of those issues. Mental health, we can't arrest our way out of those issues. We need to look at other sources and other avenues.

To the points that were made earlier by POST, I believe that our agency – every officer that goes through the Police Academy gets CIT training, and then they have follow-up training that's done through what we call UMLV, which is our online training program. Most of that training is – people get POST Certification for taking it. We also have civilians that are POST Certified for – and certified for – not POST Certified, I'm sorry, I'm talking too fast, CIT Certified. So, I'd be happy to have some of our folks -- if the Commission feels the need to have some of our CIT folks come in and provide a more in-depth discussion of what we do to address mental health and behavioral health issues, from our agency.

And then, I'll finish with this. I guess the term I would use is I'm optimistically cautious about the Criminal Justice Reform that's coming. I worked very closely with the Legislature to – we all know that the legislative process is a negotiation. And I believe that everybody negotiated on AB 236 in good faith. Nobody got exactly what they wanted out of that bill. I think it turned out to be a good balance. But with that being said, in particular, the significant increase in the drug trafficking levels, I'm concerned about how that may impact our violent crime numbers, moving forward, and our property crime numbers, moving forward. Only time will tell.

So, with that, before I take any questions, as of this year, so far to date, these are the numbers I got this morning. We've had 7 homicides in our jurisdiction since January 1<sup>st</sup>. We had the same number this time this year in 2019. Unfortunately, we've had 18 traffic fatalities in our jurisdiction, compared to 14 last year, and our Traffic Section and our Bureau Commands are aggressively working on ways to try to address that issue. And then, we've had a slight uptick this year also of aggravated assaults. But our shooting victims are down, 28 this year, compared to 33 last year.

So, sorry I talked fast. With that, I'd be happy to answer any questions.

**Chair Hardesty:** Thank you, Director. I did have one question. I guess it's maybe the accountant in me that asks this. But to what extent are the victims of October 1 included in those numbers?

**Vice Chair Callaway:** In our reporting, we did not include – we had a lot of discussion about that. We did not include them in our homicide numbers. The reason for that was, we looked at what other jurisdictions had done, such as Parkland, and the standard across the country was typically a – jurisdictions do not – they treat 'em as an isolated violent crime, you know, mass- casualty event, and they don't count those numbers as their standard crime numbers for the year. So, you know, obviously, if you throw those numbers in, it really has a significant change on where you're at, in crime numbers.

**Chair Hardesty:** Sure. Thank you very much. I appreciate the clarification. Are there any other questions for Director Callaway?

**Assemblywoman Nguyen:** Every time I see statistics, I know that they, you know, present a picture that you kind of want them to present. So, do you have, like, disaggregated data, based on race or gender, for all of these, like, statistics as well? And – that's my first question.

My second one, kind of related, is, you broke down, like, the decrease. And it seems like it's a decrease just generally, across the board, at least from 2017 to 2019. But do you have that by population, like you do with the murder rates? Because it seems like it would be going down, even more so, because you just have, like, numbers, based on the – like, the property crimes or the theft crimes. It appears to be going up, but is it really in fact going down, by percentage of population?

**Vice Chair Callaway:** That's a great question. Obviously, that information that you're asking is not contained in this document. Our Analytical Section, I'm sure, could pull that data. In regards to demographics, such as race or sex, that data, we have it, because when someone files a report, you know, unless they choose not to fill that box in, there's typically a box on the report for, you know, race, demographics. Sometimes people don't want to fill that in. But it would require our Analytical Section to go back and pull all those reports and collect that data

from each report.

On the jail side, we do collect that data upfront. But on the crime side, I don't believe we're currently collecting that data, on the front end. We could get it, but it would require some work to go in and pull those numbers, if that answers your question.

**Dr. Tyler-Garner:** Under new ordinance around citation of the homeless, do you anticipate needing additional training and support, based on the nature of that population and the likelihood that the contact would increase?

**Vice Chair Callaway:** That's a great question, too. We don't anticipate needing any more resources for the new homeless ordinance. First of all, on that ordinance, we've worked very closely with the City on it. Enforcement for us is an absolute last resort. We have what we call our MOR Team, which is Mobile Outreach Team that goes out on a daily basis and interacts with the homeless community. Our goal is to get them help, get them treatment, get them off the street and address whatever underlining issues have led to their homelessness.

Now, with that being said, I think the City Attorney said it best, during the hearings at the City Council, when he made the comment that – you know, that, yes, being homeless is horrible, and we want to get people help, and we want to get them off the street and get them into housing. But by the same token, because you're homeless doesn't mean that you can just set – I can't just set up camp and – you know, on your front lawn, or I can't set up camp in front of someone's business, when they're – you know, they're running a restaurant, and you have people, you know, defecating on the sidewalk, in front of that – the restaurant.

So, there needs to be a balance. Our officers will enforce, if need be, but that's only as a last resort, when we've given a warning, and we've given options, and the person just refuses to accept those options.

**Chair Hardesty:** I would like to turn to Mr. Hicks and ask if he could canvass the police agencies in Washoe County and collect the statistics that have been provided, to the extent that they're available, by Mr. Callaway to the Commission, maybe at the next meeting or whenever is convenient, during that same period of time. Would that be possible, Chris?

**Mr. Hicks:** I will certainly reach out to the agencies and see what they can pull together for us and report back to you.

**Chair Hardesty:** Great. I think it'd be useful to see what's happening in the other urban county as well.

## **12. Discussion of Potential Topics for Future Meetings** (For discussion and possible action)

**Chair Hardesty:** Under item 12, it inquires about potential topics for future meetings. Let me just ask or suggest this. First of all, if anybody would like to comment about that now, they can, but I don't want you to feel foreclosed from offering other topics. So, what I would request is if you have topics, please convey them to the Executive Director, directly. I don't want to violate the Open Meeting Law. Don't collaborate. Don't, you know, get together in teams. You'll get us all in trouble.

Send your own suggestions to the Executive Director, and she and I will go over those topics, and we'll decide those and prioritize those in connection with other work that we need to do. Our next meeting is April the 29<sup>th</sup>, I believe, Victoria, and we will have another very robust session, at that time.

**13. Public Comment** (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Commission will impose a time limit of three minutes).

**Chair Hardesty:** Is there any public comment for the Sentencing Commission. Seeing none. Thank you very much.

**14. Adjournment** (For possible action)

**Chair Hardesty:** We'll adjourn the meeting. And thank you all for your participation. Appreciate it.