



# Nevada Sentencing Commission Meeting

June 24, 2020

Agenda and Meeting Materials

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### **Agenda Item #3 Materials:**

Minutes from 4/13/2020 Meeting

Minutes from 4/29/2020 Meeting

### **Agenda Item #4 Materials:**

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NRS 176.0129 Inmate Projections

NRS 176.01347 Cost Avoided

NRS 176.0139 Inmate Projections for Sentencing Commission

JFA Report August 2018

JFA Report February 2020

FY20-21 Operating Cost Per Inmate by Institution

### **Agenda Item #5 Materials:**

Presentation on Update on Requests for Subawards

Steve Sisolak  
Governor

Victoria Gonzalez  
Executive Director



James W. Hardesty  
Chair, Nevada Sentencing Commission

Chuck Callaway  
Vice Chair, Nevada Sentencing Commission

**STATE OF NEVADA  
DEPARTMENT OF SENTENCING POLICY**

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**NEVADA SENTENCING COMMISSION  
PUBLIC MEETING NOTICE AND AGENDA**

**Date and Time:** June 24, 2020, 9:00 AM

**Location:** VIRTUAL ONLY

**Meeting Access:** The meeting may be viewed electronically through an Internet connection by accessing the following link <http://nvcourts.gov/Supreme> and then clicking on "Live Video".

**Public Comment Submissions:** See instructions below.

**AGENDA**

- 1. Call to Order / 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.)
- 3. Approval of April 13, 2020 and April 29, 2020 minutes** (For discussion and possible action)

#### **4. Discussion and Possible Action on Projected Costs Avoided Report** (For discussion and possible action)

- A. Statutory requirements of report pursuant to NRS 176.01347
- B. Review of methodology used by the Advisory Commission on the Administration of Justice in 2018
- C. Proposed methodology to calculate projected costs avoided in August 2020 report
- D. Discussion and possible approval of proposed methodology to calculate projected costs avoided
- E. Review statutorily required recommendations pursuant to NRS 176.01347
- F. Proposed outline of report

Victoria Gonzalez, Executive Director, Department of Sentencing Policy

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

#### **5. Update on Requests for Subawards** (For discussion and possible action)

Abigail Strait, Senior Policy Specialist, Crime and Justice Institute

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

#### **7. 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.)

#### **8. Adjournment** (For possible action)

NOTE: Items may be considered out of order. The public body may combine two or more agenda items for consideration. The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The public body will limit public comments to three minutes per speaker and may place other reasonable restrictions on the time, place, and manner of public comments but may not restrict comments based upon viewpoint. We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Sherry Glick by email at [sglick@ndsp.nv.gov](mailto:sglick@ndsp.nv.gov). Supporting materials for this meeting are available by contacting Sherry Glick by email at [sglick@ndsp.nv.gov](mailto:sglick@ndsp.nv.gov).

NOTE: Pursuant to Governor Sisolak's Declaration of Emergency Directive entered March 22, 2020, which suspend the provisions of NRS 241.020 requiring designation of a physical location for meetings of public bodies where members of the public are permitted to attend and participate, the Nevada Sentencing Commission will NOT have a physical location open to the public until such time the Directive is removed.

The meeting may be viewed electronically through an Internet Connection by accessing the following link: <http://nvcourts.gov/Supreme> and then clicking on "Live Video".

Members of the public who wish to participate during a public meeting may do so by providing public comment during the two designated public comment periods, by written submission to the following email address: [SentencingPolicy@ndsp.nv.gov](mailto:SentencingPolicy@ndsp.nv.gov). For inclusion or reference in the minutes of a meeting, your public comment must include your full name and be submitted via email

at any time during the meeting. Messages received will be transcribed for entry into the record and provided to the Nevada Sentencing Commission for review.

**Agenda Posted on the Internet:**

1. <http://sentencing.nv.gov>
2. <https://notice.nv.gov>

**Steve Sisolak**  
Governor

**Victoria Gonzalez**  
Executive Director



**James Hardesty**  
Chair, Nevada Sentencing Commission

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**NEVADA SENTENCING COMMISSION  
MINUTES**

**Date and Time:** April 13, 2020, 10:00 AM

**Location:** VIRTUAL

**MEMBERS PRESENT**

John Arrascada  
Chuck Callaway – Vice Chair  
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  
Russell Marsh  
John McCormick  
Kimberly Mull  
Dr. Elizabeth Neighbors  
Jon Ponder  
Dr. Emily Salisbury  
Tod Story  
Dr. Tiffany Tyler-Garner  
Assemblywoman Rochelle Nguyen  
Senator Nicole Cannizzaro  
Senator Keith Pickard

## **MEMBERS EXCUSED**

Judge Michael Villani  
Assemblyman John Hambrick

## **OTHERS PRESENT**

Barbara Pierce, Crime and Justice Institute  
Abigail Strait, Crime and Justice Institute

## **STAFF**

Victoria Gonzalez, Executive Director  
Sherry Glick

Due to technical difficulties, portions of the meeting were inaudible or not recorded. Summary minutes are provided in brackets where [inaudible] or recording lost.

### **1. Call to Order / Roll Call**

**Justice James W. Hardesty, Chair:** [Welcomed the Commission to the meeting. Asked the Executive Director to take roll.]

### **2. Public Comment**

[Public comment was submitted in writing and provided to the members of the Commission. Members of the Commission silently read the public comment submitted up until the first period of public comment.]

### **3. Presentation by Certain Criminal Justice Agencies Concerning Responses to COVID-19 Crisis (For discussion and possible action)**

**Chair Hardesty:** [Introductory remarks regarding the agenda. Chair Hardesty explained that each agency will report how they are responding to the COVID-19 Crisis. The purpose of this is to provide information to the public and possibly make some policy recommendations to the Governor or others on how to respond to the Crisis.]

[Chair Hardesty then turned the meeting over to Director Charles Daniels of the Nevada Department of Corrections (NDOC)]

**Director Charles Daniels:** [Director Daniels began by providing general statistics regarding how many staff and inmates are in the Department. He stated that 5 staff members tested positive for...]

COVID-19 of which one has already returned back to work. We have to date have zero inmates that have COVID-19 and I think it is important that's noted. Part of the reason that I believe we've been successful is that we took some very proactive steps from the very beginning and I would like to share with you some of those steps so that you could understand and see how we look at it maybe a little bit differently than the outside community.

We are a public safety organization that always has contingency plans available for most anything that could potentially happen, and we practice those plans with regularity. So, once we heard about COVID-19, the very first thing we did we stopped visitation as of March 7<sup>th</sup> and that included family and friends. On March 15<sup>th</sup> we then included legal. We minimized our inmate transfers and inmate movement as of March 15<sup>th</sup> to the extent that the only ones we would accept inmates were from the county jails.

As we accepted those inmates, those inmates immediately went in a 20 to 30-day quarantine, depending on how many people were in the isolation unit. We started taking the temperatures of all of our staff. We initiated that on March 16<sup>th</sup>. We also started denying entrance to anyone symptomatic or with the temperature above 100.4 as of March 16<sup>th</sup> of this year. In addition to those operations we implemented some medical guidelines.

We actually started monitoring COVID-19 in early February. Our medical leadership started monitoring from when it was Asia and as it moved around the world. Specifically, as soon as cases were in Washington state we knew that we had to come up with procedures as we call them protocols to ensure that we had redundancy built in our organization and that we could handle no matter what transpired.

We also met with the Department of Emergency Management and we requested Personal Protective Equipment (PPE), from the strategic national stockpile and that was on the 16<sup>th</sup> of March. We then started ordering our COVID-19 test kits, they were actually ordered on March 30<sup>th</sup>. We were provided with 15 kits though in advance back on March 16<sup>th</sup>. We also provided regular updates that were sent globally to all our employees via email and the medical director providing guidelines consistent with Centers for Disease Control (CDC) and World Health Organization guidelines.

In terms of what we did with our staff, how we decided to work within our system. The very first thing would be assessment and assessments went like this. If anyone were assessed to have a high temperature, a runny nose, dry cough, fever, headache, shortness of breath, we then started having them go through secondary screening.

As that went by, if any of them any of the inmates or staff showed any one of the primary three, what we did is we went to the secondary assessment then if we felt the need to then if there was an inmate we would remove the inmate from the housing unit and take that inmate into our medical unit and put that inmate on medical observation.

[inaudible]...what we would do is stop them right at the door. We initiated temperature checks at our front doors and then for anyone to come in the facility, if you had any of the symptoms, we sent you to secondary screening, which was also in our front lobby areas. And if anyone presented, we sent them home and told them either they needed to go home and wait at least 72 hours if the symptoms subsided. If not, then they needed to go be tested.

We continued to move forward with the way we organized our facilities. Let's just say we had an inmate that was working in our food service operation, we call it culinary. If anyone presented at that time, once again, we would remove that inmate from that area. We would isolate him under the medical observation unit but then we would also go back, look for anyone that's been around that person, staff, or inmate and then we would put that housing unit with all the inmates on medical observation. Medical observation just means that we have additional medical staff that go to the unit versus the inmate going down to the medical department and then those inmates would be assessed with temperature checks roughly three times a day and look for any other symptoms and if the inmate indicated that there were any additional symptoms then we would go on from there and potentially if we felt the need to, remove that inmate from the housing unit.



But once again I think it's of note we have zero positive tests and we think that the system is working as well as to be expected. As with any system of course, it's not perfect, but it seems to have worked, we have it entrenched. Our staff are following procedures and our inmates seem to be well equipped to speak up when they believe there's an issue and we address it.

We also twice a week, on Tuesdays and Fridays all three shifts of staff and inmates have to go through what we call a Town Hall process. That's when all our staff are briefed on what's currently going on, where we are, if there's been any suspicion, if there's been any confirmed cases. But we also get that information out and talk to the inmates. The inmates have an opportunity to interact because our wardens are conducting those and our associate wardens.

We are making sure that there's plenty of information out there and available to the inmates. We want our inmates to be part of the process. We've also implemented inmate sanitation teams and what they do is at a minimum three times a day go out and sanitize the whole unit. Well how do they sanitize?

We provide the sanitation chemicals that we have. In addition to that, we were keenly aware that there would be shortages, so what we decided to do was to make our own hand sanitizer. So, we have right now we're making up to 20,000 two-ounce bottles per day and we're also producing our own masks as well as our own PPE, meaning the gowns. We distributed that around our entire organization and anyone that wanted we give it to them. Meaning our staff members. The inmates get the hand sanitizer and we issue that out and we control it because several of our inmates have decided that they wanted to drink some of it and so we monitor it. But everyone gets it.

So, if we have to take the inmates to a unit to where they have to take a shower, we escort those inmates out but before they leave, we wipe down the showers and then after they get out we wipe down those showers again with our sanitation teams. Each of those teams is supervised by a staff member.

So, once again if we have to remove an inmate from housing unit, not a problem, we'll isolate them. If we have too many inmates, which we haven't had so far, we would isolate the housing unit and bring medical staff to them.

So, the obvious issue of getting the protective equipment, handing out the sanitation equipment, and then monitoring who comes in. The reality of it is our inmates don't have it and we've been fairly successful at least in terms of what we can tell.

Quite frankly our staff are the ones that intermix with society in general. Our staff go to Walmart, they go out to eat like everyone else, they go out to gas stations, they're mixing with their families, they have kids. And so, we try to prevent any of our issues at our own front gate and we have a philosophy, when in doubt keep them out. If suspected of having anything, you're out.

We go above and beyond but we feel like if we can contain it at our front door, we don't have to worry about it behind our front doors.

I could continue to go on but I want to know right now if there's any questions or any feedback anybody would want relative to our procedures that we happen to have in place or I'd be more than happy to continue to go on and talk about what we've done and what we're doing specific to our inmate operations. I could go into our manufacturing, our media involvement, our staffing, whatever anyone wants me to discuss, I'll be more than happy to. The one thing I can't do of

course is discuss any one particular inmate as I don't have the ability to research as well as be attentive to this call.

**Chair Hardesty:** Please address the steps you took regarding inmate communication with family members since this began and then I'll open this up to Commission members in order to avoid too much confusion, I'll just call on each commission member to ask any questions on your presentation thus far, or if they have other areas they like you to address, identify those and we'll circle back to you.

**Director Daniels:** Yes sir. What we've done with the inmates as soon as we knew we were going to have to cancel visitation as we knew that would be a portal to allow COVID-19 within our facility. The very first thing we did was we reached out to the phone company, our other company that provides us with our communication, and we asked them for several things. The first one of course was, we would like our inmates to be able to talk more to be able to provide them with additional phone time.

I believe we initially started out with two fifteen-minute calls that were free at no charge to the inmates. Then I believe we moved up to thirty-minute phone calls within our units. I will have to go back and revisit the half hour to ensure it was executed over the entire agency, but I can speak for the two fifteen-minute calls that were free. We've also worked out a situation where we reduced the pricing of the calls so that we could still ensure inmates had access to their families out in the community and could maintain those ties.

We briefed all of our inmates on the phone call situation and we explained to them that it was a safety measure for them as well to keep COVID-19 out, that we had to disallow visitation but we also wanted to ensure that they understood under no circumstances, did we not want them to have that communication. We believe we've gone above and beyond in ensuring that they have the access and in addition to that the inmates were never not authorized to write letters and of course they can receive letters.

So, we spent a lot time and effort on dealing with that on the very front end and we started that I believe on the 15<sup>th</sup> of March.

**Chair Hardesty:** Thank you very much Director. I'm going to call on each Commission member. If you have any questions of the Director for his presentation thus far, fine. If you have other topics that you'd like the Director to address, if you could just identify those and then we'll give the Director a chance to respond when everybody's finished. If you'll take notes Director and I will too, and then we'll circle back and see if anybody has follow-up questions for the Director.

[Chair Hardesty addressed some technical issues regarding the ability of certain members of the Commission being able to attend the meeting.]

**Chief Hardesty:** Mr. Arrascada do you have any questions for the Director at this point or other topics you'd like him to address when we finish this canvas?

**John Arrascada:** How many, what are the number of tests, how many inmates have been tested for COVID-19?

**Director Daniels:** We have zero tested. As you know the tests are in very short supply. We go through the screening process to number one, determine whether or not they have any of the symptoms then number two, if they have to go on to secondary. Then we would ask because we only have 15 pure COVID-19 tests. Although we have over a thousand that test for antibodies. But we have medical doctors at all [inaudible] and a large

size nursing staff. Though if we needed to actually have an inmate actually test, we could readily have that test available.

**Mr. Arrascada:** Just so I'm clear then. There's been no tests administered but the frontend screening process, no inmates have been deemed needing of a test. Is that right?

**Director Daniels:** That's correct. On the frontend we get our inmates primarily from the county jails. They hand off those inmates to us. Those inmates are medically screened the same day, upon arrival, and they're put into an intake unit in which they're isolated in which they will stay there at a minimum of 20 days, up to 30 days. And once again, we just have some very significant, robust screening and communication and medical assessment to include, often temperature checks and so on. We're looking and we're asking the inmates about their symptoms.

[Chair Hardesty canvassed the members of the Commission for questions for Director Daniels.]

**Darin Imlay:** In one of the letters we received it was mentioned that the inmate is getting, about every other day, ten to twenty minutes out of their cell. Are the inmates getting any time outside their cell or are they self-quarantining in a sense in the cell twenty-four seven?

**Director Daniels:** I'm not particularly sure what facility you're addressing, but if it's at our High Desert facility, those inmates are because of the nature of the facility and the security level. Those inmates are typically confined to their housing units and because we initially had some issues with our staff. One of our staff members there, although they didn't work down in the facility, they worked in the administration building.

We decided when we were first ensuring that our contingency plans worked, we traced all the staff members that the inmates had contact with. And then we decided to lock those units down. And lockdown just means they're confined to their cells up to twenty-three hours a day, but they're also entitled out of cell time for recreation, phone calls and showers. And so, when we take them out for showers, we obviously have to escort them to the showers, and we do that, and our staff wear the protective gear.

Our view is that chances are if there's a carrier, it would be our staff. It wouldn't be the inmates because we know the inmates have been fine so we take extra precautions that our staff have to wear the masks and the gowns when they're escorting inmates from their cells to the shower area and then once again we sanitize all of our phones, and our showers.

Each time an inmate goes out and comes back in, we do the same thing over and over and we provide those inmates with sanitizer that we produce ourselves and our goal is to ensure that they know they have sanitizer with them, they can use it and we are going above and beyond in ensuring that we sanitize it to the best of our ability

**Mr. Imlay:** The five staff members that tested positive for COVID-19, were they tested through your process or they tested outside the facility because of their own concerns?

**Director Daniels:** They were tested outside. Several of them caught symptoms at home and they had been told that listen you may have been exposed because they had a family member or friend that had it and they went on their volition. They reported it just like we asked them to they called us and said hey I think I may have a situation, ok. So, go ahead and get tested in the meantime when was the last day you were at work and we're going to do a trace on all those staff members. Which we've been very successful at doing. Those individuals went to the hospital, explained that they had contact with someone and they're showing some symptoms and they were ultimately diagnosed as positive.

**Christine Jones Brady:** One question I have has to do with resources. I know there's been newspaper articles and so forth regarding potential budget cuts but how are NDOC [inaudible] facility early release policies notwithstanding your early and aggressive approach to fighting COVID-19. Are you contemplating early release policies in furtherance in case there is more of an outbreak and in furtherance of criminal [inaudible] generally?

**Director Daniels:** Thank you for your question. I'll answer the last part first. In terms of are we contemplating a release? The realities of it are that our executive branch and our legislature create the public policy that we follow. I don't have the authority, except in very limited circumstances, to effectuate a release and even during those times are very stringent.

Now having said that when we talk about the personal protective equipment, as I have mentioned we are now making up to 20,000 bottles per day of two ounces. We have enough that we're now supplying the National Guard that's in charge of the dissemination of resources from the federal government and from state. We're sending quite a bit out so it's reaching all of our law enforcement agencies as well as our correctional agencies around the state. In terms of PPE's, once again we decided we would not wait and hope for anyone to help us. We decided to manufacture our own. We are right now in the midst of full production.

I'm very proud of our staff, they've done a tremendous job and they continue to do so. And it's our goal that as we move forward, we are fine. As of right now, we are good and we're going to help everyone else out. If anyone taps on our shoulder, of one of these government entities, we are going to extend a helping hand as much as we can. So, we want to be a part of the community success, we feel very good about our ability to change gears and turn to a manufacturing operation. So, I would say right now we do not have an issue. In the foreseeable future I will not have an issue and we're pleased that we're exactly where we are today.

Also, we operate emergency operation centers at all of our facilities so if there's anything that is COVID-19 related, it's immediately passed on to those emergency operations centers which are manned 24 hours a day. That information immediately goes to the wardens, the Deputy Director, then me. I call every single day, each and every one of them, at all of our facilities. We are very aggressive about it, myself and my executive staff which means my Deputy Directors. We get out to our facilities. My men and women are on the front lines, and myself and my Deputy Directors, we're down there with them.

The other thing that we did, and I think as a special note you should understand that, once this started, we identified all of our staff as essential. We designated them as essential. Because part of our response plan that if we have high incidence in any facility in which a large amount of staff would have to go home and self-quarantine, we designated every single person to include myself at our central office, to be able to go in and backfill at a facility. Those of our staff that are in back that have experience in corrections, we go in and work corrections positions.

I'm a career law enforcement professional, but I started out as a correctional officer and I can sling cheese with the best of them. But I will tell you what, and for those folks that don't have corrections, they can come down and help us make bologna sandwiches and push carts here and there and just assist. So, we have redundancy built into our northern and our southern region. We are very confident that we can handle whatever happens here and the inmates would not suffer.

Because we also get out and communicate with our inmates on the town halls twice a week with our wardens and such, they are very aware what's going on and they have the opportunity to communicate directly with us. Every time I go out in the field, I actually town hall inmates myself and I answer their questions very directly and straightforward as possible. The one message I put

out, we genuinely empathize with what's happening out there with maybe some of [inaudible] your families and your friends and your concerns, we certainly do. But as it relates to your safety and welfare, all of our facilities have medical facilities literally right across the hall or down the hall and we can get you the treatment that you need immediately.

So yes, there is quite a bit going on [inaudible] communication though is key, we communicate very often with the other states. We know what they're doing. They know what we're doing, and we're just pleased, and I want to say again, I'm so proud of the efforts of my staff, they're first class professionals. A lot of people would have tried to find a way to go home and stay home. My guys are finding reasons how they can come to work and how they can stay at work. And this will be my last comment on this topic. I also wanted to extend to each and every one of you my heartfelt appreciation to the folks over at the Parole Commission as well as Parole and Probation (P&P). We are public servants and we work as a team. We spend hours [inaudible].

[Audio cut out for several minutes]

**Keith Logan:** [Asked Director Daniels about whether NDOC was working with local counties for temporary or medical housing]

**Director Daniels:** [They have the ability to ask if necessary but have not done so at this time.]

**Jon Ponder:** [Asked Director Daniels about transfers from Clark County, if there is a screening process or secondary assessment.]

**Director Daniels:** [Explained that the when the inmates arrives from a facility there is a manifest provides information about the inmates. Then they process the inmates by taking photo and fingerprints, and before the inmate goes to the cell the inmate completes a medical intake including looking for physical cues and asking questions. The inmates are under constant observation and the staff communicates regularly.]

**Dr. Emily Salisbury:** [Asked the Director about providing information related to stress training for staff, programming for inmates and other issues regarding the mental health issues and protocols at the Department.]

**Director Daniels:** Not only do we put information out, but it's required that no one enter our facilities, including me, I have to go through the protocol of having my temperature checked. If I were to have any issues I want to ask staff members hey, what's going on with that cough, what's going on with this, and then if they have to the nurse will say we think you may be better off being at home. Well, the staff member may say "Well, I feel fine". However, our instructions are when in doubt, keep you out. You're going to have to go ahead and go home because we don't want to have a bad day when someone misjudged [inaudible] where they are [inaudible])at least one town hall. When my Deputy Director's go out, they are tasked with doing the same thing. My Warden's communicate daily with their Deputy Commissioner of Operations to [inaudible] consistently thoughts about sticking with our plan.

Our plan [inaudible] is good [inaudible]. Our staff are motivated. They've all accepted the fact that it's a public service and we're protecting society by keeping these guys safe because if they decide [inaudible] meaning our inmates decide, that they've had enough, and we've seen that in other [inaudible] states. If we're not communicating, we're not considering their needs, then you could potentially have an issue, maybe a disturbance or so on. But we know that we're not just guards. We immerse ourselves with our inmates. We communicate with them regularly. And it's our goal to be a part of the success of what's going on in the state and nationally in which we can certainly look at successes.

So, I addressed the mental health issues, the programming, and the enforcement of our protocols. My guys are sworn. I'm not telling you they're perfect, but they're sworn. We have every expectation, as you would in the military, you follow orders as a way to describe them. Because of the human element, on occasion, we have someone forget or choose not to follow it. So, we deal with that and the method consistent with [inaudible] any other violation of our rules.

**Tod Story:** My question is similar to Dr. Salisbury's. But I'm curious about the communication to the inmates about keeping them informed, the status, the update as we learn more as a society around? And then how are they able to communicate with you Director Daniels and the staff as they have concerns about their own ability to protect themselves. We understand that you've got the hand sanitizer, but are there any other (inaudible) mechanisms in place for them to be able to take some responsibility for?

**Director Daniels:** [inaudible] Inmates are able to communicate with me directly and many have chosen to do so [inaudible] through the inmate grievance process. Any inmate at any given time can send a question or [inaudible] address their concerns directly with me through their executive teams previously.

We're not locking our inmates up and just forgetting about them. We are in the units. Think about this. Each inmate is able to come out and talk to an executive [inaudible] staff member twice a week. Twice a week they have access to the wardens and the associate wardens. That is mandatory. That's something that I instituted. My Deputy Director over operations ensures it and we get out and we talk.

You got to understand this benefits us in a great way to communicate. This is a profession and we know that we're dealing with humans. You have to communicate. You have to ensure they understand what's going on.

Many of them also have access to television. They watch CNN and anyone else they want to watch. They have the availability to see what's going on in the rest of the world. As a matter of fact, when I was out at McClure last week, they were trying to watch the show and didn't want to listen to me initially. We had to cut the TV off so I could address their issues. Our inmates are well-informed. Is it perfect? No. That's something that happens with your basic loss of liberties to some extent. I want a well-informed workforce and I want well-informed inmate teams.

As a matter of fact, we are struggling with so many inmates wanting to be on the sanitation team we're having to say no. We have enough right now, we'll rotate you in. They feel like they're part of a team. They're very concerned about their loved ones on the outside. But we think that the additional phone calls went a long way and they've expressed an appreciation for it.

So once again, I can't offer you perfection, but I can certainly assure you that my teams out in the field execute our contingency plan, and if anything, it's over communication. I enjoy it. My staff appreciate it and the inmates appreciate it. I hope I answered the spirit of your question, but I'd be more than willing to go into it a little bit further if you require.

**Dr. Tiffany Tyler-Garner:** Good morning. I just have three quick questions. One, Director Daniels is there a role that the Commission can play in supporting your efforts? Two, if we should receive inquiries regarding these issues? Is there a statement or information you would hope that we would provide or respond? And then third, is a reference and the ACLU letter regarding copays for seeking Medical Care. Can tell us a little more about that and what the status may be?

**Director Daniels:** Let me start with the co-pays. For the duration of this COVID-19 emergency response, we have waived all co-pays, so the inmates aren't paying those. Number one, it's not the right thing to do. You can't pick and choose if you get sick so we're waiving all of that and I would suspect we're not hearing too many concerns about it as the inmates appear to be pretty happy about that.

Secondly, in terms of information if you would like Dr. Tyler-Garner, I will be more than happy to send you some fact sheets. They would be the same fact sheets that we have on our website. We have a lot of information on our external website as well as Facebook. As a matter of fact, you'll find yourself deluged with information on our website. We're telling everybody on the planet what we're doing, how we're doing it, why we're doing it and we want you to know. Information is key.

We're in the human being business. Humans need to be informed and they want to be informed or they'll create their own narrative. We've spent a lot of time and effort. We're seeing very little grumblings of that nature. But yes, I will send you some information very specific to what we're doing, and I really appreciate you reaching out and asking if there's anything you could do.

**Assemblywoman Nguyen:** Thank you for taking the time to answer some questions. I have a list, so bear with me. A lot of it has been answered. Am I clear in understanding that the entire NDOC has 15 tests? Is that correct?

**Director Daniels:** [inaudible] 15 that I identify the antibodies. That would be basically if you have the antibodies, we can move you onto the actual test. I apologize if I don't have the medical training. I'm an Administrator but I'm not medical. If I said something inaccurately it certainly wasn't with intent.

**Assemblywoman Nguyen:** I'm just curious of those 1000 antibodies tests, how many of those have been administered?

**Director Daniels:** We haven't had any as we haven't had any inmates get to that level to where we would have to give that test.

**Assemblywoman Nguyen:** As we all hopefully know you know there are a lot of people that could be carriers and you had indicated that I think five employees tested positive of their own testing, is that right?

**Director Daniels:** Yes.

**Assemblywoman Nguyen:** Ok. Of those five individuals, were they all at different facilities throughout NDOC or where they all at one facility?

**Director Daniels:** They were all at different facilities.

**Assemblywoman Nguyen:** Do we have any kind of, or does the department have any kind of plan to I guess track and trace those people and the contact that they've had within those particular facilities?

**Director Daniels:** Yes. That's a part of our contingency plan and for anyone that had any contact with any of those staff members we traced every single one of them. We have the ability in many respects to go back and even look on camera to see where a person has been and what's

going on. Now the vast majority of those staff though never even made it, well there's only five, several of those staff members [inaudible] never made it into the facility. They were out, they went out of state. As a matter of fact [inaudible] let your medical provider know and get tested. They did and that's how three of them we found out.

The other two were actually at the job. One was in an administrative area [inaudible] and the other was in the culinary area and they contact with very limited staff [inaudible] but we tracked down every single one of them and then with every single one of them, regardless of whether they had any signs or whatever, we sent them home. [inaudible] or if they didn't have any symptoms, I believe we initially started out with fourteen days of symptoms and you had to stay out fourteen whether you had symptoms or not because our goal was once again, when in doubt keep them out. We've been so aggressive at that, we've been fortunate. That's not to say tomorrow we won't have any but even if we did have an active situation with an inmate, you can rest assured that would be my top priority.

I don't want my entire workforce or the inmates getting sick and passing it on to one another. I'm pretty pleased with what we've put in place, unlike some places. We have a paramilitary organization. Our staff are pretty good at following orders. Once again, I cannot under any circumstances indicate to you that we're perfect and our system is perfect, but I can tell you though that we're excited about being able to manage this. It's a challenge and the fine men and women of NDOC have stepped up in my opinion in a largely appropriate way.

**Assemblywoman Nguyen:** Obviously, I'm concerned because so many people cannot show symptoms but could be carriers so you can have individuals that are potentially carriers and infecting your more vulnerable populations. Do you have like a plan in place to protect those more at-risk inmates that are [inaudible] currently incarcerated?

**Director Daniels:** Okay, if just elderly in of itself you'll stay with the same people you've been with. However, we do have medical units at one of our Northern facilities and for the most part in [inaudible] Medical Center even though it's not a hospital by any stretch. We have in [inaudible] take care of our inmates that have been in surgery and doctors that service those inmates that's at our Northern Nevada Corrections Center (NNCC). I've been there myself; we have plenty of units that depending on the status of an inmate. But we keep those inmates separate from the other inmates and we keep a lot of medical staff there and when we have to of course, we would escort those inmates outside our secure confines and take them to a local hospital.

But in many respects, those would be some of the inmates that would have issues anyway. Unfortunately, a lot of guys have hurt themselves over the years. They haven't taken care of their bodies, so we end up in a situation where we're still having to provide, in many respects, treatment for chronic illnesses and convalescence in some respects. But once again, we have a heavy contingent of nursing staff and medical doctors up at those facilities and of course if any inmate voices "listen I'm having an issue, I'm having this or that" we keep an eye on them. I don't believe and I can't speak for everyone, but I will tell you the vast majority of our inmates know that we're approachable and we want to know what your issues are so we can get ahead of it.

**Assemblywoman Nguyen:** Thank you. I know we have a lack of PPE's across the state at all hospitals and home health care. Are you having that same kind of depletion in your resources for your supply of PPE's? Are your employees able to protect themselves as they're the ones that are actually out in the community and coming back into the thing? Are they protected with face masks or N95's or any of that type of protocol?



**Director Daniels:** If we were to have somebody that we knew was positive, those staff in that unit meaning our isolation unit would wear N95's. We are manufacturing our own sanitizer, our own masks, and our own PPE gear and we've issued that to our staff. Once again, we see there's a strong likelihood if there's a transmission of this virus, it would be from a staff member, as you had indicated, that's out in the community that would bring it back. So, we go through the protocols that are in our front entrances and we make staff go through screening and when in doubt we keep them out, But we now manufacture all of our PPE gear to the extent that were now helping out Medical Center's, and nursing homes. Whomever needs it, we help them out. If they are part of the public, in general, and it's our goal to run these operations to full capacity to be able to help the citizens of this great state.

**Assemblywoman Nguyen:** Do you have any concerns with that SAFER plan and if it was something that was to be implemented in our state, would it be something that we are equipped to handle or incorporate with our existing plans?

**Director Daniels:** I'm going to have to indicate that I am not familiar enough with the SAFER Plan to comment on it [inaudible] in my inmates. That's personal to me and I ensure that my executive team and my wardens are out and about and although I feel a lot of information that comes out, for instance, from the CDC, the World Health Organization, our Public Health System here in Nevada, I am not familiar enough with the provisions of the Plan to either endorse or comment on any particular portion. However, if you would happen to have an individual question about a certain facet of it, please let me know and I'll do my best to answer your question.

**Assemblywoman Nguyen:** I was just curious about it because it was something that I wasn't obviously familiar with until it was agenzied on this meeting, by I believe Justice Hardesty had placed in on the agenda. Do you see any concerns? I know that you do have some authority to release people that you either think are at risk or have health problems via house arrest, is that incorporated in your COVID-19 plan?

**Director Daniels:** When you're to look at the actual statutes that govern my authority to release, you'll find that number one, it's very limited and there are a lot of caveats in each particular category. My position is this. I'm a public servant. I'll be more than happy to execute anything that the legislature and/or the governor decide that will be our new public policy. If there's a change, I will work very closely with my partners over at the Parole Commission as well as P&P. Once again, I'm a public servant and I'll look forward to continuing my role in this COVID-19 atmosphere.

**Assemblywoman Nguyen:** Have you been meeting on a regular basis with either local health authorities or hospitals to develop the plan that you come in place to protect not only the inmates, but your staff that are in there?

**Director Daniels:** I have not because I have a medical director who's at the Deputy Director level and he is tied in 100 percent with federal, state, local and regional medical help people and he has a very talented staff. He's contributed greatly and helping us work on our medical plan and how we deal with the inmates and I'm very, very happy with his efforts as well as my Chief of Nursing. These people are just extraordinary. So no, they attend all the meetings and they advise [inaudible] me.

**Chair Hardesty:** I have some follow-up questions Director before to ask you before I ask Chief Carpenter to make her presentation. If I could I'll just ask you these one at a time and you don't have to go into a lot of discussion but I think it will help clarify some of the issues that have been

raised. The first question that I wanted to clarify is the preparation or the manufacturing of the protective equipment inside the prison. I get the sanitizers but are you satisfied to generate from materials available sufficient N95 masks, gallons for your staff members, alternative masks, and protective type masks that we often times unfortunately see in the news?

**Director Daniels:** Thank you for your question. First of all, we do not manufacture N95. We don't have the capability and the technical [inaudible] to be able to manufacture them, at least not at this time, so we don't manufacture them. However, the other types of masks [inaudible] and I think it's for the most part noted that the purpose for wearing the masks prevent us from pouring it out, not from keeping it from coming in to each of us as an individual.

In terms of our gowns and so on, our goal is to supply the state, quite frankly. We have a very ambitious goal, but there's a need and there's nothing better than to be able to have my staff focus on taking care of the folks in our state and their amped up. Once again, twenty thousand bottle per day capacity for our hand sanitizer and I don't recall how many hundreds or thousands of gallons that were making per day, but it's a substantial number.

As the time goes by, we will certainly be able to move forward with what we're trying to accomplish. As a matter of fact, I do have my daily total for the gallons. We can produce five hundred per day and relative to our masks, we're producing between two thousand and twenty-five hundred per day. We like those odds and once again we're calling people, "do you need some help, how are you doing"? Let's funnel it all through the National Guard, that's General Berry and his team. You keep dialing them up and we'll keep sending them your way, while keeping our staff and inmates safe.

[Live feed of meeting was lost for several minutes. Commission recessed and reconvened when live feed was restored.]

**Chair Hardesty:** I wanted to give Director Daniels the opportunity to conclude his remarks at least for now. Then get to Chief Carpenter. Director anything further you'd like to comment about after you've had a chance to think about all that's been said up to this point?

**Director Daniels:** No, Your Honor, I really appreciate the questions. I thought there were some very good questions. I also had an opportunity to speak about what I believe is the success so far of my department. I can't talk enough about the talent that I have within my department in spite of the fact that, as with any public organization, having more staff would be nice and having a lot more money would be even better.

Nonetheless, I appreciate what you and this team is doing. You guys are doing one heck of a job. I appreciate it. I'm new to this state but I like how each and every one of you work. You're very considerate and very thoughtful. Once again even though I've said it before, we work very well with our corrections and other law enforcement agencies. My buddies over here at the Parole Commission as well as P&P, really make all this work. I really appreciate this opportunity. That's it for me right now unless there are further questions?

**Chair Hardesty:** I have a couple of quick ones. First off, as you saw in the public comment, some of the public comments raised questions that were specific about specific inmates. Do I understand and have your assurances that you're going to investigate those inquiries about those specific inmates?

**Director Daniels:** Absolutely. As a matter of fact, we're taking notes and we have a copy of

everything so if there are any allegations or any questions, we will answer each and every one as long as it's not a breach of our security protocol.

**Chair Hardesty:** I'm not asking you to comment to the Commission publicly, I just want to know that now these individual issues or situations have been called to your attention, I believe based on our previous conversations, if it was brought to your attention you would investigate it and I just wanted confirmation?

**Director Daniels:** Absolutely and look forward to researching the questions and providing an appropriate answer.

**Chair Hardesty:** Great thanks. Then the other issue that I wanted to raise with you, and you don't have to go into this in great detail because I'm going to ask Chief Carpenter this. You were asked whether or not you've been contemplating early releases of inmates and you responded in part by pointing out the statutory constraints that limit your ability to consider early releases and I'm assuming that you were referring to NRS 209.3925, correct?

**Director Daniels:** Yes.

**Chair Hardesty:** When you indicated that there are some not only conditions that place limitations on you, some of those conditions ask you to project whether or not somebody's going to die within 12 months, right?

**Director Daniels:** Yes sir.

**Chair Hardesty:** The other issue in so far as your being able to release what we would call elderly people, people who are let's say over sixty five and at risk for this disease, do you have any alternative under the current statutes for just that category of people?

**Director Daniels:** No.

**Chair Hardesty:** You were also asked about what the Commission might be able to do to assist you. Do you think it would be helpful if there were some alternatives that might be provided to you and to your teammates through the Pardons Board?

**Director Daniels:** I'm fully prepared to work with the Pardons Board and quite frankly anyone else. In terms of public policy of course I don't have that latitude but if the Pardons Board and I don't want to speak for them but they have statutory authority to do certain things and I would certainly consider and execute any legal or anything I could possibly do to assist and moving public policy forward that's obviously at the will of whatever the Governor wants as well as the Legislature.

**Chair Hardesty:** Finally, I'm notified that Mr. Ponder has a final question. Mr. Ponder, I'll give you a chance to pose your question and then we'll move on to Chief Carpenter.

**Jon Ponder:** I'm very grateful for the town hall meetings you have with your staff. Excellent job. You indicated you had town hall meetings with the inmates as well. If members of the Commission who follow protocol and tested [inaudible] safety and security facility, would it be possible for us to be able to attend one of those town hall meetings so we can hear from the inmates ourselves?

**Director Daniels:** Absolutely, but I would have to obviously curtail that to the extent to where none of you could be within six feet of my inmates and I don't want any of you passing that on to my inmates. But absolutely. I'll even go out with you. We can go out and town hall a couple of housing units and go on from there.

**Mr. Ponder:** That would be perfect. Thank you so much.

**Mr. Arrascada:** The Director brought up a point of the social distancing of six feet. No one's really asked that question. Are they able to accomplish that within the prison setting or are they doing any type of measures to have any type of social distancing within the institutions?

**Director Daniels:** No. I explained previously that we keep our inmates together so if you're assigned to a unit you stay with those inmates. Because of how close our inmates are out together and that they have to eat together and move together, it's literally impossible for that to happen and so obviously that's a recommendation. We believe that it's a very, very good idea when possible. It is not possible currently in our facility.

**Chair Hardesty:** Thank you very much Director Daniels. I want to join with members of the Commission that have expressed their appreciation for your proactive approach and the work that you and your staff have done. I especially want to thank you, as Chair of the Commission, for making yourself available to provide this information and to respond to questions that have been posed to you by Commission members. I really sincerely appreciate your public service to the state at this important time and we appreciate all your hard work. I would hope that you would convey to your staff the thanks and appreciation of the Sentencing Commission for all that you've accomplished to date.

If I could ask Chief Carpenter now to make her comments and presentation and then we'll have some additional questions or go through the same process concerning the Chief's remarks. Chief Carpenter?

**Chief Anne Carpenter:** Hello. Good afternoon now. I am Anne Carpenter with the Department of Public Safety, the Chief of the Division of Parole and Probation. Since P&P deals with NDOC, the court, the judges and allied agencies, the beginning of the COVID-19 issue was extremely overwhelming for our division and our department. Questions like how do we keep our employees safe, how do we keep our P&P population safe, and how do we accomplish our mission and goals and keep that 6-foot distance. We had daily, if not hourly meetings, to discuss P&P's current processes. We were inundated with information from all areas and of course as the world learned more about COVID-19, P&P had to continually keep up and adapt to this evolving crisis.

After Governor Sisolak's closure of state buildings, we closed all of our buildings to the public and did not allow the P&P supervised population to complete their monthly reporting. This led to other questions such as; who do we consider public; were our parolees and probationers considered public; what do we do with them if they can no longer come into our buildings; and how did P&P work with NDOC regarding inmate and parole drop off to P&P buildings; and work with a district court with individuals who were sentenced to probation every day; and what about Parole Board hearings, how do we handle them?

We worked very, very closely with the NDOC and the District Courts and the Parole Board and quickly changed our processes to meet the new demand. We continue to complete orientation for the newly released parolees and the newly sentenced probationers and because of social

distancing requirements, P&P officers began completing more field work instead of being in the office.

I have to say communication between NDOC Director Daniels and Parole Board Chairman DeRicco and I, we speak all the time. Whether we discuss how to handle transportation issues, with a possible release of inmates, or revamping some of P&P and the Parole Board's processes to be in line with the new COVID-19 guidelines, we are committed in our partnership and frequent communications. Because of this, we've solved many issues that have arisen.

Communication with our employees has been frequent but it's also been challenging. We emailed employees often updating them on how to respond in this time frame. We also began using technologies like "WhatsApp" to continually update our employees with information. The Department of Public Safety (DPS) leadership also meets daily to discuss the COVID-19 impact. However, as we all know the information on COVID-19 has been overwhelming and sometimes contradictory. We've been on information overload as the Director discussed.

We've had several challenges and throughout this unprecedented time, there have been a myriad of challenges the Division has faced. Such as the protection of our employees with the lack of protective equipment. Protection of our supervised population and changing our processes statewide and the fear of the unknown. That's probably been the biggest.

Protection of our employees: As the crisis unfolded everyone in the medical field, law enforcement and every other essential position quickly realized that there just wasn't enough PPE or personal protective equipment to provide for employees. Gloves, masks and sanitizer, things that we took for granted were unavailable and after this, maybe NDOC Director will share with us. This created uncertainty, panic, and concern on how to accomplish our jobs without contracting COVID-19.

Although we as a state united, we did our best to obtain this needed equipment. The equipment was not timely and there was not enough for all of our employees. It goes to production of are supervised population. Although social distancing and proper PPE were concerning, we were also concerned about the individuals with whom we supervise. How are they handling it at home? Did they lose their jobs? Are they worried about money, food, paying their bills and how can the Division help them through this crisis? Their mental health and well-being is also our concern.

Essential versus non-essential employees: These became words that were rarely used in our lexicon but were now used freely. In many conversations, the definition of these words became crucial in the first days and weeks. As law enforcement officers and civilians who provide courts with pre-sentence investigation reports, we were all considered essential. We have statutory obligations to our communities and to our parolees and probationers, but we also need to provide these services in the safest manner possible to our employees.

Which led to childcare issues. When the schools closed across the state, that created more anxiety for employees. How do essential workers who had childcare needs balance work and home life? The Nevada Revised Statutes (NRS) provided guidance however, it did not provide a black-and-white answer. Therefore, we worked closely with our human resources personnel to ensure we accommodated those employees on a case-by-case basis.

Work-at-home or telework were also words that were unfamiliar but now have taken on a whole new meaning. How do police officers work from home? How does a pre-sentence investigator interview a defendant and write reports from home? What about personally identifiable

information, or PII? We found out that the division had a lack of equipment and connectivity throughout the state. In the urban areas, we overcame these challenges fairly quickly however, in some of the rural areas overcoming the limited technological resources was a bit more challenging.

Another challenge was managing employee's emotions. Each employee handled this information differently and each employee's needs were different. Also, inconsistencies with how Allied Partners handled certain situations differently throughout the state created more angst and uncertainty amongst our staff. During this time, we've had three employees test positive for COVID-19. But it's unknown at this time how many parolees or probationers have tested positive.

**Some Statutory Authority:** Our statutory authority can be found in NRS Chapters 176, 176A, and 213. Our role is to supervise individuals once they're released from NDOC custody or after individuals are sentenced to probation by the district court judges. Once inmates are granted parole the division is responsible for assisting them in preparing a reentry plan. Once parolees are released from NDOC or individuals are sentenced to probation then the division is statutorily responsible to ensure this population adheres to their [inaudible] set forth by the Parole Board or the District Court Judges

But I think that the best part of this is the silver lining. COVID-19 has given us the opportunity to think differently. To ask more questions like what is critical? What should we be doing? Why do we complete certain tasks in certain ways? Can we accomplish more with what we have if we make changes to our processes? Or use technologies in ways we haven't even thought about? If anything, this unprecedented time has forced all of us to be creative to challenge the norms and to explore the status quo. P&P has proved that we can adapt to a rapidly changing situation. We are now operating differently in some ways more efficiently and trying to meet the needs of the parolees and probationers with whom we supervise in the communities in which they live. If you have any questions, let me know.

**Chair Hardesty:** One of the questions that I think comes up Chief, have you and your partners Director Daniels and Chairman DeRicco, identified individuals that the Parole Board has granted parole for, but have not been released because of an absence of case plans or because of the limitation on case plans? One of the public comments received for example, from the Federal Public Defender's Office indicates that there are a number of people that could be immediately released who've already been granted parole by the Parole Board or by the Board of Parole Commissioners. I wonder if you could quantify that and then maybe share with the commission some of the obstacles that exist with respect to effectuating the releases of those individuals?

**Chief Carpenter:** The short answer is yes. Director Daniels, Chairman DeRicco and I have discussed this at length and my team has put together some subgroups or options if we want to go down this path. On the people that have been granted parole and that are still in custody, at the time that we looked at this on March 27<sup>th</sup> there were approximately two hundred plus inmates that are in this group that you're referring to Justice. Some of the obstacles that we're facing is they may be waiting for an inpatient bed that there's not enough room. They may be waiting for release to into a hotel or motel that is agreed to take them but they're just waiting for the bed to be available. It looks like they have some people are waiting for Interstate Compact information to come through.

Sometimes the investigation is pending whether we're waiting for a pre-parole investigation to be completed and to make sure that the plan is viable. There's also people in custody waiting because of extraditable warrants. Some have I.C.E. holds and some are sex offenders that their

waiting to see if there's any housing. So those are a few of the challenges we're facing.

**Chair Hardesty:** Thank you and have you identified with your colleagues certain areas or conditions that could be relaxed in some way if some of these people not all of them could otherwise be released if those small conditions could be addressed?

**Chief Carpenter:** Yes, we could mandate our staff to complete these investigations in a quicker time frame than they have in the past and we can try to work with the hotels and motels or wherever they are taking them to try to take them sooner. We do that anyway but in this time frame we would reach out and try to make that happen.

**Chair Hardesty:** Sometimes, it's been stated that inmates will be granted parole, but they purposefully declined to pursue the release options or conditions because they'd rather expire their terms? Do we have numbers for a category of people like that or is that part of this two hundred plus?

**Chief Carpenter:** They are included in these numbers. However, there is in our Nevada Revised Statute that states that an inmate or future parolee would have to sign paperwork and if they choose not to then we cannot release them. If that could be relaxed, we could let them out, yes.

**Chair Hardesty:** Doing so though probably would avoid or prevent a tail or supervision on that individual, right?

**Chief Carpenter:** Are you asking if they sign their paperwork would they be released without a parole term?

**Chair Hardesty:** Yes ma'am.

**Chief Carpenter:** I believe they would still have a parole term. The only way they wouldn't have a parole term in my opinion and please correct me if I'm wrong group is if the inmates time were commuted by the Pardons Board and then they would be done.

**Chair Hardesty:** All right just wanted to clarify that. If we could I'd like to call any Commission member to see if they have any further questions for the Chief or areas that they'd like the Chief to address.

**Ms. Brady:** In terms of the house issue. I'm really concerned about that and I'm wondering, what about private, partnerships [inaudible] reaching out to hotels, what about other private/public partnerships to get transitional housing? I know that for COVID-19, I don't know a lot about it, but the City of Vegas [inaudible] are looking at putting some money into some space for homeless people with COVID-19 and wondering if those kinds of things can be done? Can we do it in the fashion that that also helps us after the fact and now during the COVID-19 crisis with housing? I'm wondering too and I don't know [inaudible] public approached me and said our state buildings that are unoccupied [inaudible] has the state done an analysis on buildings it owns and whether or not those can be converted into some kind of [inaudible].

The other question I have has to do with [inaudible] and the responsibilities between NDOC and DPS as [inaudible] who is responsible for helping with re-entry, housing, and making sure they have their Medicaid and all of that stuff. Is that an NDOC responsibility or DPS responsibility?

Finally, in some of our cases at the Attorney General's Office (AG) we have pending habeas cases where people have been convicted of sexual assault and first-degree murder in some

cases, and they have their habeas petition pending and in at least one case a federal judge has ordered the release of an inmate who's petition is pending and that federal judge has told us to give a plan on how the state is going to supervise that individual. So, we have been working all weekend trying to figure out is that P&P going to supervise them?

We don't know who's going to supervise them, so we have these moving issues right now that I don't have any answers to. Maybe the answer to the last point we have is if someone can just point me to the right person within either NDOC or P&P [inaudible] reach out to them so we can prepare a plan for that federal judge. It's a federal habeas petition but it's a person [inaudible] but that person is coming up in the next week or so and then that's all I have.

**Chief Carpenter:** To address your last question, I'm unfamiliar with what you're talking about however, if somebody is granted any kind of parole at the State level then our division would handle it. Does that answer any question?

**Ms. Brady:** No, it technically would be a pre-habeas petition release. One of the people for example currently [inaudible] still considering [inaudible] We're arguing some of the merits [inaudible] want to be prepared to be responsive to the federal court.

**Chief Carpenter:** I don't know how to answer your fourth question. Let me start with number one. The housing issue: P&P works throughout the State with a variety of the partners to house people coming out of prison. However, I think that's one of the issues that our state has that we don't have enough housing at all. I'm hoping in the future of our state will look into that and explore some different options.

The second, the state building idea: I'm not aware of any of that and I don't know who would be responsible for that. We would love to have more housing that would be very helpful.

Three: The responsibility between NDOC and P&P. Statute requires NDOC's case managers, I don't know if that's the correct term, to help people that have been granted parole with their plan to make sure it's viable. P&P steps in when the NDOC case managers are having issues and they're doing a good job working together so they do that in tandem, but I think the responsibility is NDOC's first. Does that answer your question?

**Ms. Brady:** Yes. I think on the first we don't have enough housing and no immediate plan for the housing. Second, [inaudible] either working well together. The last one in terms of who will be supervising these habeas petition peoples who are being released, who will be supervising? No answer to that. I don't mean that sarcastically. I haven't been able to figure that out either. Do you have anyone that I'd be able to talk with offline about some of these things especially the last one that's immediate for us?

**Chief Carpenter:** Sure, you can call me.

**Mr. Marsh:** Chief Carpenter, first I want to commend you for all the great work you've been doing. My first question is, has your work slowed down on the intake side as far as preparing reports and meeting with people before their sentence?

**Chief Carpenter:** Yes. I think with the courts they are only hearing certain cases and end so a little bit, but I think it will ramp up on this is over.

**Mr. Marsh:** It will probably ramp up exponentially which is a word [inaudible]. On the other side other of that I wondered, either commuting or otherwise releasing categories of current



prisoners and I wondered what thought you'd given to the staffing you'll need at that time or whether you have sufficient staff if those numbers should go way up?

**Chief Carpenter:** So, if we're dealing with the Pardons Board commuting sentences, is that what you're referring to?

**Mr. Marsh:** Yes.

**Chief Carpenter:** Please correct me if I'm wrong, but the way I interpreted is that these individuals would be inmates with NDOC and they would have to go in front of the Pardons Board, so it'd be NDOC's personnel completing any kind of reports. P&P only is involved when it's community cases. Does that make sense?

**Mr. Marsh:** Kind of.

**Chief Carpenter:** Community cases or anybody that is out of custody. If you're going to commute sentences to the people that are in custody that would be on NDOC.

**Mr. Marsh:** But if they were released from custody into the community that will be your responsibility?

**Chief Carpenter:** Correct.

**Mr. Marsh:** Have you given any additional staff that would require?

**Chief Carpenter:** It depends. If the Pardons Board commuted the inmate's sentences, then they wouldn't have a parole term or possibly they wouldn't have a parole term. If they chose to give them parole through Chairman DeRicco and they had parole, then I would receive them. I don't know how many people we would be impacted by, but it would be an impact on our division.

**Mr. Marsh:** All right, that makes sense. I hadn't thought about that they might be released with no supervision or conditions. Thank you very much.

**Mr. McCormick:** I don't have any questions, but I did just email Chief Carpenter the contact to somebody at Buildings and Grounds to check on vacant state buildings.

**Ms. Mull:** Is there any specific monitoring or extra effort going into people who have been released or on parole probation with a history of family violence or violence against children? I know from the victims we're having a lot of inquiries and issues with victims reaching out or essentially trapped at home with perpetrators of violence. Is there any extra effort with people with those histories being checked on, are their situations being checked on?

Secondly, we received multiple public comment statements regarding sex offenders, I know in other states there's been some things around that specifically with COVID-19, is there anything particularly as far as reporting that is changed because of the COVID-19 current situation?

**Chief Carpenter:** The Division has contact standards that we utilize depending on what type of individual were supervising. That doesn't go away. Even though they're not reporting to our building, our offices are still going out and checking on them like they should. Interestingly enough, we've talked about using technology. Can we, should we be utilizing maybe this type of technology to check in with our people and not having to go to their home all the time. We're talking about different ways to supervise. They're still being checked on just like they would

normally be. To answer your question about sex offenders, it's the same thing they are not reporting to the building that are officers still going out in the field and checking on them so that hasn't changed but with a six foot distance of course.

**Dr. Elizabeth Neighbors:** You mentioned that one of the delays and release for some people that were eligible were waiting for inpatient beds. I was wondering if you could be more specific about what kind of inpatient beds, mental health, substance abuse and what kind of numbers that might represent?

**Chief Carpenter:** I don't have a breakdown of inpatient beds on mental health versus drug usage and that sort of thing, but I could possibly look into that with my team if you like me to get back to you on that. What was your second question?

**Dr. Neighbors:** What kind of numbers that represented?

**Chief Carpenter:** It looks like the numbers are less than thirty-five for the inpatient beds. That was back in March and they fluctuate every day on average.

**John Arrascada:** Is that number thirty-five for parolees or probationers also?

**Chief Carpenter:** This would just be inmates that are in custody that have been granted parole that are waiting to get out.

**Mr. Arrascada:** Okay so we're not talking about the jail population of probation? Would you have those numbers or no?

**Chief Carpenter:** I do have some numbers especially from the south I would have to check with my northern partners.

**Jon Ponder:** Thank you so much for your leadership. And thank you for bringing up the question centered around housing. That is a gigantic challenge any other time, particularly here during this time. Has P&P also taken into consideration other supporting services [inaudible] being released? I know that there's organizations like Hope for Prisoners and others here in town that are still functioning on a very limited capacity, but again could provide whatever supportive services outside the parameters of housing to make sure that they're getting their feet underneath them as best as they possibly can. So, what thoughts do you have around that?

**Chief Carpenter:** Is your question that P&P is utilizing resources out there in the community? We do that every day and thank you for your program because your program is it is a huge help to this population so that hasn't changed. I do know that some of the resources have become a limited because of the social distancing and because of working from home and that sort of thing but our people are still getting services sometimes in a little bit minimal capacity but they are still receiving services.

**Mr. Ponder:** Glad to know that you guys are utilizing that. Thank you.

**Dr. Salisbury:** Thank you so much again for your leadership and for all of the work that your staff are implementing every day to keep our public safe. It is really very much appreciated. Most of my questions really surround a little more about reducing supervision. Around technical violations and fines and fees but these are all sort of related into that Reform Alliance SAFER Plan, so I wondered if I need to just hold that question until that agenda item.

**Chair Hardesty:** It might be worthwhile unless the Chief wants to offer an initial response.

**Chief Carpenter:** Because of this outbreak we really looked at how we're doing business. Chairman DeRocco and I worked about a month ago on technical violations and I'm sure he'll go into his in his presentation, but we have stopped doing certain things if it involves technical violations for parolees. So yes, we are definitely looking into all avenues.

**Dr. Salisbury:** And that's for probation as well?

**Chief Carpenter:** Probation as well. We're not taking people into custody just to take people into custody. There has to be a solid reason not just a technical violation. And if it is a technical there better be a very good reason for it.

**Tod Story:** I have two question. The first question has to do with the numbers that Justice Hardesty had requested at the initial start of your testimony. Can you speak to the entire universe of eligible parolees? And then a breakdown, not of every number but what's the majority of the category that are waiting?

**Chief Carpenter:** When you say eligible parolees what do you mean by that?

**Mr. Story:** Like I said, I missed out on the initial part of your testimony, but I thought there was a number of 200 plus?

**Chief Carpenter:** It depends the numbers vary daily. And on this past parole eligibility list there could be anywhere from two to 400 people on there. And these people are usually waiting because they could have an ICE hold, they could have interstate compact issues they can be sex offenders and be waiting for housing, inpatient program, all kinds of different things. So, is that answering your question?

**Mr. Story:** What's the largest category largest category within that universe of people waiting?

**Chief Carpenter:** My staff and headquarters have that information and I can share that with I just don't have it with me today.

**Mr. Story:** If you would, please. A second question, I'm curious as to what technology is being utilized currently for supervision by the department and are you concentrating at any other technology during this current situation.

**Chief Carpenter:** That's a great question. The Division is utilizing a monitoring system that can supervise the lowest level offender via their phone or via some kind of iPad or whatever. The issue with that is that it costs money and so it's a voluntary program. If the State could ever pay for something like that that would free up Division resources. So, there are different ways that we are looking at supervising this population differently and we are constantly looking. It just depends on money.

**Mr. Story:** Is that the only technology that you are utilizing currently or are there additional contemplations of other technology that you might deploy because of the situation that we're in currently? Earlier the question was asked about whether or not you have enough staff. One of the other options would be to deploy some kind of technology. So, I am just curious. Is it just going to be hiring? Is it going to be technology plus additional staff? What are you contemplating for this surge that may occur?

**Chief Carpenter:** Because of the economic situation we are in, I think it behooves us to look at our current processes and figure out how can we do business with the resources that we have. With that in mind if I can't recruit, can't retain, if I only have limited resources, how can technology help us? Just in the last month we have been using this type of technology, the courts have been using certain things, Zoom, there are all these applications that we have been utilizing, so we have been struggling, just like in today's meeting, with connectivity issues and that sort of thing.

But, I think this is a really good way to show the world that we can do things differently so to kind of come back to your question those are the things I'd like to explore within the Division of P&P. How can we supervise people? Can I get phones or something like that or some kind of technology for my officers to be able to have these types of interactions with their people? And it doesn't have to be face-to-face, it could be like this. It's a whole new world and I know people struggle against change and they don't want to look at things like that. They do things a certain way, but I think this is a great time to explore those options.

**Mr. Story:** If you can keep us informed and if you develop a plan that would be helpful.

**Dr. Tyler-Garner:** I have a follow-up question, particularly as it relates to the housing and other supportive services. With the social distance policy driving much of access to those resources online, can you provide us a little more detail exactly what that process is and how it look for example someone would typically be reporting, identifying a challenge or concern with utility assistance, or SNAP benefits are some first things. Has there been coordination with other departments or how does that process look from the individual's perspective?

**Chief Carpenter:** Does your question have to do with how P&P is doing with assisting our population with getting them to the right resources?

**Dr. Tyler-Garner:** Exactly how does it look?

**Chief Carpenter:** It looks the same in some instances. Yes, there is social distancing and people are working remotely and all of that, but we still have to go down the same path of ensuring that they have what they need. It may take longer because people aren't answering the phones or people are inundated with requests and that sort of thing. But we're still going on the same the same path that we've always taken.

**Dr. Tyler-Garner:** So, you are not seeing any challenges with having internet access because much of the services have been driven through an online process now to manage social distancing? That is not a challenge or concern for the population?

**Chief Carpenter:** I think it's always going to be a challenge concerned with this population. Because whether some of them are homeless or they have mental illness, or they don't have access to the internet. That is always going to be a challenge for that segment of the population, but I think several of them do you have access.

**Dr. Tyler-Garner:** Perfect. If there's a way that I can partner with you, supporting or addressing the concern please let me know.

**Assemblywoman Nguyen:** We discussed it before about some of these house arrest or early release programs or the availability of the NDOC. But I see other programs that it looks like P&P administers or supervises like the 305 Program or the 317 Program or the 298 Program or the 184 Program. Do you see those as potential programs that the NDOC or the Board of Parole Commissioners can also utilize to potentially release inmates during this pandemic if necessary?

**Chief Carpenter:** If NDOC and P&P can work together that would be great. The only caveat is that it may overwhelm the house arrest system with our availability of equipment and the ability for that population to pay.

**Assemblywoman Nguyen:** Is that one of the impediments that you potentially see is the lack of equipment and the lack of officers to respond to those individuals?

**Chief Carpenter:** I don't think it's the lack of officers per se and I think it really would be if a wave of people were placed on residential confinement. I think that the obstacles could be the lack of equipment and the ability to pay for it, but we can work around this I am sure.

**Chair Hardesty:** One additional question Chief Carpenter have you been requested by the Governor to supply an estimate of budget cuts for your department along as other agencies have been requested?

**Chief Carpenter:** I think all state agencies are under the same requirements of looking at their budgets and seeing where cuts could be made.

**Chair Hardesty:** If you were to make budget cuts to the Department's budget of let's say 16% could you describe generally the impact that would have on your ability to supervise parolees and probationers?

**Chief Carpenter:** If the Division has to make cuts of that amount many of our programs that we have been so lucky and thankful to have could possibly be cut. My concern is that this population needs us and they need housing and they need resources and they need us to help them problem solve and to teach them skills that they may not have had in the past. So, I think it would be very detrimental.

**Chair Hardesty:** And then to Assemblywoman Nguyen's question, could you share with other Commissioners who might not be familiar with the numerical programs that the Assemblywoman mentioned, 305, 317, 205, what does it take to get somebody into residential confinement through those programs?

**Chief Carpenter:** I'd have to look to tell you exactly, but the 305 program is what I am most familiar with, which is a DUI program. So, if the inmates are in for some kind of DUI crime if they serve a certain time frame, they can come out on house arrest or electronic monitoring. But they have to meet certain criteria and same with the 184 and the other programs are similar like that.

**Chair Hardesty:** And with respect to say for example the DUI hypothetical, does that program extend to those who have let's say a DUI causing substantial bodily injury or DUI causing death?

**Chief Carpenter:** I don't recall I have the statue here somewhere that I can look up for the team if you like. I do want to put something out there that just a couple weeks ago there is an individual who was on the 305 program and because of COVID-19 lost his job and he started drinking again. It's a problem for our population. They are struggling.

**Chair Hardesty:** I think it would be helpful if you can collaborate with Ms. Gonzalez to pull up the various statutory provisions and circulate those program alternative statues to the rest of the Commission so that they can see what those alternatives are.

**Assemblywoman Nguyen:** It is right on their website so the other members can go on to the website and it's under the residential confinement and it goes through some of the programs that I laid out.

**Chair Hardesty:** Right. Thank you Chief unless you had any final remarks at this moment, we move onto Chairman DeRicco.

**Chairman Christopher DeRicco:** Thank you everyone for being here and for this opportunity. Before I get started, I wanted to give a big shout-out to Dr. Tyler-Garner. She seems to be in the news all the time, all the extra work that they have been having to put through and it appears that they are doing an excellent job at moving that forward. So, I just wanted to give a shout out there before I get going.

With regard to this presentation and concerning COVID-19 response, I did mine more of a timeline to just share with everybody what the Parole Board has done to try and move this along and how it has impacted us. So, to follow the Governor's original directive to close all state offices to the public, we of course went along with that.

On March 17<sup>th</sup>, I made a decision on a that day to cancel parole violation hearings. Those particular hearings are held in person at either Northern Nevada Correctional Center or at High Desert State Prison. Those are the only hearings that are actually held physically at an institution. I chose to cancel those for a number of reasons. Number one was I did not feel the need to bring any additional people into that prison setting that could impact either Director Daniels or his staff or the inmates that would also be in there if somebody had been exposed somehow and brought something in and start mass hysteria with COVID-19.

I canceled those hearings at that point in time, but it gave me an opportunity also, immediately after canceling those, to get with a lot of the stakeholders that same day and conference. First, with the Division of P&P, Clark County DA and Clark County Public Defender's Office to talk and see how we could pull off these hearings instead of doing them in person, how could we do them by video. I had the same meeting a little bit later in the day with the Washoe County Public Defender's office and the State Public Defender's Office and the Division as well. We figured out a way to conduct our parole violation hearings by video at the Parole Board Office.

Because these meetings are also open to the public and we found a way that we could, if we needed to, open our lobby only and not any further for any of their supporters and attorneys. Anybody that needed to be there that they could be present and have a voice to do that for those particular hearings. Those parole violation hearings are a little bit different than we have. There are certain due process rights and time constraints on those. So, we were able to do that and ultimately pull off our first video parole violation hearing on March 26<sup>th</sup> in our Las Vegas office to the High Desert State Prison. By all accounts by everybody involved who I followed up with, said it worked well and so that's something we're looking to move forward on again here later this month as well as next month.

One of the big issues that I've been tackling is parole violators. Back on March 18<sup>th</sup> I had a list pulled of how many parolees who had previously been granted parole who were in custody pending a parole violation hearing. On that particular day there were 211 individuals that were pending violation proceedings. So after that, and I know Chief Carpenter had alluded to this as well, I reached out to her and spoke with her about a plan that I thought might be able to work and we covered this list.

I worked with her staff to go through and determine how many of those people on that list were

on there for technical violations only. Now, I want to add absconding supervision is a technical violation, but those people are saying "we will not be supervised" taken from supervision. But we included those people at that point in time as technical violators.

We went through this list and because we felt comfortable because, number one, the Parole Board had previously granted these individuals supervision in the past and thought that they would have the opportunities to be successful even though they were ultimately arrested for technical violations. After going through those lists with them and in the spirit of AB 236 and the changes with regard to the parole violations in that particular section, we went through and as of last Thursday, April 9<sup>th</sup>, we have had 118 warrants quashed and another five that are pending. And this goes with the collaboration with the Division 2 because once those individuals are released from custody they need to go somewhere. Those individuals will now go back under supervision with the Division of Parole and Probation to which like I said in our collaboration, agreed and indicated that that would be a good plan that we move forward.

I don't want to speak for Chief Carpenter, but I believe that inmates that may violate here or have warrants out, we have many warrants that are outstanding right now, mainly for absconders, but we might have a warrant that is a year or 2 years old and they might get picked up today or tomorrow. But if those individuals are coming back and they get arrested, and once again it's not with any new charges any felonies or any serious charges, domestics, things of that nature, it's my understanding the Division is recommending to quash the warrant to continue working to supervise those individuals.

This plan was developed so that we can minimize the individuals being arrested going into Clark County Detention Center (CCDC), maybe being exposed to something in an institution, and then further moving it along to one of the NDOC Facilities. We have cut down on those and the violators we still have remaining on the list are predominately pending the serious charges. Felonies or violent related offenses.

On March 23<sup>rd</sup> we did suspend our hearings completely to the public with the Governor's directive to close the offices. Our hearings have to be open to the public and this has put us in a little bit of a pickle, so to speak, because there are a lot of things that go into play when we conduct these hearings. One of the things that the Parole Board is very cognizant of is victims' rights. Especially with Marsy's Law and section 8A of Article 1 of the State Constitution.

We have a number of victims that appear before the Parole Board in our hearings, as well as family members, attorneys, etc. They want to have their voice and to say whatever they need whether it's in support or against a certain individual that has come before the Parole Board. My concern, and I know we're talking about the responses to COVID-19 and how this is affecting us, these hearings haven't moved forward here, we've had them suspended and certainly a concern of mine is down the road, dependent on how long this lasts, there's going to be an impact and we certainly don't want individuals to be incarcerated any longer than they have to.

We hear our cases generally 90 days before they are parole eligible. That gives us time to finalize a grant or denial and if it's a grant then that moves on to the Division of Parole and Probation. Like Chief Carpenter was talking about, that gives them time to approve the release plans of these individuals, and so the plan can hopefully be in place by the time they get that parole eligibility date.

Back on March 26<sup>th</sup>, I submitted to the Governor's Office a plan for review in which essentially would allow the Board to still move forward with hearings and consider them all in absentia. We would have all documentation submitted to the Board in written format by anybody that needed to, only while our offices are closed to the public. I'm still waiting on that to see if that is going to

move forward.

So that's kind of the things that we've had to move along and progressed from mid-March until now. I know that we talked a little bit about the SAFER Plan and certainly I know we're going to get into it a little bit further and there's some things I think in there that you will see were already instituted and incorporated and were outlined in that plan as well. With that I am open to any questions from the Commission.

**Chair Hardesty:** Thank you Chairman. I'm reminded that we haven't taken a break and I would like to take a 10-minute break. Everybody's close at hand so let's keep it short. We will reconvene in 10 minutes and canvass the Commission members for any follow-up questions or comments for the Chairman of the Parole Board.

[Sentencing Commission took a 10-minute break.]

**Chair Hardesty:** The follow-up question I had has to do with the plan you delivered to the Governor on March 26<sup>th</sup> for the handling of these hearings. Could you describe to the Commission how you will be able to assure victim participation in those newly designed proceedings?

**Chairman DeRicco:** Nothing has been finalized or approved but what we are calling for is, we don't want to backlog those hearings due to the offices being closed, the opportunity to conduct those hearings in absentia. What would be able to happen is for at least ten days' notice for everybody and inmates, victims, supporters, so that they would have that notice of a hearing date and then from there that would give everybody the opportunity to submit any comments or statements that they would like to make and put forward to consider within 10 days. That we can still get everything and review everything individually and move forward and come to a decision in a written format versus oral testimony.

**Chair Hardesty:** What is the approximate number of folks in the back backlog at this point? I know you said this is building, but do you have a general assessment of how many individuals there are right now and how big it could get?

**Chairman DeRicco:** Right now, even though we have suspended those hearings we are able to move forward, we can do certain hearings in absentia right now. Those are cases that are lower on our risk assessment that we can do. It's not like everything have stopped 100%. Our in-person hearings have stopped but we also have the authority to do in absentia hearings on certain cases.

What we're looking to do here is conduct in absentia hearings on those ones that would typically require an in-person hearing. We have planned to conduct hearings starting again on the 20<sup>th</sup> of this month but with that 10-day notification that we had requested. We tentatively scheduled hearings for the week of the 20<sup>th</sup> and those will have to come out if our proposal is not approved with that 10-day notice. However, we still have the last week of the month that I'm hopeful for that maybe we can get some those scheduled in absentia.

We still have a little bit of time and wiggle room so there is no impact at this point in time but certainly as time moves along and then certainly there could be impact. For instance, let's say that the pre-COVID-19 grants in early March, we would have heard those about 90 days in advance and they would have been granted.

The Division is working on those relief plans right now and being that we have some time on our



side, we are not impacted greatly right now, and it shouldn't hinder anything moving forward right now. But if that does get passed and approved that will certainly help us and we can be in a place where we should not have any backlog at all

**Chair Hardesty:** Thank you Chairman. Are there any final comments you wanted to make as part of your presentation?

**Chairman DeRicco:** The only comment I would like to make is to thank Director Daniels as well as the Division of Parole and Probation and Chief Carpenter. We've been meeting pretty regularly, even pre-COVID-19, to make sure that we are all working together. I want to thank them for their assistance not only prior to this but as well as during this COVID-19 Crisis.

#### **4. Discussion of *The SAFER Plan: Preventing the Spread of Communicable Diseases in the Criminal Justice System* by the REFORM Alliance**

**Chair Hardesty:** Thank you Chairman. I would like to now move to agenda item 4 and with her consent I would like to ask Dr. Salisbury to give us an overview of the SAFER Plan and its background if she doesn't mind. I am certain that everybody's had a chance to review this as part of the meeting materials, but it is an agenda item that addresses certain, potential best practices in this environment but I'll let Dr. Salisbury take the lead if you wouldn't mind?

**Dr. Salisbury:** Thank you. I actually was the one who added this is an agenda item simply for obvious reasons, all of us has been very concerned, including the general public about what's being done in terms of protecting the community and protecting our incarcerated populations as well. And of course, the staff who risk their lives daily on behalf of community safety.

I want to note that the SAFER Plan was developed by the Reform Alliance which is a national known non-profit organization out of the East Coast. The SAFER Plan was informed by many other experts besides those who serve on that foundation. Including both organizations from the left and the right side of the political aisle. I want to note that this was well-informed both from criminologists who I well respect and psychologists who I well respect and who I know. Also, formally incarcerated people as well as a number of liberal and conservative groups on both sides of the aisle. Much of the recommendations overlap with the ACLU Nevada letter that was submitted for discussion as well today. As well as the discussions that were part of the public comment.

I don't have a plan for how we should go through this, I wanted to make sure that our commission members were aware of this plan. This is the most comprehensive plan that I have seen in terms of the so-called best practices that we would see of this size. But we've seen of course from the Center for Disease Control and Prevention, as well as the National Commission on Correctional Health Care.

I know a number of these items have already been addressed and so I just wonder if we should go through generally speaking the different recommendations that are provided for various organizations that are represented here on this call. I'm open to suggestions with that Chair Hardesty but just wanted to sort of say that this is a well-informed plan, it is not a perfect plan, but I think it's one that we have to address in terms of doing our due diligence.

**Chair Hardesty:** I think the best way to approach this if we could since folks have had a chance to look at the plan in advance of the meeting is to invite any commission members with any comments with respect to the plan and the recommendations that are contained here and then

circle back and see if there is an interest on the part of the commission to recommend some or all of the recommendations that are contained within the plan. I would like to canvas the Commission members and see if any of you have at least at this point questions or comments or criticisms or objections to provisions within the plan that we can take notes about and consider. I will go in reverse alphabetical order and ask Dr. Tyler-Garner if she has any comment suggestions or observations. Then I will circle back to our legislative members.

**Mr. Story:** I want to point out that by and large we support the principles that are laid out in the SAFER Plan. We definitely agree on a number of those issues and think overall the best approach is to find when it comes to monitoring folks and looking at alternatives to incarceration that the technology be the least intrusive and that people are afforded opportunities to stay in contact with their families and that their cases are adjudicated in as timely a fashion as possible. I look forward to more discussion about this.

One question I have is if the Commission is to adopt this plan or recommend this plan, I am curious about implementation and how we would go about doing that?

**Chair Hardesty:** Thank you Mr. Story. I think that's something that we do need to talk about if recommended.

**Ms. Mull:** My only comment would be from the victim's standpoint on the idea of letting people out early for high-risk which I understand. But the age, it keeps getting mentioned in some of our public comments about some of a certain age and so they should be released early. I just want to point out that just because someone's older doesn't mean they're still not a threat. Or still not able or willing to commit crimes, especially when it comes to family violence or violence against children. Particularly on some of the sexual offenses or sex offenders. Those in their sixties, seventies, and eighties are very much still able to perpetrate on people and that doesn't necessarily go away at a certain age. I want to make sure that just because they are a certain age and high-risk, they shouldn't be released early.

**Mr. McCormick:** I don't have any questions necessarily. I would just like to point out that it appears that NDOC has already implemented a number of the recommendations at the beginning of the plan.

**Mr. Marsh:** I had the same reaction which was that I was heartened to hear that some of the recommendations regarding inmates such as phone contact and co-pays and those type of things are already being implemented. I think what is going to be difficult is under current law coming up with a way to review and potentially release the more vulnerable populations which unfortunately one of the other Commissioners said does include older inmates. Also, those with health problems. I think this is where the Commission could and should get involved in making recommendations in that area. That is all I have.

**Dr. Tyler-Garner:** I just wanted to echo those sentiments and underscore the particulars of compassionate release. That there be some attention to reentry components, particularly the supportive services and other things that would be needed should we be in a place where we can undertake that as a strategy. Especially given the fact that these are particularly vulnerable populations that are under consideration. So, the impact of things like access to housing, healthcare, food, and things of that nature, they do become significantly more challenging to address. Given the level of vulnerability.

**Ms. Brady:** Thank you. To reiterate on the re-entry piece, the housing the access to healthcare. I'm so glad it is in the plan and that they are already starting to implement certain protocols.

However, we need to really have a good way, if it is not them, that we make sure that people are getting approved for Medicare or Medicaid or Social Security or what-have-you before their release. Because if they're vulnerable and they get out and they have no health care, they have no income, then really it is not being very helpful. The reentry piece of it, the housing, the health care, then we need to really focus on that.

The other thing that concerns me, is on the technology, some of our prisons are in the frontier or rural areas where technology is not always reliable and sometimes it's difficult to recruit people to those areas either for correctional officers or medical providers and that sort of thing. I think I would like to hear from maybe Director Daniels as to what plans they have or how their status is with regard to technology, access to computers, access to telephones, etc.

**Mr. Imlay:** Just two comments. Some of the things that were mentioned where there's twelve thousand inmates currently in NDOC and none have been tested. We know from the studies and everything else out there that even if you are asymptomatic, you're still contagious during the 15-day period. And 5 staff members test positive of the twenty-seven hundred staff members, but they were they were tested outside. There wasn't a vetting process they went through at the prison to determine if they positive or not.

Part of my concern is are they actually catching people that are positive or are they just not symptomatic. And we are quarantining, in a sense, people for 23-hours a day or for extended periods of time. That's how they're doing social distancing. Even the Director said they're doing well as well as can be expected. So, from my perspective It seems like by reducing the population we are talking about the non-violent felonies are the ones that are mentioned in the SAFER Plan. We are not talking about violent offenses.

By reducing the number of inmates at NDOC, we're going to be able to have more resources to ensure the safety not only of the inmates but the staff. It seems like the SAFER Plan makes perfect sense we would be releasing the large number of people that are close to being paroled or that have already been granted parole, non-violent offenders who wouldn't pose a risk to the community while ensuring the safety of those that remain detained as well as the staff at NDOC. Those are my comments.

**Chair Hardesty:** Chairman DeRicco, do you have any comments regarding the SAFER Plan and any of the specific recommendations?

**Chairman DeRicco:** I don't have any specific comments with regard to anything there and outside of my realm so to speak and I already mentioned it or what we've done with regard to the individuals pending technical violations.

**Chair Hardesty:** Director Daniels I know you did express or indicated earlier in the meeting and during your presentation you hadn't had a chance to go through this plan prior to the meeting. Have you since or would you prefer additional time to study it?

**Director Daniels:** As a matter of fact, I did take some time to review the document, I didn't read it all word for word, but I can certainly look at the topic. I have a couple of comments. The fact that we haven't had a positive test does not mean that we are not actively seeking it. We want to find those active people if they are in there so that we can sequester them and get them treated. In my opinion, there is no correlation between releasing inmates and enhancing or increasing public safety or increasing the safety of the inmates. [inaudible] I would actually make the opposite point, if I were to release 500 inmates or 1000 inmates, where exactly would they go? There is no place to live. There is no food. There are no jobs. Where could they get the

medication? Where would they ready access? They would have their liberty restored, but to what extent? Exactly what are they going out to?

If you were to casually look around in terms of what is going on out here in Las Vegas, there are no jobs. [inaudible] but there are not jobs. So exactly what would we be doing in addition to creating another burden for those that are already out there that would have to bring them in and share their food and so on.

I highly value liberty but not to the extent where we would be creating the public problem because many of them would go out and reoffend. You don't have any money, you don't have a job, and you don't have any place to live. At some point in time, you get into survival mode. I can't give you a percentage, but I can tell you there's not just a possibility of recidivism there's a probability of it in that environment.

To call for the release of inmates just for the release of inmates I don't see the value in society other than creating residual issues with additional crime, a lack of supervision and I'm not trying to talk for my partners here at P&P and the Parole Board. But I will share with you following the logic of just releasing because it would be safer, I would add, safer for who?

I don't have an issue and I don't want an issue within the prison. I certainly am very interested sentencing reform, criminal justice reform. But I think there is a right way in a little something there's a right way and we can't just seize this as an opportunity to further or to hasten sentencing reform or criminal justice reform if we don't have a plan. I would be hard pressed to get a job if I were to lose mine right now. What would be the chances of success for many of these people? We just heard those resources are scarce enough.

That's my comment. But in terms of them looking at the report in general. I looked at most of the topics and quite frankly I will tell you we are actually doing most of these and we have embraced most of those. But once again, I don't want to make the enemy the perfect or the good, we've done the things that we believe are important. We believe our statistical analysis is concise.

We are making our own sanitizer. We are dealing with cleaning and disinfecting on a regular basis. We stopped the vast majority of our movement. We stopped our medical co-pays and waitlist. We acquired and or are acquiring the appropriate testing equipment. And we have the ability to control who enters our state.

Those are my comments. I hope they weren't too strong. But I feel the need to share that, what do you do when they are all out? Where exactly do they go? Who monitors them? Who feed them? Who gives them money? Where does all this happen? Just to release people with no plan, I think it is horrible. And then on top of that, the victims would have to deal with the fact that many of those folks that got out early, would not in many respects e supervised.

**Chief Carpenter:** I have a few comments. First of all, I want to echo everything that Director Daniels eloquently said. I also want to echo the comment of Ms. Mull about the victims. I think that is an important piece that we shouldn't forget.

With technical violations in the SAFER Plan I think that P&P is doing what we can to do better in this area. And the last thing regarding older individuals. I just want everyone in this group to know that two weeks ago, the Nevada Highway Patrol lost a sergeant to someone who committed a crime and he was over 60. So, I won't belabor the point, I just need everyone to understand that sometimes age doesn't matter when it comes to committing crime. Thank you

**Mr. Arrascada:** I just want circle back to comments at the very beginning. This is what's been deemed to be best practices by a bipartisan group of the individual experts that support this plan, regardless of what side of the aisle they are on. If you want to call pro law enforcement vs. pro human rights or ACLU side. It's a SAFER Plan. It is not a best plan. But it is the best practices that are being recommended, not only for our state but across the country and we need to keep that in mind. We all have our agendas and we all have our areas that we feel we are experts in. But this is a document and a suggested plan that has been recommended by a bipartisan group of experts. It's best practices to keep our communities as safe as possible.

**Mr. Hicks:** I don't have a lot of comments. I think it presents good recommendations for all of us to consider in our individual roles in this whole criminal justice process. I don't know that a wholesale adoption of everything in there is something I would necessarily advocate for. But I do think there are good recommendations that we need to use balancing against our resources, victims, public safety, and actual threat. I was pleased to hear about the prison and that there are no reported cases yet and all the steps that the Director has taken. I commend him for that.

Likewise, I can report in Washoe County we have no incidents in our jail. No positive cases and a significantly reduced jail population. Largely in line with some of the recommendations in the SAFER Plan. I guess my two cents is that there are some good recommendations there that all of us should take into consideration and doing our individual roles trying to balance against other interests that are important to consider.

**Senator Cannizzaro:** I have a few comments. One of the things I agree with but have a question on is the medical cost and waiver of copays. I don't know what that looks like currently in our prisons and jails but obviously one of my questions would be what would be the fiscal impact of that if we were to adopt that? If it's not something that we already do, how much of a fiscal impact to the state budget are we looking at?

And then there were some recommendations to liberalize overtime restrictions and the sources of supplemental staff and what does the fiscal impact look like? Or NDOC or any of the jails that might be increasing over time? And then for the supplemental staff, especially in regard to NDOC because of legislation that was passed last session and I know they're not in bargaining yet but there are certainly some parameters for state employees. I'm wondering if we see that there might be any issues with recommending those things and the fiscal impact of that. Those are questions from that angle. I don't know if it's better to answer some of those I've got some other things that I want to touch on as well.

In there it also says there would be alternative incarcerations for pretrial defendants who have not been adjudicated as a risk to public safety. While generally I think we're all of the mindset that if you're not going to be a risk to public safety, risk that you are not going to appear for court, we would want to make sure that we are not overincarcerating pretrial defendants.

But I do think, specifically, because of some new guidelines that exist for pretrial release, what would that mean if we were adopt that? [inaudible] how does that interplay with current of the law? And then the alternative of course is to utilize house arrest and electronic monitoring, that's the same for the individuals who were serving sentences in jail and then also released from prison for the house arrest and electronic monitoring portion.

I'm wondering what the capacity is for us to put additional individuals on house arrest or electronic monitoring. That seems to be an ongoing issue that there aren't enough electronic monitoring devices, there aren't enough house arrest officers. How are we going to be monitoring people in the field while keeping in compliance with additional caseloads for those officers and

those who are supervising them? And how are we going to comply social distancing and allowing them to do their jobs, if we are going to be impacting them?

Then I think some of the more technical pieces of parameters for releasing from prison. We are talking about nonviolent offenders in the suggestions in the SAFER Plan. It says anybody who is within 6 months of probation should be immediately released. I'm just wondering what other parameters we would be looking at with respect to releasing from prison. What constitutes nonviolent, are we talking about commuting sentences? Are we talking about the Pardons Board taking that over? A little more clarity from our part in recommending that would be helpful.

The other piece was they talk about a technical violation, so no new crimes were committed. So, anyone who was on supervision but had committed a technical violation? I'm just wondering if we would be defining that, similar to how we defined it last session, what constitutes a technical violation. One example I can think of is if somebody was supposed to have not contact with a victim, but then revoked from probation or parole for having contact with the victim. Is that a technical violation? And where we are drawing those distinctions.

I think the same questions about elderly and those at risk. Is it just a blanket across the board if you are eligible and you are at risk? Are we talking about individuals who might be elderly and at risk and also fall under the definition of sex offenders or violent crimes? That would be concerning to me.

And then the supervision piece where they want to release everyone from supervision if they've done three years or more. My question is just more so would that be a blanket across the board if you have been on supervision for three years and you have been compliant, we are going to release you? Would there be some parameters to that? Some of the individuals who are on longer supervision tend to be folks who are being supervised for sex offense or violent offense. I would want some clarity on that.

**Chair Hardesty:** Thank you Senator. All great questions. Let me share with the Commission some thoughts I had on this and in the context of the Sentencing Commission's authority and statutory duties and responsibilities. I think we need to be mindful that the Sentencing Commission as an entity doesn't really have any authority to compel or adopt regulations that are enforceable on anyone. It is a recommending body. So, for example if we thought it was prudent to address recommendations under legal visitation, alternatives to visitation. If we thought that recommendation was a prudent thing to do and we could recommend it and the person who would be implementing it would be the NDOC.

Similarly, with respect to the medical copays subject to the questions posed by Senator Cannizzaro, that too would be a recommendation and the entity that would be implementing it would be a combination of the Department of Corrections and the Division of Parole and Probation who might supervise somebody if they were getting out. There are a number of other questions, good questions, that the Senator and others have asked that I think probably requires some additional information. I mention also pretrial, those issues involve the sheriffs who supervise those jails and the limited jurisdiction courts who are responsible for making pretrial detention determinations and the district court judges. But I think it is important to gain their input for purposes of recommendations.

One thing that the Commission could do if it thought it was appropriate was to recommend either to the Governor, some action that he take, or to the Director or to Chief Carpenter or to Director Daniels. One of the things that I was concerned about has to do with a some of the general

conversation about releasing inmates. Whether it be those who have existing parole grants that are subject to trying to meet certain conditions or whether it be in a category of non-violent offenders that would be released. Any of those release mechanisms under our constitution are going to fall within the authority of the Pardons Board. As you all know that consists of the Governor, the Attorney General, and the seven justices on the Supreme Court.

While this Commission's input, suggestions and ideas would be valuable for consideration by the Pardons Board if it were to convene to consider some of these alternatives is still open as far as I can tell. Unless you get into some of the special programs that Assemblywoman Nguyen appropriately identified isn't really going to take place in absence of some action taken by the Pardons Board. So, it seemed to me that one of the things that this Commission could do is urge the Governor to convene the Pardons Board. He is the only one who really can do that as the chair of the Pardons Board. That might be something that could be recommended.

I do want also mentioned that we have a meeting scheduled in two weeks on the 29<sup>th</sup> of April. And with the exception of some aspects of the SAFER Plan that people may wish to make a motion about today we could explore some of the questions that have been raised, get some answers to those with some additional input and further vet the plan on April 29<sup>th</sup>. Looking at the agenda for April 29<sup>th</sup> is primarily to take a look at like four or five or six applications for funding for our implementation programs. I want to have the Commission vet those and make recommendations to pass those on to the Bureau of Justice Assistance so we can begin getting that money into those agencies' hands. But we can certainly continue our discussion and continue to vet some of these matters in the plan and all of it of course as we go forward.

That is my reaction to all of this. We don't have to take any action on anything today. We can take some action on some of these matters today. We certainly as well could make any other recommendations that the Commission would like to advance. With that said I want to return back to Dr. Salisbury because I really appreciate her leadership in bringing this forward and give her an opportunity to react to some of the comments that were made, including mine and then see if she has any additional remarks or suggestions at this point.

**Dr. Salisbury:** I appreciate the comments that have been made and this is precisely what I was hoping. I think we just need to discuss these specific recommendations particularly for our own context here in Nevada. I wouldn't expect for the plan to be wholesale adopted across-the-board necessarily without really thinking about our situation in particular. Given that we don't have any inmates at this point or incarcerated people who have tested positive. Of course, the concern is still there that there may be some that are asymptomatic and spreading it. It's our responsibility to anticipate a possible outbreak in one of the facilities. I also just want to mention that you know I don't want to focus specifically only on NDOC in terms of custody populations but also remind everyone about the thousands of incarcerated people in the local jails and in the rural jails as well.

So, it is my opinion that we need to maybe come to some consensus about whether or not we feel like we need to move forward in discussing potentially releasing incarcerated people given the situation that we are in. I don't know that we need to vote on that or take action, but I think I'd like to hear people's reactions about the specific recommendations about releasing folks given our situation in Nevada. I'm personally of the opinion that it would be safer for staff and for inmates to be released even if they don't have a place necessarily to go because it gives people more autonomy and freedom of choice. If there's any possible way to give incarcerated people a choice about whether or not they want to release. I would advocate for that. I think if it is possible to reduce the number of people incarcerated on behalf of the correctional staff at NDOC and our jail facilities –it theoretically should help their staffing and the likelihood of it further spreading.

I also am very, very mindful as an expert on offender risk assessment in thinking about the plan and implementing this across-the-board what it would really take for NDOC, P&P others to really understand who poses a public safety threat and who doesn't. We do have the Nevada Risk Assessment Tool that both agencies use and I'm sure that Las Vegas Metro or other agencies use that tool. But these are going to be some of the questions that I'm anticipating coming up in terms of the level of risk that people pose and I have a number comments that I'll save for when that discussion does happen.

My only other sort of add to the SAFER Plan is to consider pregnant people who were incarcerated at Florence McClure as well as CCDC and our other local jail facilities across the state. Considering the fact that they may not be necessarily vulnerable as it turns out or as it relates to COVID-19 in terms of their medical needs but to be thinking about pregnant people and the women who are incarcerated at Florence McClure and the things that we need to be doing on their behalf as well. We just haven't heard a lot about that population today.

So I am open to more discussion on it, I'm open to wrapping up but I just I did think maybe we need to take a step back given our context and what we've heard from Director Daniels about whether or not we really feel like do we want to be proactive about trying to release individuals. And then if we have that decision made, where are the release valves certainly sounds like it's with the Parole Board and Governor in terms of those release mechanisms. Thank you so much.

**Chair Hardesty:** Do you have a thought about as one of the release valves, the Pardons Board and whether that is something. The Pardons Board does what the Pardons Board does, but a large number of folks who would be released under something other than the statutes that we have identified during the course of this meeting, I think that largely would have to come from that group. And its potentially and cumbersome effort, I wonder if the Commission should ask that that be convened now or is that something we should defer on?

**Dr. Salisbury:** It's my opinion that the sooner we get our stakeholders involved in the conversation to just sort of see or situation. We need to discuss what legally what entities exist to be able to legally release. I know that there are some other scholars out there who are starting to compile the different mechanisms and power that Governors have in terms of commuting sentences and other areas up for release. Again, I am not advocating we do anything necessarily wholesale, but to just think about what areas we do have for release. I'm of the opinion that we should take that proactive stance but I'm certainly one commissioner and would want to make sure that we have consensus on that from the commissioners.

**Chair Hardesty:** Let me ask again and canvas the commissioners to react to Dr. Salisbury's observations. And deem whether or not there is an appetite among the commission members to urge for release of inmates. But it is not a wholesale release, it's starting to address a plan of release of individuals and what that plan consists of would be further debated by the Commission. Do I correctly characterize what you were saying Dr. Salisbury?

**Dr. Salisbury:** Absolutely not wholesale. Just that we continue the discussion and the debate because I think it's a moot point if we don't have consensus to take this proactive approach. It makes sense to me to have that.

**Chair Hardesty:** Alright. I will ask the Commission if they have any questions or comments in response to Dr. Salisbury's comments. No one is committing to a vote. This is just a canvas to see if there's a general interest in pursuing this subject matter further.



**Dr. Tyler-Garner:** I would love to pursue it further. I'm pleased to see that a number of the recommendations in the report are already occurring and believe as it relates to the compassionate release or the implications around early release and supports in the community that we should do our due diligence to ensure that if we are going to support that approach that there's a divine process in place that ensures cross-agency coordination. As it relates to some of the other practices including even ensuring the calls and things of that nature with family, I'm pleased to see that much of that is already underway. Where there is a need to ensure a safety net in the vulnerable populations that we do our due diligence if we are going to support that effort.

**Mr. Story:** My answer is yes; I would like us to look at this option and ultimately make a recommendation for the Pardons Board. One question that I have, what number are we looking at? Who would provide that number? I'm guessing it is NDOC? And what standard would that number be based on? How many people are eligible for compassionate release? And also, within the jails as Dr. Salisbury referred to.

**Chair Hardesty:** I don't have the answer, but I do want to comment. The Commission and members of the Commission can certainly offer suggestions about this topic. But at the end of the day, to the extent that we're dealing with people incarcerated in NDOC who are seeking early releases, the category of defendants or inmates that would be considered are going to be determined by the Pardons Board. They are going to assess but I am sure the Pardons Board would welcome input from this Commission to categorize people or create categories or identify categories of people.

But I think the Commission needs to offer suggestions and ideas about who might be considered. You saw from the ACLU letter that they started with the category of people who are mentioned in Chief Carpenter's comments. Those for whom parole has already been granted but there is some impediment. Either part of their conditions or perhaps some conditions that could be waived. Or agreements could be signed by parolees and get out immediately. That has already been quantified. I think somewhere between 200 and 400 people. And whether they have all been released or whether the parolees would agree to get out is a completely separate question. And what tails would exist. All those would be important considerations, I think, if the Pardons Board were to be involved in that process and certainly to Division of Parole and Probation.

It is a rather complex process, but I think the role of this Commission is largely to help all of the actors who might have some role in all of this to identify who these people might be. Then we can get some numbers and so forth. At the end of the day, whether they are granted any relief is going to really depend upon the decision-makers as to whether they're satisfied that those people could be released without posing a policy risk or a risk to victims or a risk to themselves. On a case by case basis.

I don't know if you recall it was almost a decade ago that the Pardons Board at my urging to consider releasing, because we were very overcrowded at that time, inmates who were subject to ICE holds. And who were very close to the expiration of their term. There were a number of those folks who had no criminal history, their prison disciplines were minimal or nonexistent. And ICE was prepared to deport them if they were released to their custody. And that process generated something like 109 or 110 releases. I can tell you that the Pardons Board painstakingly took three or four meetings and went through every one of those cases individually to make those decisions and to assess the impact on the community and individualize the determinations with respect to each of those defendants.

That would take quite a bit of time and effort to the extent that sentences were even thought of

being commuted. And they were commuted for specific conditions. In that instance they were commuted for release to ICE. Then ICE can make the determination as to what was going occur, generally deportation in that example. So, I don't know that we can answer your question about who is eligible. The Commission needs to offer suggestions about who might be eligible and maybe we can quantify that. But I think the general question is whether the Commission is interested in pursuing this subject matter and as I understand it, you support that idea.

**Mr. Story:** I appreciate that clarification. What I was trying to get at was how much time are looking at before that data can be collected and either shared with the Commission or presented to the Pardons Board for action. Is this something that could be done by the 29<sup>th</sup>? Or are we talking about something not happening until June or July?

**Chair Hardesty:** My suggestion is that we need to ask the Pardons Board to start meeting as soon as possible because there is a tremendous amount of work for the Pardons Board to undertake. It is not a simple task by any means. And you have got 9 constitutional officers that are involved in that process. And pose additional challenges for staff to provide reports with information about those folks. So probably the best approach if we thought this was a prudent thing to do is to have these Commissions and Boards working in tandem and at the same time, otherwise, you are right, by the time you work through all of this at the Commission level to make recommendations and then the Pardons Board has to vet that process all over again.

**Mr. Ponder:** I do think it would be very worthwhile to continue these conversations but I'm going to circle back to some comments that Director Daniels had made. And I base that off of being in the vein of the reentry population. The vast majority of my clients who have been released, who were able to get up and running and find jobs and things of that nature, the vast majority of them have lost their jobs. So, my question as the Director had pointed out what are we releasing them to? With the lack of employability and the very limited amount of supportive services, although some, will we be able to handle the magnitude of what that is about to release?

I would like to have a conversation as Chief Carpenter had discussed. What would be those processes in place? I think it would be important to make sure we have those processes so that we can take a look at individuals to ensure that when they are being released that they have a place to go and that those supportive services would be there for them. I'm certainly interested in having those conversations. I'm just very concerned about what it is that they will be coming home to. I would be very excited to participate in whatever conversations that we would be having and lending our expertise in this subject to the conversation.

**Dr. Neighbors:** I would echo the concern about talking about what we are releasing these folks to, but I think it's worth it recognizing all of the complexities involved to have the conversation to consider the details of who we are talking about and whether or not there is a mechanism by which this would be useful process, helpful process that would actually make things safer. So, I would support having the conversation as you discussed Justice Hardesty with that recognition that it's putting together information for a recommendation to the Pardons Board. And that we just need to collect more details to do that.

**Ms. Mull:** I think for non-violent offenders it is something to look at. I again want to echo what Mr. Ponder and others have been saying. I'm just going to take a leap and guess that out of the Commission I'm probably the only that is on food stamps or has been on food stamps recently. I don't know how it's going for all of you all but for some of us trying just to get basic necessities is really difficult right now. If you can get meat or eggs on the east side of town, you're only able to get one or two. So, you have to go to the store every day or every other day just get basics. To be able to pay utilities or rent right now is really hard for those of us who work in [inaudible]

economy. So, to not have systems in place and assistance in place for people that are coming into, for lack of a better word, an apocalyptic environment. I think we're just setting them up to fail or reoffend [inaudible] and that is going to put them in jail longer.

I think that anyone that is coming out we have to have resources in place for them and assistance and some kind of footprint or map. Or we as a state are really are just setting them up to reoffend. Not at their own, necessarily fault. Because I'm in survival mode right now. I'm doing what I can and what I have to do in order to feed myself. So, to put that on these individuals that have not been in society and then have not been in the mix of it for this far and then just throw them in the deep end.

It seems cruel to me if we don't have a plan for them when they come out and we don't have a roadmap for them to come out. Aside from just putting them at risk and getting COVID-19, but also just being able to survive or end up back in prison or back to something worse than what they were before. So, I hope we will take that in consideration. I hope not just us, but I hope that everyone takes that into consideration when they are having these conversations. Absolutely, if we can make people safer by letting them out early for a non-violent offender but also making sure that there's a plan in place so that they don't end up in a worse place because we were trying to do good and by that doing harm.

**Mr. McCormick:** I certainly think it's incumbent on the Sentencing Commission to explore this issue further and like everyone is indicated potentially help the Pardons Board with certain classification what groups we should look at. I also am very sensitive to the concerns about reentry without you know supporting a plan, but I think we as a group need to continue to explore this.

**Mr. Marsh:** I think I come at this from a little bit of a different perspective because I have dealing with the last month plus, with clients who are sitting in prison who are terrified. To them it's basically a matter of life or death. So, I think the quicker we can do this for them, especially the non-violent offenders, the elderly offenders, people who are close to the end of their sentences, people that are identified in the SAFER Plan. I would like to commend Dr. Salisbury for bringing that up before the Boar. For them, any delay is a potential, and I don't want to be overly dramatic and say that death sentence, but that is the way they look at it. They are really worried about what could happen, and I am talking about people who are in their 70s, who have asthma, who are getting cancer treatment, or treatments for other medical conditions that make them susceptible to both catching COVID-19 or if they get it one of those folks going to end up in an ICU.

I think there's two parts of this. The first is I certainly bite and take Justice Hardesty up on his thought of today we make a recommendation to the Governor to convene the Pardons Board or to get that started. While we take a couple of weeks to try to figure out if we have any recommendations for them or categories of folks to consider. And then second, I think this is something, I am referring to the situation that will be in front of us for a long time, but as we start to get past it we should be thinking about making recommendations for legislation. Even the federal government in the First Step Act has changed their compassionate release policy where judges can make individual decisions to let people out. We need to have something better than just having the Pardons Board. But that is long term.

**Mr. Logan:** This is not just a now problem. It could easily continue. This is an isolated incident medically, but this situation will continue. And the things we do now we have to be able to continue to do moving forward and advance it throughout. Because the fear factor of everything, the fear factor of housing, of food, of survival. Every one of us has been touched by differently.

Ms. Mull, you are not alone. Thankfully, for my childhood, I wouldn't be here if it weren't for a lot of those programs. So, there are things there. There are people out there coming out of mental health programs that are trying to be phased out but there is not a single place for them to live. Or that are taking new clients or new people. There are so many different aspects of this and yes, we have to debate it.

But think of it is not just what our temporary problem is but that cascading event. What's going to be the next problem? Or why should these people be treated differently under these set of circumstances than the people a year ago or five years ago or five years into the future? I think it is incumbent upon us to look at it with all of our minds and put our best plan forward and be able to complete that moving forward. Just to encourage us to continue this discussion.

**Ms. Brady:** I think we should definitely be proactive in thinking about these things. I would also be in favor about recommending to the Governor that he hold or convene a Pardons Board for between now and the next one which is in June. If there is able to be one sooner.

Perhaps not just for the next Pardons Board but in general, are we able to create any working groups of the Sentencing Commission that may include people outside of the Commission? To bring people together and start really talking about what services are out there, who can help, where [inaudible] all of those things. So those would be my thoughts, because if we let them out without any supportive services that is cold. Not only that, it will create bitterness or resentment from those who are being released. And if they are released with the typical \$40 or \$50 dollars it will create bitterness and resentment.

**Mr. Imlay:** I think we should continue to pursue all avenues. I don't think we should take anything off the table right now. I think the SAFER Plan has a lot of well thought out recommendations that could be applied. Including, I think we should request the Governor to convene the Pardons Board. I don't think anything should be taken off the table right now and as mentioned before I think that time is of the essence with this. Because it could avert exponentially the number of times. And if we have a couple of outbreaks then we know how quickly that's going to grow and so I think time is of the essence I think we need to make sure that we act on this as quickly as possible.

**Mr. Hicks:** I don't have much to add Justice Hardesty. There are just a few things kicking around in my head as we talk about this. All of our lives have changed profoundly because of this and we are looking at things that we've never had to at look at before. And I commend everybody for that. I want us to be sure not to lose sight of a lot of the proactive measures that have already happened. Director Daniels talked about how he's handling it within the NDOC. Chris DeRicco talked about how they quashed multiple warrants for technical violations. Washoe County jail, the population last year at this time was 1200 people. Last week it was below 700. And that's because of what law enforcement is doing, what prosecutors are doing, in conjunction with defense attorneys to minimize the risk. I'm not saying I want to take this off the table I think a debate is important.

But when you start talking about things such as early release and letting people out who are serving sentences that were given to them in a court of law for something that they did. Whether it be they failed at probation and they ended up having to go to prison. Or they something severe enough, or their history suggested severity enough that they were put in prison. To turn around and release them, that needs to be a health debate and I personally think it will take a great deal of time to narrow it down to who fits and who doesn't in those categories. Especially I agree with what Mr. Imlay said that time is of the essence.

I can't help but agree with everybody that said, what are we releasing them to? That is a very real concern right now. And homelessness is a very vulnerable population which again can cause this to spread exponentially. I don't know that I'm taking a position I guess I'm saying it needs to be thoroughly debated and discussed. And I don't know if that actually makes the Pardons Board exercising their own statutory abilities take longer by waiting for input from us than perhaps just going forward and doing what they feel they may need to do, the nine members. I'm rambling a little bit, but I do think we have to remember we've done some extraordinary steps that are helping immensely and when we start getting to talking about releasing people when there aren't even positive cases yet that's where I start you know feeling a little uncomfortable about public safety and victims' rights. I will rest on that. I know there's going to be a lot more discussion about all of this so thank you.

**Mr. DeRicco:** In my opinion, this topic needs to be continued to be vetted out. Some of my thoughts on here on the term "non-violent offender" we are considering those. But I can tell many times the Parole Board sees an individual it might be for let's just say a sale the narcotics case. But that doesn't mean the five incidents before that were not for a violent offense. So, one of the things to consider would be are we talking about the instant offense only or the history of violence with particular offenders.

I think that should come into the fold of discussion here. As Senator Cannizzaro brought up with regards to the supervision terms of 3 years or more under supervision or release. We all know that we have many individuals who are under supervision for lifetime. So, we throw those individuals into the mix and we already have statutory requirements for those people and how they can petition to be released early. But that is something else to bring up.

I wanted to comment that this plan, which was sent to this commission on April 9<sup>th</sup>, was a list of recommendations. And it's globally because every state or federal [inaudible] is going to have different rules and regulations with which they have to have to deal with. But the nice thing in my opinion is many of these things in here that are recommendations have already been put into place where they can, not only by the Division, but NDOC, and the Parole Board, before they even received this. They are recommendations to move forward and that has been done in this state and is moving forward that way has Nevada.

So, with that I see looking at a couple of ways. We kind of move forward and work with the stakeholders here to try and implement as many of these or to work within the confines of statute to continue along with some of these recommendations and come up with creative alternatives to implement some more or see what else can be done with them. I would say once we reach that point or if not then I would say then I think we should look to the Pardons Board in order to make those other calls.

One last comment on this is that I know we keep talking about people that are close to the end of their sentence looking at them to have them possibly be released. But those people that are also close to their sentence expiration would have undoubtedly previously seen the Parole Board and likely have been deemed not so good of a candidate for whatever reason on there. So those candidates and you might see that get close to an end of their sentence we might see just that there are certain reasons as to why they may not be good candidates, or at least the Pardons Board may see that and they may see otherwise as well.

But certainly, individuals are afforded the opportunity to go before the Parole Board. Some on many occasions. So once we get back to the Pardons Board taking a look and reviewing these cases, if that's the route that we go, which ultimately I don't think it is a bad call there, I don't necessarily see that they might be the cream puffs so to speak because more of those would

have already been granted initially and that's all I have thank you

**Chair Hardesty:** Director Daniels would you like to have the Commission continue this discussion about early and other type of releases and would you be in a position to provide suggestions to the Commission and answer some of the questions have been raised by Commissioners about types of individuals that could be considered?

**Director Daniels:** That's an interesting way of putting that out there. I am always in favor of further discussion about anything I think [inaudible] debate can only make things better. But I think along with that we still have to remember our public obligation. I heard some comments and I am going to bring them up briefly and it is clearly not my intent to offend. Individuals speaking of how afraid they are in this fear. Well, where was that fear being expressed when they were in the commission of a crime? Where was that fear in reference to their victims of those crimes? So yes, this may be a now moment. We have a crisis. A global epidemic. I would say both sides need to be weighed and I'm very comfortable with having that also in terms of our responsibility to the citizens of the state.

I am responsible, along with many others here, to prepare these individuals for their reentry back into society. I have partnered with literally anyone and everyone that has an interest in the furtherance of getting these guys and women prepared to release. Whether it be additional jobs, whether it be some training, whether it be vocational training. You name it, no matter what, I am one hundred percent in. But to release a bunch of people to the streets with no resources, I think there would be some societal harm. There's one basic question that I always ask. And the question is, what is the action imperative? Why now, I guess is another way of saying it. Is it really for public safety? Is it really for the safety of the inmates? Why now? There are some other people doing it, great for them. But our situation may be somewhat different from what others are experiencing.

We don't have a perfect system. But I would love to have that conversation though that extend to not just what now because I don't see the urgency as of right now. Although it may arrive, and I may be convinced but I'm always up for that conversation you can count me in. But I believe in being very transparent and expressing it and how important it is to look at the complete picture and not just from a narrow perspective. I just want to say thank you for being here and even having this conversation. I will quite frankly throw my name in the hat for further conversation but that would be the extent of it, and I want to have that debate and be able to express an opinion as a corrections professional. Thank you, sir.

**Chair Hardesty:** I would like to follow up on that opinion Director because I think it is an important question that you pose. On the one hand it has been suggested that the Commission look at this purpose of being proactive and avoiding a calamitous situation that develops. Maybe starting tomorrow or maybe starting two weeks from now. And certainly, having seen the criminal justice system since I have been a judge and lawyer, things don't move very fast. We tend to operate at a glacial speed. While we are blessed with your leadership and success, I'm concerned about the why now and my answer to that is being proactive against any risks in the future.

The question I have for you and you may not be in a position to answer it today, is could the prison benefit from releases even just in the group that Chief Carpenter mentioned? And would that assist in improving or I should say reducing the risks to your staff members and other inmates being subjected to this disease and creating some potential security and budget benefits for the NDOC?

**Director Daniels:** Generically the question is, would I benefit from an inmate reduction?

Absolutely, there's never [inaudible] with that. Fewer inmates' avail everyone to additional opportunities. There are less waiting lists, and it is safer for my staff. So, the answer is yes. As it relates specifically to COVID-19, I'm just of the, I want to avoid opinion. My background tells me thought that I have to look at the residual of what I really put back into the community. I'm not solely responsible but I am that handoff from paying debts to society to putting people back in with the help of my partners of which many are here today. I take that seriously and I get it. I want us to do well.

I want us to make the best decisions. Not my decisions, but the best decisions. I understand I am a part of this group. A reduction in my inmate population, will always benefit. If anyone were to tell you different, I really wonder how they can support that statement. But there is our responsibility and duty to society and more specifically the citizens of the State of Nevada.

**Chief Carpenter:** I'd like to go back to when you asked for suggestions on who should be considered. And I am going back to Mr. Story's question. On April 10<sup>th</sup> there was 398 people on our past parole eligibility list. Those people have already been granted parole and for a variety of reasons are not getting out of the moment. Those are the people we could start with. That is my suggestion. And I think that is very good to discuss this vet it, but I am with the group that it makes me nervous to try to release people and the resources are just not there.

**Chair Hardesty:** I'd like to follow up if I might and Chief Carpenter for person who have not been directly involved in having to make those difficult decisions to find resources and support services for someone seeking parole. There's nothing like going case by case, maybe not by name, but going case by case and share examples of kinds of problems you are running into against with the 398 people. And I think it might be worthwhile to include that as part of the discussion. There may be folks in this group who have family support, maybe have some conditions that could be waived.

I don't know of anybody else besides the Pardons Board who could waive those conditions. Maybe you know some other alternatives. But you might also have some folks here who have an opportunity to sign the parole agreement and that will provide some release as well. But I think in every one of these instances, we have to ask the question that was posed by Director Daniels early on. What are we releasing them to? And as Ms. Mull said, are we setting someone up for failure? So, I think these are issues that could be applied to this group that is a great suggestion.

And maybe we could figure out a way with the Director's assistance and your assistance, Chief, to demonstrate that at our next meeting of the Sentencing Commission. What are some of the offenses? What tails are involved? What are some of the conditions that are restricting the release of people who we say these can get out? All they have to do is leave or sign a document or something. It is not that easy. And so, I think we need to address this group and see what some of the problems are debate that further. Did you have any additional comments, Chief?

**Chief Carpenter:** We can do that at the next meeting. Thank you. The only comment I had also is Mr. Story asked about how many inmates are in the category that was the largest. At the time this was submitted there were 66 inmates or 17% that didn't submit of a viable plan or the investigation was denied and so to answer your question Mr. Story, that could be a whole slew of issues. That is something that Parole, and Probation have control over. Usually when a non-viable plan, sometimes we get an address that doesn't exist, sometimes they say they want to stay with their mom or dad and mom and dad say no. You got all kinds of things that could happen.

**Chair Hardesty:** I think those are examples the Commission needs to hear.

**Assemblywoman Nguyen:** I just want to say that I appreciate bringing this to our attention sooner rather than later. I see this as a humanitarian thing. I like the idea that we're all coming together because I think at the end of the day, we all have the same thing in mind. We want to make sure our community is protected. We don't want to end up with a situation where our prisons are Petri dishes or potential outbreaks of the coronavirus as we've seen potentially could happen in other places. I do have concerns about releasing people to unattainable situations that are going to set them up for failure or create harm for the community or the potential victims that are out there.

I'm just concerned that verifying some of these things like addresses or plans for release are going to be even more inhibited because the fact that people are in their homes, are there not reaching out, or they're unable to take someone in, or because they're worried about their own safety. I don't know if I would want anyone to come into my house including a family member that was coming from out of state. I think that it's important to discuss that. I don't want to release people into the community that are going to be a danger and revictimize victims in our community and I think people should serve their debt and what they were sentenced to.

However, on the flip side I don't think someone should be penalized during a dangerous situation where their life is at hand and because they didn't take into consideration the victim when they committed their crimes. So, I don't think that the proper punishment as well. To be in an unsafe situation. We can see how fast this escalates.

I appreciate everything that NDOC has been doing. And I am glad to see that they've already implemented as part of their procedures and policies some of the things that are outlined in the SAFER Plan, and the ACLU's plan and the American for Prosperity Plan, and all these various plans that have been put forth. I appreciate that we are on the forefront of those kinds of protections. But at the same time, we also see how fast things can spread and once it does and we can assume that potentially would happen. I think having a plan in there, it may not be a perfect plan, but I think having something that we can turn to and use with some sort of uniformity to protect our community is important. So that's all I want to say.

**Vice Chair Chuck Calloway:** I 100% agree with the comments that were made by Director Daniels. I also agree with the comments that were made DA Hicks and Sheriff Logan. From the jails' perspective, we didn't talk today about CCDC. But we started way back in March taking a proactive and aggressive stance on this COVID-19 issue. And as was stated by some of the other speakers, our numbers are way down.

We currently have twenty-nine hundred inmates in CCDC, which is normally around four thousand. We currently have 865 people out on house arrest with ankle bracelets. We have told on the front end that no misdemeanor arrests are made and unless they are mandatory arrest for domestic violence or DUI. The supervisor has to approve every person that is getting booked into the jail to make sure that people aren't getting booked in for very minor infractions

When they come in the jail, they get a significant health screening. Our staff gets screen when they come in. We have a temperature station set up to take temperatures of inmates that are brought in and also our staff. We set up a [inaudible]. We have done a lot of things similar to what the prisons have done. But from LVMPD perspective we got to look at it from both public safety aspects and health safety aspects. Our primary concern is the health and safety of our inmates, our community and also our employees and our staff. So, we have to balance the whole issue, public safety, and health today.



My big concern with some of the discussion today is the more we talk about it the more questions pop up in my mind. Here it is CCDC at LVMPD we would love to see an empty jail just like Director Daniels said. We would love nothing more than to have an empty jail. We have been in constant dialogue with a number of associations and jails across the country to learn best practices. Again, we have been doing that since March. University of Ohio put out a letter that I just saw before the Sentencing Commission meeting that listed the best practices for jails. A lot of them were in line with the SAFER recommendation.

I have heard some jurisdictions talking about releasing inmates on an honor system where they're expected to come turn themselves back in after the pandemic subsides. I'm curious to see how that's going to play out. But we got a number of jails just here in Clark County, Henderson, City of Las Vegas, North Las Vegas. City of Las Vegas is entirely a misdemeanor facility. So, I think there's a lot of stakeholders here and a lot of discussion that needs to be had.

Where I get nervous is what is the definition of people of who would be eligible. People would say misdemeanor offenders. But again, we have violent misdemeanor offenders. Again, we said earlier, what is somebody's criminal history? Just because they're currently in on a property crime but they've got a series of violent offenses in their past maybe that's not a person that we want to release out. We talk about what is a vulnerable person or compassionate release. But the comment was made by Chief Carpenter about the guy that executed our trooper a couple of weeks ago and the fact of the matter is the Unabomber would be eligible for release if we were strictly looking at the vulnerable population.

So, I think there's a number of questions just there. What is the definition? Is it somebody that is a non-violent offender that serves 75% of their sentence that appears before a board? Maybe the Pardons Board is the right board, maybe it's not. Again, more questions. What type of assessment is done on this person that is determined that they are or are not a risk? Is it the same risk assessment that is done that was mentioned previously?

I think it's very healthy for us to have these discussions and like Sheriff Logan said, I think we need to have a long term plan because next year we find this COVID-19 thing is seasonal and we are back to square one? Or there is a new COVID-19, or some other disease around the corner and it becomes the new norm. Then we have those long-term plans to address it. But I am definitely open and willing to have a discussion, but I am reluctant to just endorse one specific plan like the SAFER Plan that was presented today. That is my position.

**Mr. Arrascada:** I want to thank everyone for our almost 5-hour meeting. I learned a lot today. I kind of add to the comments of Mr. Marsh. I think the vehicle is we should ask the Pardons Board to consider convening, sooner rather than later. I appreciate all that has been done at all of our different correctional facilities. But I think we need to look at this in the bigger picture of our societal goals and really what we are seeing here is the SAFER Plan is really is to a degree, not completely, is AB 236 but looking at it from the backside instead of the frontside. And we have adopted AB 236 and it is going to come into play July 1<sup>st</sup> and now we're needing to start reinvesting in our justice system in these ways that lessen our prison. But we need to do it now. And why is that? Because we're faced with this pandemic.

I appreciate all the things being done by all of the different law enforcement agencies in the group, but I think we have to look at this from a societal standpoint and that our legislature passed AB 236 for a reason. And it was to lessen the amount of people we have in prison and have more of a treatment society to a degree. And I think we need to have that in mind, and I think we need to approach this quickly.

We are faced with this now, but we can't roll things out slowly we have to move effectively and swiftly. And I think we can all look at the SAFER Plan and sharpen down and narrow down the group. It's not just a turn the key and open up the gates but it's an educated and thoughtful approach to addressing this worldwide pandemic with keeping in mind the bill that passed. AB 236. And what the spirit of that was and the goals that it had for our communities and our society I think we need to move forward.

**Dr. Salisbury:** I was just wondering if I could add one more comment. Thank you. I know by John Ponder mentioned earlier that Director Daniels kindly is allowing any commissioner who is interested and available and able to follow protocol to enter one of these institutions to sit in on the town halls. I wonder if it wouldn't be useful to do in a similar vein some focus groups with incarcerated people to get their voice in on this discussion, I'm always quite mindful that we don't have those individuals present. Might also be helpful to have the voice of victims. Of course, we have public comment that's available in these commission meetings and victims often times can voice their opinion and of course they are represented as by every commissioner on this commission. But I do have concern about the inability for incarcerated persons to use their voice.

I myself would be willing as a researcher to go into any facility and conduct a focus group if you deemed it appropriate not a conflict of interest of any kind of course. I am currently badged at Florence McClure so that issue sort of gets taken off the table in terms of being able to enter that facility. Of course, I would follow any and all protocols Director Daniels and NDOC has in place. I thought to include as many voices of individuals who are incarcerated as possible.

**Chair Hardesty:** Director Daniels you had at least two Commissioners express an interest under appropriate conditions to observe a town hall and perhaps as Dr. Salisbury mentioned a moment ago raised some questions to participate directly in the town hall. If you would rather think about that and discuss it later, we could do that. If you have a reaction or comment now, that would be welcome too. I don't want to pin you down when you haven't had a chance to think about what constraints are that you have to work through.

**Director Daniels:** The first issue regarding the town hall was for someone to come in and sit in watch and listen to my town hall. I didn't see it as being participatory. Secondly, I am wondering what the expectation would be if you are town halling on what day would say about wanting to leave and go home. I hear that every time I go out. They all want to go home. They tell me. So, I know that would be an issue. Nonetheless, I don't have any issue with the transparency of having people come in and watch what we do. I thought that's what the intent of it was. Hey, come and listen. But to have inmates questioned regarding their desire to go home and whether or not they're afraid, I know the answer. So anyway, I'm going to reserve further comment on that, but I think it's important to put that out there. Thank you.

## **5. Discussion of Potential Topics for Future Meetings**

**Chair Hardesty:** Okay so let me ask this. Clearly the topic of the SAFER recommendations will be on the Commission's next agenda so that we can continue our conversation with respect to the recommendations that are in the SAFER Plan. Secondly, I have asked Chief Carpenter to share with the group more granular information about the 398 or so individuals who are in the already paroled category. And the Commission can get a better sense of what that group looks like, what their conditions are and what the challenges are for matching them with a release. And we can further vet that at the April 29<sup>th</sup> as well.

I don't know whether there are any motions that anyone wishes to make at this meeting but I want to afford people an opportunity to make any motion they want to make at this point on any

topic that has been discussed under this category. And if not, then we will move on to the last segment of public comment. Director Gonzalez has advised me there is somewhere in the category of 12 or 13 additional public comments that have been received that we need to work through at the tail end of the meeting. So that said, is there any commissioner who at least at this point wants to make any motion? On the SAFER Plan or the topics related to it.

**Dr. Salisbury:** Justice Hardesty I wonder if we should make a motion to recommend that the Pardons Board meet [inaudible] do you feel that we need to have a motion on that?

**Chair Hardesty:** I think if we are going to develop some sort of in tandem review of this subject, the sooner the better. Because right now I think, as mentioned before, the Pardons Board doesn't meet until June. Let me check that but I think that is their next meeting. And that agenda is largely going to be [inaudible] and maybe a few inmate cases. So, it would be up to the governor to convene the Board sooner than when that is scheduled. The Pardons Board is scheduled to meet on June 17<sup>th</sup> at 9 o'clock.

DR. SALISBURY MOVED THAT THE COMMISSION RECOMMEND TO THE NEVADA BOARD OF PARDONS TO WORK IN TANDEM WITH THE COMMISSION ON THE TOPIC OF RELEASING CERTAIN INMATES IN RESPONSE TO THE COVID-19 CRISIS. ADDITIONALLY THE COMMISSION WILL RECOMMEND THAT THE BOARD HOLD AN EMERGENCY MEETING ON THIS TOPIC.

TOD STORY SECONDED THE MOTION.

**Chair Hardesty:** Is there any discussion on the motion?

**Vice Chair Callaway:** Is the motion to request the Pardons Board to convene, look at those cases Chief Carpenter talked about, the three hundred and some that have already been reviewed? What is the purpose of convening the Board? To come up with criteria for other inmates?

[Chair Hardesty asked Dr. Salisbury if she would like to clarify her motion.]

DR. EMILY SALISBURY MOVED THAT THE NEVADA BOARD OF PARDONS HOLD AN EMERGENCY MEETING TO CONTINUE THE DISCUSSION OF THE SAFER PLAN AND THE ITEMS THE COMMISSION DISCUSSED IN THE MEETING OF THE SENTENCING COMMISSION ON APRIL 13<sup>TH</sup>.

TOD STORY SECONDED THE MOTION.

**Chair Hardesty:** Any other discussion on the motion?

**Mr. Hicks:** I don't mean to belabor this meeting but to ask that Board to convene at our request when we don't even have a plan in place seems putting the cart before the horse. The Pardons Board's mission or authority is to consider people who are up for a possible pardon. We have put nothing in place to make any suggestions to them. And again, not that I'm against proactivity but we have no confirmed cases in any of our facilities. So I respect very much the Dr.'s motion but from a discussion standpoint I'm struggling to see why we would ask on those nine members to pull together for a meeting when we don't even have anything to suggest to them.

**Mr. Story:** It was my understanding based on the earlier conversation that we had that the purpose in asking the Pardons Board to convene to organize the list of those who are eligible

who are on the list that was reference earlier by Chief Carpenter so that a plan could be developed. Am I mistaken in that earlier conversation? Or my takeaway or what that conversation entailed?

**Chief Carpenter:** The people I referred were already granted parole. So, the Pardons Board would not need to deal with those individuals. That is something different. The Pardons Board would deal with people that are currently incarcerated that have not seen the parole board or have not been granted parole.

**Chair Hardesty:** To return to Mr. Story's comment, there's a threshold question: Does the Pardons Board have any interest, maybe interest is a poor term, but any willingness to get a report on what the Commission has been debating and direct its staff and its agencies to start developing information about this? It's going to take some time to organize that meeting in the first place, so this is really just to start that process as I understood it. Might very well be that the Governor would be disinclined to convene the Pardons Board or once convened after the Pardon Board's members have heard some of the discussion here that they are not interested in pursuing these alternatives because they deem in unnecessary.

At this juncture they are a piece of the pie to determine releases if they're going to be considered. And to the Chief's comment, Chief I had understood that there might be, not that there's an interest in doing this, but there might be some relief for some of the folks on this list who might need relief from some of these conditions if they wanted it. Is that something the Pardons Board would grant or not?

**Chief Carpenter:** There's a lot of different variables and if you're talking about trying to relax statutory language, I don't know how that piece works. But for the most part this population is waiting on something and so the Pardons Board would not really be effective with this population that we're talking about.

**Chair Hardesty:** Thank you. Any other discussion from members of the commission?

**Vice Chair Callaway:** I'm kind of siding with the comments made by Mr. Hicks. Without a clear definition of what offenders segment we're looking and without a clear definition of what a vulnerable inmate is and without a clear definition of what a compassionate release would be, these things that we discussed today, to pull the Pardons Board together to have discussions without this when we ourselves haven't really developed any clear definition or any clear path moving forward. I just don't see in my mind how I could support something like that.

**Chair Hardesty:** Any other discussion among the members of the Commission?

**Mr. Arrascada:** I would like the motion to go forward in that the Pardons Board to convene. And then with a specific path over the next ten days or so until our next meeting, that we all look at the SAFER Plan as a base and see if we can't come together as a Board at the next meeting. And providing the definition that Mr. Callaway was just discussing with another, in all likelihood, lengthy meeting and lots of discussion and then we'd have something to submit to the Pardons Board after the next meeting.

**Chair Hardesty:** Any other discussion on the motion?

**Vice Chair Callaway:** Is that a new motion that was just made or are we still on the original motion?

**Chair Hardesty:** We're on the original motion. Hearing no further discussion, we'll take the roll.

MOTION PASSED:  
TEN YAYS; EIGHT NAYS

**Chair Hardesty:** Alright thank you. Let's move to the next agenda item which is public comment.

## **6. Public Comment**

[The Sentencing Commission silently read public comment #13 through #19 which was submitted in writing by email.]

**Mr. Arrascada:** All the public comment seems to primarily apply to individual people serving sentences with some policy within them.

**Chair Hardesty:** Generally speaking, that's true. I think Ms. Alford raises questions about the prison's policies. Generally speaking, that is a fair characterization, yes.

**Dr. Tyler-Garner:** May I ask if it is appropriate to have some context for Ms. Alford's comments or preliminary thoughts about it from our Director?

**Chair Hardesty:** Yes of course.

**Dr. Tyler-Garner:** Director Daniels are you able to open Ms. Alford's comment? I believe it's public comment number fifteen revised.

**Director Daniels:** Hi this is Director Daniels. I'm looking at five. Did you want me to address each of the five by Ms. Alford?

**Dr. Tyler-Garner:** I was wondering if you had any context for it. I know you referenced earlier that everyone was being afforded the benefit of longer calls in lieu of suspending the visitation. [inaudible] noting an equity issue around the cost of call as well as concerns about availability of food. Given your diligence with this effort I thought you might have some context or comments and response to the concerns she's noting.

**Director Daniels:** Let me answer them as I grab them. As it relates to the price of the inmate calls was not reduced. What we did is we offered two free phone calls. Each of those phone calls were up to thirty 30 minutes and that's what we had offered each inmate. Is that what I'm responding to?

**Dr. Tyler-Garner:** Yes, are those calls free or do they pay for them?

**Director Daniels:** They pay for the phone calls normally. However, we give them two free phone calls. Do the inmates pay for telephone calls? Yes. However, do we give them two free phone calls? Yes. Those two free phone calls [inaudible] half hour.

**Dr. Tyler-Garner:** Perfect, thank you.

**Director Daniels:** So, the next one. It says hand sanitizer has been taken away from all inmates and that had been because of inmates drinking it. "My fiancé at NNCC, never received any and has never been made available under supervision". The first portion of this about hand sanitizer,

it was taken away. Why? Because we had several inmates purchase it from other inmates. Part of what's inside the sanitizer is alcohol. Several of the inmates chose to induce multiple bottles so they could get drunk, but it also caused them to be sick.

We knew that when we issued this initially that this was a potential issue. This happened on the very first day. What we decided to do with that is have our staff go around with the cart and they have a large tube of the sanitizer and they just make rounds in the housing unit and ensure each inmate is able to get a couple of pumps. The inmates are able to get that and we make multiple rounds a day. The general issuance of bottles of sanitizer proved to be ill-informed.

I actually made the decision because I was aware that this could be an issue. So, let's give it a shot and it wasn't within the first six hours in which we had our first two guys get drunk. All right, I gave it a shot. I have now changed my decision so that is actually true in that particular issue. Are there any further questions about that?

The next issue let me read it here. "My fiancé put in a packet for us to be married back in February and has not been contacted by the Chaplain. We're hoping that the steps to approve our marriage would be taken during this time so that once the quarantine is lifted, we would be able to be married without delay. Also, my visitation application was sent in February and I have not received a response. It would be wonderful to know that when this all clears, I wouldn't have to wait longer to visit my fiancé. Are you able to get or keep these processes moving forward?". I can't speak from what's on the agenda for my Chaplain right now but I will have this looked into and I will have to communicate with my Deputy Director that handles programs, that's Mr. Brian Williams and I'll have him assess (inaudible) as he supervises the Chaplains.

"Why have inmates' meals been reduced so drastically? Yesterday for breakfast, my fiancé received one egg and a small scoop of oatmeal. Today it was one egg and two sausage links. All meals have been significantly reduced". I would push back on that as inmates would of course obviously like to have as much they would want to eat. Our meals are consistent with national guidelines. We have a nutritionist that has planned our meals and we are consistent with the amount of caloric intake as well as the nutrient intake and we look that over a period of a day, over the three meals per day. In addition to that our Chief Medical Officer, I'm sorry the Statewide Chief Medical Officer is also been involved in determining and reviewing what we provide inmates for the meals.

**Dr. Tyler-Garner:** Thank you for your comments.

**Director Daniels:** Now the next question "Is there any plans to allow video visiting until this clears up?" The answer is no. We typically have the capability to be able to facilitate meetings such as attorney-client meetings, to the courts, things of that nature but we don't have enough to facilitate visitation. But once again the inmates are able to call and then secondly, they're certainly able to write letters. I can see if there are any more.

**Chair Hardesty:** I think we're covered Director. Thank you.

**Director Daniels:** I'd like to make one clarification on something I stated earlier and I [inaudible] There was a question regarding the co-pay for the inmates and us waiving them. The co-pays are specific to COVID-19 not all of the co-pays. I do believe in my haste; I believe I indicated that it was for all things medical. That was completely inaccurate, and I apologize. It was very specifically for co-pays that are specific for COVID-19.

**Chair Hardesty:** Thank you Director. Chairman DeRicco, have you had any chance to look at

the public comment?

**Chair Hardesty:** Alright that brings us to the end of our agenda. Let me first make a couple of comments. I'd like to express my sincere thanks and appreciation to Director Daniels, to Chief Carpenter and to Chairmen DeRicco for their presentations here today. They have been thought-provoking, informative and I think the citizens of the state of Nevada can be very proud of the proactive efforts that these public servants have made in protecting the staff of the prisons, the inmates who are in there, those who they supervise, and I really sincerely appreciate it.

Once again, I think frankly, your efforts illustrate that Nevada has undertaken best practices in many, many of these areas and provides a leadership role in terms of how one should address such a problematic and difficult problem. You have my thanks and appreciation for your leadership in your effort and I'm confident from the comments you heard that you also have the thanks and appreciation of all of the members of the commission and the citizens of our state.

I'd also like to thank all the commission members for their heartfelt thoughtful contributions to today's meeting. Everybody's input has been thought-provoking and significant to a very complex and difficult issue that faces us and many other states.

I want to congratulate the Sheriffs who have made efforts to address the same situations in their jails. Chief Callaway if you would convey our thanks and appreciation to Sheriff Lombardo and Mr. Hicks if you would do the same to Sheriff, we would appreciate it.

We have a lot to talk about on April the 29<sup>th</sup>. We will continue our conversations forward and I really thank everybody for your extended hours today and the work you're doing on behalf of the Sentencing Commission. Thank you all and we are adjourned, and we'll see you again on the 29<sup>th</sup>.

**Steve Sisolak**  
*Governor*

**Victoria Gonzalez**  
*Executive Director*



**James W. Hardesty**  
*Chair, Nevada Sentencing Commission*

**Chuck Callaway**  
*Vice Chair, Nevada Sentencing Commission*

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**NEVADA SENTENCING COMMISSION**

**MINUTES**

**Date and Time:** April 29, 2020, 9:00 AM

**Location:** VIRTUAL

**MEMBERS PRESENT**

John Arrascada  
Chuck Callaway – Vice Chair  
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  
Russell Marsh  
John McCormick  
Kimberly Mull  
Dr. Elizabeth Neighbors  
Jon Ponder  
Dr. Emily Salisbury  
Tod Story  
Assemblywoman Rochelle Nguyen



## **MEMBERS EXCUSED**

Dr. Tiffany Tyler-Garner  
Judge Michael Villani  
Assemblyman John Hambrick  
Senator Nicole Cannizzaro  
Senator Keith Pickard

## **OTHERS PRESENT**

Lori Fralick, Washoe County District Attorney  
Chris Franklin, Staff, Nevada Department of Corrections  
Dr. Michael Minev, Nevada Department of Corrections  
Jennifer Noble, Washoe County District Attorney's Office  
Barbara Pierce, Crime and Justice Institute  
Sergeant Nicole Rosales, Division of Parole and Probation  
Michael Sherlock, Nevada Commission on Peace Officer Standards and Training  
Abigail Strait, Crime and Justice Institute  
Brian E. Williams, Deputy Director of Programs, Nevada Department of Corrections

## **STAFF**

Executive Director Victoria Gonzalez  
Sherry Glick, Staff, Department of Sentencing Policy

### **1. Call to Order / Roll Call**

**Chair James W. Hardesty:** I will now call the meeting of the Sentencing Commission to order. I'd like to thank everyone for attending this morning in this virtual platform and making the many adjustments that are required to participate in this type of meeting.

ROLL CALL

### **2. Public Comment**

**Chair Hardesty:** As a reminder there are two periods of public comment for this meeting, one at the beginning of the meeting and again at the end of the meeting. I will now open the next agenda item which is the first period of public comment. On March 22<sup>nd</sup>, the Governor issued Emergency Directive 006 in response to the COVID-19 crisis. This emergency directive suspended certain requirements of the Open Meeting Law. The manner in which the public comment was handled at the meeting on April 13<sup>th</sup> and will be handled today is the result of staff working with the Attorney General's Office (AG) to ensure that this public body is in compliance with the Open Meeting Law and that emergency directive by the Governor.

Staff has emailed you a public comment that we have received up until this point. Executive Director Gonzalez will post a list of individuals who submitted public comment up until this point while the Commission silently reads the public comment that was submitted. These are labeled public comments 1-16.

Number 1 was received from Jocelyn Lee. Number 2 was received from, also from Jocelyn Lee or excuse me, pardon me, from Karen Wolfe, about forwarding a letter regarding Karen and Chuck Schaffer. A third public comment from Ms. Lee. A fourth public comment was received from Priscilla Vogel. A fifth public comment was received from Lorenia Navarro. A seventh public comment from

Nicole Brown. The sixth public comment, excuse me, was from Alyn Wolf. The eighth public comment is from Darren Scheidle. The ninth public comment is from Kate Berry, enclosing a letter from the Federal Public Defender's Office. And a tenth public comment is from Laura Martin. And the 11th public comment is from Ernest Bailey. And for the record, the twelfth public comment is from Mercedes Maharis. I want to note that that public comment includes a link to a video from Kinsey Institute Indiana University Media online Collection. I won't play that, but I want to acknowledge that that is present within her comment, as well as a link to a Michigan news report. Public comment number 13 is a memo from Dayvid Figler. The 14th public comment comes from Christina Belleville. And the 16th public comment comes from a concerned citizen of Nevada, unidentified.

## COMMISSION SILENTLY READS PUBLIC COMMENT

### 3. Approval of February 19, 2020 minutes

**Chair Hardesty:** I will move on and open agenda item number three, approval of the February 19<sup>th</sup> minutes. Are there any edits, comments, or corrections to the February 19<sup>th</sup> minutes? May I have a motion?

JOHN ARRASCADA MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 19, 2020 MEETING.

JOHN MCCORMICK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY

### 4. Report from the Executive Director of the Department of Sentencing Policy

**Chair Hardesty:** Let me open agenda item number four then. As you'll recall from our meeting on the- in February, I have asked Director Gonzalez to provide a Director's Report at each of our Commission meetings on the activities of the Department. So, Director Gonzalez, if you'd like to proceed thank you very much for being ready and getting us going here.

**Executive Director Victoria Gonzalez:** Thank you, Chair, and good morning everyone I'm so glad everyone's able to make it. If it's acceptable to the Chair, what I would like to take the summary of our activities and the budget portion sections first and then answer any questions addressing those. And then after I present C and D individually, after each one of those, I'll take questions, because I think the questions will be specific to each of those sections.

As the Commission may recall, the Department of Sentencing Policy was temporarily housed in the Governor's Finance Office (GFO) until we could secure affordable and available office space. At our meeting back on February 19<sup>th</sup>, I informed the Commission that we secured space at 625 Fairview Drive in Suite 121. We moved into our office on March 9<sup>th</sup> in anticipation of receiving furniture and having services set up during the following weeks.

As we all know, the social distancing policy began around March 16<sup>th</sup> and so that halted all of our efforts to get settled into our office. Even though we had physically moved into the office, we did not have furniture and we did not have all our services. And so, this resulted in either we have to wait for some things or a lengthy turnaround time for each of the services. We appreciate everyone's patience and support as we are trying to get the work done that is not only in front of us because of AB 236, but because of the current situation as well.

We recently had our phones installed last week, so we were very excited about that progress and we just got a working printer this week. We still do not have furniture. Ms. Glick has donated some folding tables for us to use as our desks and that is working just fine. We are enjoying the environment of feeling like a startup department.

We knew we were going to be facing some challenges by starting a brand-new department, but this existing crisis has created some new challenges that are exceptional. But we appreciate your patience as we work through these and keep you in constant communication and I can't wait to see what progress we have made when I see you again in July.

As you know, the website for the Department and the Commission is up and running at [sentencing.nv.gov](http://sentencing.nv.gov). The website is where the meeting agenda and materials will be posted. Because the Commission is no longer a legislative body, all of the materials and the agenda will be posted on our website now and no longer on the legislature's website. However, we intend to put a link to the legislative website so that those who are looking at the genesis of the Commission to keep up to date with the materials and activities from the previous interim will have a direct link to that. We are looking forward to adding to the website more and providing more content and look forward to ensuring that the website is another valuable criminal justice policy resource in the state.

Next, I want to update the Commission on the establishment of the Nevada Local Justice Reinvestment Coordinating Council. At our meeting on February 19<sup>th</sup>, the Commission approved for me to take the steps necessary in order to establish this council. As you may recall, the Council is comprised of a representative from each county in this state and two representatives from Clark County and Washoe County.

In an effort to learn more about the counties, I met with the Nevada Association of Counties to coordinate efforts not only to inform the counties, but also as a way to invite the counties to appoint their representatives to the Council. The Executive Director of the Nevada Association of Counties (NACO) was very gracious and supportive and recommended that I be put on an agenda for a board meeting where I could make a presentation and extend that invitation to the counties to appoint their representatives. I had planned to do that presentation at the meeting in April. Obviously, the situation has changed they have not been meeting as they usually do. I am hoping at the July meeting I'll have some more information about the progress we've made in getting the Council established.

The last item I want to mention as far as the summary of our activities is, I wanted to inform the Commission regarding the amount of mail that we receive from incarcerated persons. To date we have received 60 letters from across this state and from Arizona. As you know, the Nevada Department of Corrections (NDOC) is housing some inmates in Arizona.

We have not had time to review all of the mail yet, but I can generally tell you that the letters include requests for individuals and their cases, but they also include broader legislative and policy requests and recommendations. While I realize neither the Commission nor the Department is an advocate for individuals, it is my intent to keep you informed that we are receiving this mail and consult with the Commission on how you would like the Department to handle this mail.

This could involve acknowledging each letter by sending a specific or general letter. We could discuss individual letters at a meeting, or we take some other action or response as the Commission deems appropriate. However, my intent was not to address this issue today, because we have not had time to fully review all the mail, but my intent is at our meeting in July to give you a more in-depth presentation about that mail and then start discussing possible actions you would like the Department to take.

Next, I will move on to the budget component of my report. Those of you who are associated with state agencies know that budget kickoff was held on February 27<sup>th</sup>. The kickoff initiates the budget building process for state agencies in the upcoming session. There are a variety of activities and deadlines that will keep us very busy for the next several months, along with establishing the department and carrying out the activities of the Commission. I will have more information regarding budget building at the meeting in July.

More importantly, I would like to address how the COVID-19 crisis is impacting the budget of the Department of Sentencing Policy. As you know, the State is in need of financial support and adjustments due to certain shutdowns in response to the crisis. Specifically, on March 17<sup>th</sup>, the Governor instituted a hiring freeze and limited spending to essential purchases in state agencies. As the Commission may recall, the Department of Sentencing Policy was appropriated four staff, which includes an Executive Director, a Staff Attorney, an Administrative Assistant IV and an Administrative Assistant II.

As of March 17<sup>th</sup>, the Department had only filled two of those positions. Because we did not have proper office space, our intent was, as soon as we moved into our office space, to begin recruitment for those other two positions. With the hiring freeze in place, we are no longer able to recruit or hire for those two other positions.

Additionally, on April 3<sup>rd</sup>, the Governor asked each Department to make certain cuts to their budgets to begin the budget reserves process. Because the Department had two vacant positions, those salary savings were used to contribute our designated portion of 4% to budget cuts for fiscal year '20. However, in order to meet the requirements to cut 14% from our budget in fiscal year '21, I had to make a decision about what to cut in order to meet that 14%.

I made the difficult decision to leave the staff attorney position vacant until January 2021 in order to meet that 14% cut. I will keep the Commission updated if there are additional developments related to budget cuts. In the meantime, we will continue to work on building our budget for the upcoming biennium and look forward to bringing on our staff attorney around the time the upcoming legislative session begins. We will also begin recruitment for the Administrative Assistant II position as soon as the hiring freeze is lifted.

The last thing I would like to note related to the budget of the Department are the deadlines for Bill Draft Requests (BDR). The Department is allocated one non-budgetary BDR which is often referred to as a policy BDR which is due May 20<sup>th</sup>. And then we have a budgetary BDR, which is anything that will impact the budget of the Commission or the Department which is due September 1. I would like to have recommendations and approval from this Commission before submitting any BDRs. However, due to the crisis, the Commission has not been able to properly meet and vet any recommendation for the policy BDR.

I requested an extension of the May 20th deadline from GFO. As of this date, I have not received a denial or approval of this request. However, because we are a new Department and the Commission is newly established in the Executive Branch, I do not see a pressing need for a policy BDR right now. I think as the Department and the Commission get up and running at full strength, we would be in a better position to vet a recommendation for the 2023 legislative session.

I plan to revisit this and the budgetary BDR in more detail at the July meeting as well. I know we're putting off a lot until then, but we have a lot to do today as well. However, I would be willing to proceed in whatever manner the Commission would prefer.

At this time, I'd be happy to answer any questions about either the summary of that activities, the budgetary issues of the Department or anything else I presented so far.

**Chair Hardesty:** Do any Commissioners have any questions for the Director on her report up to this point?

**Jon Ponder:** The letters that have been received, you said the 60 or so that have come in from inmates, that there's going to be a follow-up to that to get addressed by the Commission and was it June or July?

**Director Gonzalez:** Yes, July.

**Mr. Ponder:** What I would like to suggest is that, if we could send letters back to the inmates to just acknowledge that they've been received and then let them know the next steps of it. So that they won't be in limbo to get those questions answered in July.

**Chair Hardesty:** It's a good suggestion we will have the Director do that.

**Chair Hardesty:** I'll just observe on the budget issue, my deep concern about the Commission's ability to produce the statutorily mandated reports operating with just Executive Director Gonzalez and Ms. Glick, I think, and no attorney. I think it's important that we seek exceptions so that we can fill one of those positions at least and I'm open to and would entertain a motion that the Commission to request that kind of budgetary relief through our Director to the Finance Office and the Governor. I feel like this Department got caught in a timing problem and frankly given a month or so, we would have had one of those other two positions filled. But I just think it's going to be impossible for the Sentencing Commission to fulfill its obligation statutorily with just two staff members. That just doesn't make sense to me.

I would urge the Commission to think about that and entertain a motion that would have the Commission request the GFO and the Governor to provide relief. And I don't know if there's going to be a special session or not, but perhaps that can also be addressed at that time as well if they're going to be taking up budget considerations. But at least for now I'd like to get this exempted from this requirement.

**Chief Anne Carpenter:** I wanted to make a suggestion before we did the motion. Would the Commission be amenable to maybe looking at second and third-year students from our law school down here to try to at least help or have an externship or something along those lines if we can't fill that?

**Chair Hardesty:** We certainly have explored that, and we'll continue to. And there is interest from law students, to help provide that support. But my own view of the magnitude of the requirements of the report and the nature of the subject matters would make it challenging for an admitted lawyer, let alone a law student, to help. It doesn't mean they can't, for sure, and we would welcome that. I think it'd be actually wonderful opportunity for a law student or two to learn some issues surrounding the criminal justice system. So, it's a great suggestion and we are looking into that.

TOD STORY MOVED TO HAVE THE EXECUTIVE DIRECTOR AND ENGAGE WITH THE GOVERNOR'S FINANCE OFFICE AND SEEK AN EXCEPTION TO THE BUDGET RESTRICTIONS IMPOSED ON HIRING TO ASSIST THE DEPARTMENT IN HELPING THE COMMISSION FULFILL ITS STATUTORY DUTIES

JOHN MCCORMICK SECONDED THE MOTION

MOTION PASSED UNANIMOUSLY

**Director Gonzalez:** First, I direct your attention to Nevada Revised Statute (NRS) 176.014343 which comes from AB 236 and this is the mandate for the Commission to track and assess outcomes related to certain data. We are going to be referring to this NRS a lot and I think it's helpful to have a good handle on how to navigate it.

Note in subsection 1, it says the Sentencing Commission "shall" and then if you look at Paragraph A and then on my copy it's going to be the next page and B and Paragraph C and D those are the big data pieces we have to collect. Paragraph requires that we collect data from the Department of Corrections. Paragraph B applies to the Division, which is P&P. Paragraph C is the tracking we have to do with respect to savings and reinvestment. And then Paragraph D is the information that we will be collecting from the Records, Communications and Compliance Division. This is what we are relying on and using as a guide about the data we can collect and the data we can't. And so, if you want to make connections between what I'm reporting on and what's in the statute, I put this here for your guidance.

I'll start with Department of Corrections. I want to update you on the activities in regards this data collection and provide an update on what we have done since February 19<sup>th</sup>. Working with the staff of Criminal Justice Institute (CJI) we were taking this statute and meeting with each agency or department that we need to collect data from and going over all of these data measures to determine what we can collect and what we can't.

In terms of the Nevada Department of Corrections, myself, and the staff at CJI last met with NDOC on February 25<sup>th</sup>. I will say overall, we are very encouraged after this meeting. We met with them for several hours and I've met with them a couple times since then and we were very encouraged by the amount of data we're going to be able to collect from them, which is most of it.

If we look at paragraph A or subsection 1, Paragraph A and then Subparagraph 1, 2, 3; that breaks it down. In Subparagraph 1, breaks down to prison admissions. Subparagraph 2 is in terms of parole and release. Subparagraph 3 is the actual individual sitting in prison. And we're going to be able to meet a lot of these data measures here, based on our meetings with NDOC.

I'll point out that one of the things that's required in the statute is collecting measures related to race and ethnicity. At NDOC, that is collected as one element, which we will be noting when we're putting that together in the report. A big intent of ours it to meet the agencies and departments where they are at with their data and try and reconcile the statutory requirements with what they are already reporting and then make adjustments where we can. We don't want to have to make too many adjustments either on their end or on the end of the Department, because we want to make sure the data is reliable and can be credible and the way we can do that is by using systems they already have in place instead of making demands on either the Department or our Department that we aren't really equipped to make. And so race and ethnicity is one of those where its statutorily required and so what we'll do is we will report it the way that NDOC collects it and then clarify that—that that was—it's collected together and not individually.

Another example of the data pieces that we're going to have to work around, work with NDOC a little bit more on, is mental health—the number of persons who received a clinical assessment identified with a mental health disorder or a substance use disorder upon intake. NDOC uses some information they gather at intake for classifications within NDOC and so we're going to use that in terms of reporting

this data, but we're also going to continue to work with NDOC on developing methodologies that will help us drill down how much of this data we can collect and make sure that we are collecting and reporting in a way that's consistent with what they are collecting and reporting and it's still reliable and credible data.

The next thing I wanted to mention is under releases, where it says that we need to collect information related to a risk score. This is also referred to as Nevada Risk Assessment System (NRAS). Some inmates will not have a score because those inmates were incarcerated prior to the NRAS becoming used and so they haven't those have been assessed yet. However, NDOC has a plan to work through the older admissions to make sure everyone has an NDOC score and we will be able to collect that data as needed.

The last thing I wanted to mention is that we are in regular communication with NDOC. We plan to meet monthly. We plan to review the data that they have on a regular basis and as we will compare what they have with the statute and make sure what we're able to actually able to collection. At these monthly meetings we'll make adjustments as needed and then the Department of Sentencing Policy will put something together and give it back to NDOC to make sure it's a proper representation. One of the things that we agree is that we want to make sure the data is telling the same story. And that there is one source of data and there doesn't seem to be this misunderstanding as people take pieces of information and use it without the proper context. We want to work together with them to make sure that we're all on the same page with that and working together and not in opposition of each other. And so, we're looking forward to that. I really look forward to July and what we're able to report about our progress.

And as a reminder to the Commission, our plan is to have all of these agencies submit data to the Department by October 1<sup>st</sup> so that we can start putting that together and start working through preparing reports that we can have to the Commission. The Commission will see more data in late fall or early winter, but we're going to be working with the agencies and departments to get that data to us by October 1<sup>st</sup> and looking at creating a baseline. So, I'll keep you updated about that as well.

I want to mention, we went to a lot of detail at the last meeting about our updates about the data we received from Parole and Probation (P&P). Our plan was to meet in person again because there's a lot of data we are not sure that we're actually going to be able to collect and so we're trying to figure out what they can give us and where we're going to have to either make some adjustments or seek additional supports.

We had planned to meet in person, obviously we have not been able to do that yet, but we are still in contact by email and as soon as we can we're going to meet again and start looking at data in the way that we plan to look at with NDOC where we're generating reports and looking at doing some kind of trial reports to see what we're able to generate.

Next, I'll give you an update on the Records, Communication and Compliance Division and our meetings with them. As I mentioned in Subparagraph D of Paragraph A of Subsection 1 is where those requirements are. Those are very consistent with what they collect already for their report that they do in conjunction with the FBI. Again, we are very confident about most of the data we're going to be able to get from them. It's going to be very complete. The Department will have to be responsible for some calculations. The staff of CJI is going to guide us on that so that we can have, again, reliability and credibility moving forward, and those calculations are not going to be significant.

One of the things we want to make sure we share with the Commission in terms of this data and the Division told us is that, from the Division's perspective, whatever they give to us is complete data as

they receive it from the counties. It's not uncommon for a county or other agency to neglect or fail to send data to the Division. The data will be limited to whoever actually reported that information. So, there will be gaps in information, but that's based not on the Division, but based on what the counties either were not able to send or failed to send.

So, at this point again, we're in regular communication with that division as well. The staff has been very supportive and collaborative. We keep in touch by email and they have already sent some preliminary ideas and we're communicating with them as well and so again we look to having a very positive collaboration interaction with these agencies and departments in trying to track and assess these outcomes as a result of the enactment of AB 236.

At this time, I'd be happy to answer any questions related to the data component portion of my report.

**Sheriff Keith Logan:** Have you made notations that the Uniform Crime reporting to National Incident-Based Reporting System (NIBRS) is going to be switching in the interim of all of this or our report because it is going to affect how those numbers and how your information that you can digest is going to be received. And it's kind of like changing the horse in the middle of the race.

**Director Gonzalez:** You are absolutely correct, Sheriff Logan. That what I appreciate about being able to work with the Division on as well. They gave us a history, of where they've come in terms of data and then where we're going with NIBRS and NIBRS is going to be a very exciting next step in terms of data. It's going to look different as well, like you pointed out.

We are going to be working with them as well to bridge that connection and provide context and explanation in the reports. Because one of the things we are going to be doing is taking these snapshots in time, but we've been evolving over time. And if we even go back to what Nevada Advisory Commission on the Administration of Justice (ACAJ) did back in the 2018 interim in regard to starting this activity and starting the collection of data, those collection practices have already kind of evolved and changed.

As we get into the cost avoided component next, it's a similar situation, where we're going to have to look back in time, which may have been with a different sort of methodology. We're going to look at the current time, which may be a different methodology and then looking forward to another methodology possibly in the future. So, yes, I appreciate your appreciation of that component and when we get to that point, that'll be a great point of discussion for the Commission to make sure that it makes sense to the Commission what we put in the report in explaining all these different data components. Because we want to be able to make sense to the Commission, to make sense to the public and then to be able to actually support the policy recommendations of this Commission.

Our intent is to continue to talk to them and as we present something, we'll take it to the Commission and then go back to the Division and make sure we're all on the same page. We going to have to bridge that gap between where we are now and then moving into NIBERS.

**Director Gonzalez:** Seeing no more questions, I will now direct your attention to the next agenda item we've included in your materials, which is agenda item 4D, NRS 176.01347. As Chair Hardesty mentioned, there are several reports and statements of updates that the Commission is responsible for submitting either to the Governor, to the legislature or other entities within the state. This section of NRS includes one of them.

I mentioned this briefly at our last meeting and now I am going to go a little bit more in depth here because some of these deadlines are coming on us. What I'm going to do is point out a couple of



things first in the NRS section, but the focus of my presentation today is just going to be what's in Subsection 3, to explain how we're going to approach that. I would like to work in chronological order, but I want to point out what's coming up for the Commission, so that we can be prepared for that as well. And this is not the extent of our reporting requirements right now; this is just the most pressing and we wanted to make sure we start talking about it now in preparation for the July meeting.

In Subsection 3 it says that not later than August 1<sup>st</sup> of each even-numbered year, the Commission shall prepare a report containing the projected amount of costs avoided. We are going to refer to this as the Projected Costs Avoided Report.

In Subsection 2 it says that on December 1<sup>st</sup> of each fiscal year, the Commission shall use a formula that is established from Subsection 1 and calculate costs avoided. Subsection 2 is comparing the projections the ACAJ looked at in 2018 and the actual population.

So, what we're looking at our projections. Some of you know that know that NDOC uses projections from JFA Institute to build their budgets, among other things, and will use those projections as well and ACAJ used them when developing the policy recommendations for AB 236.

The report that is due December 1<sup>st</sup> is a statement of the amount of costs avoided. We'll just be looking at what was the projection from 2018 and what is the actual population at that time. We will talk about that later but just so you know that's coming up and that's a little more straightforward and then we'll send that to the Governor.

I will now go back to Subsection 3, which is the Projected Cost Avoided Report. This is generally a comparison of projections. We're going to be comparing projections from 2018 and the updated projections. I will get into more detail that in just a minute, but I just want to say, from the from a high-level, that's what we're doing, we're comparing projections. Because part of the rationale behind making the policy recommendations that enacted AB 236 were that we were on a trajectory that our prison population was going to increase at a certain rate.

And so, we're going to look at those rates that were those projections from 2018 and see how they relate to the projections now. Every year JFA Institute puts together projections for the prison population and we're going to look at how are those projections change over time. Again, we're not looking the actual population, we're just looking at the projections. And then what we're going to do is take the difference between the old projections the new projections and then identify the difference of those and call those projected costs avoided, just as a general, from a high-level.

I'm going to go back to the section really quick and then go into what our proposed methodology is how to handle the Projected Costs Avoided Report. After we get that amount of the cost avoided, I just want to point out that in Subsection 3 in paragraphs A, B, C, D and E, the Commission needs to put together a report that includes recommendations about what to do with these costs avoided. These recommendations include what begins in Paragraph A of Subsection 3. This might mean making a recommendation for funding certain programs of reentry to NDOC. It might mean in Paragraph B, recommending funding for P&P. You can see then in C, D and E additional funding recommendations that the Commission could take on.

Paragraph C, we're going to hear about more when we hear the request for subawards from Peace Officer Standards and Training (POST) because they have some mandates upon them because of AB 236. So, the Commission can recommend that these projected costs avoided be allocated to that program. The Commission could recommend that these costs avoided be allocated to the Housing Division. Or, in Paragraph E, you could recommend that the funds be recommended to the

Coordinating Council which the Commission's going to establish. That Council is tasked with issuing grants or approving grants out to local entities. And so, that will be what we're going to do in July.

What we want to talk about first is specifically how we're going to handle the projection, which I gave you the high level and I'll just go into detail with that one more time and then get some input from the Commission.

Step 1 for determining the projection of costs avoided is to establish a baseline. And so that baseline, as I mentioned, is going to be the projections, the ACAJ used back in 2018. Step 2 will be to identify the new projections. We will be working with NDOC and coordinating when they receive those new projections from the JFA Institute and then that that will be the new projection. This report is done every August of each even-numbered year.

Each even-numbered year we'll take the projections from 2018. We'll compare it to the current projections that we are getting from NDOC. And then Step 3, we will calculate projected avoided costs. So, we will subtract the baselines from the new projections and then multiply the difference by a variable cost per prisoner. We have a variable cost from when the AB 236 policy projections were done, and we will work with NDOC to determine if that calculation needs to be updated.

Just as a note to the Commission a variable cost is the cost of increasing or decreasing a prison population by one person and this includes expenses such as food, clothing, and medical care. If you recall, the report that led to the enactment of AB 236 recommended that if certain actions were not taken, there'd be a certain cost to the state and if certain actions were taken, there'd be a certain savings to the state. Those savings were calculated using a similar variable cost as this one we're going to be using here. We want to continue to use similar methodologies as we try and determine what these projected costs avoided will be.

Then the Commission will develop recommendations based on those five items I mentioned from the statute and then the Commission will decide, based on the projected costs avoided, how would you like to recommend to the legislature and the Governor about how to reinvest that money into other either programs or departments or divisions.

I'd be happy to answer any questions the Commission has.

**Chair Hardesty:** I've spent a fair amount of time with Director Gonzalez and with CJI representatives and they've really done a great job conducting meetings with various agencies to help develop this strategy. And this routine I think is really helpful, probably requires some additional explanation at some juncture, but I think it was intended to provide the Commission with some direction at least as to what to anticipate in the next four or five, six months. The report that has me particularly concerned is the one on August 1<sup>st</sup> when we're talking about staffing limitations. I trust that that's a very glaring example of the problem that we face. Okay, are there any questions of the Director with respect to this portion of her report from Commission members?

**Vice Chair Chuck Callaway:** Director Gonzalez, I guess my question is maybe more of a philosophical one I know you have your hands very full and a lot on your plate. I know the statute is clear about what it requires in the reporting I'm talking specifically about agenda item 4D, the Cost Avoidance Report

I know the statute says that you have to report on certain things, but I'm wondering if—a concern of mine has always been and I brought it up in this Commission in the past that although we may be saving cost on the state level through decreasing prison population, we've seen in other states that are ahead of us in criminal justice reform that they've seen an increase in cost to local jails because of

diversion of population to local jails. They may have seen, in some cases, an increase in cost to the court system where offenders who have been released or taken advantage of the benefits of AB 236 have subsequently reoffended and are now back in the court system again or they're potentially being re-incarcerated again and it's actually costing more money than it would have if they would have been incarcerated the first time under the old statute. I'm wondering if there is any discussion or intent about looking at and calculating those potential costs in addition to the cost avoidance the state may be benefiting from?

**Director Gonzalez:** That would be something within the realm of discussion when this report is brought to the Commission. The recommendations could include any concerns or a collateral fiscal impact, or another way to contextualize what you're talking about.

Because I know this is a concern and I've met with other individuals who expressed concerns about what is happening at the local level. While there are these mandates for state agencies and departments, there obviously is an impact at the local level. The Nevada Local Justice Reinvestment Coordinating Council is tasked with being able to administer grant funds, it's also tasked with assessing and addressing issues that are at that level, at the county level. And while we might not have that Council up and running by the time this report is put together, that Council represents that voice that needs to be considered when making these recommendations.

I think it would be appropriate, as the Commission approves, what to include in the report.

**Chair Hardesty:** Director Callaway, I wanted to supplement that point. You know, as we all know the effective date of AB 236 is July 1<sup>st</sup>, and our first report is due on August 1<sup>st</sup>. We're not going to be able to report much beyond establishing the baseline. But, I think you make a great suggestion and I think what we want to try to do to the extent we can, is canvass the sheriffs' offices and others to get their input on how you might capture cost impacts at the local level. We can include that in the framework that we're discussing. It's a good suggestion and certainly an area that we need to take a look at.

I think the courts are also important to consider and there may be consequences associated with a reduction in state costs that are assumed or picked up at the court level or jail level or other levels. So, I think this is an issue we need to pursue, and we'll need to work this into the framework. I don't see how practically speaking, we can get all of this framework in place in the July meeting for the report on August 1<sup>st</sup> but to the extent that we are still working on, I'll call it the collateral consequence impact, I think we want to at least make the point that that has to be part of the calculus and has to be the ongoing work of the Commission.

If you or others have ideas about how to develop that framework at the local level, I think we ought to explore that and get that on the table so that we can at least set that in motion. But, good point.

**Christine Jones Brady:** One of the things that we may be able to do to reduce the costs and the burden on the local jails would be to explore more transitional housing and inpatient treatment, as well as, mental health treatment. Identify places for people to be able to live and stay and get the treatment and the services they need while their cases are pending or while they are in various stages of their proceedings. And so, I don't know if the Director has some ideas about how to work towards that. I'd like to hear about it, because I think that will go a long way to alleviating the other problems with the overcrowding of the jails and the increased and the recidivism.

**Director Gonzalez:** I think that is an area that we need more ideas and resources and I think that is absolutely within the realm of our discussions. I was thinking about that as I was looking at this section and preparing for today and thinking about how it recommends here the Housing Division of the

Department of Business and Industry to create transitional housing, but I think that isn't the catch-all to address this concern.

I'm looking forward to our discussion as it goes on today because I think as we're talking about potential options to respond to the existing crisis and what's on the agenda today.

I agree that's an area we need more help or we need more information and I would be happy to focus some of our resources as well as we're trying to gather all the information we need to include this report and I will put that on my list and take any recommendations from the Commission as well and I will go and an explore and we can discuss that as well. And, I thank you for reminding me of that.

**Dr. Emily Salisbury:** I'd like to offer up my expertise on this knowledge and this topic on correctional treatment and rehabilitation around evidence-based corrections. You know, the fact that we can no longer have conversations about public safety in this state without talking about treatment and rehabilitation given the evidence behind it and the effectiveness. So, I'd be happy to help in whatever ways that I can as part of the Commission and elsewhere.

**John Arrascada:** It's more a comment wrapped in a question that I think the discussion that began with Chairman Callaway then Ms. Brady really signifies how important the calculus is going to be in what this Commission is going to do and that although numbers don't lie, an emphasis in a—misplaced emphasis can come out with the wrong numbers. And I think we need to be as a Commission very sensitive to what the variables are and what is factored into our calculus because the results will come out very differently depending on where the thumb is placed.

## **5. Review and Approval of Requests for Subawards**

**Chair Hardesty:** I will now move onto the next agenda item. As you'll recall, at our February meeting we spent quite a bit of time talking about the subawards available through the Bureau of Justice Assistance. As you know we approved an application process for agencies to apply for the \$350,000 that was made available from the Bureau of Justice Assistance to the State of Nevada for support to implement AB 236.

For the benefit of the public, the Commission had developed a process in which we reached out to various stakeholders and invited submissions of access to the grant money and we have received responses with respect to those. Today we're going to review the applications that we received, and I'd like to hear about each request, an overview. We've provided copies to the Commission and of course the materials regarding those requests were part of the materials that are on our website and were part of this agenda.

So, I'll ask Director Gonzalez and Ms. Barbara Pierce from CJI to provide an overview of the subaward program and updates on this funding. As you may also recall, Commission members, we were given until September 1<sup>st</sup> to expand or utilize the first \$150,000 of this money. I think we have some news on that front as well, but I'll leave it to the Director and to Ms. Pierce to share that news and that information with the Commission before we start getting into this the individual sub-awards.

**Director Gonzalez:** As Justice Hardesty said, the Bureau of Justice Assistance (BJA) provides an opportunity for states that have recently passed justice reinvestment legislation to apply for funds to support implementation of the policies. Any agency involved in implementing AB 236 is eligible to apply for sub-award funding to help offset initial implementation costs and support sustainability.

Sub-awards are discretionary grants from the BJA for States. These funds from BJA are placed in CJI's budget and then CJI administers the grants, which is why we're in this process right now where the Commission collected these requests and then we're going through CJI and then they help and then they'll move it along to BJA.

These funds provide for development or delivery of training, technical assistance, performance measurement, key personnel and evaluation of staff or services. And then other uses as related to the support for staff, travel, purchases of equipment, development of technology, and anything else necessary to implement the policies.

I am going to turn the time over to Barbara and as we do that, I want to direct your attention to one of the first materials we included for the meeting which is the chart of the requests that we received up to date. This is a snapshot of the amount of funds that have been requested, how based on the request, if there is the statutory mandate in AB 236 base that would apply to that request and then how that calculates with what's available.

**Barbara Pierce:** I have two updates to share based on recent discussions with the Bureau of Justice Assistance. Back in February, at the meeting, I had indicated that there was \$350,000 worth of sub-award funding for the State of Nevada and that that was divided into two parts. \$150,000 for spending through September 2020 and \$200,000 available for spending October 2020 through September 2021.

Because of the challenge's states are facing and dealing with COVID-19 we recognize that that first pot of money by the end of September might be difficult. We discussed that with the Bureau of Justice Assistance and recently submitted an extension. We have every reason to believe the extension will be granted and what that means is that both \$150,000 and the \$200,000 would be available through September 2021. So, hopefully they find that helpful.

In terms of a second update, at the end of last month, we at CJI confirmed that we have \$78,000 in sub-award funding that will not be used by another state. Per the commitment we made at the February meeting after Judge Freeman's impassioned request, we requested that BJA allow us to ship these dollars over to Nevada. We received confirmation from BJA that those funds can be reallocated and so that brings the Nevada total to \$428,000.

The reason that we're able to do that is that unlike in other states, your agencies identified appropriate uses of funds very early on and so you've proven that you can actually utilize the funds. Justice Hardesty, I might tap into your memory here, but just for clarification you do not necessarily need to decide on the \$78,000 today. A separate application can be submitted to BJA at a later date for those funds.

Justice Hardesty, you had indicated that you might be interested in receiving recommendations today for the \$350,000, so we can get an initial application completed and submitted to BJA and then the agencies could be asked to submit requests for the \$78,000. Justice Hardesty, is that still the plan?

**Chair Hardesty:** Well, I'd like to put all of this before the Commission, but I wanted them to have the full knowledge of the updates of what's available or potentially available to the Commission when they're thinking about these sub-award requests. It is possible and I am not sure, but it is possible that agencies might need more time. Those who didn't submit applications could submit an application. So, that's something that we may want to take into account.

The Commission may ask questions of agencies who did submit, if those can be modified or pared down depending upon certain issues that arise as a result of the requests that were made. I think this

is all part of the vetting process the Commission needs to go through. Commission, I am hopeful that we take action with respect to the requests we have received today, whether it's in full or in part so we can get those before CJI and get those processed so that people can count on them and we'll know relatively soon whether those awards have been—are in the in the funding mix so that people can count on that effort as we start to really work through the data requirements that these various agencies are trying to satisfy along with other demands.

**Director Gonzalez:** Are there any questions for Ms. Pierce about the information she just provided about the update?

**Judge Scott Freeman:** Thank you Ms. Pierce. That is very impressive and on behalf of the courts, I appreciate you stepping up to the plate like that. I'm very impressed and my agenda has always been having more funds for substance abuse and mental health issues, which is majority of the cases that I see on a daily basis and you answered the call. Thank you very much.

**Ms. Pierce:** You're welcome. You can thank another state, as well.

**Director Gonzalez:** I wanted to express like how grateful we are to have CJI and their staff. Obviously, we have a lot on our plate, not only with the mandates of AB 236 and so—and the things that not only this Commission is trying to understand, but then trying to implement based on the AB 236 mandates. And I really appreciate not having to also learn how to handle grants along with everything else we're trying to—and so I'm going to refer to Barbara I just decided as my grant ambassador and I really appreciate this, that that this is something that we can facilitate and then look to you and just ask what do you need from us? So, thank you.

I will direct your attention to the materials again we provided, and I apologize to those representatives who we invited to attend from the agencies. I did not provide the entirety of these materials to you. If you have access to the Internet and if you go to [sentencing.nv.gov](http://sentencing.nv.gov), you'll be able to look at the meeting materials and you'll be able to see not only your request that you submitted, but the requests of the other agencies that we will be reviewing. Also, as I mentioned, we're also going to refer to the chart that that was prepared to help be a visual comparison of those requests as we see what the total amounts are.

What I'm going to do at this time is summarize the requests. The representatives are here to answer specific questions. I'm just going to give an overview of the requests in front of you. You also have the chart as a highlight.

I will note we received four applications for funding we received a request from NDOC, P&P, POST, and the Washoe County District Attorney's Office.

We asked CJI to do an initial review of the applications. Like I said, our grant ambassador, to ensure that they are consistent with the BJA defined, applicable uses we laid out in February. They are. You have a handout with these request totals on them. We've added up the total requests and provided that to you in relation to the \$350,000. You will see the total amount of requested exceeds the \$350,000 that was available at the time the applications were submitted. We also show the total requests compared to the total with the \$78,000 factored in.

I appreciate the time it took for these agencies to put together and submit these applications. There was a concern that this money was going to go unused, as we can see happened in another state and was not able to be used. I appreciate you taking the time and then taking advantage of these resources to help in the implementation of AB 236.

We wanted to show you this chart before we present the details of the application. Chair Hardesty asked that we separate state and local requests and indicate the related statutes requiring agencies to perform new functions. This information is on that same handout. So, you can see where we pointed out the statutory requirements that are specific to the requests or if the request was associated with just generally a need for support to implement AB 236.

I will now provide a brief overview of each sub-award request and then as I mentioned, we have the representatives available here to answer any questions you may have. I'll begin with the requests from NDOC. NDOC submitted two requests that represent different options for the same purpose. So, these look very similar because they are. One is to take a contractor approach or to hire a Full-Time Employee (FTE), but they serve the same purpose. NDOC has indicated they would prefer the FTE option.

The two FTEs, it would create what the Department is calling a Quality Assurance Department to monitor and ensure compliance with justice reinvestment requirements. This is not just limited to data. We've already talked about the immense data requirements that NDOC is going to be taking on with their already existing data requirements, in addition to what they're going to be providing to this Commission and the Department pursuant to AB 236. They have a myriad of requirements as well provided in AB 236 and these employees; this Department would help monitor all of that.

The second option as I mentioned, covers the same type of staff and same roles, but by contract positions. You can see the details of what these—like I said, it's generally to help with implementation AB 236. The data is obviously a huge component, but it's also going to be anything associated with employee training and anything else that they need to help support the implementation of AB 236.

The request for the FTEs is \$274,292. The request for the contractor is \$266,493 and you can see the dates of when those will start and begin.

The representatives from NDOC, Deputy Director Williams and Mr. Franklin, would you like to add anything to what I summarized here for application?

**Deputy Director Brian Williams:** No, not at this time. We'll take whatever questions.

**Director Gonzalez:** Great. Are there any questions for the representatives from NDOC?

**John McCormick:** If the positions were to be, you know, actual NDOC employees, what's the sustainability plan to keep those going beyond the end of grant funding?

**Deputy Director Williams:** We've also requested these positions in our up and coming budget, to fill those as well. So, we are proceeding—if these get approved, by the time they expire, hopefully you'd get them approved in our next budget cycle.

**Sheriff Logan:** Is there any way to potentially cut anything from the request to reduce it for where we could fit in more with the amount of money that we have?

**Deputy Director Williams:** Yes, we also discussed that. Looking at the numbers, we calculated about an 8% over. We could definitely look at our budget to possibly have some savings as it relates to travel.

**Chris Franklin:** Some of the options that we looked at, once we noted the overage, the \$35,310.84, we looked at alternatives. We could postpone, you know, two positions in year one and start it in year

two. That would reduce that savings of about \$32,619. We could also eliminate travel from year one for the Quality Assurance Manager. That would save another \$1,562. And then working with our IT department, if we were able to move the informational services costs, that would be \$5,342. So, we're looking at possibly being able to reduce with those options about \$34,660. Bring us almost in line. It would bring it down to about \$64,284 over.

**Chair Hardesty:** I want to follow up on that question. The way I understood the proposal is that it's intended to fund either contractors or positions for two years. Is that, do I understand this correctly?

**Mr. Franklin:** Yes, it would be the partial year. The remaining part of this year, through the end of the—through September. That was initially what the guidelines were that we had to try and utilizing the funding. Then year two would be the following year. When we based our cost, we based it on a four-month period instead of a [inaudible], term for year one.

**Chair Hardesty:** Right. So, my question is, under year two calculations and maybe you've addressed this, and I just didn't follow it. That year two calculation is through June 30, 2021 or is it through a period longer than that? Is it through September of 2021?

**Mr. Franklin:** It's through September 31<sup>st</sup> [sic] of 2021.

**Chair Hardesty:** Okay. So, if the legislature were to approve your budget and fund these two positions, say commencing July 1<sup>st</sup>, that would result in savings with respect to those year two salaries for each of those two positions, correct?

**Mr. Franklin:** If that's the way the system worked. Unfortunately, even during this last Legislative Session, our brand-new positions, the most current ones that we could get didn't go into effect until October 1<sup>st</sup>. The legislature takes a look at when the actual funding for that would run out, the grant funded position. Then they change the availability date of when you can hire [inaudible] to coincide with that. We had—last session, we had four positions that were grant funded in other areas and the hire date for those in the legislature was set at October 1<sup>st</sup>.

**Chair Hardesty:** Thank you for that explanation, I appreciate it. Are there any other questions from Commission members? I would make a request, if you could, gentlemen, to supplement your request with the savings calculations that you explained in response to questions from the Commission. The total number if it were employee funded under those revisions would be what amount again?

**Mr. Franklin:** Quite honestly, we looked at the contracted positions, the [inaudible] of it. For hiring those new positions. And for the Quality Assurance Manager, combine year one and year two costs would be \$144,401. Then, for the Program Officer II, combine costs of year one and year two would be \$168,750.

**Chair Hardesty:** All right, and that also adjusts for the travel?

**Mr. Franklin:** That is just for the travel, as long as we can get our information [inaudible] then we should be [inaudible].

**Chair Hardesty:** Okay. So, maybe you could take a moment, unless there are other questions from commission members and recalculate that amended request, so we can have that on the record in the meeting, the total.



**Mr. Franklin:** You want that for the non-contracted?

**Chair Hardesty:** Yes sir, please. Excuse me, for the contracted total. See no more questions for NDOC, let's move on to the next request.

**Director Gonzalez:** Next, I will summarize the request from the Division of Parole and Probation of the Department of Public Safety. They are requesting \$75,142.84. This request includes \$36,000 for a master trainer course on the Nevada Risk Assessment System otherwise referred to as NRAS.

This will create four master trainers and an additional 24 trainers for the Division. The division had staff turnover, which include the loss of five NRAS trainers. A master trainer class would help ensure sustainability of this training within the division, because those trainers can train new staff to be trainers.

Additionally, the request includes \$39,142.84 for assessment tracking enhancements. The enhancements would allow P&P and NDOC to access assessments and track individuals through the system. It would allow for printing of assessments and bolster the assessment override feature and tracking. Sergeant, you have anything else you'd like to add

**Chair Hardesty:** Does the Commission have any questions for Sergeant Rosales?

**Dr. Salisbury:** I just have a question about whether or not, the University of Cincinnati Corrections Institute (UCCI) made any provisions to deliver master training courses online to reduce the cost? Of course we're all doing this work now as a result of the COVID-19 crisis, so I just wonder if any discussion has been, you know, if there's been any discussion with UCCI and whether or not UCCI is still sole source in terms of delivering the master training?

**Sergeant Nicole Rosales:** Due to these requests being submitted before the COVID-19 kind of shut everything down. Our initial cost assessment was based on the in-person training. So, staff from UCCI coming to Nevada, training our staff, and completing that here on-site in Las Vegas. Now with the state of the world, that is definitely something that we can reach out to see if that's a possibility to reduce that that cost of that \$36,000. The \$36,000 covered not just the training, but it was the travel and the supplies and books, and all of those things combined into one solid cost.

Then, as to your second question as far as the sole proprietor, we are still contracted with the UCCI for our NRAS validation piece, so we would just continue working with them to provide the master training class.

**Russ Marsh:** I saw on there that you had lost 125 positions and five trainers. Could you give us an idea of how that happened and what the period of time was that caused those losses?

**Sergeant Rosales:** I've been tracking the training of NRAS since its inception back in January of 2018. So, the time frame that we're looking at is from the beginning of our adoption of 2018 up until the present day. So, that would be March/April of 2020.

The 125 staff that we've lost have been through retirements, promotions, and transfers to other agencies and out of state. You know, they transfer to another police agency in another state. So, the 125 kind of encompasses all of those different scenarios for loss of employees.

**Mr. Marsh:** Okay great, it sounds like just normal attrition and turnover. Thank you.

**Sheriff Logan:** Sergeant, I know you just indicated that you haven't had the opportunity yet to speak with UCCI to determine could they do it online versus in person, but is there any other monies that you could reduce from the grant request that would help us fulfill the overage that were facing?

**Sergeant Rosales:** As on the technical aspect, the enhancements of the \$39,142.84, that was quoted directly from our Enterprise IT Services (EITS), which is to actually upgrade our current tracking and our system for entering our assessments. So, that was a high estimate from them and may be reduced slightly. But on the \$36,000 for the training from UCCI, that included their travel and training costs. So, just off the top with them, not traveling to Las Vegas that should reduce that cost, but I don't want to say that for certain until I've actually gotten an estimate from UCCI.

**Sheriff Logan:** Thank you very much. As soon as you can report. I don't want just one single agency to take the full lump from trying to reduce everything if we could if we can spread it out a little bit.

**Sergeant Rosales:** Understood.

**Tod Story:** I'm curious about continuity. Once the staff is trained through this grant award, if it is awarded, what happens beyond the life of the grant to keep people trained and able to then retrain other staff?

**Sergeant Rosales:** Yes, the master trainer position would allow the Division to continue creating our own trainers. Right now, our trainer staff, so our individuals that are approved and have completed the trainer program in order to train our staff in NRAS, they cannot create other trainers. They can create staff that are trained in NRAS, but they can't create additional trainers.

This this program for master trainer would allow for individuals and these would be statewide in the State of Nevada, it would allow these four individuals to create addition trainers within the Division so they could continue to facilitate that training protocol.

**Mr. Story:** But once the master trainer category is fulfilled, the rest of the training requirements then can be handled by those master trainers rather than having to continually bring in someone from outside in order to fulfill the program?

**Sergeant Rosales:** Yes sir, that's correct.

**Chair Hardesty:** I just have a question for Sergeant Rosales. In terms of priority I'm assuming that the tracking enhancement has a more immediate—I'm sure they're both important from a priority standpoint, but a more immediate priority would be the tracking enhancement, would that be correct?

**Sergeant Rosales:** I believe they both have equal weight at this state, just based on the number of staff we continue to lose that are trained in NRAS. The enhancements are looking more just for future—some of the enhancements are would be necessary right away or definitely appreciated right away. But one of the enhancements is adding the ability for NDOC to view and to enter assessments into the same assessment module that we have. And then also using our assessments to build and auto-populate what our case plans are going to look like that are going to be individualized to each offender.

So, those are as we're working to implement AB 236, we're working on what that template would look like and can provide that to EITS to get the ball rolling on that. Honestly, initially, our master trainer may be the most important just because we're losing staff so quickly that are trained.

**Chair Hardesty:** So, I'm trying to develop a pragmatic approach here surrounding whether this is something that can be presented online if the Commission were to support some portions of your request we can get that in the in the queue and get it processed through CJI and the Bureau of Justice Assistance. I'm trying to get you money, but in what sequence and I'm not sure with another meeting until July we can answer all of the questions surrounding your request. So, if one were to apportion this and grant part of it now and remainder in July after it's been revised, what sequence would you prefer? Does that make sense? Do you understand my question?

**Sergeant Rosales:** I understand and right now not knowing the ability availability for them to complete this master trainer course online with us and the likelihood that they're not going to be able to travel anytime soon to complete that training, then yes, I would request for the enhancement portion. The \$39,000 for the actual technical enhancements that we can actually begin working on now. That would take priority then.

**Chair Hardesty:** Okay, so for the Commission's benefit, we could set aside a reserve for example, for the trainer portion, maybe half or maybe \$20,000 instead of \$36,000, but revisit that subject in in July, before it's finally approved. Does that make some sense to you results for P&P?

**Sergeant Rosales:** Yes sir, that makes sense, thank you.

**Ms. Brady:** Chairman, so, if the NDOC staff will also be able to input into it, the NDOC staff will also be given that training that—some of that master training or just the one person or how will that work together? How will the P&P and NDOC coordinate with that training?

**Sergeant Rosales:** Currently the enhancement feature that NDOC would benefit from would definitely be in the technical aspect and that we have we would have one assessment module that both agencies could view and enter assessments for individuals based on their location and type of supervision at that time. So, if an individual is getting released from NDOC, the caseworkers would be able to enter the reentry tool, the re-entry NRAS for that individual. And then once they have arrived with P&P, our staff are able to go into the same assessment system, see what their assessment level, their risk level is at and then accurately place them. And then NDOC would then be able to also see our assessments if an inmate is revoked on probation and is re-entering prison.

Right now, with the Master Trainer program, that was focused mostly on P&P staff members becoming those master trainers, but I know we've worked with Mr. Franklin before. We've been in discussions in regard to case planning training and trying to get everyone, you know, into similar classes so our staff would be available and I'm sure would be amenable to train staff at NDOC as well.

**Director Gonzalez:** The next request comes from the Commission on Peace Officer Standards and Training otherwise referred to as POST. The request includes an amount for \$32,289 to fund a part-time contracted training specialist for fiscal year 2021. This contracted position is intended to lay the groundwork for a grant manager position POST plans to request in the next biennium. The training specialist responsibilities are geared towards addressing requirements in AB 236, Sections 104, 105 and 107. And then, as I noted, we provided those NRS sections in the chart that we provided in advance of the meeting.

These would include development of standardized training on crisis intervention, which is Section 107 of the bill. Model policy development to guide law enforcement agencies statewide in meeting their requirements from AB 236, Section 105. An establishment of a peer review panel, grant application and review process and development of best practice parameters for the Behavioral Health Field Response Grant Program as provided in Section 104 of the bill.

**Director Gonzalez:** Now, I will open up for questions from the Commission for Director Sherlock.

**Sheriff Logan:** Is there any way to trim anything if we could?

**Director Michael Sherlock:** Most of the cost applies to the contracted position. I suppose in-state travel could be shaved. I believe we have that at about \$4,600. And that was for three in-state trips and one out of state, I believe. There's some room there. Currently, you know we can't travel at this point, but some of it could be trimmed.

**Sheriff Logan:** Yeah, I know that you've got it pretty, pretty tight in there. It's just a matter of, as you've been through these processes before, trying to determine where we can fit it all in. I appreciate your efforts to try to get this in there.

**Chair Hardesty:** What is POST doing with respect to the utilization of virtual training or presentations? Similar to the questions we asked Sergeant Rosales concerning online training from the UCCI.

**Director Sherlock:** As you may or may not know, POST we do utilize online training pretty extensively obviously. We have a system called NV Learn. A lot of our training programs are presented via online based on the makeup of our state [inaudible] and spread out this state is. We do utilize that online training quite extensively.

When you look at this grant request, we're specifically looking at those sections that Director Gonzalez highlighted. Sections 104, 105, 107 -- those requirements of POST are fairly specific, although some of it is the development of training and certainly a lot of that training, we would be able to deliver online. That's just a small part of what this bill asks of POST.

**Chair Hardesty:** What I was curious to know is and I get the point here, as I understand it, you're trying to develop some of the required training expected in the new state statutes and then convey that to participants. What is not clear to me is why it would be necessary for this part-time position to need travel at all under these conditions.

**Director Sherlock:** You know, as we looked at this, looked at what's going around the [inaudible] and thought that it's important, both in terms of best practice and looking at what other entities are doing in this field, particularly with behavior or health response teams. We work closely with agencies in POST in California. Some of that they're ahead of us. We just thought it might be important to have a first-hand look at what is best practice and what other entities are doing. And that's why we have that. And even within our own State we have agencies that have developed programs that would be beneficial for us to look at as we make recommendations statewide.

**Chair Hardesty:** Would this position commence July 1<sup>st</sup>? I know that's what's projected, but do you have people that are available? Do you have a trainer, a part-time person, or a contractor that you have in mind? Just how quickly could this begin if it were available and funded by July 1<sup>st</sup>, would you have somebody who could start July 1<sup>st</sup>?

**Director Sherlock:** Yeah, a lot of what we do in terms of subject matter experts and just based on a lot of different considerations, we use the contract positions where we can and we do have a fairly large pool of qualified individuals we could use.

**Chair Hardesty:** This position is going to be part, I guess, of your budget request to the legislature. If that were funded, how would this—how would that impact this request?

**Director Sherlock:** So, as you know, we're just getting into the second year of our biennium. So, this position would buy the infrastructure for that permanent position if we're able to get that in the next biennium. That one-year period in between this final year of this biennium part-time position would buy the infrastructure for that full-time position.

**Chair Hardesty:** What amendment would you make to the amount you've requested so that that can be considered by the Commission in their deliberations today, if any?

**Director Sherlock:** Again, I think the only wiggle room as a word that we would have would be in that area of travel. And you know, if we, for instance, cut that in half we could drop that down to about [inaudible].

**Director Sherlock:** So, if we've cut travel in half, we would drop that request down to \$2,300, somewhere [inaudible] and take that same amount off the top, bringing it to somewhere around [inaudible].

**Ms. Brady:** I was actually concerned that it might not be enough with the POST and the travel. We have some of the rural areas that, I don't know whether or not, they are able to have, you know, audio-visual. Sometimes they don't have as much technology available to them as other areas, especially in the frontier areas. And so, I'm concerned that cutting the travel, that that they would still be able to get to the rural areas and that that's enough time, a part-time position. Enough to really get this training out there and solidified and available to as many law enforcement entities as possible.

**Director Sherlock:** As you may or may not know, POST, we clearly deal with the rurals quite often, adept at dealing with that. In terms of the part time position for that, we calculate that that's about 1,000 hours. We've been pretty successful [inaudible] in the past. I think they have been pretty responsive to the rurals, working with them. And that's kind of how we came up [inaudible]. Now, cutting that travel and a half would reduce the, you know, the physical contact with the rurals to a certain extent, but then we deliver training to the rurals quite often.

**Director Gonzalez:** The last request we have before the Commission is the from Washoe County District Attorney's Office. The Washoe County District Attorney's Office is requesting \$89,386 for an AB 236 Implementation Coordinator which would start mid-May and go through to the end of June 2021. This would not be a full-time County employee but would be brought in through a staffing company.

The coordinator would perform three main duties: develop training materials and presentations, attend to the enactment of AB 236 for attorneys allowing for remote access. It would work with information technology and support staff to make necessary changes to auto-generated documents such as charging documents to ensure the documents are updated with changes laid out in AB 236 and would identify data collection related to AB 236 and work with attorneys, support staff, and IT staff to develop methods for collecting data related to recidivism reduction, offense rates and diversion outcomes. The Coordinator would analyze the data and prepare visuals and other written materials, including quarterly reports and an annual report. Ms. Noble, would like to add anything?

**Jennifer Noble:** Good morning Justice Hardesty and all the Members of the Commission. Thanks for considering our application. I would just add that, we are the only applicant so far that's a county agency but what we're really envisioning and what is consistent with what we've done over the past is taking a statewide leadership role in developing training modules for prosecutors that are going to be accessible remotely. As we all sort of struggle and to meet the challenges that COVID-19 isolation requires and as it may routinely require or intermittently require. And so, we've done that, and we

regularly open up our trainings to prosecutors across the state and our criminal justice partners. That's something we would intend to keep up. And to the extent that although this is our office requesting assistance with this, in terms of the training aspect, we would intend to share that with the other criminal justice agencies and particularly the rural agencies.

Additionally, we use the same or many of the agencies, prosecutor's offices use the same criminal justice software Justware and so one of the things we want to make sure we do in coordination with our IT Department is to make sure that communication with the court is consistent, ensuring accurate data points are met and that we are developing and tracking effective methods of collecting this data related to criminal justice outcomes.

So, with that, I would just ask there are any other questions but I'm happy to comment.

**Assemblywoman Rochelle Nguyen:** You had mentioned that you use Justware, are you familiar with what other agencies like in the rurals and the other like law enforcement agencies are using for their systems and whether or not you have like integrated systems amongst you? I believe the Clark County Public Defenders use Justware, but I don't believe the Clark County District Attorneys use it and I'm just curious if you know if there's similar systems that those rural areas are using as well?

**Ms. Noble:** I think that the Carson City District Attorney's Office or in fact, I'm fairly certain, Carson City District Attorney's Office, the Douglas County DA's Office. I actually think Clark County DA, but I may be wrong about that and I think even more of our rural jurisdictions, I believe Lyon County, all use Justware software.

**Darin Imlay:** The Clark County District Attorney's Office now uses Justware, as well.

**Ms. Noble:** We are going to be identifying how we want to modify Justware's inquiries and tracking to develop data that we can share with the Commission, with others that are specific to AB 236 and specific to the inquiry as to whether or not we are getting better outcomes. That's going to take some time and some creative thinking and some thorough thinking in terms of developing those inquiries. Somebody with a background in perhaps statistics would be helpful to that. I'd also like to throw in, if I may, because I was so happy to hear that there may be additional funding available, especially when we're talking about, for example, criminal justice outcomes and reduction in recidivism rates for the changes that AB 236 makes to eligibility for diversion. One year is the period of time we've asked for someone to assist us in doing all this, but I believe that that type of change and that type of improvement is probably going to take a bit longer than that in terms of identifying. If it's possible, we would like to expand our request to a little bit more time than that. One and a half years or two years, if that's something that the Commission is going to consider, and we could certainly submit additional documentation.

**Sheriff Logan:** Since I'm a broken record on this, I'm going to ask the same of Washoe County. You guys have done the in-kind for all the office supplies and stuff like that, but is the staffing agency administrative payroll costs, is there any wiggle room or ability to reduce any of that money?

**Ms. Noble:** Okay, that is an excellent question for Lori Fralick, our Law Office Manager, and so I'm going to play a Who Wants to Be a Millionaire and ask if she could maybe be my lifeline on that question because that's right into kind of her expertise.

**Lori Fralick:** Good morning, for the record, this is Lori Fralick with the Washoe County DA's Office. And I did request three estimates from three different staffing agencies and that was the lowest cost. I will say that it does not look likely that we would be able to get somebody hired and on board by the

initial date of May 18. So, I refigured and recalculated the numbers and if we did an effective July 1 date, we could reduce our request for one year full of funding to \$79,040. So, that takes it down about \$10,000, if that would help in determining the funding allocations.

**Sheriff Logan:** Every dollar does count. Thank you.

BREAK TAKEN IN MEETING

**Chair Hardesty:** I wanted to begin by clarifying the numbers, so we're dealing with the correct math. The Director asked NDOC for a clarification of their total, which is \$231,825. I don't know that any further clarification of the P&P number can be provided at this time. Although we are aware that there could be an adjustment made with respect to the training component. POST's revised number? Director Sherlock, I just want to make sure we're on the same page. What is your revised number with the reduction in travel?

**Director Sherlock:** I show it at [inaudible] if we reduce the travel.

**Chair Hardesty:** Okay, great. And then on the Washoe County District Attorney's request, I appreciated Ms. Fralick's calculation. If I pronounced your name correctly, I apologize if I didn't, but I wanted to know if you could provide another number for us, and that would be if the position commenced on October 1<sup>st</sup> rather than July 1<sup>st</sup>, what would your number be?

**Ms. Noble:** Justice Hardesty, this is Jennifer Noble. I don't know that Ms. Fralick is already on the call or is remaining on the call, but I can get that information to you very quickly and perhaps just message Director Gonzalez when I have it.

**Chair Hardesty:** Great, that'd be great. Thank you.

So, I would like to first address a question to the Commission. Do you want to include or not include the \$78,000 in our determination today or defer that until July? Because that certainly makes a difference with respect to the extent to which we would be able to fund all of these awards.

So, let's begin with that question. Because we might want to, for example, defer the training portion of P&P to July and depending upon the response we get from Ms. Noble, defer the DA's request until July. And then proceed with evaluating the NDOC request, what I'll call the assessment portion and tracking portion of the P&P request and the POST request at this time.

I'm just trying to offer a framework for our discussions so that we can make progress and get this into the hopper. The pressure on us to spend the money by September 1 is no longer present. At least that's what we believe. But that doesn't matter we could start spending this money as soon as we could get it because obviously the needs are pressing.

I personally and I fully respect the requests we've received, but I think from a priority standpoint, I think we've got to address these in the context of the statutory demands that have been placed on the agencies. And so, that's why I asked staff to include in the boxes here the statutory demands. Personally, I want to reach that the DA's request if we can because I think that that's going to be a valuable service to all of us and to the whole state. I also want to go about this a little bit at a time is what I'm recommending to all of you, but I sure want to hear from everybody else and get other ideas and suggestions.

So, would any of you like to weigh in on how we might approach the threshold question? Do you want to consider the \$78,000 now? Which, by the way, we don't actually for sure have. We think we do. That has to be yet approved but I think Ms. Pierce is expecting that will occur, but a conservative person might say let's wait until July before we try to appropriate it.

So, my first question is, do you want to separate the \$350,000 from the \$78,000 in our consideration today? We can approach this in different ways. If people have better ideas, that's just my suggestion. Any comments from Commission members?

**Assemblywoman Nguyen:** I kind of agree with you. I think it's kind of an overwhelming task and while I'd like to be able to do it all at once, I think that your suggestion that moving some of the people that maybe it is not as pressing to the July meeting I think would be appropriate.

**Vice Chair Callaway:** Just for clarification, I believe the conversation that I had had with Director Gonzalez a while back was that agencies had to pay these costs upfront and then would be reimbursed. Is that still accurate? And if so, in regards to for example, P&P's requests that are involving training, would the agency, if it was postponed until July, still front the money up front to do what's necessary with the thought that they, with the realization they may or may not get it in July? I guess that is the question.

**Chair Hardesty:** Maybe Ms. Pierce would be in a better position to address that question. Ms. Pierce did you hear the question, or do you need it clarified?

**Ms. Pierce:** I heard the question. We cannot reimburse anything until we have a contract with whatever agency is funded.

**Chair Hardesty:** But they don't have to spend the money first before they get it, correct?

**Ms. Pierce:** What happens is, it's a reimbursement system. So, the money is expended by the agency and then they submit invoices on a regular basis to CJI for reimbursement.

**Chair Hardesty:** Yeah, but the problem we talked about before is that they don't have it in their budget. So, unless they are assured that they've got it, they can't start spending money from some part of their budget, at least I'm assuming this. That would be problematic at least for the Supreme Court. Unless you have a source that you're a sure you're guaranteed you have that reimbursement. Chief Carpenter, this is in your bailiwick. Can you spend the training money without knowing you're going to get reimbursed?

**Chief Carpenter:** That's a great question. I'm just trying to get some information from my fiscal staff. My concern is that—it was a huge concern, first of all, but now with COVID-19 and the way our budgets are looking, I don't know what money we even have to utilize anymore. So, that's a great point. Does that make sense?

**Chair Hardesty:** Yeah, it sure does. None of the state agencies know the extent to which we're going to sustain a cut. That decision hasn't been made yet, but we know it, we we've all tendered projected cuts and those projected cuts have essentially run everybody out of money. So, you don't have money to spend and then get later reimbursed. Barbara, can you weigh in on this? I mean, I don't think the agencies can for example spend \$75,000 in P&P without knowing that they've got that reimbursement available to them.



**Ms. Pierce:** Right, I would not recommend doing that. As a former budget analyst, I definitely wouldn't recommend it. What has to happen for us to assure an agency that they have the money for a reimbursement is, the approval has to come through from BJA and then CJI has to have a contract with that agency. Until that point, we can't reimburse anything. And so, it would be probably best to not expend any money until that's in place. Once the contract is in place, that money is there for reimbursement purposes.

**Chair Hardesty:** Vice Chair Callaway, does that address your question or did you have a follow up question?

**Vice Chair Callaway:** No, Justice Hardesty. I think that addresses my question and my concern. I mean like was stated, if I'm looking at my own budget for example and I have to train officers for example on the changes coming to the law and they come into effect July, putting money out upfront for potential reimbursement when I don't know that I'm going to get reimbursed is obviously problematic. So, for me, that that impacts the whole discussion on this issue.

**Chair Hardesty:** I would like to return to the question I posed to the Commission before. Do you want to include or not include the \$78,000 at this time? With respect to the P&P budget, and to your point Chuck, I think we have to allocate the full amount that P&P is requesting, even though we might anticipate a reduction if they're able to perform that training online. But the sooner they can get that approved and get their people training because of the impending effective date of the bill is pretty important from a priority standpoint. I think we need to take that into account and probably Sergeant Rosales will have an answer from you CCI in, I don't know a week or two or whatever. But waiting until July would just postpone the training period that long—that much longer. So, I'm trying to authorize the funds with an expectation there might be a credit. Does that make sense, Sergeant?

**Sergeant Rosales:** Yes, sir and I've already reached out to my contacts with UCCI to determine if the virtual training of the master class is available for us and the cost of that.

**Chair Hardesty:** Great. So, if we do not consider the \$78,000 we have \$350,000 to appropriate and what I'm suggesting at this point is that we attempt to fund the \$231,825 for NDOC, the set-aside \$75,000, for P&P with a hope that we'll get a credit back once we get that calculated, and set aside \$29,945 for POST. I think that's right at—right close to the number; we're below \$350,000 slightly. And then we can reevaluate all of this subject again in July with the hopes that we can initiate funding for the Washoe County DA's request in July with this reduced or recalculated amount. I think it's a very valuable service that they could provide I want to figure out a way to get them some money and maybe we can also get some additional resources in the meantime. So, that's an outline. Any other comments or ideas or different suggestions?

**Sheriff Logan:** Not knowing how the reimbursement works, I know from a County's perspective how it sometimes can go—any money that comes back in sometimes does not go directly back to the agency, but rather to the county's general fund. I just would love to see that the protections are in place for the state agencies that the monies that they are going to expend or at least allow us to apply for the approval from the grant from our main agencies and I agree with you for the three and then waiting for the Washoe County.

**Chair Hardesty:** Maybe the fiscal folks with NDOC can address Sheriff Logan's comment. If this were approved, under normal circumstances, that grant money if it came in it's going to be used for that purpose, right? You're not going to have to divert that into your general fund accounts, are you?

**Mr. Franklin:** It would be utilized specific for this purpose. It would be utilizing specifically for that

budget that we created.

**Chair Hardesty:** All right, any further comments, suggestions, or questions?

**Dr. Salisbury:** This is tangentially related to funding just since it was brought up by Chief Carpenter and I know of course all the state agencies are concerned about dealing with COVID-19, particularly the public safety agencies. I'm sure many are aware of this, but the DOJ, the Department of Justice through the BJA has made \$850 million dollars available in emergency funding for public safety agencies. I believe the deadline for that, for submitting a proposal to them is at the end of May or sometime in May. Just as a heads-up in case anybody hadn't seen that. It's obviously related to the funding issue, but not quite relating the grant funding that we're talking about. I just wanted to make sure people knew about it. Thanks.

**Chair Hardesty:** Thank you for the information and the update.

In the interest of our time, the Chair would entertain a motion that we fund \$231,825 recommend to CJI and Bureau of Justice Assistance to NDOC. We fund or allocate \$75,142.84 to P&P and \$29,945 to POST. And that we defer the actions on the remaining requests until our July meeting. But I want to make clear that we're going to—I, at least, would like to see allocations or funding made to the Washoe County DA's request at some level if we can get it done. That reserves some money for that purpose, and we defer any action on the \$78,000. That would be the proposed motion.

MS. BRADY MOVED TO FUND \$231,825 TO NDOC, \$75,142.84 TO PAROLE AND PROBATION, AND \$29,945 TO POST.

DR. NEIGHBORS SECONDED THE MOTION.

MOTION UNANIMOUSLY PASSED WITH JUDGE FREEMAN ABSTAINING

**Chair Hardesty:** I'm sure that Director Gonzalez and Ms. Pierce will be working closely together with these agencies to start processing these requests as quickly as possible. And thank you, Ms. Pierce, for your assistance and your update on all of this we really appreciate CJI's support on this implementation effort. And thank you to the staff of the folks who made the request. I know that it's a challenge to put this together and we appreciate your input.

## **6. Presentation on Responses to COVID-19 Crisis by Criminal Justice Agencies in Other States**

**Chair Hardesty:** Next, I'd like to open agenda item 6. As you know, we had a fairly lengthy discussion on the SAFER Plan at our meeting on April the 13<sup>th</sup>. That discussion caused me to reach out to CJI to offer some additional input on strategies that have been undertaken in correctional facilities that relate to the safekeeping or the facility protections that might be appropriate in this environment.

CJI has done some additional research at my request and on what Departments of Correction are doing to keep facilities and people within their institutions safe. Ms. Pierce, please proceed.

**Ms. Pierce:** As Justice Hardesty mentioned, we were asked by him and also by different states, to

basically conduct a scan of what State Departments of Corrections (DOC) are doing to release some individuals and also additional measures to reduce the spread of the Coronavirus in correctional facilities.

The first handout you have focuses on how states are working to keep individuals in facilities safe, including staff. The second handout is a scan of State DOCs and what they're doing or not doing to consider people for early release, Abby Strait, on our team will provide a brief overview of the facility safety measures and then I'll cover the release section.

**Abigail Strait:** The first document you all received is entitled "Strategies for Keeping Facilities and People in Custody Safe During COVID-19." It shows what we found in a scan of how jurisdictions are modifying the operations of their jails, detention centers and prisons to respond to COVID-19.

We found 12 common practices that states are using which are listed in that document that you received. It includes examples of how those strategies are looking in practice and I'll provide a few examples from each of those strategies as a review. Before I get into that, as a note, this document, and the overview I'm about to give are not meant to be an exhaustive list of practices across the country. The jurisdictions noted in parentheses on that document you received are simply examples.

In some cases, jurisdictions—many jurisdictions are implementing a certain practice and in addition, practices are changing frequently as the COVID-19 situation evolves so details may be evolving as well. So, the document therefore isn't meant to be exhaustive but to provide examples of the wide range of approaches corrections agencies are taking.

First, I will summarize the document. The first strategy you'll see on there is developing a pandemic plan or protocols. Many DOCs have modified their existing plans for responding to the flu or other pandemics to include CDC guidance on COVID-19. And as an example, Washington state developed Person Protective Equipment (PPE) protocols for patients in isolation and for staff interactions with those patients.

The second strategy is educating staff, inmates, and the public. As an example of this, Louisiana has created educational materials for incarcerated individuals including frequently asked questions and answers about COVID-19 in an attempt to help educate people.

A third strategy is restricting movement. Several states including Arizona, Alaska and California have suspended the transfer of incarcerated people between complexes and facilities.

Fourth is reducing the cost of communication for incarcerated people. Since many facilities have suspended in-person visitation to restrict the spread of COVID-19, some facilities have waived fees for other types of communication like video calls, phone calls or mail. And as an example of that, Utah is providing ten free 15-minute phone calls to each person in prison per week.

The fifth strategy is eliminating medical co-pays for incarcerated people. There are two major strategies to implement this. Either by suspending all co-pays, and we identified 11 states doing this, or by suspending co-pays for a respiratory flu related or COVID-19 symptoms. We identified 26 states doing that strategy.

Number 6 on that document is providing services and supplies at no cost. As an example of that, Mississippi is installing hand-sanitizing stations at deck facilities. Another example, Pennsylvania is providing materials for incarcerated individuals to use to clean their cells daily.

Number 7 is screening of incarcerated people. The Bureau of Prisons, as well as several states, are screening all incarcerated people arriving at or departing from a facility according to CDC guidelines, which includes a temperature reading, inquiring about recent travel and inquiring about any contact that person may have had with people who have experienced symptoms consistent with COVID-19. Another example of that is that Ohio has been conducting mass testing at two of their facilities and testing all incarcerated people, even those who are not displaying symptoms.

Number 8 on that document is screening of staff and vendors. Again, the Bureau of Prisons, along with several other states, are screening all staff and vendors arriving at facilities according to CDC guidelines.

Number 9 is isolating and treating suspected cases of COVID-19. As an example of that practice, Minnesota created a step-down area per CDC guidance for incarcerated individuals who had COVID-19 symptoms that had since been resolved. Individuals in that circumstance will stay in that step-down area for seven days before then re-entering the general population.

Number 10 is ensuring the cleanliness of facilities and transport vehicles. As an example of that, Missouri has designated a point person at each facility to ensure adherence to a sanitizing schedule and ensure hygiene and cleaning supplies are readily available.

Number 11 is practicing social distancing while providing programming. Several states including Arizona, California and Minnesota are providing in-cell programming or distance learning. This can be provided in different ways, you know, maybe through electronic devices or printed worksheets or self-guided treatment activities.

And finally, that last charge we identified is collaborating with the National Guard for additional support. Ohio and Kansas have been working with the National Guard to provide health care operations due to staffing shortages at correctional facilities.

So, that's a very quick review of that. There are further examples on that document you received, and you feel free to let us know if there is further detail you would like on any of those practices. And with that, I'll turn it over to Barbara to review the second COVID-19 related document you received from us.

**Chair Hardesty:** Maybe before we get into that second document, if you don't mind Ms. Strait, I'd like to invite members of the Commission that may have questions about these strategies to weigh in at this point. I know that we have later in the agenda a continuing discussion of the SAFER Plan, but I wanted to add this additional research to the context of our discussions. Are there any questions of Commission members for Ms. Strait? Seeing none, we'll move on to Ms. Pierce. Thank you, Ms. Strait, for your help.

**Ms. Pierce:** The document that you received that's entitled "State Correction Systems Release Responses" shows what we found in a scan of 50 states. It's important to note that that scan was done leading up to April 22<sup>nd</sup>. It won't be any surprise to you that things within the states are changing daily and so this is not up to date as of today.

You have the document, so I'm not going to spend too much time on it, but I did want to just generally talk about eight categories that really are encompassed within that 50-state scan. The general categories are just straight early release, compassionate release, release of individuals serving sanctions for a supervision violation, release consideration for people who are serving prison time on technical violations of supervision, furloughs, home confinement and expedited parole processes and commutation of remainder of sentences.

I'll just provide a few examples. In terms of early release, Georgia, for example, is looking at possibly releasing people who are in ongoing offenses and within 180 days of their prison sentence ending or their parole date. Maryland on the other hand, has an executive order from the Governor allowing the release of people who are eligible for release within four months, at high-risk of COVID-19 complications. It excludes sex offenders. And people must be showing no signs of COVID-19.

In terms of compassionate release, Ohio is looking at people who are over 60 who have an underlying medical condition. Arkansas is looking at nonviolent, non-sex offenders within six months of release. West Virginia and New York State are looking at possible releases of those who are in prison serving sanctions for parole violations. States like New York and Massachusetts are considering releases for people who are serving time for technical violations of supervision.

The State of Louisiana is using their furlough authority to look at two different populations. The first is a medical population. So, basically people who have an underlying health condition. They're in on nonviolent, non-sex offenses, they're within six months of release and they have proof that they have housing to go to.

The second population are state inmates who are housed in local jails. In Louisiana, more than half of the population of state inmates are held in those jails. So basically, they're looking at the population of people who have served at least six months, people whose release date is within six months, nonviolent, non-sex offenses and again, proof of housing.

The interesting part about what Louisiana is doing with these furloughs is who's making the decisions on the releases. They've formed a panel of six representatives. The Secretary of the Department of Corrections is on that. The Director of Probation and Parole, the Executive Director of the Pardon and Parole Board, a victim's advocate appointed by the Governor, the Sheriff's Association Executive Director, and the Executive Director of the DA's Association.

There are a couple other states that are looking at furloughs very differently such as West Virginia extending furloughs from—they're extending weekend furloughs to a two-week period. New Hampshire is looking at administrative home confinement for people who are medically frail. They also have to be nearing a release date. They have to have no assaults while incarcerated, no history of revocation from a previous home confinement status and they cannot have been convicted of murder, manslaughter, felony sexual assault, first and second-degree assault, robbery, escape and aggravated DUI.

In terms of expediting parole processes, some states are doing this through expediting the release of people who are in their prisons who have already been approved for parole. Some are using emergency orders or other emergency powers to expedite parole consideration for those within a certain time period of their parole eligibility dates.

And finally, in terms of commutation of sentences, New Mexico is looking to commute the remainder of sentences for people whose release date is no more than a month away. They have a parole plan in place and they're not convicted of certain offenses such as felony DUI, sex offenses and they're not serving time for domestic violence, assault on a peace officer, or offense with a firearm enhancement.

One another note on that document. The light blue shaded rows are the states that, as of the 22nd showed no indication that they were going to do any early releases or consider any. 17 states fell into that category. Just to wrap up, I covered a lot of random details, but I think it's important to note that every state started taking a very unique approach based on their needs.

They're also developing these plans based on obviously with what every state would be doing, a review of statutory authority of different agencies and entities. They're reviewing any emergency powers that agencies might have. They're using executive orders. They're definitely collaborating amongst criminal justice partners. And they're really taking a deep dive into their data, things like determining who's nearing release, what does the medically fragile population look like and data such as that.

So, with that, I'll turn it back over to the Chair.

**Chair Hardesty:** Thank you Ms. Pierce. I appreciate you taking the time to compile this for us on short notice. Are there any questions for Ms. Pierce?

**Dr. Salisbury:** Thanks so much for that information. I just had another question about the states that are releasing certain incarcerated people or going through that process. Did you all come across any specific plan for testing them for COVID-19, even if they're asymptomatic prior to their release? I've seen a number of media stories, certainly from the Federal Bureau of Prisons, where the process can be quite cumbersome in terms of trying to quarantine people before they get released, including you know if one person gets sick in the group of the quarantined inmates, then everybody has to start over. I believe a federal judge has weighed in on this. I'm wondering if you've come across any best practices in terms of, if the determination is made to release in these certain states, what is the plan?

**Ms. Pierce:** Maryland is one example. Their release mechanisms include that testing prior to release. I believe it's testing. I'll have to verify that. They're not going to release anyone with symptoms.

Yes, they are either screening or testing people. There's also, I forget which state it is, it might be Maryland again, but when they're looking at what housing options somebody has when they're considering release, they're determining when—at least one state is determining whether that housing would allow a space for a 14-day quarantine.

**Dr. Salisbury:** Thank you and I believe there are some states that are using hotels potentially housing for people who are incarcerated, who are releasing. I think Connecticut may be one of those states. Did you see any of that in your search?

**Ms. Pierce:** That did not come up necessarily in this search, but I do recall reading articles where certain jurisdictions are considering the use of hotels. I believe New York City was looking at that option.

**Dr. Salisbury:** Okay, thank you.

**Chris Hicks:** Thank you. Ms. Pierce, I just have a couple questions. Are you guys taking any particular position or is this just kind of a fact-finding let's present the Commission what different states are doing?

**Ms. Pierce:** We have no stance on this. This is literally a fact-finding thing. It's to show—and the other state that requested this information also was interested in literally seeing like, what factors for example, states are considering.

**Chair Hardesty:** This is a research project, Mr. Hicks, I asked them to do.

**Mr. Hicks:** Thank you. Are you familiar with the SAFER Plan that's been mentioned?

**Ms. Pierce:** Yeah. That was covered in the last meeting. I don't have it sitting in front of me though.

**Mr. Hicks:** That's okay. I'll move on from that. What's kind of been going on in my head, I'm interested in the position of CJI on this because we've worked so well with you, the State of Nevada, and the Sentencing Commission for the last two years. For me to paraphrase, please correct me if I'm wrong, but largely the philosophy of what you came in to help us with and what AB 236 was in place to fix, is this kind of reinvestment idea. Essentially, withdrawing money from prison capacity and using it in better services that will help reduce recidivism. Is that a fair, accurate depiction, in a very general sense of what we're trying to do in Nevada?

**Ms. Pierce:** Basically, yes. When the State commits to doing justice reinvestment, they are committing to a policy development process and implementation process and some type of reinvestment. We are the provider to help with that.

**Mr. Hicks:** Thank you. I recall one statistic that you guys had discovered when you were doing the fact-finding of our prison population and that was that nearly 30% of Nevada prison discharges fail in the community within three years of release. It's in essence recidivism, a very high recidivism rate, is that fair?

**Ms. Pierce:** I'm not familiar with that statistic. I don't have it right here, but I trust that you pulled it from a report that was done.

**Mr. Hicks:** I did, I pulled it right from your website.

**Ms. Pierce:** Excellent, thank you.

**Mr. Hicks:** Based on your experience, your training, your education, what are the primary causes of recidivism? What you find, for example, here you found lack of transitional housing, lack of reentry programs, lack of behavioral counseling, lack of substance abuse counseling, things of that manner.

**Ms. Pierce:** Right and then there's also just the other types of risk factors that are found on the NRAS, for example, that are characteristics of the individual. Such as, you know, there's a lot of things that lead to risk to reoffend. There are societal factors obviously, but then there's also that focus on the risk factors.

**Mr. Hicks:** So, what I'm concerned about and others are concerned about, it was brought up in our last meeting is, when we look at Nevada right now, we have a housing crisis that's been around for a long time. We have a very large homeless population and now we have 22% of our workforce applying for unemployment. Our budgets, our state budgets and county budgets are being drastically reduced, in turn services for arrestees or parolees or inmates could get drastically cut, too. We know what happens to the prison budget when the state budget gets slashed.

What I'm just interested in is, does CJI have any concerns about, for example, releasing hundreds of inmates early into a system that one, can't support them and into a state that two, has all these risk factors. No reentry programs, homelessness, unemployment, housing crisis and what that—to me, it's setting them up for failure. I've heard the word compassionate release, to me it's uncompassionate release, because what are they to do? And then, in turn, the next step is then what happens to public safety?

I know CJI is very reasoned in their reinvestment philosophies and I've always appreciated that but my question is, you guys had to have discussed this, what is the concern about a mass release of people into a system that can't support them? And in turn, into a state that doesn't have the resources right

now to help them?

**Ms. Pierce:** All right, there was a lot there, but to me, I'll just say from the implementation perspective in terms of assisting the Commission and others in the state on implementation, to me, I have a lot of concerns related to COVID-19 that are definitely related to economic concerns.

I think it's the job of the Commission to be talking this through. I don't know that our opinion or stance matters here, to be honest with you. And, I think the implementation date is coming up July 1<sup>st</sup> and I feel like there are huge discussions to be had about what is the state going to invest in moving forward. And yes, there's an economic crisis coming. We are here. I don't really feel like it's our role as an implementation technical assistance provider to sort of weigh in. There are always concerns about releasing people. There are also concerns about keeping people in prison for different reasons. It's kind of a non-answer but I don't feel like it's our role to be sort of providing that.

**Mr. Hicks:** Thank you. Of the 50 states you looked at, how many states had no outbreaks in their prisons during—when you did this evaluation?

**Ms. Pierce:** We did not have time to cross-reference the extent of the COVID-19 issue inside facilities and compare it to these practices.

**Mr. Imlay:** I have a couple of comments. One is the issue that we are dealing with right now is COVID-19 and trying to minimize the potential for an outbreak in the prison. Last time we met; the question was asked how many inmates have actually been tested for COVID-19; the answer was zero. And so, at this point, I don't know if that's changed but we don't know how many people in NDOC have COVID-19. Whether there's any or whether there's 100, we have no idea, but that's one of the issues we're addressing right now.

We can't keep people in prison just because of an economic downturn. If we're looking at the SAFER Plan, many of the categories that the people are falling into are people that have already been granted parole and are just waiting for release or people that have a plan in place or they can get a plan in place.

And so, we are not talking about violent offenders at all. That is not even on the table, but we're talking about people that have the ability to have a plan in place or are ready to have a plan in place to deal with COVID-19 right now. Some of the other questions dealt with a systemic issue that we're having with people being paroled and not having resources. That's a separate issue from what we are dealing with right now with how Nevada is going to respond to COVID-19 and the potential spread.

And so, I completely stand by the SAFER Plan. I think it's common sense. I think it's realistic in light of what we're facing to prevent an outbreak. Because like I said, we don't know whether there's an outbreak going on now, because last information we received zero inmates have been tested. Thank you.

**Chair Hardesty:** I know that people have varying viewpoints on all of this. My objective in having the presentation from CJI was to take advantage of their resources to do a summary and it was quick, they only had a week or two week, week and a half turnaround to be able to do this for us, but I wanted this Commission to be able to get some information from other jurisdictions. I also think that our decisions need to be fact-based and the facts are changing.



## **7. Discussion and Possible Action on Recommendations Concerning Potential Inmate Releases as Response to COVID-19 Crisis**

**Chair Hardesty:** Let us now move to item 7A. On April 13<sup>th</sup>, the Sentencing Commission heard presentations from the Department of Corrections, the Division of Parole and Probation and the Board of Parole Commissioners about the impact of COVID-19 on their institutions, their agencies, their staff and those they supervise or have in their custody.

I wanted to get updates, so we're operating with current, accurate information from each of the three agencies and then we'll move on to further discussion as necessary concerning the SAFER Plan, the strategies that Ms. Strait talked about and then whether the Commission wants to offer any recommendations to anybody on the subject of releases.

**Director Charles Daniels:** Good afternoon, Chair Hardesty, and Commission members. I would like to take this opportunity to formally update a statement I made during the April 13<sup>th</sup> Sentencing Commission meeting.

During the meeting, I was specifically asked how many inmates had been tested for COVID-19, to which I responded none. The information I provided was outdated and did not accurately reflect the data I had available to me. NDOC started with a 158 CDC approved COVID-19 test swabs. To date, NDOC has tested 39 inmates using 11 swabs and 30 rapid tests, of which all were determined negative.

NDOC received an additional 400 test kits on April 24<sup>th</sup> and now have 547 remaining tests. Since the onset of Governor Sisolak's emergency declaration on March 12<sup>th</sup>, I immediately transitioned NDOC into modified operations by restricting visitation on March 15<sup>th</sup> and restricting non-NDOC employees' access on March 16<sup>th</sup>.

To further prepare NDOC's response to the pandemic, we activated emergency operation centers at every major facility and begin logging all COVID-19 activity and incidents, to include possible COVID-19 exposures of staff and offenders. We immediately suspended visitation and all non-NDOC employees, as well as implemented both screening and transportation protocols.

We also created inmate sanitation teams, utilizing 10% bleach solution to clean all common areas prior to and after meals. The sanitation teams clean at least twice daily and as needed. The 10% bleach solution is also available for checkout upon request to inmates for cleaning and sanitizing their cells. We provide informational briefings twice weekly to all staff and inmates, in which we provide updates regarding our COVID-19 related protocols and procedures. Additionally, we updated all staff within secured facilities to wear a mask at all times. We implemented entrance screening procedures immediately following Governor Sisolak's emergency regulations declaration.

To date, our protocols and procedures have been successful in mitigating the spread of COVID-19. Currently, we have zero confirmed inmate cases of COVID-19. To date, 11 staff tested positive for COVID-19. Each of those staff were instructed to self-quarantine and were not authorized to return to duty until cleared by their medical provider and NDOC's Medical Director. To date, one of the staff members who tested positive has been cleared and has returned to work. That concludes my information.

**Chair Hardesty:** Do any members of the Commission have any questions for the Director?

**Tod Story:** Thank you, Director Daniels. I have a question about the tests that were run. You said

there's 39 swab tests that were run and 31 rapid tests. Could you speak to the symptoms and the reasons that those two types of tests were utilized and what the findings were regarding each of those different style tests?

**Director Daniels:** The type of test that was used was determined by our medical team. I believe that was also cleared through our Medical Director. In addition to that, if you did the math, you'll notice that we used a few more tests on inmates that we had tested because several inmates tested twice.

**Mr. Story:** So, what were the symptoms that caused the tests to be conducted on those inmates?

**Dr. Michael Minev:** We use three cardinal symptoms to screen inmates and staff for COVID-19. That includes a temperature of 100.4 or above, dry cough or shortness of breath. After discussions with our Chief Medical Officer of the Department of Health and Human Services (DHHS), Dr. Ihsan Azzam, we have since broadened those criteria to any upper or lower respiratory tract symptoms. We have a very low threshold for testing either our inmates or staff for COVID-19 because of the risk of individuals carrying the infection with mild symptoms, also individuals may also carry COVID-19 and be asymptomatic.

So, we have a very low threshold, but we try to use the three cardinal symptoms as our main symptoms to look for. Any upper or lower respiratory type of symptoms, runny nose, cough, sore throat, any flu-like symptoms, muscle aches, chills, anything of that sort is a criterion for testing.

I have directed all the medical providers at all of our facilities to call me 24/7 if there's any inmates that have any of those symptoms. We discussed the case real-time and we make a decision on whether to test based on those criteria.

**Mr. Story:** Thank you. I know you referenced the three cardinal symptoms, but I believe that it was just this week that the CDC revised their list of symptoms to include additional upper/lower GI issues, digestive issues, as well. Some people are talking about cold feet, so the range of symptoms has expanded. I'm curious if you could revise the list, update it to reflect what that list of the CDC has, that's been revised.

**Dr. Minev:** Correct. We have not revised that as yet but the providers at our facilities are aware and I have made it known to them that if there's anything suspicious to call me so that we can discuss the case. Decide on a case by case.

**Assemblywoman Nguyen:** You had indicated that you had sanitation teams that were doing that. Who's making up those sanitation teams and what kind of PPE and what type of protection do they have? Is that staff, is that inmates? Who is that team?

**Director Daniels:** The teams are created at each individual facility in conjunction with our medical staff in terms of guidance and so on. But typically in the housing units and where the inmates live and where they work, the inmates are provided with the equipment to go ahead and sanitize and they are also supervised under what we call direct supervision by staff while they're doing all the cleaning. So, the supplies are handed out to the inmates by staff. The supplies are monitored, and they move forward on a regular basis and they have individualized teams.

**Assemblywoman Nguyen:** And then my other question is a follow-up to, you had indicated that there were 11 staff that had tested positive and they were told to quarantine for 14 days and then get medical clearance before they could return to work. What type of process do you have in place to track their

interaction with the individuals that are incarcerated in those facilities that they work? And were you doing any kind of testing of the people that they came in contact with, even if they didn't exhibit symptoms as they could have been carriers?

**Dr. Minev:** I work closely with our Infection Control Nurse, Miguel Ferraro and our Chief of Nursing, Torres Wickham. Suspected COVID-19 cases are emailed to all three of us. We review the cases and determine whether an individual needs to be on quarantine, what's the amount of time, what testing is required.

You had a question in regard to the individuals that, our staff that tested positive, what is our follow-up procedure, is that what you were asking?

**Assemblywoman Nguyen:** Well, let's say you have a correction officer who tests positive. You tell them to self-quarantine until they get medical approval to come back. I think you indicated that one of the 11 has already come back to work, is that right?

**Dr. Minev:** That's correct.

**Assemblywoman Nguyen:** So I guess my question is, let's say you have a correction officer who tested positive and they were in a module with 20 other incarcerated individuals and none of those individuals are symptomatic, but they obviously had contact with that person who was and now they're potentially carriers spreading. Is there any process in place to test those individuals or are they all being quarantined?

**Dr. Minev:** What we do is, we find out the individual who tested positive, we find all the contacts and we do that in conjunction with Custody, who is able to give us information in terms of who the individuals in contact with. We have a list of those individuals and we monitor those individuals for any symptoms over a period of 14 days. Those individuals, if they had a direct contact with someone who tested positive, staff go home for 14 days and we keep track of those individuals. If they test, if they develop any symptoms, they are referred for testing. Inmates, we had incidents where we had to quarantine inmates for 14 days to closely follow them and if they developed any symptoms, we would also proceed with testing.

We have been trying our best to reserve our COVID-19 tests for only our inmates because of the limited supply in the community. However, we are considering testing our employees who are currently on quarantine before they return. I have had extensive discussions with Dr. Azzam, the Chief Medical Officer of DHHS in regard to this. I feel most confident if our employees return back to work after two-negative COVID-19 tests, as long as they are separated by at least 48 hours.

There are some instances where outside providers have cleared our staff to return to work and I have not allowed them to come back to work because I want to make sure that they have two negative COVID-19 tests and be absolutely sure that they're negative before they return to work.

**Assemblywoman Nguyen:** My other question and this might also include some of the, maybe Vice Chair Calloway can coordinate in your efforts answering this question. For example, we learned at the conclusion of the last meeting that there were positive tests for active COVID-19 at the Clark County Detention Center (CCDC). Obviously, once people are sentenced, they are transported from those local detention centers to your facilities.

I know that there is classification when people arrive in the prison system. How are you coordinating

that track and trace kind of mentality between the local jails and the prison when you get newly incarcerated or sentenced individuals?

**Director Daniels:** We communicate regularly with the folks at the county jail. We know who's coming in advance. We ask them to share any information that's medically related in advance. And then upon their arrival, we quarantine those inmates from 14 up to 20 days in an isolation unit. While they're there, obviously medically observed and if there are any issues whatsoever, we will typically be made aware of it while those inmates are in the intake area.

What you must also remember is that all the inmates eventually from CCDC will start out at High Desert State Prison in their quarantine unit and at some point in time they may not be designated there to serve them time, but they will go through the quarantine period while at our High Desert State Prison.

For our northern facility, we have Northern Nevada Correctional Center where we also allow inmates to come from other county jails up there, to our facility.

**Assemblywoman Nguyen:** I have concerns. There are obvious concerns, you know, with people that are incarcerated. But as far as like staff [inaudible]. Of the 11, I know previously there were six and they had all tested on their own, with their own medical doctors and you said you're trying to reserve most of your testing kits for the people that are incarcerated potentially.

So, have the other remaining of the other 11 that have tested positive are they all doing that on their own as well?

**Dr. Minev:** What we are now coordinating is, coordinating a way in which, the 10 individual staff members that have tested positive, we will have them come to our Casa Grande transitional housing and what we will do is we will have a nurse that will perform a swab test and what we will do is to make sure that we get two tests within at least a 48-hour period of time and only after those two tests are negative would the individual be cleared to come back to work.

**Kimberly Mull:** I do not have a question but a comment. Director Daniels offered the opportunity to come tour some of the facilities this last Friday and I know that Jon Ponder and I both took up that opportunity to visit the High Desert Prison here in Clark County. I just wanted to share if possible, a little bit about that experience and what, at least what I observed and maybe that might help some answer some questions as well.

I want to start with the fact that I am a very high-risk individual for COVID-19. Not even a few years ago I was hospitalized in ICU for 11 days and had surgery on my lungs. I have a lung disease, but I felt like it was very important for some of the members on this committee to personally go and see with our own eyes what was happening.

I am the daughter of a retired correctional officer, but I also have more family members than I can count incarcerated, including a brother who's out now, but was originally charged with murder. So, it's a situation where I very much care about what's going on and I think that the families of these individuals very much care what's going on.

The first thing you do when you walk in is, they have a station set up where the medical staff records your temperature. Which honestly, I was ecstatic about because for the last six weeks I've been unable to find a thermometer in Las Vegas to buy. But, they record your temperature and then they ask you a series of questions as far as, how do you currently feel, your recent engagement with other

individuals, do you have any concerns relating to being exposed to COVID-19, etc. And then, you're offered a mask and hand sanitizer, I believe all of which were made there, through the prison system.

At this time, there were several employees in the waiting area to go into the visitation area. I did talk to some of the employees, including several correctional officers to ask them how they were feeling, what their experience was and how they felt regarding the policies and procedures that were in place. Each member reiterated his or her belief in the safety procedures, that were being implemented and multiple of them stated that they had very low numbers of staff calling in and that basically, they were very appreciative of still having the job in these times, more than anything.

Then, we were led down to a building, I don't know that the actual term is, I believe they're called pods. And we got to observe eight separate, what they're calling COVID-19 town halls. By my count, I would approximate about 120 individuals, inmates were in these two pods and divvied up in these meetings that we got to observe.

In these meetings, the Warden essentially read off what the current status was of what they were implementing or experiencing for COVID-19, such as here are our policies, do you have any questions. There were several individuals who asked questions. For the most part, I think Jon and I talked about, a lot, we saw individuals nodding, in agreement with what was being said but there were some individuals who were taking notes and had questions to ask. These ranged in asking about if there was going to be early release or compassionate release. Others were asking about the ability to get masks and if—why they couldn't have their own hand sanitizer. At this point, from our experience, they were allowed to ask for hand sanitizer, to get hand sanitizer but there aren't allowed to have their own. I believe because some individuals were taking advantage of that being alcohol-based. There were questions about—really, the main questions I noticed were they were concerned about what was happening to the individuals coming in from County Jail. So, they were told how they are quarantining them and keeping them for a minimum 14 and then average 20 days. That seemed to comfort, several of them that worried about that.

The main thing that I saw expressed from the individuals that were incarcerated was they wanted to know how their families were doing on the outside. They wanted to know what was happening out in the outside, I guess, world. And asking about, you know, if they could have more communication with them, if they could have more ability to have phone calls and things to that extent. Because really, it seemed like they were more worried about their families and friends then they were about themselves. I'm not saying that's universal the thing that's what I experienced, from being there and from watching and interacting with them.

Many of them were worried about the lack of food and housing and jobs for their family members and really wanted to be able to find out more about that. To which the Warden and Director Daniels tried to express what was happening in our communities and to that point. Also, the other main things that were questioned and asked were, why guards only had to wear masks at that time—it sounds like it may have changed—at that time they only had to wear masks if they were within six feet of an inmate.

And so, there were questions asked about that and then also asked about if guards could wear gloves. Because inmates were concerned about guards touching things that then the inmates had to touch like microwave handles or surfaces and wanting to know why there weren't gloves being implemented. To which, they talked a little bit about that and then also talked about you know sometimes it's showing that washing your hands it's more effective than wearing gloves because those give a false sense of security, but trying to answer those questions.

And so, overall, it was very impressive from my standpoint. I was very impressed by what I was seeing

and by what I experienced and listened. There was plenty of room for the individuals that were incarcerated to practice social distancing and to keep far from each other, but within those 120 or so individuals that attended these eight town halls, only two I saw actually distanced themselves from everybody else. Everybody else sat at tables nearby with little groups and there were several tables that were left open and available for individuals to spread apart at if they had chosen to, but they did not choose to do that.

And so, from my experience, most individuals that, at least I got to observe and interact with, seemed comfortable, as you can be in that situation. And were more concerned about their family members and people on the outside than they were about what was happening, or I guess what the possibility of what could happen to them was.

I know Mr. Ponder probably can add to that. I think it's just important for us to recognize that because at this point they have not had a large outbreak, because we were the first state to stop visitations, because we were the first state to limit movement, I guess, as far as, I can tell in these areas, and to keep individuals in smaller like family like units when they do come out when they do interact it's with the same group of individuals within their pod. And so, it's very similar to, I guess, here on the outside where we're confining ourselves with our family members. It seems to have that same kind of environment.

So, is it perfect? Absolutely not. Is anything 100% sure? Absolutely not. But from my experience and from what I saw, I've been very impressed by Director Daniels and what was being implemented and I felt very safe even with as high risk as I am going into that environment and being able to observe it.

So, I just wanted to put that on the record and make sure that not only did I want to thank Director Daniels and his staff of what they're doing, but also to recognize that, I think in many ways, because of the things we did first, we should be recognized nationally as a leader with what our Department did and what they are still trying to do to mitigate that exposure and the possible cost.

**Chair Hardesty:** Thank you Ms. Mull. I did want to extend my thanks to Director Daniels and his staff for inviting members of the Commission—following up on his invitation for members of the Commission to enter the prison facilities and witness their town hall meetings. As Ms. Mull indicated, she took advantage of that opportunity and had time to do it and I want to thank you Ms. Mull, for doing that with respect to your responsibilities on the Commission. That's very helpful insight. Mr. Ponder, while we're on the subject, do you want to supplement that or offer any other comments?

**Mr. Ponder:** Absolutely, thank you, Chair Hardesty. I want to extend a huge thank you to Director Daniels, as well, for the invitation for the Commission to come in. I greatly appreciate your transparency. What I appreciate even more is the extreme professionalism that I experienced from the time we walked into the institution, to the level of information that was being conveyed to the inmates. I think you did a phenomenal job at keeping them informed of what's going on, not only inside the facility, but being able to bring them up to date, bring them up to speed, where things are that are taking place on the outside.

I was really even more impressed, for lack of a better word, at the receptiveness of the inmates. As Ms. Mull indicated, it was eight different groups of inmates that we had the chance to go through this town hall, but them being receptive to it and the quality of the questions that they were asking and their response to those questions I was very, very impressed. So, Director Daniels, thank you for that and appreciate the opportunity for us to be able to come inside so that we can, you know, see it for ourselves.

**Chair Hardesty:** Are there any other questions of Director Daniels before I ask Chief Carpenter to give us an update on the Parole and Probation Division?

**Mr. Hicks:** I have a couple of questions, Chair Hardesty, this is Chris Hicks.

**Chair Hardesty:** Sure, go ahead, Mr. Hicks.

**Mr. Hicks:** Today, what's the population of the Department of Corrections?

**Director Daniels:** This is a Director Daniels, for the record. We have 12,123 inmates.

**Mr. Hicks:** And if you don't have these numbers, fine. I'm just curious if you guys have done any kind of breakdowns into looking at your population relative to COVID-19 concerns. How many of those inmates are over 65, if you know?

**Director Daniels:** I can look that up for you, but I do not know off the top of my head

**Mr. Hicks:** Okay. Do you know, have you guys done any kind of analysis based on CDC guidelines of how many of your inmates may fit the category of those that are a higher risk? Such as people with chronic lung disease, severe asthma, serious heart conditions, immune compromised due to cancer treatment, organ transplantation, diabetes, kidney disease, any of that. Have you broken that down at all to kind of get a snapshot of what that population looks like?

**Dr. Minev:** We are aware of those individuals with those conditions, but I do not have an exact number of those individuals.

**Mr. Hicks:** Do you have a ballpark?

**Dr. Minev:** I don't. But I can get those numbers for you.

**Mr. Hicks:** Thank you. How many of your 12,123 are on house arrest?

**Director Daniels:** This is Director Daniels, for the record. I don't believe we have any inmates for house arrest.

**Mr. Hicks:** CJI put together this nice packet of strategy for keeping facilities and people in custody safe. It was a little bit like a rerun for us because it seemed to me you guys are doing most of what was suggested in here, is that fair?

**Director Daniels:** That would be an accurate assessment and we're doing some additional things. I just gave you the highlights.

**Mr. Hicks:** Thank you. I've been looking at the CDC guidelines and they say social distancing, you know, avoiding immediate face-to-face contact is one of the best ways to avoid the transmission of COVID-19. Within your prisons, how many people would have to be released in order for you to actually operate with the six-foot social distancing?

**Director Daniels:** I have done no such study, however, understanding how that works, we implemented controlled movement very early on in the process in which we only would allow maybe a quarter of a housing unit out at a time to do anything. And those individuals typically stay, have stayed

together the entire time since we've started. So, if we did happen to have some type of positive, we could easily trace back all the inmates that had access through the individual staff member because realities of it would probably be brought in by a staff member and we've been very aggressive at our front entrance. That's where we draw a firewall.

It's certainly not perfect and if anyone tells you they have a perfect system, I don't know what else to tell you, but we don't. I tell you what. Through our medical assessment at the front, every person entering we do a pretty good job of doing a primary and a secondary assessment if necessary and because of that controlled movement when the inmates are out of their pods, though they can practice controlled movement, I'm sorry, social distancing while inside of their pods for the most part.

**Mr. Hicks:** Thank you. Like Ms. Mull and others have said, I commend you immensely for the steps you all took. We've seen other states with massive outbreaks. I've done a fair amount of looking into it over the last couple days and it's quite commendable, sir. So, thank you.

**Director Daniels:** Thank you very much for the comment. And I appreciate the comments of Ms. Mull and Mr. Ponder, but I would be remiss if I were to tell you this wasn't anything more than my staff, my medical staff, my custody staff and so on, just doing a tremendous job. We have staff fighting to come to work versus trying to find a way to be home, yet we all have the same issues that anyone else in society has. But in part, the realities of it is I have support from the Governor to do my job and I have the best Department of Corrections in the nation. Thank you.

**Mr. Story:** I had a follow-up question just based on some of the comments that Ms. Mull made, because at the American Civil Liberties Union (ACLU) we've gotten conflicting information from literally hundreds of family members and inmates reaching out to us saying that they do not feel safe, that they are not able to get the materials that are said to have been given to inmates in order for them to wash and clean their facilities. And so, we've gotten different information directly from those inmates or their family members relaying that information to us. Though if there's any way that we can clarify that, that would be helpful.

And then another follow-up question to my initial line of questioning is that, all of the folks that have been tested according to Director Daniels' first statement, the 39 individuals, are those self-reporting and has NDOC actually done any systematic screening of inmates either using a temperature technique or some other way that they would be able to screen the populations in these facilities or is it just strictly based on self-reporting?

You've conducted 39, I think you said 39 tests so far and I'm curious is that a result of self-reporting only or are you doing systematic screening of the population?

**Dr. Minev:** This is Michael Minev, Medical Director for NDOC, for the record. This is a combination of self-reporting from inmates, as well as our medical staff at our facilities; paying very close attention to any type of medical complaints that might be suspicious for COVID-19. I have instructed all of our providers and all of our facilities to have a very low threshold for any COVID-like type symptoms. Obviously, it's becoming broader and broader by the day.

We have instituted a screening of at least one of our facilities, in which there was a suspicion of maybe more individuals that might have COVID-like symptoms. So, what we did was we instituted a temperature check for the entire facility on a daily basis and that is currently ongoing.

**Mr. Story:** Is that only one facility?



**Dr. Minev:** That's only one facility at this time, correct.

**Mr. Story:** Is there a reason to not do more system wide temperature screening?

**Dr. Minev:** I'm basing this, that screening of temperatures at that particular facility on a daily basis based on the number of cases that we had at that facility. Our other facilities have had not had that in my mind at the clinical suspicion to do the pan screening like that particular facility.

**Mr. Story:** We've seen other facilities across the country that are doing systemic system-wide screening and so if there's any way that that could be practiced here in Nevada, I think that that would certainly give us a lot more understanding as to what is actually happening within the populations that we're housing in our facilities. And then, just as a follow-up, we also saw a news report this week that there's a specific situation at Lovelock with regard to those youth who are incarcerated there and the Infirmary being the place that they're being housed and thereby subsequently making that base unavailable should there be any medical outbreak at Lovelock specifically. Can you speak to that, please?

**Dr. Minev:** Lovelock does have that situation based on the youth offenders. However, they do have a part of the gym at Lovelock, has the capability of being converted into a quarantine unit and we do have the necessary equipment to create a quarantine unit at Lovelock that would afford the youth offenders the protections that that they need.

**Mr. Story:** Well I don't want to get in a debate about that, but it seems that the pre-requirements are already violated based on the fact that the disclosure was that it's only a drape or a curtain that's separating the youth from the adults.

**Director Daniels:** We are a professional corrections agency and we work hard at keeping the public, staff, and inmates safe. Our agency fields complaints regularly and we address them with that same regularity. Do we have a [inaudible] organization? No, but do we care. Are we relevant and do we execute our public duties in the best way possible? Absolutely, thank you.

**Assemblywoman Nguyen:** You had mentioned or someone had mentioned that there were about 300 and maybe this was Department of Parole and Probation, but someone had mentioned that there were about 350 plus like people that had been granted parole already. I was wondering if you had any kind of updates to whether or not we were able to process some of those people that have already been granted parole; they were just either waiting on placement or plans or any of that.

**Chair Hardesty:** Assemblywoman, I was going to have Chief Carpenter provide that as part of her report.

**Assemblywoman Nguyen:** And then, just my follow-up. I appreciate that the Director was so receptive in opening up the prison, just for the record, I would be happy to go and visit in a normal capacity, but in light of the Governor's order and light of the fact that I have vulnerable individuals that are in my home that I wanted to protect that is the reason that I chose not to participate. If there is ever—and I put this in an email to the Director of the Sentencing Commission that if there's ever an opportunity for something to be done remotely, so we can participate in those like Town Hall like meetings with inmates where we can at least you know observe what's going on, I would greatly appreciate that, as well as, I know there are other members of this Commission that didn't feel safe and comfortable with their health and the health of their family members attending that type of tour at this time.

I appreciate you being so receptive and opening that up and I'm glad that other people were able to go. I just personally did not feel comfortable. What I can tell you is I also receive a lot of legislative email from prisoners that is contrary to some of the representations and the experiences of Ms. Mull and Mr. Ponder. So, I would just like to have an open dialogue about that and I know other legislators and talking with them also receive legislative email from individuals that are incarcerated that kind of echo some of the comments that Mr. Story had indicated about not having access to that, not having their medical concerns. I'm glad that we're receptive to, I know this is an ever-changing dynamic, you know like, with the CDC, you know, bumping up the symptoms that we need to look at, I'm glad to hear that the prison is also receptive into incorporating those changes as they develop. So, thank you.

**Mr. Arrascada:** Following up on Mr. Hicks' questions, could the Director or his staff provide to the Commission the list of at-risk people that are incarcerated currently at the prison? Our Washoe County Sheriff's Department was able to do that. Then I also had a question of Director Daniels. He said that they're practicing social distancing for the most part, if he could elaborate on that?

**Director Daniels:** In most of our housing units, the inmates are assigned to cells, typically two to a cell. However, when they're outside of their cells, where the social distancing comes in, is when they're out and they can eat and use the telephones and use the showers, that they typically social distance themselves. So, that's what I meant for the most part. Now, I'm certainly not referring to them inside of their cells. So, my response was based on when they're outside of their cells, in their pods, in their smaller groups of individuals, they're able to keep some distance amongst one another.

**Mr. Arrascada:** Thank you for that. Maybe I misunderstood the last meeting. Don't you have most of the inmates on lockdown where it's 23 hours in their cell and only one hour out?

**Director Daniels:** In many respects at certain facilities, for instance at Ely State Prison, those inmates spend the majority of their time inside cells, depending on the housing unit. In my other housing unit, the inmates spend much more time in my other facilities, much more time outside of their cells, but that time is limited—

**Mr. Arrascada:** Director, I'm not trying to argue with you I just distinctly, I think, recall from the last meeting, I think you said that virtually the entire prison system was on a 23 hours in cell, one hour out, so that you could control groupings. But I guess what that means is that inmates are 23 hours a day unable to practice social distancing with their cellmates.

**Director Daniels:** Here's the way that it works, I believe at our last meeting, I believe High Desert State Prison was referenced. At that particular time, High Desert State Prison was on lockdown. We also have other issues that are that go on, for instance, programming and religious services, which have been modified and we don't have that type of programming available or its greatly limited or reduced, and those inmates spend more time in the cell.

However, I'm not going to go facility by facility and circumstance for circumstance. I provided you with generalized answers, trying to give you information that was requested as with anyone else. We had an opportunity, we invited everyone, and there was opportunity to come out and see for yourself and ask questions. I have wardens at each of my facilities that do a great job and they have to deal with the issues that are in front of them on a daily basis. They have to make adjustments based on their security concerns and other concerns at their facilities.

We do a very, very good job and under very, very difficult circumstances. For me to sit here and parse what happens that every facility, at every single time, would not be appropriate and I would never be able to get that right as the wardens have to do what they have to do to ensure the safety of their

facilities. Thank you.

**Mr. Arrascada:** Thank you. Director Daniels, I too appreciate all that you've done. You're aware that Sheriff Lombardo sought a 10% depopulation of the Clark County Jail in order to practice better social distancing are you aware of that?

**Director Daniels:** I believe I saw a public announcement of that nature.

**Mr. Arrascada:** Okay. Also, up here in Washoe County, we have not had any positive tests at our Washoe County Jail. However, one of the captains who's in charge of detention said it would be naïve to think that COVID-19, that they would escape without having some type of positives at the jail. Would that list, if you know, the list of the people incarcerated that fall under the CDC guidelines, if that was depopulated by at-risk people, would that give you better ability to socially distance?

**Director Daniels:** My response is this. I do the best we can with our circumstances and to date, we have zero positive COVID-19 cases in our inmate population. I will not continue to go back and forth on what others are doing. Our circumstances are ours. We're doing our best to manage it. I would hope that you would understand that but thank you for your recommendation.

**Dr. Salisbury:** I do want to thank you for the opportunity to enter the institution. I, myself, was out of town last week so I was unable to attend. I would have been there, but I did have to go out of town to seek housing [inaudible] housing transition. I also want to thank your staff for the incredibly difficult, challenging hard work that they're doing every single day. As I've said before, I've met many of them in several of your institutions and I have no doubt that they are doing their absolute level best under the circumstances that we are in.

I do have some questions, in particular, first of all, just to ask a little bit about what's been going on in other institutions. And I know you don't want to keep coming back to this, but I do need to kind of point out that eight out of the ten highest clusters of COVID-19 are in detention facilities and jails. There's been a number of institutions that have started to test incarcerated people who are asymptomatic and are finding very, very high rates of inmates who are testing positive; including one prison in North Carolina that after they started massively testing in one of their facilities, 90% of the inmates who were tested were asymptomatic in terms of testing positive. 90% who tested positive were asymptomatic.

The Federal Bureau of Prisons is also starting to open this up and test widely for asymptomatic inmates in order to contain the spread. We've got, of course, a number of public health officials including one at Johns Hopkins Bloomberg School of Public Health, Leonard Rubenstein, who's quoted in *USA Today* saying "unless you do universal testing in all environments, risk of spread is enormous, if you are waiting for symptoms to emerge before you do the testing you are getting a false picture of what is going on, it's too late."

I wonder if both you and Dr. Minev could speak to whether or not you feel like NDOC needs to be doing more wide testing, particularly given these latest statistics and the latest news coming out about the number of people who are incarcerated who are asymptomatic and apparently continuing to spread it not only amongst themselves, but with staff and then potentially staff in the public. Thank you.

**Director Daniels:** Thank you Dr. Salisbury, for the information you've provided. The first comment is related to your data on jails and detention centers in the clustering. We don't have jails or detention centers; we run prisons. We don't have the same transiency and we have much more control of environments. We have large medical staffs at each of these facilities. So, that would be somewhat different in terms of how we would view it. In terms of the medical aspect of it and in terms of testing,

I'm going to turn this over to my Medical Director, Dr. Minev.

**Dr. Minev:** We have been in and I have been in very close contact with Dr. Azzam, the Chief Medical Officer of DHHS of State of Nevada, almost on a weekly basis. Definitely considering every possible means to keep our staff and our inmates safe at all times. Is asymptomatic testing on the table? Absolutely, but I think at this point in time, I don't think it's necessary. However, that can change at any time. I definitely am open to any possibilities on the table and I continue to gain insight from obviously the CDC, but also from continued discussions with Chief Medical Officer, Dr. Azzam. So, again, we are trying everything we possibly can to keep our inmates and staff safe at the NDOC. And, I definitely will keep those under consideration.

**Dr. Salisbury:** So, what I hear you saying Dr. Minev, is that you're open to entertaining a possibility of more widely testing, particularly those inmates who are asymptomatic, is that correct?

**Dr. Minev:** Correct. One example of a small cohort of inmates that we have tested that were asymptomatic were all our pregnant inmates at Florence McClure and that was just done within the last two weeks. We were very lucky that they were all negative. So, obviously the testing issue is a hot topic right now, the lack of tests out in the community, as well as, throughout the country. If the tests become more available, I am definitely open to opening of the testing of asymptomatic individuals.

At this time, tests are obviously a very hot commodity. Dr. Pandori at the state lab, in conjunction with Dr. Azzam are doing everything they can to not only provide extra tests for our inmates, but also for the state of Nevada. So, it is a constant battle and we're keeping up on it every single day but, you know, again, I'm trying to do my very best here to keep our staff and our inmates safe based on their recommendations.

**Dr. Salisbury:** Thank you for that. Just as a follow-up. So, two of the top clusters are actually prisons, Director Daniels. So, I may have misspoke and said detention centers. Of course, prisons are different than detention centers and certainly different from jails, but you know, one prison, a couple of prisons actually in Ohio, one has I believe the number of positive cases is 80% of the inmate population. So, that's a prison institution. That is one that is not a jail, so I'm curious to know your take on whether you feel like more widespread testing of asymptomatic individuals inside the prison system need to be tested.

**Dr. Minev:** Do you have a timeline of when preventive measures were instituted at the Ohio prisons that you're referencing?

**Dr. Salisbury:** I can find out. I can get back to you offline or as part of this meeting, in the next meeting, of course, that's not until July, but I can find out, because I'm in quite close communication with one of the medical correctional health experts, Dr. Megan Noviski, in terms of what they've been able to do. And it is entirely possible, I'm glad you bring up that point, but there may have been less precautions taken early on. So, I absolutely hear your point on that.

I do have a number of other questions that I would like to ask just in terms of, you know, whether like, can you talk to me about how the grievance process is occurring inside your institutions for staff who might have grievances? In terms of what they may be seeing, in terms of the precautions that are being taken, if they're not seeing precautions being taken. Like what capacity do your staff have to bring forth grievances or complaints up the chain?

**Director Daniels:** Our staff are keenly aware of how to utilize their chain of command to ascertain information or make complaints and so on. We also have an Inspector General's Office that also serves

for an additional outlet. There's also the Human Resources Department, which would serve as another way of finding out facts or making complaints or doing what they believe to be either inappropriate behavior or a lack of whatever you want to call it. So, our staff are very well aware; our staff the majority of them are sworn and they certainly know the chain of command and how to get things done if they perceive that something isn't working out right.

**Dr. Salisbury:** Thank you. And then just one last question for you, is NDOC still transferring incarcerated people from institution to institution? Is that still occurring like, in terms of what's the protocol—can you just tell me again the protocol, if that's still occurring, how—are people being quarantined? How long are they being quarantined if they are being transferred from facility to facility?

**Dr. Minev:** I have sent out communications to all facilities, wardens, assistant wardens, as well as all the medical staff, to notify me if there is any transfer that is needed. Those transfers are being carefully screened. Again, we are not only screening in terms of cardinal symptoms, but any type of suspicion for COVID-19 infection. The—only in emergent situations will inmates be transferred, but we definitely try to do a very thorough medical assessment of the inmate before they're transferred, if they need to be transferred.

**Assemblywoman Nguyen:** I have one follow-up question. You had mentioned that you tested all the pregnant women at Florence McClure. Of those 39 tests that you had tested, how many of those were the pregnant women that you tested?

**Dr. Minev:** This is Michael Minev, Medical Director for NDOC, for the record. Those included nine pregnant females from Florence McClure.

**Chair Hardesty:** Let's move on to Chief Carpenter and the Division of Parole and Probation. There was a specific request, Chief, if you could share with the Commission sort of the category or group of folks in the 398 that at least as of April 13<sup>th</sup> you mentioned have been granted parole, but not released. I think it would be helpful for the Commission, as well as the public who are listening in, to get a sense of some of the limitations or obstructions or whatever you want to characterize them, to releasing some of those people and then maybe any updates you've had developed with respect to added numbers and maybe even those who've been released if you wouldn't mind.

**Chief Carpenter:** Hi, good afternoon Commission. As the Chair said, at the last Sentencing Commission meeting we discussed options for releasing inmates and it was requested that I discuss in more detail the Division's past eligibility date list or the PED list, as we refer it, which is basically just an overdue list.

So, what is this overdue list? The Division keeps track of all inmates who have been granted parole by the parole board. Once the parole board grants parole to these inmates, then the Department of Corrections and P&P work together to assist these inmates in formulating a release plan. NDOC and P&P are bound by a few statutes. NRS [inaudible], NRS 213.140 and AB 236 Section 100, I don't have that statute. I'll discuss those later.

Justice Hardesty asked to get into a granular discussion about our categories and so the Division uses certain categories to break down the various reasons as to why these inmates have not been released. So, I'll go over most of them.

The first category, there's six of these people it involves pre-parole plans. So, per NRS 213.140, NDOC is responsible for obtaining the inmates' initial pre-parole plan. And so, I have to say that P&P and NDOC and the Parole Board we have collaborated endlessly on it on this to try to decrease the people

in this category. So, it fluctuates daily, but as of today, I think there's six.

The second category is for sex offenders that have their primary plan denied due to release limitations by the Adam Walsh law and there are four people today in this category. The limitations are basically proximity where children congregate, proximity to schools, parks, and other areas frequented by children making finding suitable private residences very challenging for this segment of the prison population. There are also few structured programs or motels that will accept sex offenders.

The third category, which has forty people and involves interstate compact cases. Currently, these cases represent inmates that are awaiting interstate compact investigation to be conducted by another state. And there are cases that are approved by another state, but the transfer is pending due to the states imposing moratoriums on their transfers because of COVID-19.

The fourth category there's sixty-four people in this category and includes all non-sex offender plans that have been denied. So, sometimes plans are denied because there's not a--the inmate didn't provide a correct address, the address doesn't exist, the phone lines are disconnected or there's just no viable housing.

Fifth category, there's thirteen and these people are pending extradition cases. P&P staff work with applicable agencies to coordinate extraditions and sometimes these agencies are just slow to respond to our requests.

The sixth category, there's five, and the inmates in this category are typically at the Parole Board having their special conditions reviewed for suitability. For example, the cases that we had currently are inmates who are ordered on to house arrest and they are claiming to be indigent and without support or means to pay for the house arrest program, so they it won't work for them.

Seventh category are twenty-nine people in this category today includes inmates that have exhausted all private residence and Medicaid funded housing options and/or have been approved for a program. When I say program, it's a halfway house a transitional living facility or an inmate inpatient program.

Eighth category, there's twenty-four people in this category. It includes inmates who have paid for or been accepted into a Medicaid funded housing program and our waiting bed space.

Ninth category, there's thirty people in this category and includes inmates that wish to expire and are actively refusing parole. Now, this is NRS 213.1218 and it basically says that a person in prison has to sign some documentation. If they don't sign the documentation, they won't be released. We think that they just they don't want to be under supervision under the Division's supervision, so they don't want to sign it.

Tenth category, there's fifty people. Involves lack of housing options and so the Division has a program called an Indigent Funding Program and we've exhausted all of that funding. There are limited numbers of vendors willing to accept inmates. Many programs any housing option that besides a private residence or hotel or motel such as a halfway house they're not reviewing applications in a timely manner because of COVID-19 right now.

Eleventh category has fifty-eight people. Includes cases that the Division is actively investigating. The Division has been expediting investigations; it has been closely monitoring the reasons why pre-parole investigations are denied. So, we've been really trying to ensure that these investigations are completed and completed timely.

Twelfth category with twenty-two people includes inmates that have approved plans but are still awaiting release. Some examples: The Division's waiting for a scheduled bed date for a program or motel to become available. Sometimes an inmate could be on their first or second or third parole plan before it's finally approved. NDOC transports these individuals and sometimes that can be difficult if somebody—an inmate is in a camp or they're with the fire work area or just from north to south or south to north these are challenges that we face. The good news is that AB 236 in Section 100 will assist in this category. The Parole Board and NDOC have been collaborating to ensure that inmates are seen sooner. The statute says six months prior to their parole eligibility.

Thirteenth category, there's twelve people. Includes inmates who have incurred a new infraction while they're incarcerated which can include new felony charges that could be levied upon them.

And the last category, there's thirty-four people. Includes inmates that have exhausted all housing options or are without private sponsorship or some kind of family support. They've been denied or do not qualify for the few Medicaid paid housing options; they expire too soon to receive our indigent funding, or they lack available identifications required by most programs. It says sometimes these are sex offenders, sometimes these are people that don't have citizenship and they can't get their identification. Some of these inmates have been given a release option to a homeless shelter, but they either refused or they were denied because of the risk factors and we didn't think it would be behoove us to give them to a homeless shelter.

So, what are the challenges that P&P faces and how has COVID impacted us? Well, funding is a huge challenge, so halfway houses, transitional living facilities they secure payment through either the inmate or the inmate's sponsor and the Division's indigent funding program or Medicaid. And like I said before, the Division's indigent funding program has been exhausted, so we do not have any more money to assist this population.

The second is limited parole probation embedded staff in the prisons. So, when we're fully staffed, we're good and the employees are busy. However, because of COVID-19, we have two employees that are in quarantine. We have one employee that's home because of underlying health conditions and because we don't want staff exposure, we've curtailed any face-to-face meetings and so it's impacted the way we do business.

As we discussed, interstate compact investigations are impacted because some states have put placed a moratorium on accepting cases or investigating cases. Motels, hotels and program challenges, vendors are reluctant to mix populations because of COVID-19, so that's an issue. And lack of overall bed space availability due to people not moving out. So, there's no eviction process at the moment because of COVID-19, so there's just—the beds aren't becoming available like they usually are.

So, what can we do? Some proposed solutions. Statutory language. So, those statutes that are out there, one proposed solution would be to relax the current statutes or maybe see if we could go forward in an attempt to change existing statutory language in the upcoming session.

Housing is a huge issue as we discussed, so that could be a possible solution. Maybe having some kind of state-owned or state-run house facility, maybe like Casa Grande where inmates who are in indigent or sex offenders could automatically parole to this type of environment and there wouldn't be this back and forth of trying to find a viable plan. The challenge with that is who would pay for this and who would operate this type of facility. That's a great question and I just want to throw it out to the group that maybe that this could be an option.

P&P, we have our role and responsibilities. It's outlined in statute. Unfortunately, we don't have the

skill set or the resources or the authority to run a housing facility. So, it's a top challenge. I think if NDOC and P&P could work together in this session, maybe we could get something on.

The third possible solution that I thought would be helpful is some kind of community resource center. I've been thinking about this for a long time. Maybe some kind of center in the north, in the south and in the rurals, that everyone can utilize. Whether it's the city, it's the county, it's the State, it's the courts, it's law enforcement, it's the public defenders, the District Attorneys. Having like a one-stop shop for everyone to go and they can get counseling, food, employment, identification, housing solutions. They can possibly get signed up for Medicare, Medicaid. So, I'm thinking that if the state gets together and tries to pull all of our resources together, maybe something like that would be helpful.

So that concludes my presentation.

**Chair Hardesty:** Thank you, Chief, and I appreciate the summary as well as the suggestions you've offered. I did have one question before I open it up to other Commissioners. Of the numerous categories that you broke down, other than perhaps the category in which the inmate is refusing to sign the papers for release under 213.1218, are there any of these categories in which you feel the Pardons Board could play a role in addressing the resolution of an inmate's parole grant and facilitating that release?

**Chief Carpenter:** Usually the Pardons Board, as you know, they would commute somebody's sentence. So, I guess they could commute their sentence so they wouldn't be on parole but that may be a cumbersome process. It might be easier just to simply release them since they've already been granted parole. If we relaxed the statutes and I don't know if that's possible, but I guess, to answer your question, yes, they could, but I think the Pardons Board might be—it'd be more beneficial for them to see inmates who have not been granted parole.

**Chair Hardesty:** Okay. Thank you. I do think there is a portion of the Pardons Board authority to relax the statutes as you have characterized it. Do you agree with that?

**Chief Carpenter:** Yes.

**Chair Hardesty:** That's what I had in mind.

**Chief Carpenter:** Oh yes, then let's go for it, absolutely.

**Chair Hardesty:** Well, I'm not suggesting anybody's going to go for anything or even inviting that, but I wanted to address that, the question of that role of the Pardons Board and its ability to address some of these. Not all of them but some of them if they chose to.

**Chief Carpenter:** Great, and just to weigh the effects of that. If people are released without viable plans, like we've talked about extensively last meeting and this meeting, there will be consequences. If there's no viable plan, then people, you know, may not do well.

**Chair Hardesty:** Well, and to underscore the point, many of these folks are in this position with the exception of the 30 who don't want to sign, are in this situation because their plans generally speaking, are not viable. The extradition cases, that's a different thing and the cases in which you're waiting for, but indigent resources and have no funding. There's just an awful lot of folks here who are without solutions given the current economic and housing environment.



**Chief Carpenter:** Correct.

**Chair Hardesty:** Thank you and then are there any questions for Chief Carpenter and her comments and presentation?

**Mr. Story:** My first question is about the total population you've identified here Chief Carpenter, and how many of those individuals were in this status prior to the onset of COVID-19? So, looking at that from the population prior to say February of this year until now. And then the second part of my question has to do with housing options because we released a report about this very situation back in 2015 and the number of people who were approved and available for parole but were being detained for a myriad of different reasons as you've outlined here. One of those specific reasons that came to our attention back in 2015 is that for those vendors who were offering housing options, there were no non-religious housing options available. So, if someone is non-religious the only option they had was to go to a religious based facility. Has that been changed since then and is that available? I realize you may not have the answer right away, but if you could get back to us if you don't have the answer to that currently.

**Chief Carpenter:** The first part of your question was the total population prior to COVID-19 and now. I don't have that, but it fluctuates daily it could be anywhere from 350 to 398. It goes back and forth, but I haven't seen a huge jump in this list because of COVID-19. It's been rather high consistently, but I can get you the numbers. That's no problem.

The second, with the housing options, I don't know about the religious versus non-religious and I can try to get you some information about that. But I think it's important to note that any housing option that the Division allows parolees to utilize, they must comply with the state and county and city fire codes and licensing and all of that. So, that is a very cumbersome process. It's a very expensive process and so that's another avenue that we should probably look into. I'm not saying that they should be wound back, and we shouldn't comply with that. It's just that it's a difficult process for people, so that's one of the reasons why there are housing opportunities out there, but P&P cannot use them because of that, if they're not licensed by the state.

**Mr. Story:** Is that a statutory limitation that you're saying should be revised?

**Chief Carpenter:** Yes.

**Mr. Story:** If you can get back to me on the question about it being non-religious based housing option because for those who are eligible and should be released, if the only option available to them is to go to a religion based housing option that, we've got to figure out some other option for those folks. Thank you.

**Ms. Mull:** I know for my brother's experience, he's in Texas on probation, but he's having to pay hundreds of dollars a month in probation fees and parole fees. In the current environment, is there any reprieve or halt or anything for individuals that are unemployed or having, you know, all these other things that are happening to them financially or are they still in Nevada being required to pay all these fees at the moment?

**Chief Carpenter:** To answer the question on the fees, the Division of Parole and Probation doesn't have the authority to waive those fees permanently. We do have the authority to say, hey, if you can't pay, okay, we understand that you're not going to go to jail on something like that. It's not an infraction per se. That would be up to the sentencing judge to do that.

To elaborate on that, we couldn't waive some of those fees, especially if it's a restitution. The victims need restitution. We couldn't do that. And with supervision fees, that goes directly into our budget, so that's interesting. So, we don't—they don't get in trouble for non-payment, but we don't have the authority to do that.

**Ms. Mull:** Okay, but no one's going to be in violation or get rearrested because they aren't able to pay these fees?

**Chief Carpenter:** No.

**Chair Hardesty:** While we're on that topic, just for the benefit of the Commission members who may not know, Chief Carpenter, what percentage of your budget is funded through supervision fees paid by inmates under supervision?

**Chief Carpenter:** That's a great question. I'll have to find out.

**Mr. Hicks:** What type of budget drawbacks are being suggested to you at this point? Like, how much in cuts are you going to be looking at having to make?

**Chief Carpenter:** All state agencies had to make a 6% cut and then a 10% cut and then a 14% cut. So, I believe the Division's budget is around \$135 million for two years.

**Mr. Hicks:** So, you have to make a total of a 30% cut?

**Chief Carpenter:** No, they wanted to look at what it would look like at a 6% and then an extra four which was 10% and then the 14%.

**Mr. Hicks:** So, I was looking at these, what was provided by CJI about what some other states have done, and I looked at similar populations, just to kind of get a feel for context. Arkansas, for example, has a very similar population in Nevada, about three million people, and their Governor according to CJI reach recently announced plans for compassionate release program. To be eligible, it would be a non-violent offender or a non-sex offender and within six months of release.

So, similar to what the SAFER Plan is suggesting, but actually more confined than what the SAFER Plan says and what that did is it made 1,700 inmates eligible for parole board review. What I'm curious is, imagine those kinds of numbers all of a sudden being eligible for parole, on top of the 398 on the PED list already. What would that look like for your Division presently and then your Division with 14% less employees?

**Chief Carpenter:** First, it would depend if they had to be granted parole and go through the Parole Board process and that sort of thing and Chairman DeRicco could answer those questions. But if they were released or granted parole let's say, then that would be, you know, X amount of people that our few staff would have to try to find viable plans, that would be very, very difficult, as I've outlined. Then, let's just say they were released, they wouldn't have employment opportunities and housing and all of those things and our staff, it would be very difficult for our staff to supervise them.

I've already had our staff look into different ways of supervising people, especially the lower risk individuals, to try to utilize our people, our resources in the best way possible. We would have to do what we have to do; however, I think the state has to understand that with less resources, there's less supervision and that's unfortunate. Did that answer your questions?

**Mr. Hicks:** It does. I guess my only follow-up question is why is that unfortunate?

**Chief Carpenter:** It would be unfortunate—by unfortunate is that if people, if a lot of people were released to the street and P&P had to supervise them, we probably are not equipped with the resources that we need to do the job or at least do it well.

**Chair Hardesty:** Seeing no more questions for Chief Carpenter, Chairman DeRicco, was there anything you wanted to supplement from your comments and has anything changed in the status of parole considerations and the acceleration of parole considerations that you've been involved in?

**Chairman Christopher DeRicco:** So, I think what you're referring to is our submitted emergency declaration that we've submitted on March 26<sup>th</sup>.

**Chair Hardesty:** Right.

**Chairman DeRicco:** I can tell you that last week on April the 22<sup>nd</sup>, I heard back from Governor's Office, General Council, that that the consideration was there and was being reviewed by the policy team and since that point in time have had no further updates with regard to that. And that's the only update that I have.

**Chair Hardesty:** Seeing no questions for Chairman DeRicco, let me pose a couple of questions to the Commission. First and foremost, in light of or on this record, does anyone wish to make any recommendations for consideration by the Sentencing Commission to recommend to the Governor and to NDOC concerning their strategies and approaches to protect the inmates and their staff from the COVID-19 issues?

**Mr. Arrascada:** Are we also considering the SAFER Plan in this part of the potential motions?

**Chair Hardesty:** That's exactly what I'm referring to. In light of the record that's been made in front of the Commission, are there any provisions in the SAFER Plan that a Commissioner wants this Commission to address over and above what the NDOC has already represented to this commission they are doing?

**Ms. Brady:** I had a question regarding the Coronavirus Aid, Relief, and Economic Security Act (CARES) funding and whether or not that is able to be applied for these releases or in combination with the plan, The SAFER Plan and how that would work funding wise?

**Chair Hardesty:** Okay, Director Daniels, do you or your staff have any information about any federal CARES Act funding for states yet? Ms. Brady poses the question and I'm rephrasing it a little bit, is there any CARES Act or federal funding that's been approved in the stages of funding because of the COVID-19 crisis for state budgets or state correctional institutions?

**Director Daniels:** Sir, I'm not aware.

**Director Gonzalez:** The last I heard is that the GFO is the one who's spearheading any of those requests for the federal funding that's related to and in response to the crisis and then I think that would then go through the Interim Finance Committee (IFC) process as well. I'm not sure about the particulars of it, but that would be the place to start to find out exactly how those requests are being handled. And if you are going to submit one, it would be would start with GFO.

**Chair Hardesty:** Chief Carpenter, have you received any information about any potential federal funding for supervision agencies?

**Chief Carpenter:** There are a few grant possibilities that the Office of Criminal Justice Assistance (OCJA) has been discussing with our Division and our Department. But again, with grant opportunity come some struggles. You know, putting in for it and then maybe getting the grant, then it still has to be approved, etc., etc. So, the challenges are still there.

**Chair Hardesty:** I may be mistaken, but I didn't think that the federal government or Congress I should say, had authorized any we'll call it CARES Act funding for state governments yet, just direct appropriations.

**Chief Carpenter:** Oh, maybe I maybe I'm mistaken. There were two grants that we were dealing with yesterday, but maybe I mistaken, I'm sorry.

**Chair Hardesty:** Yeah. I think Ms. Brady's question is under the CARES Act and the CARES Act has been like the Paycheck Protection Program or the distribution of funds for individual family members, those kinds of things. I think that is the debate currently in Congress, where states are seeking federal funds to supplement their budgets, but I don't think that that's been acted upon yet. Now, maybe I have mischaracterized your question Ms. Brady, did I misunderstand the question?

**Ms. Brady:** I said the CARES Act because that's kind of been on my radar but if there's other funding, federal funding out there that can help us and help at least build some kind of an infrastructure with housing or you know, beef up our reentry, you know, abilities and you know, identifying from the stats that they gave, it sounds like there are quite a number of people where they're only impediment in being released is that there's a lack of housing or support. So, I just was throwing the CARES Act out there, but if there's other funding too, that would potentially be helpful.

**Chair Hardesty:** Dr. Salisbury mentioned earlier access to, and I think that was grant money, correct, Doctor?

**Dr. Salisbury:** I'm just looking at the solicitation now. And I did send it to Director Gonzalez, just so that she has it and can distribute it to the Commission members and to anybody else who want it. I do believe it is a grant that the deadline is May 29, 2020. I haven't looked at the stipulations. So, with regard to Chief Carpenter's comment and the complexities of going after grant money, they may have relaxed some of that, I don't know, but I'd be happy to look into it further. Yes, the Federal Department of Justice, through the Bureau of Justice Assistance has Coronavirus emergency supplemental funding, in the amount of \$850 million for public safety agencies. I'd encourage, certainly, the Department of Sentencing Policy to consider applying for it too, given that they're staffed at 50%.

**Chair Hardesty:** Mr. Arrascada, we'll circle back to you and then I'll repeat my question. Are there any provisions in the SAFER Plan that this commission would like to recommend to the Director or to the Governor that are not already being undertaken or addressed by the NDOC? Mr. Arrascada?

MR. ARRASCADA MOVED TO THAT THE A COMMISSION SUBMIT A LETTER TO THE GOVERNOR AND TO THE PARDONS BOARD URGING A RELAXING OF THE STATUTES WITHIN ITS AUTHORITY TO CONDUCT RESPONSIBLE DEPOPULATION OF THE PRISON SYSTEM, UTILIZING A FRAMEWORK OF AT-RISK PEOPLE PURSUANT TO THE CDC GUIDELINES AND THE SAFER PLAN PRINCIPLES.

MR. STORY SECONDED THE MOTION

**Chair Hardesty:** Thank you. Is there any discussion on the motion?

**Vice Chair Callaway:** Last meeting we had a pretty divided vote to recommend that the Pardons Board convene early to review potential release of certain inmates in NDOC, and now we're taking a motion to basically compel the Governor and/or the Pardons Board to look at a process that's outlined in this SAFER document, which we have been given.

My question, I guess is this: the Director, over two meetings, has provided us great detail on what he's been doing within the NDOC to mitigate this virus, to ensure the safety of inmates, to ensure the safety of his staff and the public. He has answered numerous questions and has had his medical staff available to answer questions. He's invited folks to come tour and partake in a town hall at his facilities.

My question is this: my understanding is that the Governor through executive order, already has the authority to implement a depopulation based on whatever criteria he sees fit. Whether it's the SAFER Plan or whether it's some other plan. And if the Director, in his expertise, running that facility believes that he's reached a critical stage where lives of inmates and staff are in grave danger because of the current population, doesn't the Director currently have the authority to reach out to the Governor and request the Governor take action?

The Director is part of this Commission. I just don't understand or maybe I am asking for clarification the need for this body to collectively urge the Governor to take some type of action when the Director already has the authority, I believe, to urge the Governor to take that action if he sees it as appropriate.

**Mr. Arrascada:** I'm not sure if that's a question or a comment upon the motion. The motion has been made and seconded; I think that we move forward.

**Chair Hardesty:** Okay, Chuck, is there a question you wanted to ask of someone in particular? I don't know if it's a statement or a question that you have.

**Vice Chair Callaway:** I guess my question would be, number one, doesn't the Director currently have the authority to ask the Governor to, through executive order, depopulate the jail in a manner that the Governor and he believes to be appropriate? Whether it's the SAFER Plan or some other plan I guess that's my question. And then second, if so, why do we need this motion?

**Chair Hardesty:** Well, with respect to your first question, I'm not offering a legal opinion and I can't. I would just observe that the extent of the Governor's authority—the Director has the authority to ask whatever he wants of the Governor, I think. The question then is what authority the Governor has to depopulate the prison without involvement of the Pardons Board. I don't know the answer to that. I'm just posing that as a question myself. And, it is an issue I think that is out there. I don't know the answer to it.

The question is whether or not, as I understand the motion, it's necessary for this commission to recommend that the Governor undertake that action and under those standards. And I think Commissioners can decide for themselves whether or not that is wise or unwise, but I do think that there is a fundamental question about the extent of the Governor's authority and because that issue is implicated in a pending case, I'll be abstaining on this whole process anyway, or on this whole motion anyway. I have to.

Are there any other comments with respect to this issue or this motion?

**Ms. Mull:** It's a half comment, half question. We had a presentation earlier about the other 49 states and what they've been doing and there were several things in there that were not specifically in the SAFER Plan. Are we just putting up the SAFER Plan and not these other lists of things we've seen such as no early release of sex offenders or domestic violence offenders or you know? That's part number one. Number two is, are we also going to recommend and have some kind of assurance that there's going to be social services available for the people that are released early? We've heard from P&P, about their very limited access for people they already have on their list and I know that our current domestic violence shelters and things to that extent, we are overwhelmed at the moment across the state with the amount of people that need help and the limited ability to help them.

I want to make sure that the second part of that is that we also recommend, if we're going to release these people, that we also have resources and things in place to help them and make sure that they're not put in a position to either re-offend or to go in survival mode, where you know, people may do things they would not normally do they are trying to survive because there's limited housing, food and employment.

**Chair Hardesty:** Mr. Arrascada, would you like to respond to Ms. Mull's questions?

**Mr. Arrascada:** Sure, that's why I called it responsible depopulation. We're a recommending board. We can make a recommendation to the Pardons Board and the Governor to consider responsible depopulation of the prison and then utilizing the framework, as I said, of the CDC guidelines and the SAFER Plan principles. Her question I think is answered in calling it responsible depopulation.

**Dr. Salisbury:** To reference to Chuck Callaway's questions, based off of a media story from the *Nevada Independent*, Governor Sisolak has publicly acknowledged that he's waiting for the recommendations from the Sentencing Commission. "They've given me no definition thus far. I've got no recommendation from the Sentencing Commission", he said, "I'd like to know what their recommendations are, because they're there for a reason." So, if we can trust that is accurate, it seems like in order to move forward, we need to provide some recommendations and I'll leave it at that.

**Vice Chair Callaway:** I really appreciate what was just said. If the Governor—I didn't see that article, but if the Governor has made that statement publicly, then certainly, we want to give the Governor the tools that he needs, but I also want to make sure that we're supporting the Director and he has the tools that he needs and what he feels is best for his facility, which he's in charge of running.

I guess, maybe and I don't know if it's possible to have a second motion, or a change of the motion, but in my mind, I'm just thinking out loud here, I think that a motion along the lines of what was given, however saying that we encourage the Governor to work with Director Daniels on the protocol for the depopulation, using the SAFER Plan as a potential guide.

I think in my mind, I guess what I'm getting at, the two things that are kind of a hard pill for me to swallow is, number one, going basically around the Director and saying—okay, Director, you've told us all the great things you're doing, you've told us all the steps you've taken, all the measures you've taken to make people safe, but yet, we're going to go around you and go to the Pardons Board and say, here's what we want you to do.

I think that the second hard pill for me to swallow is just adopting the SAFER Plan in and of itself. I think the vast majority of what's in the SAFER Plan is really good. But when I read the SAFER Plan, there's references in here where they consulted with corrections officers, but who were these

corrections officers? It doesn't list what agency they worked for; it doesn't list the size of the facility they worked in. It says, P&P Officers, but it doesn't list those individuals that they coordinated with.

They start off in their initial summary talking about United States overall, how many people are incarcerated, which immediately makes me think that the folks that were behind this maybe have ulterior motives besides strictly the welfare of people during a pandemic. And then finally, there's comments in here that, in my opinion, at least for our facilities are completely untrue. That inmates lack hygiene products in jails, typically. Where does that come from? I know that in our jail, in the CCDC, inmates have total access to hygiene products, whether toothpaste, soap, running water, and you know, in a minute when I talk about the steps we've taken in CCDC, we've issued PPE equipment to inmates. The Director talked at length about hygiene available to inmates.

So, again, I don't know where some of this information in this SAFER Plan comes from, but just saying that I want to adopt this plan as the one that the Governor should use, I kind of have a hard time with that. I certainly think the Director could be able to reach out to the Governor and say hey it's time to depopulate my facilities for the safety of everyone and here's the protocol. Yeah, there are things in the SAFER Acts that are great, that we should use as a guide. Maybe there's a couple things in here that we don't think are relevant to this particular time, but I think that's my point of view based on the conversation I've heard and I know I'm probably the odd man out here, but that's just my perspective.

**Judge Freeman:** As representing the Chief Judge in the Second District and also the only member of the judiciary that can participate after Judge Hardesty has indicated that he has to abstain. Vice-Chief Callaway is not alone. On behalf of the judiciary, we're the ones that put the people in prison. So, as a consequence, I'm opposed to the motion. And, during this discussion period, I wanted him to know, he's not alone. I feel very strongly under the circumstances that the Director of NDOC in his detailed analysis and answer to our questions was very satisfactory to me. Under the circumstances, I feel him very much in charge, understands what should occur and on behalf of the judiciary, we're the ones that put those people in prison and I'm not interested in letting them out without a reasoned, appropriate approach. That's my recommendation is to leave it to the experts, like the Director of NDOC. That's what I'm weighing in at and that's my opposition to the motion. Thank you.

**Chief Carpenter:** Mr. Arrascada, I would like us to define "responsible", because I don't really know what that means. Your responsible and my responsible could be different. Number two, Dr. Salisbury talked about recommendations. And so, I don't understand exactly what recommendations we're making. I get the SAFER Plan and that sort of thing, but I don't think they're laid out as well as they could be. Number three, Director Daniels has talked about all the things that NDOC is doing and if we take people that are outlined by Centers for Disease Control (CDC) to have all these underlying conditions and we let them out, aren't they safer where they're at? I'm confused with that. And four, I was thinking that if we were going to ever do something like this, wouldn't we look at the crimes that people committed and how long they're on for and that sort of thing and not because they have an underlying health condition? So, those are the four things I wanted to bring up to the group.

**Ms. Brady:** Thank you, Your Honor. Are we able to have a working group of the Sentencing Commission, that might include people outside the Sentencing Commission? For example, it's my understanding that the Governor relies on several health officials when making his directives, various directives and so forth, and I'm wondering if we can bring together some of those health officials, as well as, some of us on the Sentencing Commission and NDOC and P&P to meet with them and come up with some recommendations for the Governor. Some more like, specific guidelines as Mr. Arrascada said, "responsible" release.

**Chair Hardesty:** Well, that is an option I suppose, if the Commission is interested in pursuing that, but

at the moment, the issue on the table is the motion that's been framed.

**Mr. Arrascada:** I believe Vice Chairman Callaway made a motion to modify the motion I made to incorporate that, where I talk about the Pardons Board under its authority that also that the Governor and the Director of Corrections hold meaningful discussion regarding responsible depopulation. I'm willing to accept that modification to my motion.

**Chair Hardesty:** Well, we get into Robert's Rules, so let's back up. Is this second to your motion, Mr. Story, willing to accept modification?

**Mr. Story:** Yes.

**Chair Hardesty:** So, then I think it is necessary, Mr. Arrascada, to restate the motion with that modification and then we'll proceed with the discussion.

MR. ARRASCADA AMENDED HIS MOTION TO ASK THE PARDONS BOARD AND GOVERNOR TO RELAX THE STATUTES WITHIN THEIR AUTHORITY REGARDING RESPONSIBLE DEPOPULATION OF OUR PRISON, THAT INCLUDES MEANINGFUL DISCUSSION BETWEEN THE GOVERNOR AND THE DIRECTOR, AND THAT THEY UTILIZE THE FRAMEWORK UNDER THE CDC GUIDELINES AND ALSO THE PRINCIPLES OF THE SAFER PLAN.

MR. STORY SECONDED THE MOTION.

**Chair Hardesty:** All right. Is there any discussion on the revised motion?

**Dr. Elizabeth Neighbors:** If this motion goes forward, would the Commission then get a plan back with specificity to consider about what the actual proposal going forward or the decisions about that depopulation were going—how they were going to happen? Would we get then the plan to review or how would this proceed?

**Mr. Arrascada:** We are a recommending board. This is a recommendation to the Pardons Board, the Governor and the Director urging them, within the framework as stated, to then come up with a depopulation plan or process using the CDC Guidelines and the SAFER Plan as their kind of hallmark principles.

**Mr. Imlay:** If we look at one of the letters that was submitted by the Federal Public Defender, they give more specificity with regard to groups that the Governor could look at. For example, individuals already granted parole, but not yet released. Vulnerable persons within 18 months of parole eligibility and they give the definition for vulnerability. Then for some of those that have made comments about the non-violent offenders, one of the recommendations is all non-violent offenders, three years from parole. If we wanted to include more specificity or more direction for the Governor or the Pardons Board, those are some alternatives as well that can be done.

**Chair Hardesty:** Well, certainly that's something that could be done, but we have a pending motion. Are you wanting to amend the existing motion?

**Mr. Imlay:** I'm good with the motion as is, but that would be an alternative if there was more support for an alternative. I support the motion from Mr. Arrascada, as proposed.



**Mr. Ponder:** I think I stand with Vice Chair Callaway and with the comment that Judge Freeman made that we should lean towards the Director, as he being the expert in it, just as Judge Freeman said that he's responsible for putting people there. You know, there are service providers that are in this community, including ours, that are responsible for people, who once they get released to make sure we're doing everything we can to help them be successful. You know, I'd like to know exactly what the responsible depopulation is, what that's going to look like and I'm just going to make the comment to make sure that it's not an irresponsible depopulation. This is what my bailiwick is. I'm on the ground every single day. You know, the 400 or 500 people that we're working with that have already got out of the prison, they're hurting right now on the streets. They have no jobs, no place to go. We're trying to raise money so that we can be able to provide for rent for them.

I guess the question would be, what does this responsible depopulation look like and are we being irresponsible in providing service to some folks that, yes, we want to get them out, we want them to be safe, but is it—based on what the Director said, right and the comments that he's made, and some of the things I've personally seen while I was inside the institution, you know, is it safer for them—and again, this is a question, I'm not—I'm not making a statement. I'm making—I'm posing a question, is it safer for them to be where they are based off what the expert and Director Daniels have indicated, as opposed to us, you know, responsibility depopulating the prison?

**Chair Hardesty:** Is that a question posed to any particular person or to the maker of the motion or are you posing it rhetorically?

**Mr. Ponder:** What I'd like to do, you know, maybe the maker of the motion or anyone on the Commission, if we could talk about, what does that mean with the responsible depopulation and what does that look like?

**Mr. Arrascada:** I'm going to be a little bit repetitive and redundant here is that it's being left in the very capable hands of experts in the Governor, the Pardons Board, and the Director to conduct responsible depopulation. I think we have to, as the captain of detention here at Washoe County stated, they have no positive tests, but they'd be naïve to think that they're going to get off—that it's not going to happen.

All it takes is one. We have inmates that are within their cells, together, 22 hours a day. Or, for lengthy periods of time. It's not a healthy situation. We can see that from other prisons throughout our country that they are in tinder boxes. If we can depopulate to where there can be meaningful social distancing within the prison, I think it's a win for everybody. I'd ask that the motion go forward.

**Mr. Marsh:** I think I support the motion and I think the question right now is, do we look at a responsible plan like Mr. Arrascada has proposed or do we do nothing? Right now, we're one of only 17 or so states and I do very much appreciate that Barbara took all that time, and her staff, to put that together. It's really quite a great service about what type of factors should be taken into account. Which are also the factors in the SAFER Plan, my own experiences on the federal side, somebody mentioned the CARES Act earlier, there's actually a criminal justice component to that, where the Attorney General and the Bureau of Prisons Director were instructed to go out and identify people who met the criteria for release. They're going to include things like age, health factors, time until release, underlying factors, [inaudible] and even [inaudible] which I'm sure Judge Freeman would appreciate where if people are denied, they can go to the Judge that sentenced them and get out. That's something that [inaudible] work under our statutory framework we have in Nevada. It's something to think about in the future. It actually was based on the First Step Act that was passed a couple of years ago.

What I would propose is, I support the motion. I also think we should be looking to the Director of NDOC to help with this effort. To actually do [inaudible] what's going on in the federal prisons where wardens

are being asked to actively identify [inaudible] should be released, instead of just a blanket, do nothing [inaudible] like we're doing now. So, again, I support the motion. Thank you.

**Ms. Mull:** First, let me say I'm pro-criminal justice reform. I am pro-depopulating our prisons as a whole. But I feel like using COVID-19 as an excuse to do that or having not specifically defined definition of responsible makes me nervous and scared, to be honest. The fact that my rapist can get out of jail six to 18 months early because he has asthma, when the average length of prison term is only 4-5 years to begin with. Or that because someone's over 65 and they're a sex offender, they could get out. I've been raped by more men over 65 in my life as a child that I can even comprehend or count. So, to think that there's no specifics defined as what's responsible in our recommendation, makes me scared.

I saw some great things, I feel in the list of all the 50 states, of what some people are doing. I feel like are more specific than just the SAFER Plan. I think if we could add some specifics or add some type of measure of getting to review what responsible is, I'd feel safer in that, but—as a survivor, I'm very scared with the idea of just leaving that as a blanket statement and not knowing what that specifically is. Thank you.

**Assemblywoman Nguyen:** I just want to be clear, the motion that is on the table is just—I wrote it down so I'm reading here. It's just to make a recommendation to the Pardons Board to consider a responsible plan for release, is that—utilizing SAFER as a guideline. Is that correct?

**Chair Hardesty:** I'll ask the Director, is that your understanding of the motion?

**Director Gonzalez:** The way I understand the last amended motion that is making a recommendation that includes—a recommendation that the Pardons Board, the Governor and the Director of NDOC work together to relax the statutes within their authority towards a responsible release plan to depopulate the institutions and have a meaningful discussion utilizing the framework of the SAFER Plan and recommendations from the CDC.

**Assemblywoman Nguyen:** I want to go on record saying that I do support that motion and I fully trust the Governor, the Pardons Board and the Nevada Department of Corrections, especially after hearing what they've had to say, you know, about the things and the steps that they've taken. I believe that they are in a position to best examine how they define responsible, since they do it on a daily basis anyway.

And, I'd also point out that there's a lot of crossover and it's easy but I feel like we've kind of gone down a wormhole where people are confusing criminal justice reform with dealing with an immediate fatal global health pandemic. And I'd just like to bring it back because I think there is some urgency in this as we can see by the sheer number of deaths that, I think there is a place and there's probably a place on this Commission, to discuss overall criminal justice reform. But I really see this motion as being a starting place to put the people that are professionals, that deal with this kind of thing, to come up with a responsible plan or to consider. We're not even telling them to enact one, we're telling them to consider one with, the SAFER Plan as a guideline.

They can obviously take from what they see that was presented in other states that is working well and how they define responsible, how they determine who is eligible and I think we can look at you know some of our local jurisdictions like the Clark County Detention Center. We trusted the Sheriff to make those decisions on how to depopulate responsibly and safely pursuant to like that district court order I am in support of this. I see this as putting the people that have the knowledge in the position to make those specific considerations for what is responsible and I trust them based on the presentations that they've made, based on the representations that we have done so far and I'll just leave it at that. Thank you.

**Dr. Minev:** I just wanted to offer an opinion that if we're looking at our entire population of inmates and looking at chronic conditions as a criteria in terms of those causing immunocompromised that might cause the individual to be more susceptible to COVID-19, we could be looking at literally hundreds and hundreds of inmates that could be potentially released into our communities, which could very easily overwhelm the State of Nevada's capabilities to provide proper health care to the individuals.

You have to remember that in Southern Nevada we probably have just a couple hundred even maybe less ventilators at all of our hospitals in Southern Nevada. The other thing to consider also is that we are likely—this is likely just one spike in this pandemic. There probably will be other spikes in the years to come. There has been the promise of a vaccine in 12-18 months, however the fastest vaccines produced in the past it's been three to four years.

So, I think 12-18 months is a very optimistic view of the end of this pandemic and we're likely going to have other spikes. So, if we do take this into consideration, we have to take a look at possible spikes of this pandemic in the future and how will that affect the ability of our state to provide the proper health care to this influx of individuals and into our community.

**Mr. Hicks:** I think we need to go back to the very foundation of what we're talking about here and that is simply we are contemplating as a Commission, recommending the release of inmates who are serving lawful sentences. These are inmates that, through their behavior, through the crimes they committed, were deemed dangerous enough or worthy enough of punitive measures that put them in prison. Judges considered these, lawyers argued on both sides and these were the results of what justice decided.

And now, we're honestly talking about recommending that the Pardons Board start releasing people that were subject to those sentences, people the left victims in their path, people that have done serious crimes. It's not easy to get in prison nowadays, I can represent having been a prosecutor for 18 years. Truly, the people that are in our prisons are of the type that we would expect to be in our prisons. The narrative to the contrary is just not accurate. And we're contemplating this in spite of the extraordinary work that Director Daniels has done, better than then I've heard anywhere in the country, and there are no positive tests.

So, just starting at that baseline should be enough for us all to step away from this motion, but to add on to it. Within the motion is the recommendation of the SAFER Plan. The SAFER Plan, I have immense concerns with. It is incredibly overbroad. It lacks definition. Assemblywoman Nguyen talked about how we're kind of conflating the pandemic and criminal justice reform.

When we think about that, we need to look at the organization that this SAFER Plan comes from and that's the Reform Alliance. I don't know if any of you read their mission statement. Their mission statement is "to dramatically reduce the number of people who are unjustly under the control of the criminal justice system. To win, we will leverage our considerable resources to change laws, policies, hearts and minds." When you go to their About Us webpage, it says, "our collective disgust with the current state of the American criminal justice system is creating a powerful growing alliance that spans different backgrounds, industry and political beliefs. We won't stop until we've changed the laws, policies and practices that perpetuate the horrific injustice we're seeing in America."

Now, I think we can all agree, we all have different views on this Commission, but that's extreme. And that's who this SAFER Plan recommendation is coming from. And when you look at it, earlier I believe it was Mr. Imlay said, you know, we're not talking about violent offenders, we're not talking about the types of releases that would shock the community, but that's just not true. When you read the SAFER Plan and they talk about recommended prison releases, they simply recommend releasing persons

incarcerated who are within six months of release. There is no qualification of what type of crime. There is no qualification of whether or not it was violent or non-violent and then they further say, release those persons from incarceration implementing house arrest, electronic or other measures as necessary for the balance of the term of their incarceration.

We have already heard from Chief Carpenter. We can't even get the people that have been paroled out and supervised. How are we going to do it with all these people in that vast amount of inmates that fall within that category? You move to their next one, technical violations. "Any person who is incarcerated due to a technical violation"—now in Nevada, pursuant to AB 236, a technical violation is any violation that is not a felony, a gross misdemeanor or absconding. So, it could be any misdemeanor, it could be a domestic violence, it could be a DUI, it could be drug use. Any of those people they also could be released to house arrest, electronic monitoring, again, of which the system has no capabilities.

And then lastly, they recommend compassionate release, and this is just an overreaching pulling on your heartstrings kind of recommendation of let's release the elderly who are in there. Well, you know, you often hear the age of 60 or 65, that's qualifying as elderly. I know a lot of people over 60 who don't consider themselves to be remotely elderly and I also know a lot of defendants that we've put away over the last five years that have done some very serious crimes that were over 60 years of age.

And so, the SAFER Plan would result in, if followed, would result in such a massive release of our inmates, despite the fact that we have no outbreak in our prisons, that it would overwhelm our Division of Parole and Probation that is already facing cuts, it would—and I believe this. I'm a prosecutor, so I'm usually arguing the prosecutor side of things, but I am a firm believer in reentry programs. I genuinely want to see people succeed. And I can't tell you the respect I have for what Mr. Ponder is saying. That's his industry and he, himself is saying, we should not be releasing these people without finer constraints. They have nothing out there for them. It would be uncompassionate to just release all these inmates without a proper plan, without proper resources. It's not safe for them and it's not safe for our community. That's the one thing that is not being talked about. What about the safety of our public and we're releasing inmates into the community now?

The one last thing I want to say about inmates. According to Director Daniels and the Medical Director, there are 12,000 plus inmates. There are no positive tests. If you look at the population of Nevada and divide that by the positive tests in Nevada that's about one out of every 640 people get COVID-19. That's just general population; that's not even considering at risk like homeless or vulnerable drug users or substance abuse users. In the prison, we're zero for 12,000.

So, I have a hard time believing that they're going to be safer when they're released and I feel strongly about that in the fact that there's no housing, no jobs, no resources. We can't even release the 398 people that have already been granted parole. I appreciate everybody's comments, but I think that this motion is incredibly premature. There is no reason to recommend any kind of release of these lawful sentences that are being served. I'm a strong "no" against this motion and encourage others to be so as well. Thank you.

**Director Daniels:** I've given this great thought. I feel compelled to share my thoughts regarding criteria I would use in identifying inmates for early release consideration. However, please understand my statements have not been vetted through the executive branch policy or legal staff. So, this is all Director Daniels.

Release of inmates is not a trivial matter. Public safety is paramount and must be taken into consideration with every decision and recommendation. What are we releasing inmates to? We still have not addressed core survival issues an offender will encounter when released. Let me repeat them.

Lack of jobs, no source of income, no housing or shelter, limited to no health care and special consideration regarding the release of sex offenders. Someone tell me where the sex offenders will go? I don't know if they'll be on the final list.

However, when we're looking at what's been stated so far, for instance, responsible depopulation. What is vulnerable? What is a compromised immune disease? If you could just qualify on those general terms, I know my inmate population, that'll be the vast majority of my inmates, but I'm still a citizen of the state of Nevada and I still believe in what is good and right about protecting the citizens and although there is a motion—this motion is too general. I would be more than happy to participate in a group at a moment's notice in helping to define what some of these—these terms are, but I would be remiss if I stood idly by and allowed this to move forward through either abstention or not offering an opinion at all.

I am 100% on helping define. I get it; I understand it. But as previously stated, this is serious. Those are my comments. Thank you.

**Chair Hardesty:** As previously announced, I'm abstaining because of a pending, actually more than one pending case in front of the Supreme Court related to this subject.

MOTION FAILED: SEVEN YAYS; TEN NAYS; ONE ABSTENTION

**Chair Hardesty:** Are there any other motions or discussions on this agenda item that the Commission would like to make?

MR. IMLAY MOVED THAT A LETTER BE SENT TO THE GOVERNOR THAT WOULD INCLUDE A DEFINITION AS FAR AS CATEGORIES THAT THE GOVERNOR SHOULD CONSIDER, INCLUDING INDIVIDUALS GRANTED PAROLE BUT NOT YET RELEASED, VULNERABLE PERSONS WITHIN 18 MONTHS OF PAROLE ELIGIBILITY WITH VULNERABLE BEING DEFINED AS A DEFINITION SET OUT BY THE CENTER OF DISEASE CONTROL, THE WORLD HEALTH ORGANIZATION, INCLUDING OLDER ADULTS, PEOPLE OF ALL AGES WITH VARIOUS UNDERLYING MEDICAL CONDITIONS. LASTLY, ALL NON-VIOLENT OFFENDERS, THREE YEARS FROM PAROLE WHO HAVE DEMONSTRATED EQUIVALENT OF AN APPROVED PLAN—PAROLE PLAN.

MR. ARRASCADA SECONDED THE MOTION.

**Chair Hardesty:** Any discussion on the motion?

**Ms. Brady:** The motion is a little similar to what I think I've asked a couple times but are we allowed to have a working group where we could really detail these things? The letter assumes we've already gotten together, and we figured it out, but shouldn't we get a working group to put together some really detailed recommendations?

**Chair Hardesty:** If the Commission wants to entertain a subcommittee of this Commission, you can certainly consider that. I don't think the statute allows for that, is my memory. The Chair, I think, is permitted to appoint subcommittees that might include non-members of the committee but that was under, I think a, under the ACAJ statute, not under this statute. I think the answer is no, at least from my memory, Ms. Brady.

**Mr. Story:** I have a question of Director Daniels. How long or how quickly could he compile a list based

on those criteria and get that to us at the Sentencing Commission and additionally the Parole Board and the Governor's Office?

**Director Daniels:** As stated previously, I would work feverishly with a group of individuals to define some of these criteria. Tomorrow's not a good time because I have to testify before another committee. However, I'm deeply committed to this topic. I want to not only be heard but help guide and help understand so I would tell you, as soon as possible, beyond tomorrow. Obviously though, I can only speak for my schedule and time, but I would certainly make this a priority.

**Ms. Brady:** When does the ACAJ next convene?

**Chair Hardesty:** Assemblywoman Nguyen, you're the Chairperson of that Commission; I'm not sure that there is another date that's been scheduled.

**Assemblywoman Nguyen:** We do have another date. The next date for the ACAJ is June 11<sup>th</sup>. But I do have the ability to, in the interim between meetings, to convene working groups. I'm actually emailing as about having a subcommittee. So, we do have the ability to address that.

**Vice Chair Callaway:** I know we're beating a dead horse here, but to Director Daniels, if sir, you felt that things in your facilities were getting to a point where depopulation was necessary to save lives and to reduce spread of the pandemic, I'm assuming that you and your staff would have a protocol for approaching the Governor's Office, meeting with the Governor's staff, his general counsel, to sit down and identify, based on all of the plans that we've seen.

When I look at the list that CJI gave us, multiple states have executive order, executive order, executive order. New Jersey, Washington, and Philadelphia, I think, executive order. So, you have the ability currently to approach the Governor and say sir we need to depopulate my facilities. Here's my recommendation and take those steps yourself. Just like the Sheriff did here in Clark County when he realized that we were seeing cases inside CCDC and we needed to take steps, is that correct?

**Director Daniels:** That is not an assumption. That is accurate. I would certainly have the ability to approach the Chief Executive Officer and make recommendations based on my experience and knowledge and current circumstances.

**Vice Chair Callaway:** Thank you. And I personally feel there would be nobody that would know when that time was better than you, yourself, sir. Thank you.

**Mr. Hicks:** Director Gonzalez, can you read that motion again, please?

**Director Gonzalez:** Please correct me, whatever I missed, Mr. Imlay. The motion before the Commission at this point is to send a letter to the Governor to consider a definition of categories of individuals to release. Those categories would include those who have been granted parole but not released, those who are vulnerable and based on the way using the way that the CDC defines this term to include older individuals and those with underlying conditions. The categories would also include those offenders who are non-violent and who have an approved plan for re-entry or release.

**Mr. Hicks:** I'll rest on what I've already said on the last motion, but I do just want to highlight again, the seriousness of trying to overturn just decisions that have already been made despite any active threat actually existing in the prisons.

A couple points to be made based on this particular motion. Older individuals according to the CDC, again, as I mentioned before, those individuals commit very serious crimes. I have a list in front of me that was given and given to me by the Director of my Child Advocacy Center of recent defendants who have been convicted of very serious sexual assault abuses on children. And of the 1, 2, 3, 8 she gave me, they're all over 60 or 65, serving massive sentences and I'm sure they would qualify under the CDC. And those cannot, should not, ever be the type of people facing COVID-19 or not, that we should be talking about releasing.

The mention of non-violent offenses. Nonviolent offense is difficult to define. If we just throw out non-violent defendants. Well, what is a non-violent defendant? If we look at NRS statute, the definition of violent crimes excludes, not included, child abuse, child neglect, child abuse causing substantial bodily harm, elder abuse, arson, residential burglary, home invasion, DUI causing substantial bodily harm or death. Those would not qualify as violent crimes and would be subject, according to this motion to consideration of release. And another one animal torture of which there's defendants in prison for that, that would be considered potentially for release when those are clearly violent crimes. Those are very, very much so the types of crimes that the public expects to be in prison.

Again, I'm a strong "no" on this. I still believe it's premature I think Director Daniels is doing a great job. And as he just said, he would never hesitate a second to go to the Governor if he felt there was a need. And we've seen his actions they speak volumes we know, I believe I know he will do exactly what he says he would do and then again we cannot escape the harsh reality that there is nowhere for these people to go. No jobs for them to find, no resources for them to get. It's actually contradictory to AB 236, in my opinion, what we're talking about doing, because we're talking about casting people out into the stream without any type of life saving device. We're just saying go for it and that is not going to work. We all know that. We've heard enough in this Sentencing Commission and frankly it will result in more victimizations and failure by those defendants. It's just not right at this time.

We don't need to recommend it. The Governor can do it if he wants. Thank you.

**Dr. Salisbury:** As a criminologist, I have to be in shock about some of the assumptions that are being thrown around about justice involved [inaudible]. First of all, that one of the iron laws of offending and criminality is that people age out. The vast majority of people who are incarcerated and commit crimes age out by the time they're about 30 years old. I don't dispute the fact that that looks very different with people who commit sex offenses and sexual assaults and I agree with Mr. Hicks about that point and with a number of other people. But to simply throw around this idea that age doesn't matter, it's one of the best predictors of crime. I think, you know, we need to keep that in mind in terms of the vast majority of people who are committing crimes eventually age out and do desist.

I'd also like to say that some people do have places to go. We have a number of public commentary that indicates there a number of individuals that do have housing, that do have support and so to just take it off the table completely, provides too many false assumptions that are being thrown around on behalf of justice-involved people. I felt like I needed to say that in terms of some of the things that, you know, are being said today. Thank you.

**Mr. Marsh:** I'd like to make a motion to amend Mr. Imlay's motion to also include felony sex offenders so he said non-violent and I would also add in people who were not convicted of felony sex offenses. And that would [inaudible] Mr. Hicks and a lot of other people on the Commission's concerns in that area. That's been a major topic of opposition to this. You know, I was a prosecutor for 20 years, so I understand where Mr. Hicks is coming from, but I think that we can find some sort of middle ground.

**Chair Hardesty:** Thank you, Mr. Marsh. Let me first ask whether Mr. Imlay is interested in amending

his motion as Mr. Marsh suggests.

**Mr. Imlay:** I don't know if a sex offense would not fall under the violence.

**Mr. Hicks:** It does fall under NRS 202.876, which is violent offenses.

**Mr. Imlay:** Okay. So, based on that, I would say, I'm not willing to amend as it's covered in the motion, in the category.

**Chair Hardesty:** Is there a second for Mr. Marsh's to amend? All right, hearing none, the motion to amend fails. Any further discussion on the motion?

**Chairman DeRicco:** I believe there's a part of the motion that was brought up by Mr. Imlay, he spoke about having vulnerable persons within 18 months of parole eligibility qualify, as well as all non-violent offenders three years from parole to be looked at as a review on this. And I wanted to state that I looked through what CJI has presented to us and there is nothing with regard to any other states looking at anything that far out. They're looking at six months from expiration. That's also part of the SAFER Plan as well. In my view, this 18 months and three years out seems to be way off mark with what the other states are doing.

I do also want to bring up for the record that as a part of AB 236, we now have, or we will have in statute effective July 1, 2020 which is the geriatric parole statute. And why I bring this up and I think that it's important is because this is one of the points where it's been very difficult for me and I know it's been brought up several times, that we really haven't defined and we have as agenda item 7C states consider recommendations to the Board of Pardons Commissioners for categories of potential inmate releases.

Well, in this statute that I just mentioned and I'm going to go over some of the things that it covers because it really goes along the same lines of some of these issues that we're talking about with COVID-19 right now. One of the parts of the statute says, they had to be 65 years of age or older and have served at least a majority of the maximum term of the maximum aggregate term. It also says, crimes that don't qualify: a crime of violence, a crime against a child, a sexual offense, vehicular homicide, other DUIs. Has been found not to be a habitual criminal, is not serving a sentence of life imprisonment without the possibility of parole, does not pose a significant risk to public safety.

So, in our last session, these things here that I think that we're discussing here or try to, we haven't got down to narrowing this down to what it exactly should look like. It's so gray. And when we're talking about 18 months or three years which isn't in line with what all these other states are doing, and then here we have at least a definition of geriatric parole that goes into effect on July 1<sup>st</sup> and then when that's considered, additional factors to consider as well are the prisoners age, behavior while in custody, potential for violence, and the reported severity of any illness, disease or infirmity of the prisoner and lastly, any available alternatives for maintaining geriatric inmates or inmates who have a medical condition in traditional settings.

I think if something is being looked at to be done here and to be forwarded to the Pardons Board or the Governor, the Governor had already stated, according to what Dr. Salisbury mentioned in the news, in the article is they wanted specific recommendations and we've done none of that. We've just kind of thrown something in there.

But as a part of AB 236, there's a lot of good and hard work that went in. And I bring up this statute because I believe that there could be a lot of correlation to particulars that could be looked at, if that's



something that wanted to be viewed or vetted out. But instead of the gray or the overly vague areas, that's where I have the issue here and I think that it really should—if we're going to make recommendations, they should be specific.

And lastly, the one thing I brought up at the last meeting and I haven't heard it once here today again is Marsy's Law and victim rights that is a part of our state constitution now. Very, very important to note that victims' rights be considered and that's all I have. Thank you.

MR. ARRASCADA MOVED TO AMEND THE MOTION TO SEND A LETTER TO THE GOVERNOR, TO CONVENE THE BOARD OF PARDONS TO CONSIDER RELEASING CERTAIN INMATES WHO FIT WITHIN A DEFINITION OF CATEGORIES PROVIDED BY THIS COMMISSION WHICH INCLUDE CONSIDERING THOSE WHO HAVE BEEN GRANTED PAROLE BUT NOT RELEASED, THOSE WHO ARE CONSIDERED VULNERABLE AND ARE WITHIN 18 MONTHS TO THREE YEARS OF RELEASE. AND, THE DEFINITION OF VULNERABLE WILL BE THE ONE USED BY THE CDC WHICH CONSIDERS THOSE WHO ARE OLDER AND HAVE UNDERLYING CONDITIONS AND HAVE—THOSE WHO HAVE AN APPROVED PLAN OF REENTRY AND THOSE OFFENDERS WHO ARE NOT CONVICTED OF CRIMES PURSUANT TO CHAPTER 200 OF THE NRS, CRIMES AGAINST THE PERSON.

DR. SALISBURY SECONDED THE MOTION. MR. IMLAY SECONDED THE ORIGINAL MOTION AS AMENDED.

MOTION FAILED: SEVEN YAYS; TEN NAYS; ONE ABSTENTION

**Chair Hardesty:** I'd like to follow-up on a suggestion or a comment that Chair DeRicco made, in which he identified a statute in AB 236 that outlines certain provisions that go into effect on July 1<sup>st</sup>. And I have a suggestion that I do not believe impacts my constraint to vote on the previous motions and that is whether or not the Commission would be interested in urging the Governor and the Director to consider, and the Pardons Board, to consider early implementation of the geriatric statute that becomes effective on July 1<sup>st</sup>, under the terms and conditions spelled out in that already enacted statute.

MR. MCCORMICK MOVED TO ENCOURAGE THE GOVERNOR, THE DIRECTOR, AND THE PARDONS BOARD TO CONSIDER EARLY IMPLEMENTATION OF THE GERIATRIC PAROLE STATUTE AS PROVIDED IN AB 236.

MS. BRADY SECONDED THE MOTION.

**Chair Hardesty:** Any discussion on that motion? I don't know that Commissioners have in front of them that statute. Chairman DeRicco, will you please reread the highlights of the provisions related to that statute.

**Chairman DeRicco:** In NRS 213.12155 which is the geriatric parole statute, effective July 1, 2020. It says that in order to qualify an individual cannot have been convicted of a crime of violence. A crime against a child is defined by NRS 179D.0357. A sexual offense is defined in NRS 179D.097. Vehicular homicide pursuant to NRS 484C.130 or a violation of NRS 484C.430, which I believe is also a DUI, felony DUI law. It also says has not been found to be a habitual criminal pursuant to NRS 207.010, is not serving a sentence of life imprisonment without the possibility of parole and has not been sentenced to death, does not pose a significant and articulable risk to public safety and is 65 years of age or older and has served at least the majority of the maximum term or maximum aggregate term as applicable of his or her sentence.

Subsection 7 provides that when determining whether to grant geriatric parole to a prisoner, the board must consider the prisoner's age, behavior while in custody and potential for violence. Also, the reported severity of any illness, disease or infirmity of the prisoner and any available alternatives for maintaining geriatric inmates or inmates who have a medical condition in traditional settings.

**Chair Hardesty:** Thank you. Any discussion on that motion?

**Mr. Story:** Do we have a sense of what that total number would be from any one of the agencies, participating in the meeting? Would they know, have that number prepared, since July is rapidly approaching?

**Chairman DeRicco:** No, I do not. It has not gone into place and in fact we are also working on finalizing our regs on this statute to be ready for its implementation. But as far as actual numbers, I do not have that. I just brought it up earlier because many of the things in this statute seemed to correlate with some of the things that were in the CDC or are presently on their website with regard to the ages and a lot of the things that were presented by CJI with regard to exclusions that other states were looking at and that's why I brought it up.

**Assemblywoman Nguyen:** If there's anyone still here still from CJI, they had the numbers when we were discussing AB 236, at least during the session, during our work in preparation for that bill, they had specific numbers on how many people it would potentially apply to and that was back looking at data in 2019 and I can't remember the exact number, but I want to say was under like, it was under 15.

**Chief Carpenter:** I believe you're correct. I think it's even lower -- just a handful that we had when we were looking at it in 2019.

**Assemblywoman Nguyen:** I want to say like six or seven; it was really low.

**Judge Freeman:** Could the motion be restated please?

**Director Gonzalez:** The motion before the Commission at this point is to recommend to the Governor and the Board of Pardons to consider the early enactment of the geriatric release provision as provided in NRS 213.12155.

**Judge Freeman:** So, you're talking about a statute that's going to be implemented in three months and the motion on the table is to enact it now?

**Chair Hardesty:** Yes.

**Chairman DeRicco:** I want to bring this up for the group. We are in a holding pattern with the office closed to the public with regard to parole hearings and certainly there's some things that need to be done, requirements as far as the forms to complete. There's more to the statute, like I said, I covered the main points of the statute in there. Right now, I've been waiting on emergency declaration or for the offices to open back up to the public. Just so you know, we say "enact now", individuals have to get on an agenda as well in order—so, if it was enacted, it takes about 60-90 days because we already have others set on the agenda. I want to throw that out there right now, that we are in a holding pattern until such time our offices are opened up to the public.

**Chair Hardesty:** Sure. One of the points that I thought was beneficial about that framework is that it could be a framework around which the Governor could operate if he chose to do so, not just reliant on

the Parole Board and the processes in the Parole Board but the Governor could use that framework if he chose to do so. It's not a strict enforcement of the provisions of that statute early; it provides that same framework if the Governor were interested in using that framework to do so.

**Chairman DeRicco:** I thought the motion was to enact this statute early, so if it's not to enact the statute early and more for the Governor to look at this same framework, something along the lines of this statute, to move forward with, that's a little bit different than actually enacting I guess in moving this statute up. I understand that clarification now.

**Chair Hardesty:** The motion was to enact it early. To utilize the statute and treat it as enacted early. But in terms of a framework, it could also be utilized in that way.

**Mr. McCormick:** My intent in making the motion was that—to encourage them to look at implementing it early, not enacting it early. I don't think we can tell them to enact something that the legislature has set a date for when it becomes, but I think we can encourage them to consider the implementation of the provisions or use it as the framework. That clarifies my intent if that was unclear.

**Chair Hardesty:** Ms. Brady, is that acceptable to you in clarifying the motion?

**Ms. Brady:** Yes, Your Honor, thank you.

**Chair Hardesty:** All right, any further discussion on this motion?

**Mr. Arrascada:** And that only pertains to about six people is what we understand, was that the discussion?

**Director Gonzalez:** Correct.

MR. ARRASCADA MOVED TO AMEND THE MOTION TO APPLY TO AB 236 IN ITS ENTIRETY. THAT THE GOVERNOR CAN USE HIS EXECUTIVE AUTHORITY TO GIVE EFFECT TO ANY OF THE PROVISIONS IN AB 236 TO ASSIST IN THE DEPOPULATION OF OUR PRISONS.

MR. IMLAY SECONDED THE AMENDED MOTION.

**Chair Hardesty:** All right, there's an amendment to the motion. Is there any discussion on the amendment? To be clear procedurally, there is a motion to amend the original motion. The amendment would expand the original motion to accelerate the provisions of AB 236 and utilize those to assist in depopulating the prison. We'll take a roll call on the amendment.

**Mr. Hicks:** AB 236, again in this discussion we've had today about these sweeping, non-defined recommendations we're making, that was a 157-page long bill with 137 sections. That's a massive criminal justice reform omnibus bill. I don't know that this Commission in just in that quick order is ready—should be in a position to recommend that we move up the effective date of AB 236. It's a dramatic shift of all of our criminal penalties, of what potential sanctions can be. In fact, the legislature gave us over a year to implement it, just because of the significance of it.

In case everybody in the Commission isn't aware of that, I wanted you all to know that this is an extensive change to the system.

**Mr. McCormick:** Can I ask Mr. Arrascada for a little clarification? Is it the intent that the provisions in AB 236, such as in section 58 that amends the grand larceny monetary thresholds and that kind of stuff, that that we recommend he, that the Governor and the Pardons Board, etc. look at that or do we want to the intent to narrow it down to those sections of AB 236 that could potentially, responsibly let some folks out of prison?

**Mr. Arrascada:** I thought I was clear on that, but no, the latter part that you stated, using the provisions of AB 236 as they apply to P&P, geriatric release, I don't have all the provisions up here in front of me, but it would be those provisions.

**Chairman DeRicco:** In my opinion, we're getting back to this overly broad again. Where we were to a point of where we kind of had things that were more succinct and without, everybody knowing all the statutes contained within AB 236—I know there's arguments made all the time about things being overly broad. I can tell you I have an issue with that because then it's truly not you know, recommendations being made that are specific recommendations that I think that this Commission should make to the Pardons Board and to the Governor.

**Mr. Arrascada:** It's only overly broad if you don't trust the Chief Executive of our state, the Pardons Board, and the Director of Prisons.

**Chair Hardesty:** Let's take a vote on just the amendment.

THE AMENDMENT FAILED: SEVEN YAYS; TWELVE NAYS

**Chair Hardesty:** All right. We'll call the original motion and take a vote.

MOTION TO RECOMMEND TO THE GOVERNOR AND THE BOARD OF PARDONS TO CONSIDER THE EARLY IMPLEMENTATION OF THE FRAMEWORK FOR GERIATRIC RELEASE AS PROVIDED IN NRS 213.12155.

MOTION PASSED UNANIMOUSLY.

[THE NEVADA SENTENCING COMMISSION TOOK A BRIEF RECESS]

## **8. Presentation Concerning Responses to COVID-19 Crisis at the Clark County Detention Center**

**Chair Hardesty:** Item 8 on the agenda is a presentation by Director Callaway, regarding the CCDC. There's been a lot of conversation about that subject and some issues surfaced following our last meeting regarding CCDC. I wanted to afford Director Callaway an opportunity to comment on that and give a brief overview of where the Sheriff and the Chief in the 8th Judicial District are with respect to that detention facility. Thank you, Chuck, for being available to do this presentation.

**Vice Chair Callaway:** Thank you Justice Hardesty, for the opportunity. I'm going to try to be as quick as possible because I know it's been a long day. What I want to say first is, my brief presentation is divided into three parts. First, I'm going to just briefly talk about things that we've done on the front end since late February, beginning of March through the present to mitigate COVID-19 in our facility at CCDC. And then I'm going to talk very briefly about the order that the Sheriff requested and what that resulted in. And then finally, I will give you the status as of today, as of about two hours ago, numbers that I have, regarding the situation in the jail.

A couple of things I want to put out there before I get going is, number one, it's important to understand that when you're dealing with a facility the size of the Clark County Detention Center, just like NDOC with their facilities, things move very rapidly and there's changes that are occurring by the minute.

In the last meeting that we had on April 13<sup>th</sup>, I believe it was, I received a daily rep report that has the current status of what's occurring in the jail and the information that I had on that report at the time turned out to be balding and changing and about an hour after the committee ended, there was new information that was released in the press release that we had a case in the jail. Then, there were some questions that came up about possible previous cases of inmates in the jail. So, it's important to understand that the data that I give you today is based on the report that I received today. If I give you a certain number and we walk out of here and the news says something different that we just released, then it's because the numbers are changing as we speak.

With that being understood, I want to say something really quick about transparency in regard to that. We've been putting out press releases regarding COVID-19 at Metro since late February and as of yesterday available on our website there are over 21 press releases that Las Vegas Metropolitan Police Department (LVMPD) have put out regarding COVID-19 situation and our agency, including the jail.

In addition, the Sheriff participated in a press conference back on March 25<sup>th</sup> and during that press conference, he told the public that we had an inmate in the jail that had been released that was symptomatic and had subsequently tested positive for a strain of COVID, but it was our understanding that the COVID strain he tested positive for was not COVID-19.

It's also important to understand as we look at the totality of this discussion that during a pandemic, crime does not stop. We have some folks in our facilities that are, to be quite frank with you, violent people. People that are committing sexual assault, people that are committing murder, killing family members, people that are committing robbery and yes, although our overall crime numbers are down, overall, we have noticed that in March this year compared to March of last year, we have seen an uptick in certain categories such as aggravated assault, potentially domestic violence. We're still looking at all the facts and seeing if this is directly related to the COVID-19 pandemic and people being quarantined in their homes or if that is unrelated and just coincidence. My hunch is there's a connection there.

And again, as I said last meeting, it's our responsibility to adequately balance both public safety and health safety concerns. And the ultimate goal for Metro and our ultimate concern is obviously, the safety of the community, the safety of our staff, the safety of inmates in our facility.

So, with that being said, in late February we recognized in the jail that things were happening around the world and that there was a potential spread of this COVID-19 virus. We implemented in late February our infectious disease protocol in CCDC. Then on March 13<sup>th</sup>, LVMPD, our agency as a whole, set up our Emergency Operations Center which we call the EOC, which puts out a daily sit rep report on the current status not only in the state in Clark County, but also for Metro, LVMPD. As part of that, we work very closely through the EOC with all community stakeholders of the health district, the county, the city and various other entities fire, paramedics, etc.

We also initiated early in March reaching out to other jails across the country to discuss best practices to see what they were doing to keep their inmates safe and to mitigate COVID-19. We had also participated in several webinars to learn about mitigating factors and how we can prevent the spread.

Our officers in the field, early on in March, were advised, if at all possible, to not make misdemeanor arrests or a bench warrant arrests, obviously with the exception of misdemeanor crimes that are

mandatory arrests, such as DUI and domestic violence. That is still in play, obviously. Over the last couple years, we have been making efforts to get more people out on house arrest, to participate in various programs that help reduce recidivism and get people out of the jail. And just before COVID-19 even happened, over the last couple of years, we have on average reduced our jail population by around 700 inmates on average.

If an officer does make an arrest in the field for a misdemeanor crime, that has to be approved by a supervisor. When I checked the report today, there were no bookings for misdemeanor—or, I take that back. We had two misdemeanors bookings approved. I don't know the nature of those bookings, but I'm assuming that they are either domestic violence-related or DUI.

As I said, we've been making an effort to get as many people out on house arrest as we can. We currently have 935 inmates on electronic monitoring, house-arrest. The caps that were able to meet for that is 950 and we'd like to meet that and get 950 folks out. So, we're working on that. Obviously, there are issues with the vendor and the amount of ankle bracelets we have and working with the courts to work those issues out. But it's something that we're working on to try to reach that 950.

We have a strict medical screening in place for all inmates at the time of booking. When an officer arrives at the facility, they meet with a nurse and a health care provider from our vendor before they ever enter the jail. The inmate is asked a series of questions regarding how they feel, where they traveled and also a physical screening is done of their temperature and also to see if they have any other possible symptoms before they're ever allowed into the facility.

Once they're allowed into the facility, they are placed in a monitoring module for up to 72-hours to look at their condition, recheck their temperature to see if there's any symptoms they're exhibiting before they would be allowed into the general population. Everyone entering the Clark County Detention Center must wear either a surgical mask or an N95 mask. And we have 24/7 cleaning, advanced cleaning protocol of the entire jail including the entries, the sally ports, the general booking area, the cells, the hallways, everything. We've ramped up our cleaning.

For the cleaning, I know the question came up I believe with Director Daniels. We have a vendor that does the advanced cleaning or in-depth cleaning. We have a vendor that focuses specifically on areas where we might have had symptoms of COVID-19 or confirmed COVID-19 case, but we also have inmates that participate in in work programs that do some cleaning and they're also responsible for doing cleaning to a degree, personal hygiene cleaning and wiping down things, washing hands, that sort of thing, within their own area, their own modules.

So, we had also adapted social distancing guidelines for staff and inmates and we've rotated our schedule so that there are less people out of their modules at any given time for either food or using the phones or general exercise. The exercise equipment not available now. It's been blocked off because of concerns over the virus, but inmates are allowed to get out, they're allowed to walk, jog in place, whatever, in the areas, but they have to maintain—every effort is used to maintain social distancing, just like Director Daniels said, sometimes the inmates are cognizant of it and they're watching it themselves and sometimes people mingle and we have to remind them and separate them.

Education was provided to all inmates and staff in three formats. We posted flyers all through CCDC with the CDC recommendations. We advised them of the symptoms, we advised them of the protocol for prevention and we also had a verbal consultation with inmates about the virus and what to look for, what to let us know, if they were experiencing symptoms. And then finally, there was a video that was done by command staff in the jail that was put out for both staff and inmates to view.

We've issued PPE equipment to all staff and all inmates. Inmates are provided a mask that they receive and when they get their linen changed, they receive a new mask. Currently, from the report I got yesterday, we have a least a 30-day supply of PPE equipment on hand and we're hoping to get more supplies of that. Inmates have also been provided soap. We have not supplied them with hand sanitizer for the very same reason that the Director said that they were having a concern within the prison, folks drinking it and using it for purposes other than sanitization. So, they are issued a bar of soap. They have access to running water and other hygiene tools, but not hand sanitizer at this time. We've also increased spacing between the bunks and between the phones and also restrooms so that when inmates are using those facilities such as the phone or the restrooms, there's spacing between them.

We have quarantine of inmates. Currently, there's 137 inmates that are on quarantine, that have no symptoms, but they're being quarantined based on their travel. That is based on high risk areas where they might have traveled if they came in from another country, if they were in New York City, for example, or areas where the virus has had a heavy toll, so based on their travel, they will be quarantined for up to 14-days to make sure they're not exhibiting symptoms and then they'll be returned to the general population. I think a big chunk of those 137 are about to be released back into general population.

Also, we have two inmates as of the numbers I got earlier, we have two inmates that are in quarantine based on symptoms. One of them, I believe they're awaiting tests on. I was told that he tested positive for pneumonia and they believe that's what he has, but they're doing the COVID-19 test in addition to the pneumonia test just to verify and make sure. So, they're waiting for the tests to come back for that. And I'll get into specific numbers in a minute of what we currently have in the jail.

We put in mandatory temperature checks for staff and inmates. We have three thermal imaging and infrared temperature readers in use in the facility. When staff comes in, their temperatures are checked. If they're above the temperature level, we have a protocol set up through our health and safety section where they can be retested if need be, they can be sent home, depending on the circumstances. In some cases, if they need to be tested, that can be arranged, and we have a number of employees that are that are in quarantine based on possible symptoms. And again, in a minute, when I get to our daily or what I have today for stats, I'll tell you the current stats as far as inmates that are positive.

We have protocol in place for staff who are showing symptoms which is coordinated through our health and safety section. We have 11 negative airflow pressure cells, nine of them are currently occupied, but only three of those cells are occupied with people that have symptoms that are similar to COVID-19. The other cells I believe are other possible infectious diseases that we see people come in with like, for example, like tuberculosis.

So, on—going into the release order. On April 16<sup>th</sup>, three days after our last meeting, the Sheriff petitioned the court for an order to release certain offenders for the purpose of disease management and the order was subsequently approved by Judge Bell. It's important to note, like I said earlier, that over the past few years, we've been working aggressively to reduce jail population overall anyway. So, because we've reduced our population by over 700 inmates on average, that gives us a lot more flexibility with social distancing, but we recognize that since we had some positive cases and we had some cases with staff that we needed to further reduce population of certain offenders in order to allow us to more safely exercise social distancing and CDC protocol. It also allows us to conserve PPE equipment.

So the categories in the order that were released; inmates that were being held on probation and parole, technical violations, and Chief Carpenter can correct me if I'm wrong, but I believe our numbers were was about 83, 84 people that fell into that category. We had inmates who were high risk based

on CDC factors, which included being over 65 years of age, having identified pre-existing health conditions and obviously folks that had not been arrested for a crime of violence or crime of DUI.

And then we also asked for inmates that had served 75% or more of their sentence and then we would work backwards. So, inmates that had served the most time, an inmate who had served 80% of their time would be released sooner than an inmate who had served 75% of their time, with the hope of getting as many of those folks out as we could. And then, obviously, there's a degree of crossover between categories. You may have someone who's spent 75% of their time and they are a non-violent offender and they're over 65, so they fall into several of those categories. The order is in effect for 30 days.

So, with that, I will go into today, the numbers I have for the jail as of today. Again, if we leave this meeting, I've been in here all day locked in my office, so, if we leave the meeting and the news says something, you know, that is different than what I'm saying here, it's the nature of the game. So, I apologize for that if it happens.

Right now, you know, maximum capacity in the jail is 4,189 inmates. Based on the numbers that I have from earlier today; we have a population right now of 2,484 inmates. That's about close to a 40% vacancy rate. We have 177 inmates that have been released as a result of the order. We have the 935 inmates that are on electronic monitoring. We have seven inmates, since the beginning of this, that have tested positive for COVID-19. All of them have been released from our facility except for one. We have one inmate that is in custody with COVID 19. He's in quarantine and his crime is a crime of violence. I believe it's an attempted murder crime. So obviously, he will not be released.

The others that have been released, we coordinate with the hospitals and the Department of Health and Human Services so that—or the Health Department so that there's continuity of care. So, when they're released, they're not just turned out onto the street with COVID-19. There's a plan to get them into quarantine or get them into a hospital if need be. And there's some care after they're released.

And then, we are waiting on one test of an inmate, that again, I talked about earlier that is exhibiting flu-like symptoms. The initial test was possibly pneumonia or flu, but we're waiting for a COVID-19 test. We have nine staff members who have tested positive for COVID-19. Those staff members are all on quarantine. We have four members of our CO Academy that was in progress we had 35 people in an Academy for Corrections. Four corrections officers tested positive, as of the information again, that I had this morning. There are some other tests pending of other Academy recruits. The Academy has been suspended, obviously, for safety reasons. And currently for the tests that we're conducting through our vendor, with cooperation through the Health District, we're seeing right now about a two to three-day turnaround for test results when they're done at CCDC.

So, with that, I would be happy to answer any questions you might have that I can answer.

**Assemblywoman Nguyen:** What are you guys doing to protect your officers? I know that there have been cases where someone had COVID-19. They were released to the street and then they were later arrested again because either, you know, a recidivism or committing a new crime or whatever it is. And then, the officers that go out to arrest that person are not aware that that person had tested positive for COVID-19 and now all of a sudden, those officers have exposed themselves. Have you been able to do anything where you include like kind of the notation when they're released if they have or they have been positive?

**Vice Chair Callaway:** When we do receive information of a confirmed positive case, usually through our partners in the Health District, we were able to flag a residence, for example, where that positive



case was. So, if an officer is sent on a call to that address, they are aware that there was a positive case there. And then obviously, we've done a lot of education with our officers.

The fact of the matter is, during a pandemic, our cops have to be out there, and they have to be responding to calls for service. Like I said, crime doesn't stop, domestic violence doesn't stop. We don't have the luxury in law enforcement of social distancing, unfortunately. So, our officers have been educated. We've done a number of videos and put out a lot of stuff. Our whole Health and Safety section is working tirelessly to provide any help to officers who think they might have been exposed, where we have the ability now to get officers in for rapid testing and to get results back in a matter of a day or two.

I heard yesterday and I don't know the status of this, but they were looking at potentially allowing for officers to be tested even if they didn't have symptoms. So that they would you know, feel comfortable going home to their families and knowing that they're not asymptomatic. We have obviously PPE equipment that is out there in the cars. Officers are encouraged to put that on.

To give you an example. The other day I was out with the Sheriff and there was a number of homeless folks over there near the courtyard, a large amount; I'd say probably 60-70 people over there. I think they were getting in line to try to get food that was being handed out over there. And we had several officers over there keeping the peace and they all were in full PPE equipment. And again, unfortunately, they don't have the luxury to say I'm not going to go or I'm not going to handle this.

We have a number of staff that are in quarantine. I have the numbers here somewhere in the report I just have to dig them up for the total numbers for the whole agency. But if there's a doubt, we're encouraging—well in fact, we're mandating. We're not encouraging. If we believe someone's exposed, they're going into quarantine and we're going to monitor and make sure that they have not been exposed before they come back into the workforce.

**Assemblywoman Nguyen:** I know for a while that you weren't putting it in SCOPE. So, you are now. Officers when they're aware that someone or a residence or a person has tested positive, so at least the officers know when they're responding to a call that they should take extra precautions?

**Vice Chair Callaway:** Yeah, I shouldn't say SCOPE. I don't think it's being put in SCOPE, but I believe our dispatchers have that information. So, if a call is generated at one of those locations, the dispatcher will advise the officer that that's one of the locations based on the information we've received through the Health District.

**Assemblywoman Nguyen:** I also have a question about the interaction, I know that I had received calls from your civilian employees that work at the Clark County Detention Center, that are in intake and they are in direct communication and weren't at one point being provided PPEs and there was no social distancing practices in place. Is Metro working with the civilian employees that are also working within those detention centers with that as well?

**Vice Chair Callaway:** Like I stated, we put out three types of education to all of our employee in CCDC. Including civilian employees. It was in written form. It was posted. It was done in a video and it was also done verbally by supervisors that went around and talked to their people. In addition, on our website, we have put out protocols on LVMPD.com for our officers to review. We also PPE equipment, from what I was told yesterday, all of our staff and inmates in CCDC have access to PPE equipment. So, I'm not going to sit here and tell you that early on when this thing first happened that maybe somebody was in an area where social distancing was not possible at that time, but I believe that we have taken every step at this point to ensure that that's happening.

**Mr. Story:** Chuck, you had mentioned crime rates, you said that some were going up. I've seen some reports that say that overall crime has gone down since the stay at home orders were initiated. Could you clarify that for us, please?

**Vice Chair Callaway:** Sure. So, in respect that overall, compared to last year, year-to-date, our crime is down with the exception of aggravated assaults. I believe we're about 200 higher this year with aggravated assaults than we were last year. However, we have had some specific area commands that have, during the month of March, seen a higher number of aggravated assaults and some firearms related crimes compared to that same geographical area last year, during the same time period. If that answers your question, but yes, according to the year-to-date numbers, they are still below in most regard or even to what they were last year, with the exception of aggravated assault.

**Mr. Arrascada:** What's the recidivist rate of those that have been released from the jail under the depopulation order?

**Vice Chair Callaway:** That's a great question. Because this order went into effect April 16<sup>th</sup>, I am not sure if anyone that was released on this order is back in, but that is a fantastic question and I will reach out after this meeting and find out if we're tracking that because if we're not, we definitely should be.

**Mr. Arrascada:** Also, the homelessness rate and the unemployment rate, please?

**Vice Chair Callaway:** Okay, I'll find those out as well. Those would be screening questions when the inmates are screened when they come in. I'll see if, again, if we're collecting that data in regard to what's occurring during this pandemic and I'll provide that back to the Commission.

**Chair Hardesty:** Seeing no more questions for Vice Chair Callaway I will be move on to the next agenda item.

## **9. Update on Plan of Implementation of Assembly Bill No. 236 (2019)**

**Chair Hardesty:** Let's turn to Item 9 on the agenda and get a quick update from Ms. Strait on the implementation of AB 236 plan.

**Ms. Strait:** I know it's been a long day, so I'll try to be quick. You received another handout from us, it should be in your packet. It's an updated implementation plan for AB 236. This should look familiar; we distributed an older version of this at the previous meeting in February. This has since been updated to reflect the progress Nevada has made towards implementation of AB 236.

One thing I want to note is that this is just the work that we are aware of. We can offer technical assistance to any agency that is involved in implementing AB 236. Some agencies have requested more assistance and others, so it's possible that there may be more going on than we are aware of.

As we are getting closer to July 1—I think we talked about in February that one important takeaway from the research on implementation is that the implementation of anything doesn't happen overnight; rather it happens in stages. Lots of work has happened so far across many different agencies in Nevada to implement AB 236. As we approach the effective date, there are still things to do, but that is to be expected.

It's also to be expected that sometimes things happen that throw a wrench in implementation and agencies have been dealing with that right now as they juggle implementing AB 236 with responding

to COVID-19. This may alter, delay or maybe even expedite some activities. So, it's important to analyze what needs to be done, listen to what needs to be done but I think it's also important to recognize all the work that has been done so far.

I'm not going to go through the entire plan with you right now, but I wanted to highlight some important points. First, with regards to the Department of Corrections. NDOC continued to work hard over the past few months to move forward with many of the initiatives they had already begun and prior to the passage of AB 236. They've been successful in training all existing staff in core correctional practices and we're working with them on a plan to continue to train staff in the skills.

NDOC has also been working closely with various community partners to initiate training events in areas such as risk and needs assessment, case planning, trauma-informed care and responding to behavioral health needs. Additionally, NDOC has rolled out the NRAS and is in the process of planning for the first validation study of the tool, which will be completed through the University of Cincinnati.

Next, the Parole Board has revised their internal handbook to fit with AB 236, which is a pretty big undertaking. And in addition, they've been working closely with NDOC and P&P and other partners to ensure that all are on the same page. This collaboration is an essential part in effective implementation for everybody and I'm going to speak a bit more about that in a minute.

But first, I also wanted to highlight the Division of Parole and Probation. They created working groups to develop policies, forms, and training for each of the areas of AB 236 that impact the Division the most. The working groups were made up of staff from different regions and each group has now created new policies and forms that fit with AB 236. And those are, I believe, under the review by senior leadership currently. P&P also has a training group that was in charge of ensuring officers are trained on those new policies, as well as the topics required that AB 236 that officers be trained in.

Originally the plan was that the training team would combine educational materials from each working group and roll those out during in-person sessions, training sessions, this spring and summer, but obviously COVID-19 has complicated those plans. As the training team cannot gather people together for these trainings now, they're developing an alternative plan to train officers involving using a series of webinars. The training team is working on the logistics of that plan now and we're working with them to look for ways to make sure webinars are interactive and responsive to different learning styles. So, it's a challenge, but one the training team has been working really hard on.

Finally, as I alluded to earlier, I think something that is important, but that may not be immediately evident from looking at this plan is how much interagency collaboration has been taking place. I think open communication between implementing agencies is super important. It helps us all be open to new ideas and adapt together when roadblocks like COVID-19 or others come up. However, collaboration can also be really hard. Sometimes agencies aren't used to working together or could even have a problem from past negative experiences. So, this is something we often see states struggle with.

So, I'm really excited that that hasn't been the case in Nevada. In particular many sections at AB 236 impact NDOC, P&P and the Parole Board and require them to get on the same page. We've really seen NDOC, P&P and the Parole Board embrace the spirit and have held several joint meetings with teams in both the north and the south to discuss the work that each agency is doing on implementation and identifying how the changes each of making would impact the others and talked through ways to collaborate and help each other.

I think this spirit is especially important to continue throughout the many stages of implementation. So, even as we continue on both the day-to-day collaboration between agencies and also the more

[inaudible] of collaboration like the Sentencing Commission. As implementation continues, other roadblocks or interesting issues will likely arrive and so having pre-arranged avenues of communication make it easier to continue to check in on those and to work out solutions together.

That's what I really wanted to highlight from this. You all have the full plan, so feel free to either now or later ask questions if you have them.

**Chair Hardesty:** Thank you very much. Are there any questions for Ms. Strait on her update on the implementation plans?

**Dr. Salisbury:** Can you clarify something for me just in terms of the alternatives to incarceration a provision of AB 236? So, is that firm and done or is there going to be additional exploration about what other alternatives might be suggested?

**Ms. Strait:** I'm not sure I understand your question. Can you clarify?

**Dr. Salisbury:** Yeah, so the alternative to incarceration sort of discussion on—what page am I on, well, I'm on 150 of the complete PDF that I've got here. I recall there being discussion about expanding like specialty courts and alternatives to incarceration, can you just clarify for me if that is finalized? If this body will be discussing additional, potential alternatives to incarceration or is that set-in stone now because of AB 236?

**Ms. Strait:** So, you're asking will there be further clarification or further expansion of what was passed in AB 236?

**Dr. Salisbury:** Correct. I didn't know if there was going to be any more additional discussion about other alternatives. I realized that there are things that have been passed, right, obviously because of AB 236. So, I just didn't know if there was additional discussion on that, or if that's done.

**Ms. Strait:** That's a good question. Not that I'm aware of, but that doesn't mean that they're haven't been others or that there can't be others.

**Dr. Salisbury:** The reason I bring it up is because, I know, I'm aware of some other alternatives to incarceration, specifically around sentencing, parenting sentencing alternatives that have shown to be effective in Washington and Oregon state but again, just wasn't quite honestly sure if and when those suggestions could be made.

**Assemblywoman Nguyen:** Can I just step in for a second, Justice Hardesty?

**Chair Hardesty:** Yes.

**Assemblywoman Nguyen:** I know that that's something that obviously we can address here at the Sentencing Commission, but I know in the ACAJ, that's one of the topics that we're looking at exploring is the use and expansion or inclusion of more of these alternative programs such as specialty courts. I know I'm doing it as a part of my own personal BDRs, too, so there are opportunities. I can reach out to Emily, and we can talk more about it offline.

**Dr. Salisbury:** Thank you so much.

**Chair Hardesty:** I don't think anything's off the table for the Sentencing Commission to agendaize, but

I worry about prioritizing what we have to do in this Commission alone. As I had expressed early on when we convened, I think our major goal is to take the steps that we were required to take under AB 236, get the reports as best as we can, get those done.

As you heard from the Director, our policy BDR unless extended, expires May 1<sup>st</sup>. So, that would require a full vetting of alternative legislation for the commission to recommend and I just don't see that that's practical within the timeframe we have. If the Advisory Commission has some space on their agenda to look at additional alternatives, great, but I think our plate is pretty full in respect to the responsibilities that we have this calendar year.

**Dr. Salisbury:** That makes sense; I understand that, Chair Hardesty. I'll get in touch with Assemblywoman Nguyen. Thank you.

**Chair Hardesty:** I wanted to also mention, and you probably saw it in your materials, the circulation of a practitioner guide to AB 236. I think it's really well done, Barbara because of the interest of time, I'm going to move on, other than noting it. But in particular, I wanted to call it to the attention to all of the lawyers on the Commission because I think that it is a useful tool in working with your offices in trying to facilitate their understanding and application and use of the changes in AB 236.

In particular, Mr. Hicks, if you haven't already done so, you probably have, but I would ask if you could have Ms. Noble review it and in the context of any modifications to the request that your office has made, look at the work and this practitioner guide to see whether it gives you a head start, let's put it that way, on some of the activities that you had in mind with respect to the budget request you made for the grant.

**Mr. Hicks:** Will do.

## 10. Discussion of Potential Topics for Future Meetings

**Chair Hardesty:** All right. There was a discussion about future topics, I think our agenda is pretty full but I will just say, if people have an interest in pursuing topics or particular topics, if you could just send those to the Executive Director and I'll review them with her as we build our budgets going forward. Our next meeting is July 29<sup>th</sup>.

## 11. Public Comment

**Chair Hardesty:** I'd like, now, to turn to the second phase of public comment. In that regard, I believe Director Gonzalez has sent to you three emails. The first conveyed public comments numbered 17 through 41 and the second conveyed public comment 42 to 47. And the third conveyed public comment 48 through 52. Is that all of the public comment we have?

**Director Gonzalez:** Correct.

**Chair Hardesty:** All right, so if you would, as we did this morning, Director, flash on the screen who submitted the public comment 17 through 41 and leave that up there for a little bit while the Commissioners are looking at that public comment and then we'll switch over to the public comment that's provided for 42 through 47 and then 48 through 52. So, Commissioners, if you would take a look at the three emails and the public comments submitted and then in a few minutes I'll check back with you to see if people need additional time to study the public comment that's been provided.

[The members of the Commission silently read the public comment that was submitted up until the point that the second period of public comment was opened. Public Comment was submitted by email.]

## **12. Adjournment**

**Chair Hardesty:** I thank you all for your hard work today and the deliberations that we've participated in. Be safe and the meeting will stand adjourned. Thank you all for your time.

DRAFT

# PROJECTED AMOUNT OF COSTS AVOIDED REPORT

Nevada Sentencing Commission Meeting  
June 24, 2020  
9:00 a.m.



1

## NRS 176.01347

### Statutory Requirements Concerning Costs Avoided

- 2 Deliverables Required
  - Statement of Amount of Costs Avoided (subsections 1 and 2)
    - Due December 1 of each fiscal year
    - Highlighted in yellow
  - Projected Amount of Costs Avoided (subsections 3 and 4)
    - Due August 1 of each even-numbered year
    - Highlighted in pink

2

## STATEMENT OF AMOUNT OF COSTS AVOIDED

- Formula must include:
  - Comparison of the inmate projections created by the Office of Finance pursuant to NRS 176.0129
- AND
- The actual number of persons who are in a facility or institution of NDOC
- Recommend we address the Statement of Amount of Costs Avoided at October meeting

3

## NRS 176.0129

### Governor's Office of Finance Contract for Inmate Projections

- JFA Associates
  - Current contract requires 3 inmate projections each year
- NRS 176.0139
  - Requires the Governor's Office of Finance to provide the Sentencing Commission with inmate projections pursuant to NRS 176.0129, upon request

4

## REPORT: PROJECTED AMOUNT OF COSTS AVOIDED

- Due August 1 of each even-numbered year
- No statutory requirements regarding formula
- Statutorily required recommendations for reinvestment

5

5

## REVIEW OF METHODOLOGY USED BY ACAJ IN 2018

Methodology included:

- August 2018 inmate projections required pursuant to NRS 176.0129
- Variable Cost Per Prisoner
  - Medical Costs
  - Institution Costs
  - Remote Camps
  - Non-Remote Camps
  - Transitional Housing

6

6

## PROPOSED METHODOLOGY TO CALCULATE PROJECTED AMOUNT OF COSTS AVOIDED IN 2020

### Amount of Costs Avoided Formula

- 2018 inmate projections required pursuant to NRS 176.0129
- Actual number of persons in facility or institution

### Projected Amount of Costs Avoided Methodology

- 2018 inmate projections required pursuant to NRS 176.0129
- Most current inmate projections
- Multiply difference of inmate projections from 2018 and current by **variable cost per prisoner**
  - Most recent legislatively approved Operating Cost Per Inmate by Institution
  - Medical + Institutions + Remote Camps + Non-Remote Camps + Transitional Housing (costs per day)

7

7

## PROPOSED METHODOLOGY TO CALCULATE PROJECTED AMOUNT OF COSTS AVOIDED IN 2020 (CONT.)

FY 2022 and FY 2023 projections from 2018

-

FY 2022 and FY 2023 projections from most current (February 2018)

x

Variable cost per prisoner

8

8



## CALCULATIONS

	2022		2023	
	Baseline	Worst Case*	Baseline	Worst Case*
Projections from August 2018 JFA Report	14,131	14,191	14,331	14,331
Projections from April 2020 JFA Report	12,789	13,157	12,859	13,058
Difference (baseline-projections)	1,392	1,024	1,472	1,273
FY 2020 Average Daily Operating Cost from DOC Factsheet	\$ 48.53	\$ 48.53	\$ 48.53	\$ 48.53
FY 2020 Average Annual Operating Cost	\$ 16,983.45	\$ 16,983.45	\$ 16,983.45	\$ 16,983.45
FY 2020 Average Daily Medical Cost from DOC Factsheet	\$ 10.38	\$ 10.38	\$ 10.38	\$ 10.38
FY 2020 Average Annual Medical Cost	\$ 3,788.70	\$ 3,788.70	\$ 3,788.70	\$ 3,788.70
Projected Costs Avoided Formula: difference x (annual operating + annual medical)	\$ 28,914,832.80	\$ 21,270,681.60	\$ 30,576,004.80	\$ 26,442,946.05

9

9



## QUESTIONS

10

10



## DISCUSSION

11

11

## STATUTORILY REQUIRED RECOMMENDATIONS

GUIDING PRINCIPLE OF  
RECOMMENDATIONSREINVEST "AMOUNT OF THOSE COSTS TO  
PROVIDE FINANCIAL SUPPORT TO  
PROGRAMS AND SERVICES THAT ADDRESS  
THE BEHAVIORAL HEALTH NEEDS OF  
PERSON INVOLVED IN THE CRIMINAL  
JUSTICE SYSTEM IN ORDER TO REDUCE  
RECIDIVISM"

12

12

## STATUTORILY REQUIRED RECOMMENDATIONS

- NDOC Programs
  - Programs for reentry
  - Programs for vocational training and employment
  - Educational programs
  - Transitional work programs
- The Division of Parole and Probation
  - For services for reentry and scientifically proven programs which reduce recidivism
- Behavioral health field response grant programs developed and implemented pursuant to NRS 289.675
- Housing Division to create or provide transitional housing
- Nevada Local Justice Reinvestment Coordinating Council created by NRS 176.014 for the purpose of making grants to counties for programs and treatment that reduce recidivism

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## PROPOSED OUTLINE OF REPORT

1. Background
  - History: ACAJ in 2018 (methodology)
  - Goals of JRT: Report advances goal #5 (sustainability of reforms)
2. Statutory requirements
  - JFA Projections
  - Variable cost per prisoner
  - Approved Methodology
3. Calculations of Costs Avoided
  - Baseline
  - Worst Case Scenario
  - Contexts for decreases
4. Statutorily Required Recommendations
  - Principles
  - Priorities
5. Appendix
  - Copies of the relevant statutes
  - Copy of JFA Projections
  - Copy of legislatively approved cost per prisoner

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## QUESTIONS

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**NRS 176.0129 Annual projections of persons imprisoned, on probation, on parole and in residential confinement.**

The Office of Finance shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, to:

1. Review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

- (a) In a facility or institution of the Department of Corrections;
- (b) On probation;
- (c) On parole; and
- (d) Serving a term of residential confinement,

→ during the 10 years immediately following the date of the projection; and

2. Review preliminary proposals and information provided by the Commission and project annually the number of persons who will be:

- (a) In a facility or institution of the Department of Corrections;
- (b) On probation;
- (c) On parole; and
- (d) Serving a term of residential confinement,

→ during the 10 years immediately following the date of the projection, assuming the preliminary proposals were recommended by the Commission and enacted by the Legislature.

**NRS 176.01347 Development of formula to calculate costs avoided by enactment of chapter 633, Statutes of Nevada 2019; submission of statements and reports regarding costs avoided.**

1. The Sentencing Commission shall develop a formula to calculate for each fiscal year the **amount of costs avoided** by this State because of the enactment of chapter 633, Statutes of Nevada 2019. The formula must include, without limitation, a comparison of:
  - a. The **annual projection** of the number of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to [NRS 176.0129](#) for calendar year 2018; and
  - b. The **actual number** of persons who are in a facility or institution of the Department of Corrections during each year.
2. Not later than **December 1** of each fiscal year, the Sentencing Commission shall use the formula developed pursuant to subsection 1 to calculate the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and submit a **statement of the amount of the costs avoided** to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.
3. Not later than August 1 of each even-numbered year, the Sentencing Commission shall prepare a **report containing the projected amount of costs avoided** by this State for the next biennium because of the enactment of chapter 633, Statutes of Nevada 2019, and **recommendations** for the reinvestment of the amount of those costs to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to **reduce recidivism**. In preparing the report, the Commission shall **prioritize** providing financial support to:
  - a. The Department of Corrections for programs for reentry of offenders and parolees into the community, programs for vocational training and employment of offenders, educational programs for offenders and transitional work programs for offenders;
  - b. The Division for services for offenders reentering the community, the supervision of probationers and parolees and programs of treatment for probationers and parolees that are proven by scientific research to reduce recidivism;
  - c. Any behavioral health field response grant program developed and implemented pursuant to [NRS 289.675](#);
  - d. The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and
  - e. The Nevada Local Justice Reinvestment Coordinating Council created by [NRS 176.014](#) for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system.
4. Not later than **August 1** of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

**NRS 176.0139 Annual projections of persons imprisoned, on probation, on parole and in residential confinement.**

The Office of Finance shall provide the Sentencing Commission with any projections on persons imprisoned, on probation, on parole and serving a term of residential confinement required pursuant to NRS 176.0129, as requested by the Sentencing Commission.

**Nevada Department of Correction  
Ten Year Prison Population Projections  
2018-2028**

**by  
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**August 2018**

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# **NEVADA DEPARTMENT OF CORRECTIONS TEN-YEAR PRISON POPULATION PROJECTIONS**

## **I. INTRODUCTION**

The Nevada State Budget Office has asked JFA Associates, LLC (JFA) to produce three separate forecasts for the state prison population to be completed in April 2018, September 2018, and February 2019. JFA, under the direction of Ms. Wendy Ware, utilized the Wizard 2000 simulation model to produce prison population projections for male and female offenders. This briefing document represents the results of the analysis and simulation for the second forecast cycle, September 2018.

For the current forecast, JFA reviewed current inmate population trends and analyzed computer extract files provided by the Nevada Department of Corrections (NDOC). This briefing document contains a summary of projections of male and female inmates through the year 2028, a summary of recent offender trends, and an explanation of the primary assumptions on which the projections are based. The contents that follow are based on the analysis of computer extract files provided by the Department of Corrections in August 2018 as well as general population and crime trend data. All figures are contained in Appendix A of this document.

### **Accuracy of Past Forecast**

Overall, the March 2018 forecast accurately estimated the Nevada state prison population for the first half of 2018. Tracking of the forecast by gender also proved accurate for the first half of 2018.

The March 2018 forecast of the male inmate population estimated the actual population at an average of 0.3 percent per month for the first six months of 2018 (an average accuracy of  $\pm 2.0$  percent is considered accurate). The forecast slightly overestimated the actual male population throughout the six-month time frame.

The March 2018 forecast of the female population slightly underestimated the actual population from January through March before overestimating the actual population from April through June. The forecast estimated the actual female population by an average monthly difference of 0.3 percent through the first six months of 2018, well within acceptable standards.

## **II. BACKGROUND**

The forecast of correctional populations in Nevada was completed using Wizard 2000 projection software. This computerized simulation model mimics the flow of offenders through the state's prison system over a ten-year forecast horizon and produces monthly projections of key inmate groups. Wizard 2000 represents a new version of the previously used Prophet Simulation model and introduces many enhancements over the Prophet Simulation model. The State of Nevada utilized the Prophet Simulation software to produce its prison population forecast for more than ten years. JFA upgraded the existing Nevada model into the latest Wizard 2000 software in order to take full advantage of the model's newest features.

Prior to 1995, sentenced inmates in Nevada received a maximum sentence and were required by law to serve at least one-third of the maximum sentence before a discretionary parole release hearing was held. Those offenders not granted discretionary parole release were released on mandatory parole three months prior to their maximum sentence expiration date. Under SB 416, offenders in Nevada are assigned both a maximum and a minimum sentence as recommended by Nevada State Parole and Probation officers. A complex grid was developed to recommend these sentences. The grid was revised several times between July 1995 and March 1996 before a final formula was agreed upon. The resulting statute-mandated

offenders are not eligible for discretionary parole release until they have served their entire minimum sentence (less jail credits). Monthly good-time earned credits are no longer applied to the reduction of the time until discretionary parole eligibility. The system of mandatory parole release remained unchanged under the new statute. In addition to these sentence recommendation changes, SB 416 also put in place the diversion of all E felony offenders from prison.

The current simulation model mimics the flow of inmates admitted under two sentencing policies: 1) inmates admitted to prison with “old law” sentences and 2) inmates admitted under SB 416. Within the simulation model, all inmates admitted to prison are assigned minimum and maximum sentences for their most serious admitting offenses. The model performs time calculations, simulates the parole hearing process, and releases offenders from prison based on existing laws and procedures.

In July 2007, the State of Nevada passed AB 510 which changed three main aspects of a prisoner’s good time credit calculations. First, under AB 510 the monthly earning of good time for an offender who engages in good behavior increased from 10 days to 20 days. Second, AB 510 increased the amount of good time awarded for all education, vocations training and substance abuse treatment programs completed while incarcerated. Credits for program completion would apply to both the minimum and maximum sentences. Lastly, AB 510 provided that certain credits to the sentence of an offender convicted of certain category C, D or E felonies (that do not involve violence, a sexual offense or a DUI) will be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence. Previously, these credits could not be applied to the minimum term imposed, only the maximum.

AB 510 was passed and went into effect on all offenders to be admitted to the NDOC in July 2007. Also, offenders housed within the NDOC at that time were made retroactively eligible for all credits listed in the bill (to July 1, 2000). This caused an immediate and dramatic increase in the number of offenders who were parole eligible reflected in the 2007-2008 data.

### III. TRENDS IN POPULATION AND CRIME IN NEVADA

**Significant Finding:** *The Nevada population grew at an astonishing rate for over two decades through 2007. The average annual rate of growth from 2000 to 2007 was 3.8 percent. Since 2007, the state's population has grown at a much slower rate (an average annual rate of 1.4 percent from 2007 to 2017 according to the U.S. Census), but has picked up in recent years. From 2016 to 2017, Nevada's population grew by 2.0 percent.*

**Significant Finding:** *Levels of serious crime in Nevada rose in the first part of the 1990s (average annual increases of 6.8 percent for UCR Part I crimes from 1990 to 1995), fell in the latter part of that decade (average annual decreases of -4.2 percent from 1995 to 1999), and then increased every year from 1999 to 2006 (average annual increases of 5.3 percent). From 2006 through 2011, UCR Part I crimes in Nevada declined each year with an average decrease of -6.7 percent. From 2011 to 2012, UCR Part I crimes in Nevada rose by 10.9 percent, and have alternately increased and decreased more modestly since. From 2015 to 2016, UCR Part I crimes in Nevada fell by -1.3 percent.*

**Significant Finding:** *Rates of UCR Part I crimes in Nevada were high and generally rising for the first half of the 1990s – hitting a high in 1994 of any rate observed in the past two decades -- and then fell distinctly the latter part of the decade. The UCR Part I crime rate rose from 2001 to 2003, and remained fairly level from 2003 through 2006. From 2006 through 2011, the state's serious crime rate decreased each year at an average rate of -8.3 percent per year. In a distinct departure from that downward trend, the UCR Part I crime rate in Nevada rose 9.4 percent from 2011 to 2012. Since 2012, the UCR Part I crime rate in Nevada has remained fairly steady, and posted a -3.2 percent decline from 2015 to 2016.*

#### A. Population

The U.S. Census Bureau conducts a decennial census and the Census Bureau's Population Estimates Program publishes population estimates between censuses. After each decennial census, the Census Bureau examines its estimates and revises them, where necessary. In September 2011, the U.S. Census undertook such a revision, and the new estimates for 2001 to 2009 appear in TABLE 1. The decennial census results for Nevada for 2000 and 2010 are shown in bold in TABLE 1, while the remainder of the column shows the US Census estimates for July 1 of each year.

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<sup>1</sup> U.S. Census Bureau. Press Release 12/21/2011

[<http://www.census.gov/newsroom/releases/archives/population/cb11-215.html>]

<sup>2</sup> Population change and rankings: April 1, 2010 to July 1, 2016 (NST-EST2016-popchg2010-2016)

[<http://www.census.gov/data/datasets/2016/demo/popest/state-total.html>]

<sup>3</sup> U.S. Census Bureau Press Release 12/20/2016

[<http://www.census.gov/newsroom/press-releases/2016/cb16-214.html>]

<sup>4</sup> U.S. Census Bureau Press Release 12/20/2017

[<https://www.census.gov/newsroom/press-releases/2017/estimates-idaho.html>]

**TABLE 1: ESTIMATES OF NEVADA'S POPULATION: 2000 – 2016**

<b>Year</b>	<b>Population Estimates (US Census)</b>	<b>% change</b>
<b>2000</b>	<b>1,998,250*</b>	
<b>2001</b>	2,098,399	5.0%
<b>2002</b>	2,173,791	3.6%
<b>2003</b>	2,248,850	3.5%
<b>2004</b>	2,346,222	4.3%
<b>2005</b>	2,432,143	3.7%
<b>2006</b>	2,522,658	3.7%
<b>2007</b>	2,601,072	3.1%
<b>2008</b>	2,653,630	2.0%
<b>2009</b>	2,684,665	1.2%
<b>2010</b>	<b>2,700,551*</b>	0.6%
<b>2011</b>	2,718,170	0.7%
<b>2012</b>	2,752,410	1.3%
<b>2013</b>	2,786,547	1.2%
<b>2014</b>	2,831,730	1.6%
<b>2015</b>	2,883,057	1.8%
<b>2016</b>	2,939,254	1.9%
<b>2017</b>	2,998,039	2.0%
<b>Numeric Change 2007-2017</b>	<b>396,967</b>	
<b>Percent Change 2007-2017</b>	<b>15.3%</b>	
<b>Average Annual Change 2007-2017</b>		<b>1.4%</b>

\* Actual April 1, 2000 and 2010 US Census figures. All other figures are July 1 estimates from the US Census Bureau. Note that the US Census Bureau occasionally updates prior year estimates. As such, the estimates shown will sometimes differ from prior year's reports.

The population numbers in Table 1 demonstrate a staggering rate of growth in Nevada's population between 2000 and 2007, with average annual growth estimates of 3.8 percent. From 2000 to 2010, Nevada's population increased by over 700,000 people to exceed 2.7 million people in 2010. However, since 2007, the pace of growth has slowed substantially. According to the U.S. Census estimates, from 2007 to 2017, the average annual rate of growth was 1.4 percent, with the increase in Nevada's population from July 2016 to July 2017 estimated at 2.0 percent.

In March 2017, the Nevada State Demographer issued population projections for a 5-year period: 2017-2021, based on the 2016 population estimates. They projected the state population to increase at an average annual rate of 1.2 percent over that time frame.

## **B. Crime**

Observing historical levels of crime can provide some guidance in projecting future admissions to prison. During the 1990s, the level of the most serious violent and property crimes (defined by the FBI's Uniform Crime Reports Part I Crime category) in Nevada increased steadily during the first part of the decade, and then displayed a generally decreasing trend during the latter. From 1990 to 1995, the number of UCR Part

I crimes in Nevada increased each year, rising at an average annual rate of 6.8 percent. From 1995 to 1999, the number of UCR Part I crimes fell at an average annual rate of -4.2 percent. Serious crime increased each year from 2000 to 2006 at an average of 6.0 percent per year. From 2006 to 2011, UCR Part I crimes in Nevada fell at an average of -6.7 percent per year. Bucking the downward trend, UCR Part I crimes in Nevada rose by 10.9 percent from 2011 to 2012. Since 2012, UCR Part I crimes in Nevada have increased and decreased fairly modestly each year, displaying a -1.3 percent decline from 2015 to 2016. (See Figure 1).

It is worth noting that the total number of UCR Part I violent crimes reported are at the highest level observed in at least the past 25 years, with the FBI reporting 20,118 Part I violent crimes in Nevada in 2015 and 19,936 in 2016.<sup>5</sup> Since the number of UCR Part I property crimes (76,067 reported in Nevada by the FBI in 2016) far outnumber the violent crimes, the general upward trend in serious violent crimes is not readily observed in the overall trends of serious crime in Nevada. The number of serious property crimes in Nevada for each of the past eight years has been below the average of the past 25 years.

The area served by the Las Vegas Metropolitan Police Department (LVMPD) has generally exhibited similar changes in crime levels as the state as a whole. This area represents approximately half of the state's population and over half of the state's Part I crime. The area served by the LVMPD experienced a decline in UCR Part I crimes from 1995 to 2000, but posted increases each year from 2000 to 2006. The average annual increase from 2000 to 2006 was 7.9 percent. Like the statewide trend, serious crime in the LVMPD's jurisdiction fell each year from 2006 to 2011 with an average annual decrease of -6.8 percent. From 2011 to 2012, serious crime increased by 11.1 percent in the LVMPD's jurisdiction. Since 2012, Part I crimes in the LVMPD's jurisdiction has alternately risen and fallen, displaying a -2.7 percent drop from 2015 to 2016. (See Figure 2). Similar to the state picture, the raw number of serious violent crimes reported in the LVMPD's jurisdiction in 2015 was at its highest level in the past 20 years, while the raw number of serious property crimes reported are below the 20-year average and have been for the past eight years. Notably, serious violent crime in the LVMPD's jurisdiction fell by -6.0 percent from 2015 to 2016.

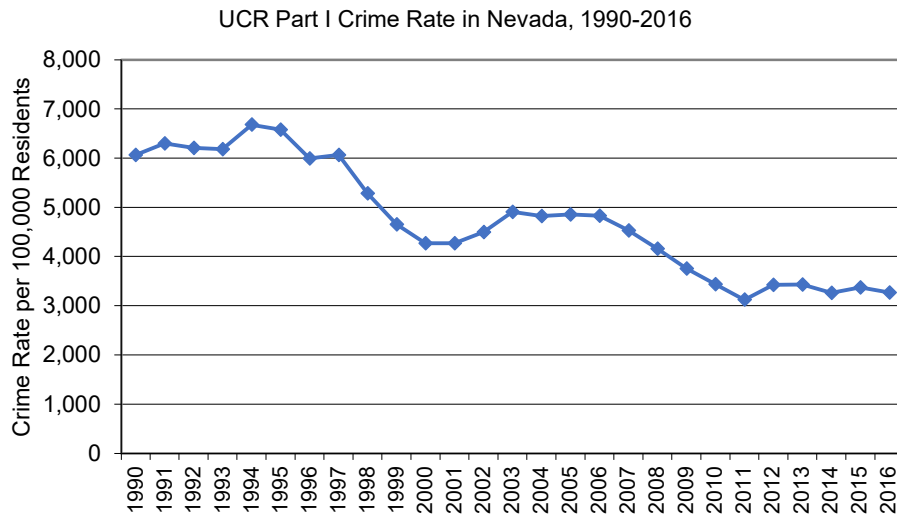
### **C. Putting Population and Crime Together: Crime Rates**

The decline in serious crime in the later part of the 1990's occurred as the state population continued its dramatic increase -- resulting in a distinct shift in crime *rates*. From 1990 to 1997, the UCR Part I crime rate in Nevada remained fairly steady, while from 1997 to 2001, the rate fell significantly at an average annual rate of -8.3 percent. After increases from 2001 to 2003, there was little movement in the overall Part I crime rate from 2003 to 2006. Then, each year from 2006 to 2011, Nevada experienced a sharp decline in its UCR Part I crime rate. The average annual decrease in UCR Part I crime rate from 2006 to 2011 was -8.3 percent. From 2011 to 2012, the UCR Part I crime rate in Nevada rose 9.6 percent and have been fairly flat since. From 2015 to 2016, the UCR Part I crime rate in Nevada fell -3.2 percent.

Notably, the Nevada UCR Part I crime rates are among the lowest observed in the past 25 years, as displayed in the following chart.

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<sup>5</sup> Uniform Crime Reports, Crime in the United States – 2015, Federal Bureau of Investigation, Table 4.  
Uniform Crime Reports, Crime in the United States – 2016, Federal Bureau of Investigation, Table 2.



In the area served by the LVMPD, the crime rate dropped by an average annual rate of -8.2 percent from 1995 to 2001.<sup>6</sup> Like the statewide trends, the large percentage declines in the crime rates for the LVMPD jurisdiction in the late 1990s did not continue as the serious crime rate rose notably from 2001 to 2003. After remaining largely unchanged from 2003 to 2006, the LVMPD crime rate declined each year from 2006 to 2011 dropping at an average annual rate of -8.7 percent. From 2011 to 2012, the UCR Part I crime rate in the LVMPD's jurisdiction rose 9.5 percent, and has alternately increased and decreased in the years since. The serious crime rate in the LVMPD's jurisdiction fell -4.5 percent from 2015 to 2016.

#### D. Comparison of Nevada and the United States

In the discussion above, the population and crime data are observed in terms of changes over time within Nevada. In TABLE 2, we present Nevada's population and crime data compared to the national levels and trends. TABLE 2 makes clear the striking increases in Nevada's population relative to the national trends over the past decade. From 2007 to 2017, Nevada's population growth (15.3 percent) far outpaced the national population growth (8.1 percent). From 2016 to 2017, the increase in population for Nevada (2.0 percent) still exceeded the rise in the nation's population (0.7 percent).

In terms of crime rates in 2016, Nevada had a notably higher serious *violent* crime rate per 100,000 inhabitants as compared to the nation, while it had a higher but more similar serious *property* crime rate to the nation as a whole. The long term trends in the crime rates for Nevada and the nation over the past 10 years were similar, although Nevada posted a larger ten-year decline than the entire country, with Nevada's serious crime rate dropping -32.4 percent compared to the nationwide decline of -25.8 percent from 2006 to 2016. In the recent term, from 2015 to 2016, Nevada's serious crime rate exhibited a larger decline than the national serious crime rate with Nevada's decreasing by -3.2 percent while the nation saw a decline of -1.3 percent.

In the past ten years, Nevada's state prison population has grown 7.3 percent while the state prison population for the nation as a whole has declined -4.3 percent. Aside from an uptick in 2013, the US state prison population has declined each year since 2009. In Nevada, the state prison population decreased each year from 2007 to 2010, and then increased each year from 2011 to 2016 to end at its highest level.

<sup>6</sup> The FBI did not show the reported crime for the LV MPD for 1997. For the 1995-2000 average, it was assumed that the 1997 figure was the average of the 1996 and 1998 figures.

From 2006 to 2015, the nationwide state prison population decreased at an average annual rate of -0.3 percent, while Nevada's prison population grew at an average annual rate of 0.4 percent.<sup>7</sup>

The 2016 state prisoner incarceration rate in Nevada (481.5 per 100,000 residents) exceeded that of the nation (407.0 per 100,000).

**TABLE 2: COMPARISON BETWEEN UNITED STATES AND NEVADA ON POPULATION, CRIME AND CORRECTIONS MEASURES**

	United States	Nevada
<b>POPULATION<sup>8</sup></b>		
Total Population (7/1/17)	325,719,178	2,998,039
Change in Population		
1-year change (7/1/16 – 7/1/17)	0.7%	2.0 %
10-year change (7/1/07 – 7/1/17)	8.1%	15.3%
<b>CRIME RATE<sup>9</sup></b> (Rate per 100,000 inhabitants)		
UCR Part I Reported Crime Rates (2016)		
Total	2,837.0	3,264.7
Violent	386.3	678.1
Property	2,450.7	2,586.6
Change in Total Reported Crime Rate		
1-year change (2015-2016)	-1.3%	-3.2%
10-year change (2006-2016)	-25.8%	-32.4%
<b>PRISON POPULATION<sup>10</sup></b> (State Prisoners Only)		
Total Inmates 2016	1,316,205	14,153
1-year change (2015-2016)	-1.0%	3.4%
10-year change (2006-2016)	-4.3%	7.3%
Average annual change (2006-2015)	-0.3%	0.4%
Incarceration Rate (per 100,000 inhabitants) <sup>11</sup>	407.0	481.5

<sup>7</sup> Prisoners in 2015, Bureau of Justice Statistics Bulletin (December 2016). Nevada data provided by the Nevada Department of Corrections is from CY2015.

<sup>8</sup> U.S. Census Bureau, Population Division. Population estimates for July 1, 2017.

<sup>9</sup> Uniform Crime Reports, Crime in the United States – 2016, Federal Bureau of Investigation, Tables 1 and 2.

<sup>10</sup> Prisoners in 2016, Bureau of Justice Statistics Bulletin (January 2018). Nevada data provided by the Nevada Department of Corrections is from CY2016.

<sup>11</sup> Rates were generated by using U.S. Census population estimates from 7/1/2016.

#### IV. INMATE POPULATION LEVELS AND ACCURACY OF THE MARCH 2018 PROJECTION

**Significant Finding:** Overall, the March 2018 forecast estimated the Nevada state prison population very closely for the first half of 2018 (an average monthly difference in the projected and actual populations of 0.3 percent).

**Significant Finding:** The forecast of the male inmate population estimated the actual population very closely and within acceptable standards (at an average of 0.3 percent per month). The forecast slightly overestimated the actual male population throughout the six-month time frame, but by no more than 0.5 percent in any month in the first half of 2018.

**Significant Finding:** The forecast of the female population slightly underestimated the actual population from January through March 2018 (at an average monthly difference of -1.2 percent) and then slightly overestimated the actual population from April through June 2018 (at an average monthly difference of 1.8 percent). Over the whole six-month time frame, the average monthly difference of the forecast and the actual population was 0.3 percent.

TABLE 3 and Figures 3 and 4 illustrate the accuracy of the March 2018 projections of the male and female inmate populations. The monthly inmate projections are compared with the actual population counts reported by the NDOC.

The March 2018 forecast of the male inmate population for January through June 2018 estimated the actual male inmate population very closely throughout the six-month period. The forecast slightly overestimated the actual male population each month with an average monthly difference of 0.3 percent from January through June. The largest difference from the actual population occurred in May when it differed by 0.5 percent. As Figure 3 illustrates, the actual male population makes small changes both up and down from month to month while the estimated male population shows a very modest rise each month.

The average monthly numeric error for the male forecast for January through June 2018 was 42 offenders and the average monthly percent difference was 0.3 percent. (See Figure 3 and TABLE 3.)

Female prison populations are historically more volatile than male populations because of their smaller sizes and facility constraints, and projections are generally less accurate. The March 2018 forecast of the female inmate population underestimated the actual female inmate population from January through March, before overestimating the actual population from April through June as the female population experienced notable declines in April and May.

The average monthly numeric error for the female forecast for January through June 2018 was 4 offenders and the average monthly percent difference was 0.3 percent. (See Figure 4 and TABLE 3.)



**TABLE 3: ACCURACY OF THE MARCH 2018 FORECAST:  
TOTAL INMATE POPULATION JANUARY - JUNE 2018**

	Male				Female				Total			
	Actual	Projected	# Diff	% Diff	Actual	Projected	# Diff	% Diff	Actual	Projected	# Diff	% Diff
<b>2018</b>												
<b>January</b>	12,516	12,550	34	0.3%	1,288	1,281	-7	-0.5%	13,804	13,831	27	0.2%
<b>February</b>	12,499	12,553	54	0.4%	1,301	1,277	-24	-1.8%	13,800	13,830	30	0.2%
<b>March</b>	12,542	12,558	16	0.1%	1,296	1,280	-16	-1.2%	13,838	13,838	0	0.0%
<b>April</b>	12,525	12,561	36	0.3%	1,273	1,283	10	0.8%	13,798	13,844	46	0.3%
<b>May</b>	12,504	12,562	58	0.5%	1,250	1,284	34	2.7%	13,754	13,846	92	0.7%
<b>June</b>	12,512	12,568	56	0.4%	1,263	1,287	24	1.9%	13,775	13,855	80	0.6%
<b>July</b>												
<b>August</b>												
<b>September</b>												
<b>October</b>												
<b>November</b>												
<b>December</b>												
<b>Numeric Change Jan – Jun 2018</b>	-4	18			-25	6			-29	24		
<b>Average Monthly Difference Jan – Jun 2018</b>			42	0.3%			4	0.3%			46	0.3%

## V. INMATE POPULATION TRENDS

### A. Trends in Admissions

**Significant Finding:** From 2003 to 2006, total male admissions grew significantly at an average annual rate of 7.3 percent. From 2007 to 2010, however, male admissions were either virtually unchanged from the prior year or showed distinct declines. After increasing in 2011, male admissions exhibited further declines in 2012 and 2013, and in 2013 were at their lowest level in the past decade. However, in 2014 and 2015, male admissions rose by 4.1 and 5.2 percent, respectively, and hit their highest level since 2008. In 2016, male admissions grew by a much smaller 0.9 percent, and by a slightly larger amount (1.6 percent) in 2017. In 2018, total male admissions are on track to grow by 2.3 percent, if the trends of the first six months of the year hold.

**IMPORTANT NOTE:** The male admissions trends of the past three years are increasingly influenced by the admissions to the Parole Housing Unit (PARHU). It is important to note these offenders are granted parole, recorded as a release and then recorded as an immediate admission into the PARHU. This alters the resulting trends in both admission and release movement types.

Starting in 2015, 68 male offenders who were released to parole and determined to not have place to live were temporarily housed in an NDOC transitional housing unit that is included in the total prison population count. In 2016, the number of released offenders admitted to this unit increased to 243 and increased again in 2017 to 277. If those PARHU admissions are not included in the total admissions counts, then the increase in male admissions in 2015 would be 3.9 percent (instead of 5.2), and in 2016, male admissions would have declined by -2.5 percent (rather than grow by 0.9 percent), and in 2017, male admissions would have increased by 1.0 percent (rather than 1.6 percent). In the first six months of 2018, PARHU admissions are slightly below the levels observed in 2015 and 2016, and are continuing to influence admissions trends nonetheless.

**Significant Finding:** Male new commitment admissions declined or held steady from 2007 to 2013, changing at an average annual rate of -2.6 percent. In 2014, male new commitment admissions increased by 3.9 percent and further increased by 5.5 percent in 2015. In 2016, male new commitment admissions declined by -2.9 percent, but then rebounded by 2.8 percent in 2017. In 2018, male new commitment admissions are on track to decline by -1.2 percent.

**Significant Finding:** After decreasing substantially each year from 2003 through 2008, male parole violator admissions increased at an average annual rate of 17.2 percent from 2008 through 2011. After holding steady in 2012, male parole violator admissions dropped -13.2 percent in 2013, followed by an increase in 2014 and then a decrease in 2015, both of about 5 percent. Male parole violator admissions in 2016 were virtually unchanged from the prior year, but then fell by -9.3 percent in 2017. In 2018, male parole violator admissions are on track to jump by 32.5 percent.

**Significant Finding:** For the past decade, female admissions have been quite erratic. After growing at an average annual rate of 15.3 percent from 2003 to 2006 – rising from 535 females admitted in 2003 to 815 in 2006 – female admissions declined notably for two years and then largely erased those declines with increases over the following two years. After a decline of -6.4 percent in 2011, female admissions grew at an average annual rate of 4.3 percent from 2011 to 2016. In 2017, female admissions grew by 15.9 percent to 1,052 (the highest annual count observed to date). In 2018, female admissions are on track to decline by -8.7 percent. Notably in the first half of 2018, female new commitment admissions are set to decline by -16.4 percent while female parole violator admissions are on track to increase by 17.5 percent.

**IMPORTANT NOTE:** *If the female PARHU admissions in 2016 (n=46) and 2017 (n=115) are excluded, then in 2016, total female admissions actually declined by -1.9 percent (rather than grew 3.3 percent) and grew by 8.7 percent (rather than by 15.9 percent) in 2017. In 2018, the possible decline in female admissions of -8.7 percent would be -11.8 percent if the PARHU admissions were excluded from admissions counts.*

TABLE 4 and TABLE 5 present the male and female admissions to prison from 2008 to 2018 (January through June). The NDOC provided a data file of admissions to prison in the first half of 2018. Figures 5 and 6 show the male and female admissions to prison over the past decade, distinguishing the new court commitments from the parole violators. In the admissions tables and figures, the Parole Housing Unit admissions are captured in the “Other/Missing” column.

After reaching a high of nearly 6,300 in 2006 and 2007, total admissions to NDOC declined notably over the next two years to approximately 5,800 in 2009. After two years of modest increases followed by two years of slightly larger decreases, total admissions hit 5,617 in 2013 – the lowest level since 2004. From 2014 to 2017, total admissions grew at an average annual rate of 3.7 percent to reach 6,485. If the trends of the first half of 2018 hold for the remainder of the year, then the total admissions to NDOC would rise by 0.5 percent to 6,520 – a new high. HOWEVER, if the offenders admitted to the Parole Housing Unit are not included in the total admissions counts, then in 2015, total admissions would increase by 4.1 percent (rather than 5.2), and the 2016 total admissions would decline by -2.4% to just under 6,000 (rather than increase by 1.2 percent). In 2017, total admissions would have increased by 2.1 percent without the PARHU admissions (rather than by 3.6). If the admissions trends of the first half of 2018 hold for the remainder of the year, then admissions would total 6,520 in 2018, but without PARHU admissions, they would be 6,140.

### **1. Males Admitted to Prison**

From 2008 to 2018 (January thorough June), the average annual change in the number of males admitted to prison for any reason was 0.6 percent. From 2003 to 2006, male admissions to NDOC grew at an average annual rate of 7.3 percent. From 2006 to 2013, the number of male admissions followed a generally downward path, declining at an average annual rate of -1.7 percent. In 2012 and 2013, male admissions were below 5,000 for the first time since 2004. In 2014 and 2015, total male admissions to NDOC increased by approximately 4 percent each year. The 2016 count of male admissions increased by 0.9 percent (or declined -2.5 percent if the PARHU admissions are excluded). In 2017, total male admissions rose by 1.6 percent (or by 1.0 percent if PARHU admissions are excluded). If the trends from the first half of 2018 hold for the remainder of the year, then male admissions would increase by 2.3 percent to a high of 5,560; excluding PARHU admissions, male admissions would increase by 3.1 percent to 5,314 in 2018.

Male new commitment admissions declined at an average annual rate of -3.1 percent from 2008 to 2012. After being almost unchanged in 2013, male new commitment admissions rose by 3.9 percent in 2014 and again by 5.5 percent in 2015. In 2016, male new commitment admissions declined by -2.9 percent, before rebounding by 2.8 percent in 2017. In 2018, male new commitment admissions are on track to decline by -1.2 percent.

Male parole violator admissions have been quite erratic over the past decade. They increased at an average annual rate of 13.1 percent from 2008 through 2012 (after decreasing at an average annual rate of -10.8 percent from 2003 through 2008). Male parole violator admissions exhibited a sharp decline of -13.2 percent in 2013 before rising by 4.9 percent in 2014, and then falling by -5.1 percent in 2015. In 2016, male parole violator admissions were virtually unchanged

compared to 2015, and then declined by -9.3 percent in 2017. In 2018, male parole violator admissions are on track to jump by 32.5 percent, driven by large increases especially in discretionary parole violators.

Note that male new commitment admissions have ranged from 81 to 88 percent of total male admissions to NDOC each year throughout the past decade. In the first half of 2018, male new commitment admissions accounted for 79.5 percent of all male admissions. This dip is explained by the decline in male new commitment admissions and the increase in parole violator admissions.

## **2. Females Admitted to Prison**

From 2008 to 2018 (January through June), the average annual change in the number of females admitted to prison was 2.2 percent. Female admissions fluctuated with alternating increases and decreases every year from 1996 to 2004. Fluctuations have continued. After growing by 20.0 percent from 2005 to 2006, female admissions either declined or held steady from 2006 to 2009 at an average annual rate of -4.0 percent. From 2010 to 2013, female admissions alternately rose (9.2 percent), fell (-6.4 percent) and rose again (5.2 percent). They held fairly steady in 2013, before increasing by 7.9 percent in 2014 and by 5.1 percent in 2015. In 2016, total female admissions increased by 3.3 percent and then by a whopping 15.9 percent in 2017 to reach the highest number of female admissions to date (1,052). However, as highlighted above, if the PARHU admissions are excluded, total female admissions in 2016 declined by -1.9 percent (rather than increased by 3.3 percent), and rose by 8.7 percent in 2017 (rather than increased by 15.9 percent). If the trends from the first half of 2018 hold for the remainder of the year, then female admissions would decrease by -8.7 percent to 960; excluding PARHU admissions, female admissions would decrease by -11.8 percent to 826 in 2018.

Prior to 2017, female new commitments peaked at 746 in 2006. They declined each year through 2009, then showed an 8.0 percent increase in 2010 that was erased in 2011. Female new commitment admissions grew at an average annual rate of 4.7 percent from 2011 to 2015. In 2016, female new commitment admissions decreased by -2.3 percent, followed by a substantial increase of 13.3 percent in 2017 to reach 811 – a new high point. In 2018, female new commitment admissions are on track to decrease by -16.4 percent.

Female parole violator admissions either rose or remained the same each year from 2006 to 2012, growing at an average annual rate of 13.9 percent. In a distinct shift, female parole violator admissions declined by -14.6 percent in 2013. That decline has been erased by increases of 12.2 percent and 5.1 percent in 2014 and 2015, respectively. In 2016, female parole violator admissions remained the same as 2015, before declining by -13.1 percent in 2017. In 2018, female parole violator admissions are on track to jump by 17.5 percent.

Note that female new commitment admissions have ranged from approximately 80 to 90 percent of total female admissions to NDOC each year throughout the past decade. In 2017, female new commitment admissions accounted for 77.1 percent of all female admissions, and in the first half of 2018, they accounted for 70.6 percent. However, if one excludes the PARHU admissions, female new commitment admissions were 86.6 percent of total female admissions in 2017 and 82.1 percent in the first half of 2018.

**TABLE 4: HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE: MALES: 2008 –2018 (JAN-JUN)**

Year	New Court Commitments & Probation Violators	Safekeepers	Int. Sanction Probation**	NPR/CC	Total New Commitments~	Discretionary Parole Violators	Mandatory Parole Violators	Total Parole Violators	Other/ Missing	TOTAL
2008^	4,318	245		59	4,622	493	44	537	77	5,236
2009	4,118	286		71	4,475	577	6	583	17	5,075
2010	4,089	258		58	4,405	663	1	664	11	5,080
2011 <sup>+</sup>	3,897	262	38	70	4,269	723	128	858 <sup>++</sup>	61 <sup>^^</sup>	5,188
2012 <sup>+</sup>	3,732	265	8	70	4,081	743	120	863	0	4,944
2013	3,769	220	44	53	4,088	639	110	749	5	4,842
2014	3,804	291	73	79	4,247	658	128	786	7	5,040
2015	4,123	268	28	60	4,481	628	118	746	76 <sup>##</sup>	5,303
2016	4,042	221	9	76	4,350	642	103	745	254 <sup>##</sup>	5,349
2017	4,182	215	0	74	4,471	566	110	676	286 <sup>##</sup>	5,433
2018 (Jan-Jun)	2,091	93	0	24	2,209	382	66	448	123 <sup>##</sup>	2,780
2018 (Ann'd)*	4,182	186	0	48	4,418	764	132	896	246 <sup>##</sup>	5,560
<b>Numeric Change 2008–2018(ann'd)</b>	<b>-136</b>	<b>-59</b>		<b>-11</b>	<b>-204</b>	<b>271</b>	<b>88</b>	<b>359</b>		<b>324</b>
<b>Percent Change 2008–2018(ann'd)</b>	<b>-3.1%</b>	<b>-24.1%</b>		<b>-18.6%</b>	<b>-4.4%</b>	<b>55.0%</b>	<b>200.0%</b>	<b>66.9%</b>		<b>6.2%</b>
<b>Average Annual Percent Change 2008–2018(ann'd)</b>	<b>-0.2%</b>	<b>-1.7%</b>		<b>1.2%</b>	<b>-0.4%</b>	<b>5.4%</b>	<b>--</b>	<b>6.2%</b>		<b>0.6%</b>
<b>Percent Change 2017–2018(ann'd)</b>	<b>0.0%</b>	<b>-13.5%</b>		<b>-35.1%</b>	<b>-1.2%</b>	<b>35.0%</b>	<b>20.0%</b>	<b>32.5%</b>		<b>2.3%</b>

NOTE: The admissions data shown are from the NDOC admissions data file.

\* The 2018 data from January through June was annualized by simply multiplying by 2.

^ The 2008 admissions datafile did not contain admissions by type for July and August. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

<sup>+</sup> The admissions data shown for 2011 and 2012 have been updated to reflect data from an NDOC report provided to JFA in March 2013. Changes to the counts are mostly minor, but due to differences in how small populations of admitted offenders are categorized, past data is not fully comparable with data from 2011 and beyond. Prior years' data has not been re-categorized.

\*\* Prior to the March 2013 data update, the Intermediate Sanction Probation admissions had been included in the New Commitment & Probation Violator column.

~ The following admissions are included in the Total New Commitments column for the year indicated; these small numbers of admissions are not shown in a separate column:

2011: 2 Intermediate Sanction Parole admissions

2012: 5 Interstate Compact admissions and 1 PRC admission

2013: 2 PRC admissions

2015: 2 PRC admissions

2016: 2 PRC admissions

2018: 1 Interstate Compact

<sup>++</sup> Includes 7 SafeKeeper Misdemeanor admissions not shown in a separate column.

<sup>^^</sup> The 61 admissions shown in the Other/Missing column for 2011 were for the PRIDE program.

<sup>#</sup> The drop in mandatory parole violators down to 1 in 2010, followed by an increase to 128 in 2011 (which is an increase of 12700%) generates a misleading result for the average annual change in mandatory parole violators over the past 10 years (1245%).

<sup>##</sup> Prisoners admitted to the Parole Housing Unit (PARHU) after release to parole are shown in the Other/Missing column. The 68 offenders admitted to PARHU in 2015 were moved to the Other/Missing column (they had been counted with Discretionary Parole Violators). In 2016, 243 male offenders were admitted to PARHU. In 2017, 277 male offenders were admitted to PARHU. In 2018 (Jan-Jun), 123 male offenders were admitted to PARHU.

**TABLE 5: HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE: FEMALES: 2008 –2018 (JAN-JUN)**

Year	New Court Commitments & Probation Violators	Safekeepers	NPR/CC	Total New Commitments~	Discretionary Parole Violators	Mandatory Parole Violators	Total Parole Violators	Other/ Missing	TOTAL
<b>2008</b> <sup>^</sup>	615	3	3	621	72	3	75	21	708
<b>2009</b>	603	2	6	611	104	2	106	2	719
<b>2010</b>	646	5	9	660	117	1	118	7	785
<b>2011</b> <sup>+</sup>	605	0	5	611	108	9	118 <sup>++</sup>	6 <sup>^^</sup>	735
<b>2012</b> <sup>+</sup>	623	2	3	629 <sup>≈</sup>	138	6	144	0	773
<b>2013</b>	644	2	5	651	114	9	123	1	775
<b>2014</b>	685	4	8	697	123	15	138	1	836
<b>2015</b>	723	1	9	733	139	6	145	1	879
<b>2016</b>	707	1	8	716	143	2	145	47 <sup>##</sup>	908
<b>2017</b>	800	2	9	811	116	10	126	115 <sup>##</sup>	1,052
<b>2018 (Jan-Jun)</b>	334	1	3	339	70	4	74	67 <sup>##</sup>	480
<b>2018 (Ann'd)*</b>	668	2	6	678	140	8	148	134 <sup>##</sup>	960
<b>Numeric Change 2008–2018(ann'd)</b>	<b>53</b>	<b>-1</b>	<b>3</b>	<b>57</b>	<b>68</b>	<b>5</b>	<b>73</b>		<b>168</b>
<b>Percent Change 2008–2018(ann'd)</b>	<b>8.6%</b>	<b>-33.3%</b>	<b>100.0%</b>	<b>9.2%</b>	<b>94.4%</b>	<b>166.7%</b>	<b>97.3%</b>		<b>21.2%</b>
<b>Average Annual Percent Change 2008–2018(ann'd)</b>	<b>1.2%</b>	<b>--</b>	<b>17.3%</b>	<b>1.2%</b>	<b>8.5%</b>	<b>105.3%</b>	<b>8.2%</b>		<b>2.2%</b>
<b>Percent Change 2017–2018(ann'd)</b>	<b>-16.5%</b>	<b>0.0%</b>	<b>-33.3%</b>	<b>-16.4%</b>	<b>20.7%</b>	<b>-20.0%</b>	<b>17.5%</b>		<b>-8.7%</b>

NOTE: The admissions data shown are from the NDOC admissions data file.

\* The 2018 data from January through June was annualized by simply multiplying by 2.

<sup>^</sup> The 2008 admissions datafile did not contain admissions by type for July and August. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

<sup>+</sup> The admissions data shown for 2011 and 2012 have been updated to reflect data from an NDOC report provided to JFA in March 2013. Changes to the counts are mostly minor, but due to differences in how small populations of admitted offenders are categorized, past data is not fully comparable with data from 2011 and beyond. Prior years' data has not been re-categorized.

<sup>≈</sup> The following admissions are included in the Total New Commitments column for the year indicated; these small numbers of admissions are not shown in a separate column:

2011: 1 Intermediate Sanction Probation admission

2012: 1 Interstate Compact admission

2018: 1 PRC admission

<sup>++</sup> Includes 1 SafeKeeper Misdemeanor admission not shown in a separate column.

<sup>^^</sup> The 6 admissions shown in the Other/Missing column for 2011 were for the PRIDE program.

<sup>##</sup> Prisoners admitted to the Parole Housing Unit (PARHU) after release to parole are shown in the Other/Missing column. In 2016, 46 female offenders were admitted to PARHU. In 2017, 115 female offenders were admitted to PARHU. In 2018 (Jan-Jun), 67 female offenders were admitted to PARHU.

## B. Trends in Parole Release Rates

**Significant Finding:** *In the first half of 2018, overall release rates increased compared to 2017 after having increased substantially from 2016 to 2017. The overall release rate in 2016 was 51.2 – the lowest rate since 2008. Then in 2017, the overall release rate rose to 62.5 before rising to 64.3 in the first half of 2018 (the highest rate since 2000).*

**Significant Finding:** *Overall discretionary release rates for the first half of 2018 rose to 64.7 (the highest rate since 2000). Both the male and female discretionary release rates rose in the first half of 2018 after having increased dramatically in 2017 compared to 2016.*

**Significant Finding:** *Overall mandatory release rates for the first half of 2018 stayed the same as that observed in 2017 (at 63.4). The mandatory release rates had risen notably from 2016 to 2017; the male mandatory release rate rose by 6.1 percentage points, while the female mandatory release rate increased by 6.5 percentage points.*

TABLE 6 compares parole release rates from 2008 through 2018 (January through June) by type of parole hearing.

TABLE 7 and TABLE 8 present the parole release rate characteristics for male and female inmates in the first half of 2018. Figures 7 and 8 present recent parole release rate data: Figure 7 shows the overall release rates from 2010 to 2018 (Jan-Jun) by type of hearing, while Figure 8 presents the data from 2015 to 2018 (Jan-Jun) disaggregated by gender. Since 1999, JFA has generated release rate statistics disaggregated by gender. The simulation model utilizes these gender-based release rates. For discretionary release hearings, the release rates for female offenders are higher than for male offenders. The rates for mandatory release hearings used to be fairly similar for males and females, but have become consistently higher for females as well.

Release rates issued in the report are actually release rates rather than grant rates. If an offender is temporarily granted parole and then it is rescinded before an offender is released or if an offender is not heard within 30 days of their minimum eligibility date, it is counted in JFA's statistics as a denial. Parole board statistics would label this as a grant and then a denial in the former case or a grant in the latter case. To avoid confusion, all rates presented in this report are labeled release rates rather than grant rates.

- For male inmates in the first half of 2018, the total discretionary release rate ranged from 57.1 for A felons to 82.2 for E felons. The 2018 (Jan-Jun) discretionary release rates for males are notably higher than those observed in 2017 for all but the D felons.
- From 2004 to 2007, the overall male discretionary release rate hovered around 47 to 48. In 2008, the male discretionary release rate fell to 43.5, before jumping to 51.3 in 2009, and to 60.4 in 2010. They then declined each year, hitting 44.9 in 2016, before leaping to 58.6 in 2017 and rising again to 61.5 in the first half of 2018.
- For female inmates in the first half of 2018, the total discretionary release rates ranged from 74.3 for B felons to 96.7 for E felons. Female inmates experienced higher discretionary release rates in 2018 (Jan-Jun) for A, C and E felon as compared to 2017.

- In 2005, the total discretionary release rate for female offenders was 57.2 percent (the lowest it had been in the prior five years). The female discretionary release rate jumped to 68.9 in 2006. After dipping in 2007, female discretionary release rate rose markedly each year to reach 84.8 in 2010. The female discretionary release rate bounced around in the upper 70s from 2012 to 2015 before falling to 72.1 in 2016. The female discretionary release rate jumped up to 82.9 in 2017 and increased again in the first half of 2018 to 83.8.
- The mandatory parole release rate for male offenders in the first half of 2018 was 61.7 percent, up from 60.8 in 2017 and up significantly from 54.7 percent in 2016. The mandatory parole release rate for male offenders had declined each year from 2009 to 2015.
- The mandatory parole release rate for female offenders in the first half of 2018 was 81.7 – down from 82.8 in 2017. The mandatory release rate had been 76.3 in 2016.
- The total discretionary release rate for males and females together was in the high-40/low-50 range from 2003 to 2007. The total discretionary release rate fell to 46.3 in 2008, and then shot up to 63.1 in 2010. Aside from a slight uptick in 2014, the total discretionary release rate declined each year from 2010 to 2016 when it dropped to 48.6. In 2017, the total discretionary release rate leaped to 62.1 before rising further to 64.7 in the first half of 2018.
- The mandatory release rate for males and females combined was around 60 for 2003 to 2005, before jumping to around 70 for 2006 and 2007. In 2008, the mandatory release rate dropped significantly to 55.6, and then it rebounded to 69.2 in 2009. From 2009 to 2015, the mandatory release rate declined each year, hitting 56.0 in 2015. In 2016, the mandatory release rate edged up slightly to 56.6 and then rose significantly to 63.4 in 2017 where it stayed for the first half of 2018. (See Figures 7 and 8.)



**TABLE 6: PAROLE RELEASE RATES 2008 –2018 (JAN-JUN)**

	<b>Discretionary Release Rate</b>	<b>Mandatory Release Rate</b>	<b>Total Release Rate</b>
<b>Males</b>			
2008	43.5	53.0	46.8
2009	51.3	66.9	55.3
2010	60.4	64.4	61.4
2011	59.7	62.7	60.5
2012	55.6	59.8	56.8
2013	52.6	57.2	54.0
2014	52.3	54.6	53.0
2015	49.7	54.0	51.1
2016	44.9	54.7	48.2
2017	58.6	60.8	59.3
2018 (Jan-Jun)	61.5	61.7	61.6
<b>Females</b>			
2008	67.2	78.4	70.7
2009	75.9	88.0	78.7
2010	84.8	81.6	84.0
2011	84.3	82.8	84.0
2012	79.9	82.4	80.4
2013	77.4	73.6	76.5
2014	79.4	79.7	79.5
2015	76.8	74.1	76.2
2016	72.1	76.3	73.1
2017	82.9	82.8	82.9
2018 (Jan-Jun)	83.8	81.7	83.4
<b>Total</b>			
2008	46.3	55.6	49.5
2009	54.4	69.2	58.2
2010	63.1	65.9	63.9
2011	62.7	64.2	63.1
2012	58.7	61.7	59.5
2013	55.7	58.7	56.6
2014	55.9	57.0	56.2
2015	53.5	56.0	54.3
2016	48.6	56.6	51.2
2017	62.1	63.4	62.5
2018 (Jan-Jun)	64.7	63.4	64.3

**TABLE 7: INMATE PAROLE RELEASE HEARINGS HELD: MALES 2018 (JAN-JUN)**

Offender Felony Category	Discretionary Parole Release Rates					Total Discretionary Parole Release Rate	*Average Wait Time (months) to Discretionary Release Hearing	Total Mandatory Parole Release Rate	Total Parole Release Rate
	Hearing #1	Hearing #2	Hearing #3	Hearing #4	Hearing #5				
<b>A Felons</b>	44.6	48.4	66.7	61.1	74.5	57.1	29.1	50.0	56.4
<b>B Felons</b>	56.2	56.3	77.6	62.1	83.3	58.3	13.4	65.6	60.9
<b>C Felons</b>	60.0	80.0	N/A	N/A	N/A	60.9	12.0	55.8	59.3
<b>D Felons</b>	64.2	(6/8) = 75.0	N/A	N/A	N/A	64.5	12.0	49.4	61.1
<b>E Felons</b>	81.8	(2/2) = 100.0	N/A	N/A	N/A	82.2	12.0	66.7	80.2
<b>TOTAL</b>	60.4	59.7	75.0	61.7	77.5	61.5	14.4	61.7	61.6

**TABLE 8: INMATE PAROLE RELEASE HEARINGS HELD: FEMALES 2018 (JAN-JUN)**

Offender Felony Category	Discretionary Parole Release Rates					Total Discretionary Parole Release Rate	*Average Wait Time (months) to Discretionary Release Hearing	Total Mandatory Parole Release Rate	Total Parole Release Rate
	Hearing #1	Hearing #2	Hearing #3	Hearing #4	Hearing #5				
<b>A Felons</b>	(1/1) = 100.0	(1/2) = 50.0	(1/1) = 100.0	N/A	(2/2) = 100.0	(5/6) = 83.3	(n=1) 38.6	(1/1) = 100.0	(6/7) = 85.7
<b>B Felons</b>	74.4	75.0	(2/3) = 66.7	(1/2) = 50.0	(2/2) = 100.0	74.3	12.8	91.7	78.7
<b>C Felons</b>	92.3	80.0	(2/3) = 66.7	N/A	N/A	89.7	(n=8) 12.0	58.3	82.4
<b>D Felons</b>	84.7	(3/3) = 100.0	N/A	N/A	N/A	85.5	(n=9) 12.0	(4/5) = 80.0	85.1
<b>E Felons</b>	96.3	(3/3) = 100.0	N/A	N/A	N/A	96.7	(n=1) 12.0	(1/1) = 100.0	96.8
<b>TOTAL</b>	84.6	80.0	(5/7) = 71.4	(1/2) = 50.0	(4/4) = 100.0	83.8	13.0	81.7	83.4

\* Many of the cases in the parole hearing data file were missing a next hearing entry, and so the calculation of the “Average Wait Time (months) to Discretionary Release Hearing” is based on an unusually small number of cases.

### C. Trends in the Prison Inmate Population

**Significant Finding:** From year-end 2017 to June 30, 2018, the Nevada State prison population fell by -87 offenders, or -0.6 percent, to 13,775. In May 2017, the Nevada State prison population hit its highest month-end total: 14,179.

**Significant Finding:** Looking at the Nevada State prison population since 2000, the Nevada prison population exhibited modest growth in 2001 and 2002, followed by stronger growth from year-end 2002 to 2006 (posting average annual increases of 6.0 percent). In 2007 through 2014, the population declined or posted relatively small increases. The 4.6 percent increase in the Nevada State prison population from 2014 to 2015 was the largest observed since 2006. In 2016, the prison population grew by 3.4 percent before falling by -2.1 percent in 2017 and by -0.6 percent in the first half of 2018.

**Significant Finding:** From year-end 2017 to June 30, 2018, the male and female prison populations declined by -0.5 percent and -2.1 percent, respectively.

**Error! Reference source not found.** and Figure 9 present the year-end inmate populations for male and female inmates from 2008 to June 30, 2018.

- The male prison population increased by 289 offenders from end of year 2007 to end of June 2018 – a total increase of 2.4 percent with an average increase of 0.3 percent per year. From year-end 2017 to June 30, 2018, the male inmate population decreased by -60 offenders, or -0.5 percent, for a total of 12,512 male inmates.
- The female prison population increased by 221 offenders from end of year 2007 to end of June 2018 – a total increase of 21.2 percent with an average increase of 2.1 percent per year. From year-end 2017 to June 30, 2018, the female confined population decreased by -27 offenders, or -2.1 percent, for a total of 1,263 female inmates.
- Females made up 9.2 percent of the state prison population at the end of June 2018. In the past decade, the percentage of the prison population that is female has ranged from 7.6 to 9.3 percent.
- When looking at the changes in the population over the past decade or so, the population grew rapidly from year-end 2002 to 2006 before showing a mix of much slower growth and declines through year-end 2014. The total population grew notably in 2015 and 2016 before declining in 2017 and the first six months of 2018.
- The male population grew at an average annual rate of 5.7 percent from year-end 2002 to 2006. After growing by 2.0 percent from 2006 to 2007, the male population declined or posted modest increases in 2007 through 2014 – declining at an average annual rate of -0.3 percent. The increases of 4.2 percent in 2015 and 3.0 percent in 2016 were a sharp departure from the trends observed through much of the prior decade. That two-year increase, however, was halted in 2017 with the male population decreasing -2.1 percent, followed by a decrease of -0.5 percent in the first half of 2018.
- The female population has shown greater fluctuation: the average annual rate of change was 13.3 percent from year-end 2003 to 2006, and -6.1 percent from year-end 2006 to 2009. In 2010 and 2011, the female population continued to decline, but at a slower pace. From year-end 2011 to 2016, the female population grew at a steady and significant rate -- an average annual rate of 6.4

percent. Like the male population, the upward trend in the female population halted in 2017 with a decline of -2.1 percent, followed by another -2.1 percent decline in the first half of 2018.

**TABLE 9: HISTORICAL INMATE POPULATION: 2008 – JUNE 30, 2018**

<b>Year</b>	<b>Male Population</b>	<b>Female Population</b>	<b>Total Population</b>
<b>2008</b>	12,223	1,042	13,265
<b>2009</b>	11,911	980	12,891
<b>2010</b>	11,790	979	12,769
<b>2011</b>	11,811	967	12,778
<b>2012</b>	11,845	1,038	12,883
<b>2013</b>	11,963	1,091	13,054
<b>2014</b>	11,961	1,130	13,091
<b>2015</b>	12,466	1,226	13,692
<b>2016</b>	12,836	1,317	14,153
<b>2017</b>	12,572	1,290	13,862
<b>June 30, 2018</b>	12,512	1,263	13,775
<b>Numeric Change 2008–6/30/18</b>	<b>289</b>	<b>221</b>	<b>510</b>
<b>Percent Change 2008–6/30/18</b>	<b>2.4%</b>	<b>21.2%</b>	<b>3.8%</b>
<b>Average Annual Percent Change 2008–6/30/18</b>	<b>0.3%</b>	<b>2.1%</b>	<b>0.4%</b>
<b>Percent Change 2017–6/30/18</b>	<b>-0.5%</b>	<b>-2.1%</b>	<b>-0.6%</b>

Numbers represent end of calendar year figures.

#### D. Trends in Length of Stay

**Significant Finding:** When A felons are excluded, the overall average length of stay for male inmates paroled in the first six months of 2018 rose notably from 2017, while for females paroled in 2018 (January through June), it decreased notably.

**Significant Finding:** For males and females discharged from prison, their average length of stay in the first six months of 2018 was very similar to what was observed in 2017 – longer than what was observed in 2015 and 2016, but shorter than lengths of stay for offenders discharged in 2014.

**Important Note:** The average length of stay calculations have been modified from past reports. Starting in the April 2016 report, offenders sentenced to Life With Parole are included in the analysis in their appropriate felony categories. In addition, parole violators with no new convictions have been excluded from the length of stay analysis. Results presented in the tables for prior years have been re-analyzed and updated using the new criteria, and will not be comparable to results presented in reports prior to April 2016. Finally, offenders released from the Parole Housing Unit are excluded from the analysis.

**Important Note:** While Tables 10 and 11 display the average length of stay for inmates in the various felony categories by release type, it is important to note that the proportion of inmates who are released in the various felony categories changes from year to year, and thus the overall average lengths of stay are influenced by those changing proportions.

**Error! Reference source not found.** and **Error! Reference source not found.** present the average length of stay for male and female inmates by felony category and release type (parole or discharge) for 2015 to 2018 (January through June).

- The average length of stay for males released to parole over the past few years (excluding the relatively small population of A felons) has remained fairly steady around 24 months with the exception of a drop to 22.8 months in 2015. However, in the first six months of 2018, the average length of stay for males released to parole (excluding A felons) rose notably to 25.3 months.
- The average length of stay for females released to parole (excluding the very small number of A felons) fell between 14.0 and 15.0 months from 2014 to 2016. In 2017, the average length of stay for females released to parole (excluding A felons) rose slightly to 15.2 months, before falling fairly substantially to 13.4 months.
- The average length of stay for males discharged from prison (excluding the relatively small population of A felons) rose notably in 2017 to 28.5 months after spending two years at just under 27 months. In the first six months of 2018, the average length of stay for discharged males ticked up slightly to 28.6 months. It is notable that the average length of stay for males discharged from prison in 2017 and 2018 (Jan-Jun) was still slightly lower than that observed in 2014.
- Similar to the males discharged from NDOC in 2017, the average length of stay for female inmates discharged from prison (excluding the very small number of A felons) rose distinctly to 22.1 months after spending two years just under 20 months. In the first six months of 2018, the average length of stay for discharged females declined slightly to 21.9 months. Again, like the males, the average length of stay for females discharged from prison in 2017 and 2018 (Jan-Jun) was still slightly lower than that observed in 2014.



**TABLE 10: AVERAGE LENGTH OF STAY FOR MALE  
INMATES BY RELEASE TYPE: 2015-2018 (JAN-JUN)**

Offender Felony Category	LENGTH OF STAY (months)							
	2015		2016		2017		2018 (Jan-Jun)	
	Parole	Discharge	Parole	Discharge	Parole	Discharge	Parole	Discharge
<b>A Felons</b>	141.3	56.2	145.0	81.5	178.4	96.7	182.1	91.2
<b>B Felons</b>	32.7	32.3	37.5	35.6	37.4	39.5	39.2	38.5
<b>C Felons</b>	8.8	15.9	10.1	17.1	11.2	18.0	10.3	18.1
<b>D Felons</b>	7.0	12.2	8.3	14.4	8.4	16.2	7.8	16.6
<b>E Felons</b>	5.7	10.2	7.4	13.4	7.3	15.8	6.5	17.3
<b>TOTAL</b>	<b>27.2</b>	<b>28.0</b>	<b>30.7</b>	<b>28.5</b>	<b>31.2</b>	<b>29.7</b>	<b>32.3</b>	<b>29.6</b>
<b>TOTAL (No A Felons)</b>	<b>22.8</b>	<b>26.8</b>	<b>24.5</b>	<b>26.9</b>	<b>24.1</b>	<b>28.5</b>	<b>25.3</b>	<b>28.6</b>

**TABLE 11: AVERAGE LENGTH OF STAY FOR FEMALE  
INMATES BY RELEASE TYPE: 2015-2018 (JAN-JUN)**

Offender Felony Category	LENGTH OF STAY (months)							
	2015		2016		2017		2018 (Jan-Jun)	
	Parole	Discharge	Parole	Discharge	Parole	Discharge	Parole	Discharge
<b>A Felons</b>	153.0 (n=3)	19.5 (n=1)	109.8	55.3 (n=2)	129.7 (n=7)	--- (n=0)	117.4 (n=5)	129.9 (n=1)
<b>B Felons</b>	22.2	23.7	24.9	27.3	26.8	30.4	22.5	28.8
<b>C Felons</b>	7.2	15.6	8.8	15.0	8.9	17.4	8.2	18.4
<b>D Felons</b>	6.0	13.3	7.7	13.5	7.1	15.0	6.7	12.5
<b>E Felons</b>	5.4	11.8 (n=9)	7.4	12.5	6.8	11.1	5.9	11.6
<b>TOTAL</b>	<b>14.7</b>	<b>19.7</b>	<b>17.0</b>	<b>20.3</b>	<b>16.4</b>	<b>22.1</b>	<b>15.0</b>	<b>23.8</b>
<b>TOTAL (No A Felons)</b>	<b>14.0</b>	<b>19.7</b>	<b>15.0</b>	<b>19.8</b>	<b>15.2</b>	<b>22.1</b>	<b>13.4</b>	<b>21.9</b>

IMPORTANT NOTE ABOUT TABLES 10 & 11: If comparing these tables to previous versions of this report, please note that offenders sentenced to Life With Parole are now included in the analysis in their appropriate Felony Category. The very small number of offenders with a Life or Death sentence who are released continue to be excluded from these tables. Safekeepers discharged from prison also continue to be excluded from these tables. Prior year data has been re-analyzed using the same criteria listed above so that the results are comparable across the years shown. These tables, however, are not comparable to the ones in reports issued prior to April 2016. Offenders released from the Parole Housing Unit are excluded from these tables.

**SUPPLEMENTAL: AVERAGE LENGTH OF STAY  
FOR PAROLE VIOLATORS: 2013-2018**

Parole Violators	LENGTH OF STAY (months)					
	2013	2014	2015	2016	2017	2018 (Jan-Jun)
<b>PVs: No new offense</b>	7.1	8.0	9.6	10.7	11.6	11.9
<b>PVs: With new offense</b>	17.6	28.0	23.0	24.6	25.4	24.8

The table above presents the results of a separate analysis of the average length of stay of parole violators released over the past several years. For parole violators with no new offense, their average length of stay has displayed a steady upward trend from 7.1 months in 2013 to 11.9 months in 2018 (Jan-Jun). For the small number of parole violators with a new offense, their average length of stay has alternately increased and decreased, but has hovered near 25 months for the past few years.

## VI. KEY POPULATION PROJECTION ASSUMPTIONS

The inmate population projections contained in this report were completed using the Wizard simulation model. The model simulates the movements of inmates through the prison system based on known and assumed policies affecting both the volume of admissions into the system and the lengths of stay for inmates who are housed in prison. It simulates the movements of individual cases, by felony class subgroup, and projects each separately. Males and females, as well as inmates sentenced under different sentencing policies, move through the system differently. The forecast presented in this document was produced using the CY 2017 data presented in this report. The list below summarizes the key additional assumptions not inherently reflected in the CY 2017 data.

Forecast assumptions and resulting forecast for this report are the same as the JFA April 2018 report. As stated and shown throughout this report, the April 2018 forecast is tracking exceptionally well and all influencing trends are also tracking as predicted. These trends will continue to be monitored and will be adjusted as need in the December 2018 report.

### A. Future Release Rates:

**Future discretionary release rates will reflect a hybrid of 2016 and 2017 observed parole release rates. Future mandatory parole release rates will be held at an overall discretionary rate of 50.6 percent for males and 76.2 percent for females. Mandatory release rates will be held at an overall rate of 56.4 percent males and 75.0 for females.**

As noted earlier in the report:

#### Trends in Parole Release Rates

**Significant Finding:** In 2017, overall discretionary and mandatory release rates for male and female offenders increased substantially as compared to 2016. The overall release rate in 2016 was 51.2 – the lowest rate since 2008. Then in 2017, the overall release rate was 62.5 (close to the highest rates since 2000 of approximately 63 observed in 2010 and 2011).

**Significant Finding:** Both the male and female discretionary release rates rose dramatically by 13.7 and 10.8 percentage points, respectively, compared to 2016.

**Significant Finding:** Overall mandatory release rates for 2017 rose notably from 2016. The male mandatory release rate rose by 6.1 percentage points, while the female mandatory release rate increased by 6.5 percentage points.

As a reminder, we present a portion of the table of parole release rates over the past decade for males and females shown earlier in the report:

**PAROLE RELEASE RATES 2007 –2017**

	Discretionary Release Rate	Mandatory Release Rate	Total Release Rate
<b>Males</b>			
2007	47.9	70.0	52.2
2008	43.5	53.0	46.8
2009	51.3	66.9	55.3
2010	60.4	64.4	61.4
2011	59.7	62.7	60.5
2012	55.6	59.8	56.8
2013	52.6	57.2	54.0
2014	52.3	54.6	53.0



	<b>Discretionary Release Rate</b>	<b>Mandatory Release Rate</b>	<b>Total Release Rate</b>
2015	49.7	54.0	51.1
2016	44.9	54.7	48.2
2017	58.6	60.8	59.3
<b>Females</b>			
2007	63.1	76.4	65.0
2008	67.2	78.4	70.7
2009	75.9	88.0	78.7
2010	84.8	81.6	84.0
2011	84.3	82.8	84.0
2012	79.9	82.4	80.4
2013	77.4	73.6	76.5
2014	79.4	79.7	79.5
2015	76.8	74.1	76.2
2016	72.1	76.3	73.1
2017	82.9	82.8	82.9

Parole release rates assumed in this forecast were derived from careful consideration, examination and comparison of 2017 and 2016 release rates. As stated above, the dramatic increase in both mandatory and discretionary grant rates make future predictions on parole release trends extremely difficult at this juncture. JFA researchers spoke at length with parole board, NDOC and other state officials on the reasons for the increase in parole release rates and the likelihood of the rates continuing in the coming months and years. After extensive analysis and comparison of both year's parole release numbers, there was no discernable pattern as to what crime types, offenders or denial reasons had changed. Rather, the data suggested an overall increase in parole release practices. One notable exception was within some of the more serious offender crimes. Some violent crime and high-level A and B felonies had lower parole release rates in 2017 than in 2016.

Historically in prison systems, a dramatic increase in grant rates as a result of new policy efforts is often not sustainable at the level first seen. Based on this and to support a forecast used for long term planning, the following assumptions were made to arrive at assumed parole release rates for the simulation model. Each grant rate assumption was made individually by gender and idgroup.

1. Idgroups whose 2017 release rate were 10 or fewer percentage points higher than the 2016 rate, were assumed to be the 2016 rate plus 60% of the percentage point increase.
2. Idgroups whose 2017 release rate were between 10 and 20 percentage points higher than the 2016 rate, were assumed to be the 2016 rate plus 50% of the percentage point increase.
3. Idgroups whose 2017 release rate were greater than 20 percentage points higher than the 2016 rate, were assumed to be the 2016 rate plus 40% of the percentage point increase.
4. Idgroups whose 2017 release rate was lower than the 2016 rate, were assumed to be at the 2017 rate.

An analysis of parole release rates in 2016, 2017 and the resulting assumptions for the 2018 forecast by Wizard model idgroup is presented below. For the baseline projections presented in this document, probabilities of parole release are assumed to be as presented in the table below. The release rates associated with each gender and felony class subgroup, for each of five hearings, are assumed to remain unchanged at these rates over the forecast horizon.



**Mandatory Parole Release Rates: 2016, 2017 & Forecast Assumption for 2018**

<b>Male</b>	<b>2016</b>	<b>2017</b>	<b>Assumed Rate For 2018 Forecast</b>	<b>Female</b>	<b>2016</b>	<b>2017</b>	<b>Assumed Rate For 2018 Forecast</b>
Burglary AB	49.5%	58.4%	54.8%	Burglary	81.8%	83.3%	82.7%
Drug AB	76.7%	85.7%	82.1%	Drug AB	57.1%	96.3%	72.8%
Drug CD	67.1%	67.4%	67.3%	Drug CD	100.0%	100.0%	100.0%
DUI	66.4%	77.2%	71.8%	DUI	84.6%	90.9%	88.4%
E Felon	58.5%	67.5%	63.9%	E Felon	100.0%	100.0%	100.0%
Life	--	--		Other Non-Violent	42.9%	87.5%	60.7%
Murder	50.0%	20.0%	20.0%	Property AB	100.0%	86.4%	86.4%
Other Non-Violent	58.7%	54.7%	54.7%	Property C	72.4%	75.0%	74.0%
Property AB	69.1%	67.3%	67.3%	Property D	85.7%	78.6%	78.6%
Property C	58.9%	62.8%	61.2%	Sex Viol AB	79.2%	69.2%	69.2%
Property D	53.8%	68.8%	61.3%	Sex Viol CD	37.5%	66.7%	49.2%
Rape Sex A	100.0%	33.3%	33.3%	Weapon	75.0%	90.0%	82.5%
Sex BCD	50.4%	62.7%	56.6%	<b>Total</b>	<b>76.3%</b>	<b>82.8%</b>	<b>79.2%</b>
Violent AB	44.9%	48.1%	46.8%				
Violent CD	40.7%	49.8%	46.2%				
Weapon	50.9%	52.5%	51.9%				
<b>Total</b>	<b>54.7%</b>	<b>60.8 %</b>	<b>57.2%</b>				

**Discretionary Parole Release Rates: 2016, 2017 & Forecast Assumption for 2018**

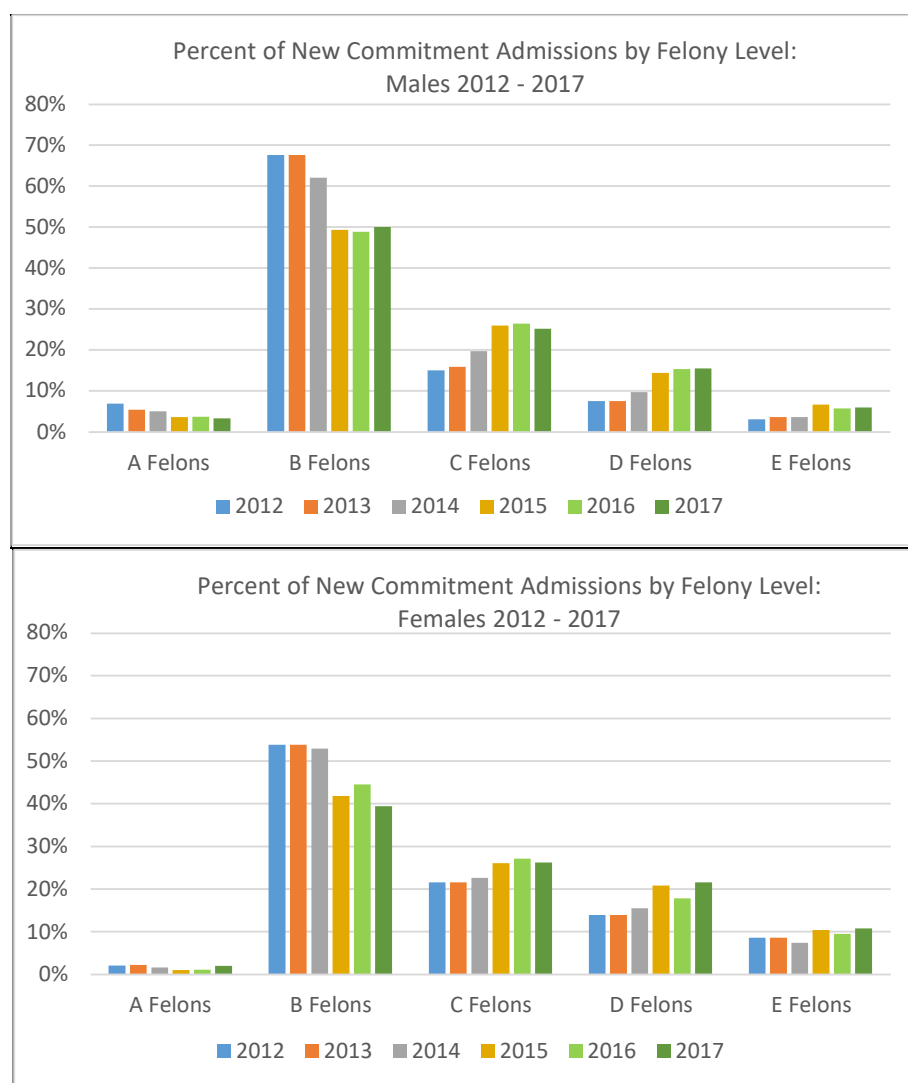
<b>Male</b>	<b>2016</b>	<b>2017</b>	<b>Assumed Rate For 2018 Forecast</b>	<b>Female</b>	<b>2016</b>	<b>2017</b>	<b>Assumed Rate For 2018 Forecast</b>
Burglary AB	43.4%	60.1%	51.8%	Burglary	71.9%	79.6%	76.5%
Drug AB	69.1%	80.8%	75.0%	Drug AB	88.6%	97.5%	93.9%
Drug CD	61.1%	72.9%	67.0%	Drug CD	95.0%	95.7%	95.4%
DUI	48.8%	75.6%	59.5%	DUI	70.6%	81.3%	76.0%
E Felon	67.3%	80.5%	73.9%	E Felon	90.7%	96.3%	94.1%
Life	41.5%	53.5%	47.5%	Lifer	40.0%	57.1%	48.6%
Murder	56.9%	53.7%	53.7%	Muder Sex Viol	90.0%	85.7%	85.7%
Other Non-Violent	33.3%	45.4%	39.4%	Other Non-Violent	64.7%	72.0%	69.1%
Property AB	51.0%	64.2%	57.6%	Property AB	80.6%	87.9%	85.0%
Property C	45.3%	61.2%	53.3%	Property C	63.8%	81.3%	72.6%
Property D	45.5%	69.7%	55.2%	Property D	78.1%	86.3%	83.0%
Rape Sex A	32.4%	34.5%	33.7%	Sex Viol AB	46.3%	63.6%	55.0%
Sex BCD	19.7%	26.3%	23.7%	Sex Viol CD	55.2%	46.4%	46.4%
Violent AB	37.9%	48.9%	43.4%	Weapon	42.9%	70.0%	53.7%
Violent CD	28.6%	29.5%	29.1%	<b>Total</b>	<b>72.1%</b>	<b>82.9%</b>	<b>76.2%</b>
Weapon	42.3%	54.7%	48.5%				
<b>Total</b>	<b>44.9%</b>	<b>58.6%</b>	<b>50.6%</b>				

**B. Future Admissions Composition:**

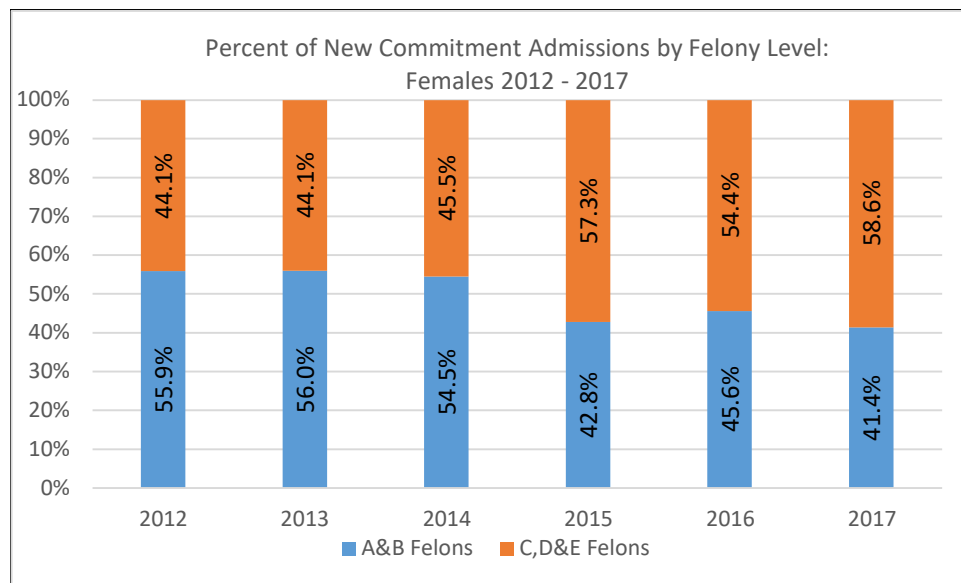
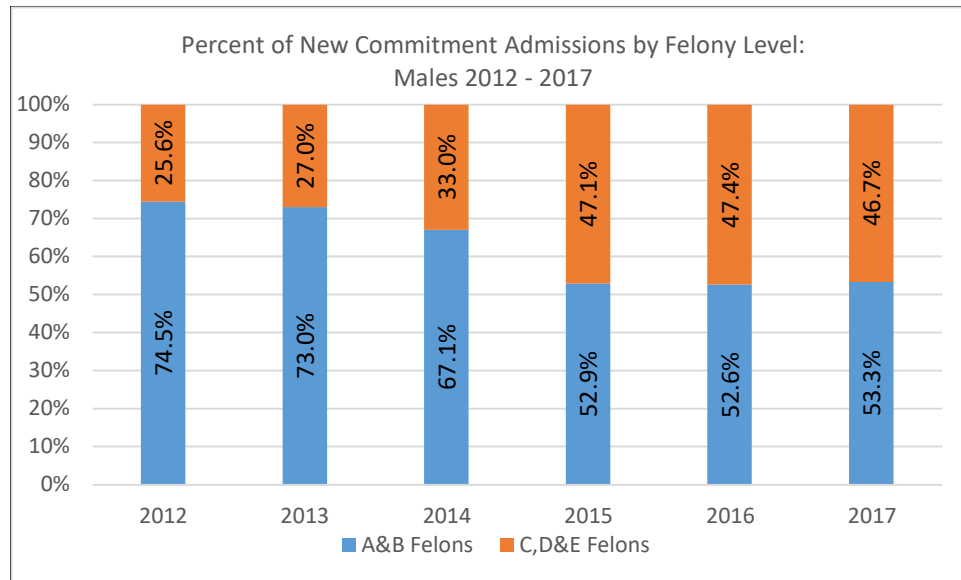
**The composition of future new commitment admissions is assumed to be the same as the composition of new commitment admissions during 2017.**

Projections in this report are based on admission and release data provided to JFA Associates by the NDOC for 2017. Future admissions are assumed to “look like” these admissions in terms of the proportion of admitting charges, sentences received, jail credit days earned, good time credit awards, and serving times to parole eligibility. (See **Error! Reference source not found.** and **Error! Reference source not found.**)

The composition of new commitment admissions has shifted notably in the past several years. This trend first emerged in 2014, continued in 2015, and leveled off in 2016 and 2017. As we noted in this section of the February 2015 JFA report: “For both the males and females, we see a slightly lower percentage of new commitment admissions in 2014 who are A and B felons and a correspondingly higher percentage of C and D felons, as compared to 2013.” The same shift occurred in 2015 but to a larger degree: the percentage of new commitment admissions who are A and B felons dropped significantly for males and females with corresponding increases in the percentage of C, D, and E felons. Again, the composition of new commitment admissions by felony level in 2016 and 2017 looked very similar to 2015. These trends are illustrated below.



The trends can be seen more plainly when one looks at A & B felons jointly and comparing them to C, D and E felons jointly. The tables below illustrate the changing trends. In 2012 and 2013, the percentage of male new commitment admissions that were A or B felons was nearing 75 percent; from 2015 to 2017, it was around 53 percent. For females in 2012 and 2013, A and B felons represented about 56 percent of total female new commitment admissions; in 2015 and 2016, that had dropped closer to 45 percent. And in 2017, it dropped further to 41.4 percent.



The following analysis focuses on 2014 to 2015 as the largest shifts occurred between those years. As noted above, the profile of new commitment admissions in 2016 and 2017 was fairly similar to 2015, demonstrating a leveling off of the changes.

A comparison of the count of new commitment B felons in 2014 and 2015 also demonstrates the shift. In 2014, there were 2,405 male new commitments in the B felony level; in 2015, even though the total male new commitment admissions increased by over 300 (an increase of 7.8 percent), the number of B felon new commitments declined to 2,060 (a decrease of -14.3

percent). The same general result was observed among female new commitments in 2014 and 2015.

This shift toward more offenders in lower felony levels, however, does not necessarily indicate a decline in the severity of the offenses of those being newly admitted. Further analysis of data provided by NDOC shows the shift is due in part to more A and B felons being assigned to a lower felony level than the default felony level associated with their offense. A comparison of the percentage of offenders who were assigned to a lower felony level than their default felony level in 2014 and 2015 illustrates the change:

- In 2014, among male new commitments with a default felony level of A, 26.3 percent were assigned a lower felony level. In 2015, among male new commitments with a default felony level of A, 53.9 percent were assigned a lower felony level.
- In 2014, among male new commitments with a default felony level of B, 9.2 percent were assigned a lower felony level. In 2015, among male new commitments with a default felony level of B, 16.3 percent were assigned a lower felony level.
- In 2014, among female new commitments with a default felony level of B, 13.0 percent were assigned a lower felony level. In 2015, among female new commitments with a default felony level of B, 22.2 percent were assigned a lower felony level.

This shift in the assignment of felony levels also appears to have affected the sentence lengths of those remaining in each felony level. Presumably, the offenders with less serious offenses (and thus shorter sentences) are the ones more likely to be assigned a lower felony level. Taking away more of the less serious offenders from a felony level would result in a higher average sentence among those that remain. This has been observed in 2015 and is displayed in TABLES 13-15.

The average maximum and minimum sentences for male new commitments in felony levels A and B in 2015 were far higher than in 2014. Male new commitment B felons saw an increase in their average maximum sentence from 86.1 months in 2014 to 100.7 months in 2015 and an increase in average minimum sentence from 32.4 months in 2014 to 38.2 months in 2015.

**(Error! Reference source not found. and Error! Reference source not found. and FIGURE 10.)**

A similar result appears in an analysis of the female new commitments. The average maximum sentence for female new commitments in felony level B in 2015 was notably higher than in 2014. Female new commitment B felons saw an increase in their average maximum sentence from 74.5 months in 2014 to 84.1 months in 2015. The average minimum sentence for female new commitments rose from 27.5 months in 2014 to 30.8 months in 2015. **(Error! Reference source not found. and Error! Reference source not found. and FIGURE 11).**

Although it appears there is a trend to assign lower felony levels for certain crimes, sentences for male new commitments were higher overall. Among male new commitments, the overall average maximum sentence in 2014 was 90.9 months while in 2015, it was 94.3 months; their overall minimum sentence in 2014 was 31.5 months, while in 2015, it was 42.9 months.

Among female new commitments, the overall average maximum sentence in 2014 was 66.1 months while in 2015, it was lower: 64.7 months; their overall minimum sentence in 2014 was 21.9 months, while in 2015, it was up slightly to 23.2 months.

It should be noted that minimum average sentences for both male and female new commitments in felony levels C, D and E remained at similar levels over the past few years. Unlike A and B felons, offenders in felony levels C, D and E (excluding sex and violent crimes) are eligible for monthly goodtime earning credits to be applied to reduce time to discretionary parole eligibility. Thus, the trend of the past few years toward a lower assigned felony level for some A and B felons to C, D and E levels has had an overall neutral/slightly downward impact on the prison population.

It is assumed that the composition, felony level assignment and sentences of new commitments by gender will remain as observed in 2017 throughout the forecast horizon.

**C. Future Admissions Counts:**

**Male and female new commitment admissions are projected to at an average rate of (1.5%) every year through the year 2028.**

Male new commitment admissions increased each year from 2002 to 2006, at an average annual rate of 8.9 percent. After declining modestly from 2006 to 2008<sup>12</sup>, male new commitment admissions continued a fairly steady decline from 2008 to 2012, falling at an average annual rate of -3.1 percent. In 2013, male new admissions were largely unchanged. In 2014 and 2015, male new commitment admissions increased at an average annual rate of 4.7 percent. The -2.9 percent decline in male new commitment admissions in 2016 was erased by a similar increase in 2017. The three-year average rate of increase in male new court commitments is 1.8 percent per year while the five-year rate of increase is 1.9%.

Over the past two decades, female new commitment admissions have fluctuated widely with several years of increases and decreases of varying magnitudes. From 2004 to 2006, female new commitments grew at an average annual rate of 14.7 percent. Again, JFA does not know the count of female new commitments in 2007, but female new commitment admissions declined approximately -16.8 percent from 2006 to 2008, and then dropped by another -1.6 percent in 2009. Altering course, the female new commitment admissions grew by 8.0 percent in 2010, before declining by -7.4 percent in 2011. From 2011 to 2015, female new court commitments increased at an average annual rate of 4.7 percent. In 2016, female new commitment admissions declined by -2.3 percent before leaping by 13.3 percent in 2017. The three-year average rate of increase in female new court commitments is 2.4 percent per year while the five-year rate of increase is 2.0%.

With the modest growth in male and female new commitments in 2017 combined with a similar three and five-year rate of admissions, new commitments are projected to grow at an average rate of 1.3 percent and 2.1 percent per year, respectively.

JFA feels dividing admissions to prison into categories is essential in looking at drivers of the overall prison population. New court commitments will spend significantly longer on average that parole violators and PARHU offenders. PARHU admissions in 2017 have stabilized and NDOC has indicated this is the continued level that will be seen over the forecast horizon.

**D. Future Parole Revocation and Parole Violators Returned to Prison Rates:**

**Both male and female parole violators are assumed to grow at a slightly faster rate over the forecast horizon than observed in 2016 and 2017.**

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<sup>12</sup> Again, since the admissions datafile for 2008 did not contain admissions by type for July and August 2008. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August. Thus, the full count of new commitments for 2008 is an estimate.

After hovering around 1,000 for the first part of the 2000s, the number of parole violators admitted to NDOC declined by approximately -8 percent each year from 2004 to 2006 to hit 802. (See **Error! Reference source not found..**) Then from 2006 to 2008, parole violator admissions declined by -23.7 percent. The decrease in parole violations was a result of AB 510 which shortened the time on parole for most offenders. With less time on parole, there is less opportunity for revocation. After 2008, the number of parole violators returned to prison increased substantially until 2012 when the number admitted to NDOC was again around 1,000. For the next several years, the number of parole violators remained around 900, and in 2017, dropped to 802. (See **Error! Reference source not found..**)

Due to a dramatic increase in the parole release rate and the reinstatement of parole hearings held in absentia, a large volume of offenders was released from prison to parole in 2017. It is assumed these parolees and future offenders released from prison will fail parole and be returned to prison at the same rate as observed in 2017. The increased volume of parolees with a constant rate of return generates a forecasted increase in the number of parole violators returned to prison. Both male and female parole violators returned to prison are assumed to increase at a slightly higher rate than new commitments, at a rate of 1.8 percent per year.

**TABLE 12: PAROLE VIOLATORS ADMITTED BY YEAR: 2000-2017**

Year	Total Parole Violators	Percent Change
2000	1,006	
2001	972	-3.4
2002	1,021	+5.0
2003	1,048	+2.6
2004	961	-8.3
2005	885	-7.9
2006	802	-9.4
2007*		
2008**	612	-23.7 (change from 2006)
2009	689	+12.6
2010	782	+13.5
2011^	976	+24.8
2012^	1,007	+3.2
2013	872	-13.4
2014	924	+6.0
2015	891 <sup>#</sup>	-3.6
2016	890	-0.1
2017	802	-9.9

Prior to 2007, this table utilized counts from the NDOC monthly reports. After 2008, this table was populated using counts from the NDOC admissions datafiles.

\* The admissions data file for 2007 from NDOC provided unreliable data for admissions by type, so the parole violator admissions could not be established.

\*\* The admissions data file for 2008 did not contain admissions by type for July and August 2008. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

^ 2011 and 2012 counts were updated using NDOC monthly reports provided in March 2013.

<sup>#</sup> In 2015, 68 offenders admitted to the Parole Housing Unit (PARHU) after release to parole had been included in the count of parole violators in the April 2016 report. Those 68 have been removed from the 2015 count shown above.

#### **NOTE: Housing of Arizona Contract Inmates**

**As of December 2017, there were 199 Arizona offenders housed under contract in the Nevada State Prison system. It is assumed these offenders will continued to be housed at**



**this number over the forecast horizon. The level of contract beds is not assumed to increase or decrease based on any trends.**

**TABLE 13: NEW COURT COMMITMENT ADMISSION  
CHARACTERISTICS BY CATEGORY: MALES: 2015<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	151	3.6%	28.1	763.8	680.5	469.1
B Felons	2,060	49.3%	28.4	201.6	100.7	38.2
C Felons	1,089	26.0%	27.8	139.2	45.5	12.0
D Felons	603	14.4%	28.4	125.0	39.9	9.8
E Felons	279	6.7%	29.0	129.8	37.9	8.0
Subtotal	4,182	100.0%				
Missing	3					
Total	4,185					

**TABLE 14: NEW COURT COMMITMENT ADMISSION  
CHARACTERISTICS BY CATEGORY: MALES: 2016<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	153	3.7%	28.3	762.2	647.5	404.1
B Felons	2,006	48.9%	29.1	206.2	105.4	37.2
C Felons	1,085	26.4%	28.5	131.7	46.6	12.2
D Felons	626	15.3%	28.7	126.0	40.1	9.6
E Felons	233	5.7%	29.8	108.4	37.6	7.6
Subtotal	4,103	100%				
Missing	13					
Total	4,116					

**TABLE 15: NEW COURT COMMITMENT ADMISSION  
CHARACTERISTICS BY CATEGORY: MALES: 2017<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	141	3.3%	28.4	812.9	665.5	468.6
B Felons	2,127	50.0%	28.8	208.8	103.2	36.3
C Felons	1,071	25.2%	28.3	141.8	47.5	12.6
D Felons	658	15.5%	28.4	117.8	39.8	9.5
E Felons	254	6.0%	29.9	127.4	39.2	8.3
Subtotal	4,251	100.0%				
Missing	4					
Total	4,255					

<sup>^</sup> These tables include New Commitments admissions as well as a small population of offenders who were 'Not Physically Received (NPR).'' They do not include Safe Keepers or Intermediate Sanction Probationers. Offenders sentenced to Life and Life With Parole were put in their assigned felony categories; the vast majority of the time, they are A felons.

**TABLE 16: NEW COURT COMMITMENT ADMISSION  
CHARACTERISTICS BY CATEGORY: FEMALES: 2015^**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	7	1.0%	27.5	927.7	665.7	453.7
B Felons	306	41.8%	29.0	147.1	84.1	30.8
C Felons	191	26.1%	28.3	116.1	43.6	10.6
D Felons	152	20.8%	28.1	93.7	37.6	8.3
E Felons	76	10.4%	28.8	132.2	38.3	8.1
Subtotal	732	100%				
Missing	0					
Total	732					

**TABLE 17: NEW COURT COMMITMENT ADMISSION  
CHARACTERISTICS BY CATEGORY: FEMALES: 2016^**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	8	1.1%	29.0	736.6	620.0	560.1
B Felons	318	44.5%	28.8	150.6	86.7	30.4
C Felons	194	27.1%	27.9	129.3	43.7	10.4
D Felons	127	17.8%	27.9	116.3	37.7	8.2
E Felons	68	9.5%	28.1	115.5	38.6	8.6
Subtotal	715	100.0%				
Missing	0					
Total	715					

**TABLE 18: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS  
BY CATEGORY: FEMALES: 2017^**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	16	2.0%	28.6	1,091.4	637.8	304.5
B Felons	319	39.4%	28.6	183.6	85.9	29.4
C Felons	212	26.2%	28.0	131.4	44.0	10.8
D Felons	175	21.6%	28.6	110.6	38.5	8.5
E Felons	87	10.8%	28.9	117.5	38.2	7.9
Subtotal	809	100.0%				
Missing	0					
Total	809					

^ These tables include New Commitments admissions as well as a small population of offenders who were 'Not Physically Received (NPR).'  
They do not include Safe Keepers or Intermediate Sanction Probationers. Offenders sentenced to Life and Life With Parole were put in their assigned felony categories; the vast majority of the time, they are A felons.

**TABLE 19: HISTORICAL AND PROJECTED NEW COMMITMENT AND TOTAL ADMISSIONS: 2007-2028**

<b>Year</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>Admit Group:</b>	<b>NC / Total</b>	<b>NC / Total</b>	<b>NC / Total</b>
<b>2007**</b>	/ 5,489	/ 792	/ 6,281
<b>2008^</b>	4,622 / 5,236	621 / 717	5,243 / 5,953
<b>2009</b>	4,475 / 5,075	611 / 719	5,086 / 5,794
<b>2010</b>	4,405 / 5,080	660 / 785	5,065 / 5,865
<b>2011#</b>	4,269 / 5,188	611 / 735	4,880 / 5,923
<b>2012#</b>	4,081 / 4,944	629 / 773	4,710 / 5,717
<b>2013</b>	4,088 / 4,842	651 / 775	4,739 / 5,617
<b>2014</b>	4,247 / 5,040	697 / 836	4,944 / 5,876
<b>2015</b>	4,481 / 5,303	733 / 879	5,214 / 6,182
<b>2016</b>	4,350 / 5,349	716 / 908	5,066 / 6,257
<b>2017</b>	4,471 / 5,433	811 / 1,052	5,282 / 6,485
	<b>Projected</b>	<b>Projected</b>	<b>Projected</b>
<b>2018</b>	4,561 / 5,519	835 / 1,081	5396 / 6,600
<b>2019</b>	4,643 / 5,612	860 / 1,108	5503 / 6,720
<b>2020</b>	4,726 / 5,705	886 / 1,136	5612 / 6,841
<b>2021</b>	4,797 / 5,784	910 / 1,162	5707 / 6,946
<b>2022</b>	4,855 / 5,849	933 / 1,187	5788 / 7,036
<b>2023</b>	4,913 / 5,914	952 / 1,207	5865 / 7,121
<b>2024</b>	4,972 / 5,978	969 / 1,225	5761 / 7,203
<b>2025</b>	5,032 / 6,042	986 / 1,244	6018 / 7,286
<b>2026</b>	5,092 / 6,108	1001 / 1,260	6093 / 7,368
<b>2027</b>	5,153 / 6,174	1016 / 1,277	6169 / 7,451
<b>2028</b>	5,215 / 6,241	1028 / 1,290	6243 / 7,531
<b>Numeric Change 2007–2017</b>	-328 / -56	100 / 260	-228 / 204
<b>Percent Change 2007–2017</b>	-6.8% / -1.0%	14.1% / 32.8%	-4.1% / 3.2%
<b>Average Annual Percent Change 2007–2017</b>	-0.6% / 0.0%	1.6% / 3.1%	-0.4% / 0.4%
<b>Percent Change 2016–2017</b>	2.8% / 1.6%	13.3% / 15.9%	4.3% / 3.6%
<b>Numeric Change 2018 – 2028</b>	654 / 722	193 / 209	847 / 931
<b>Percent Change 2018 – 2028</b>	14.3% / 13.1%	23.1% / 19.4%	15.7% / 14.1%
<b>Average Annual Percent Change 2018 – 2028</b>	1.3% / 1.2%	2.1% / 1.8%	1.5% / 1.3%

\*\* NDOC monthly reports were unavailable for 2007, and the admissions data file for 2007 provided unreliable data for admissions by type, so JFA could not report the count of new commitment admissions for 2007. In order to calculate numeric and percent change as well as average annual percent change for the 10-year time frame, we estimated the admissions subcategories for 2007. To do so, we utilized the proportion of admissions in each subcategory for 2006 and 2008 (combined), and then applied those proportions to the total admissions in 2007.

^ The 2008 admissions datafile did not contain admissions by type for July and August. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August

# 2011 and 2012 counts were updated from NDOC monthly reports provided in March 2013

## VII. PRISON POPULATION PROJECTIONS

This section contains the inmate population projections based on the assumptions set forth above. Projections are presented for male and female inmates, and the total inmate population.

**Error! Reference source not found.** presents the summary table of male, female and total population projections from 2017 to 2028.

### A. Projected Male Inmate Population

**Error! Reference source not found.** displays a summary of the historical and projected male inmate population for the period 2007 to 2028.

Figure 12 presents the March 2018 forecasts of male new commitment admissions and stock population.

#### Baseline Forecast

- In 2028, 13,593 male offenders are projected to be housed in the Nevada Department of Corrections system.
- The male inmate prison population was 12,572 at the end of 2017. The population is projected to increase slightly to 12,958 in 2023 and to 13,593 inmates by the end of 2028. The projected growth represents average increases of 0.8 percent per year through the year 2028.
- The male forecast for this cycle represents a noticeable lower forecast than the most recent Spring 2017 forecast. The lower forecast is a factor of the dramatic shift in one prison population driver, the parole release rate. As noted, there was a monumental increase in both the mandatory and discretionary release rates in 2017. Despite the modified grant rate assumption used for the forecast, the parole release rate remains the main driver of this lower forecast. It has been communicated to JFA that considerable long-term resources are being devoted to maintaining a relatively high parole release rate for the foreseeable future. However, this singular trend has a strong influence over the prison population level and it should be monitored closely. The accuracy of this forecast will depend largely on this assumption.

**TABLE 20: HISTORICAL AND PROJECTED INMATE  
POPULATION: MALES: 2007 – 2028**

<b>Year</b>	<b>Historical</b>	
<b>2007</b>	12,245	
<b>2008</b>	12,223	
<b>2009</b>	11,911	
<b>2010</b>	11,790	
<b>2011</b>	11,811	
<b>2012</b>	11,845	
<b>2013</b>	11,963	
<b>2014</b>	11,961	
<b>2015</b>	12,466	
<b>2016</b>	12,836	
<b>2017</b>	12,572	
		<b>Projected</b>
<b>2018</b>		12,580
<b>2019</b>		12,642
<b>2020</b>		12,694
<b>2021</b>		12,745
<b>2022</b>		12,846
<b>2023</b>		12,958
<b>2024</b>		13,083
<b>2025</b>		13,217
<b>2026</b>		13,329
<b>2027</b>		13,487
<b>2028</b>		13,593
<b>Numeric Change 2007–2017</b>	327	
<b>Percent Change 2007–2017</b>	2.7	
<b>Average Annual Percent Change 2007–2017</b>	0.3%	
<b>Percent Change 2016–2017</b>	-2.1%	
<b>Numeric Change 2018 – 2028</b>		1,013
<b>Percent Change 2018 – 2028</b>		8.1%
<b>Average Annual Percent Change 2018 – 2028</b>		0.8%

Numbers represent end of calendar year figures.

## **B. Projected Female Inmate Population**

**Error! Reference source not found.** displays a summary of the historical and projected female inmate population for the period 2007 to 2028.

Figure 13 presents the March 2018 forecasts of female new commitment admissions and stock population.

### **Baseline Forecast**

- In 2028, 1,481 female offenders are projected to be housed in the Nevada Department of Corrections system.
- The female inmate prison population was 1,290 at the end of 2017. The population is projected to increase to 1,373 in 2023 and to 1,481 inmates by the end of 2028. The projected growth represents average increases of 1.3 percent per year through the year 2028.
- The female forecast for this cycle represents a slightly lower forecast than the most recent Spring 2017 forecast. The lower forecast is a factor of the dramatic shift in the parole release rate, counterbalanced by an increasing new commitment trend. As noted, there was a monumental increase in both the mandatory and discretionary release rates in 2017. Despite the modified grant rate assumption used for the forecast, the parole release rate remains the main driver of this lower forecast. It has been communicated to JFA that considerable long-term resources are being devoted to maintaining a relatively high parole release rate for the foreseeable future. However, this singular trend has a strong influence over the prison population level and it should be monitored closely. The accuracy of this forecast will depend largely on this assumption.

**TABLE 21: HISTORICAL AND PROJECTED INMATE  
POPULATION: FEMALES: 2007 – 2028**

<b>Year</b>	<b>Historical</b>	
<b>2007</b>	1,096	
<b>2008</b>	1,042	
<b>2009</b>	980	
<b>2010</b>	979	
<b>2011</b>	967	
<b>2012</b>	1,038	
<b>2013</b>	1,091	
<b>2014</b>	1,130	
<b>2015</b>	1,226	
<b>2016</b>	1,317	
<b>2017</b>	1,290	
		<b>Projected</b>
<b>2018</b>		1,297
<b>2019</b>		1,310
<b>2020</b>		1,324
<b>2021</b>		1,338
<b>2022</b>		1,355
<b>2023</b>		1,373
<b>2024</b>		1,398
<b>2025</b>		1,415
<b>2026</b>		1,429
<b>2027</b>		1,453
<b>2028</b>		1,481
<b>Numeric Change 2007–2017</b>	194	
<b>Percent Change 2007–2017</b>	17.7%	
<b>Average Annual Percent Change 2007–2017</b>	1.8%	
<b>Percent Change 2016–2017</b>	-2.1%	
<b>Numeric Change 2018 – 2028</b>		184
<b>Percent Change 2018 – 2028</b>		14.2%
<b>Average Annual Percent Change 2018 – 2028</b>		1.3%

Numbers represent end of calendar year figures.



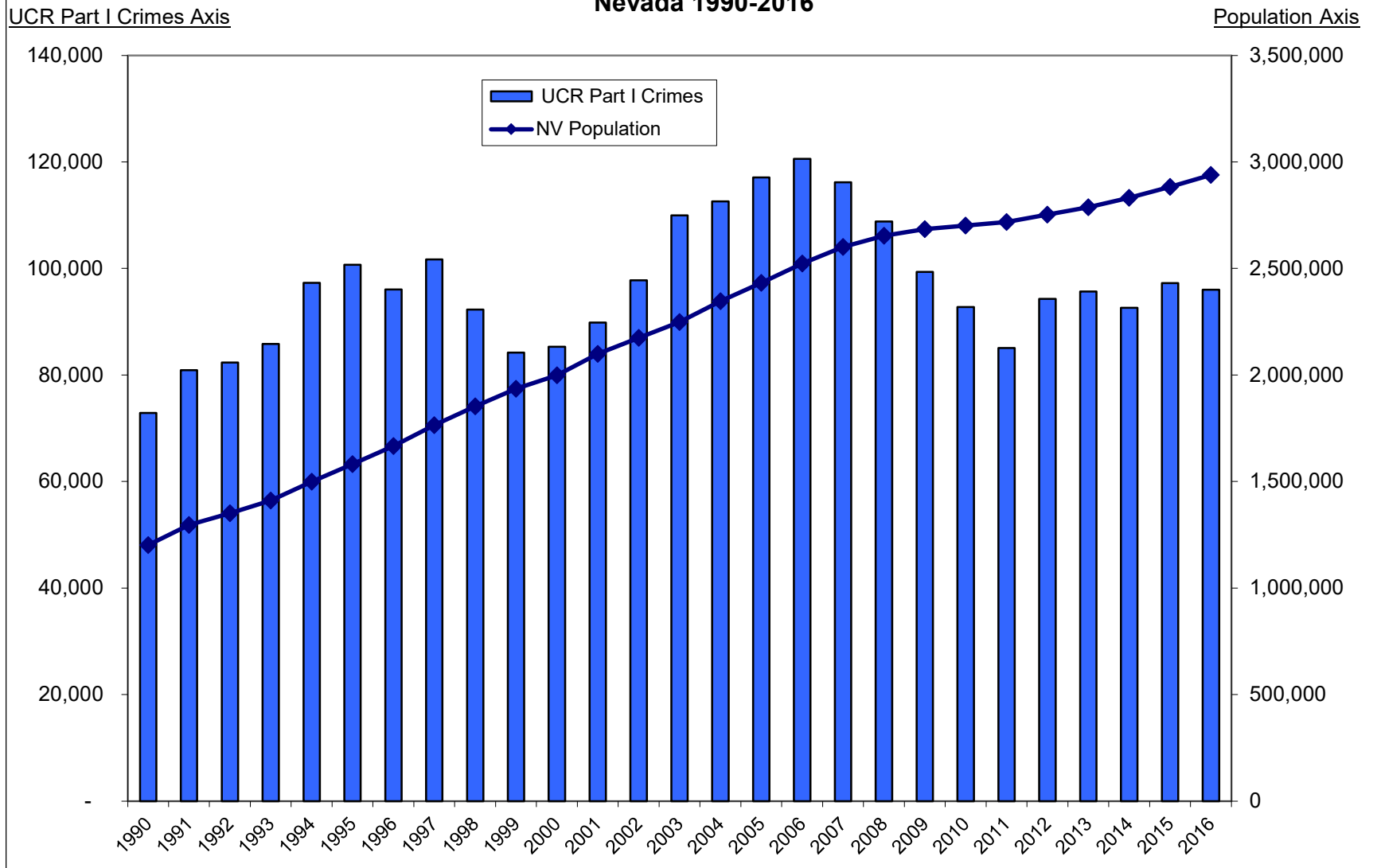
**TABLE 22: ACTUAL AND PROJECTED INMATE POPULATION: 2017 – 2028**

<b>Year</b>	<b>Male Population</b>	<b>Female Population</b>	<b>Total Population</b>
<b>2017</b>	12,572	1,290	13,862
<b>2018</b>	12,580	1,297	13,877
<b>2019</b>	12,642	1,310	13,952
<b>2020</b>	12,694	1,324	14,018
<b>2021</b>	12,745	1,338	14,083
<b>2022</b>	12,846	1,355	14,181
<b>2023</b>	12,958	1,373	14,331
<b>2024</b>	13,083	1,398	14,481
<b>2025</b>	13,217	1,415	14,653
<b>2026</b>	13,329	1,429	14,758
<b>2027</b>	13,487	1,453	14,940
<b>2028</b>	13,593	1,481	15,074
<b>Numeric Change 2018 – 2028</b>	1,013	184	1,197
<b>Percent Change 2018 – 2028</b>	8.1%	14.2%	8.6%
<b>Average Annual Percent Change 2018 – 2028</b>	0.8%	1.3%	0.8%

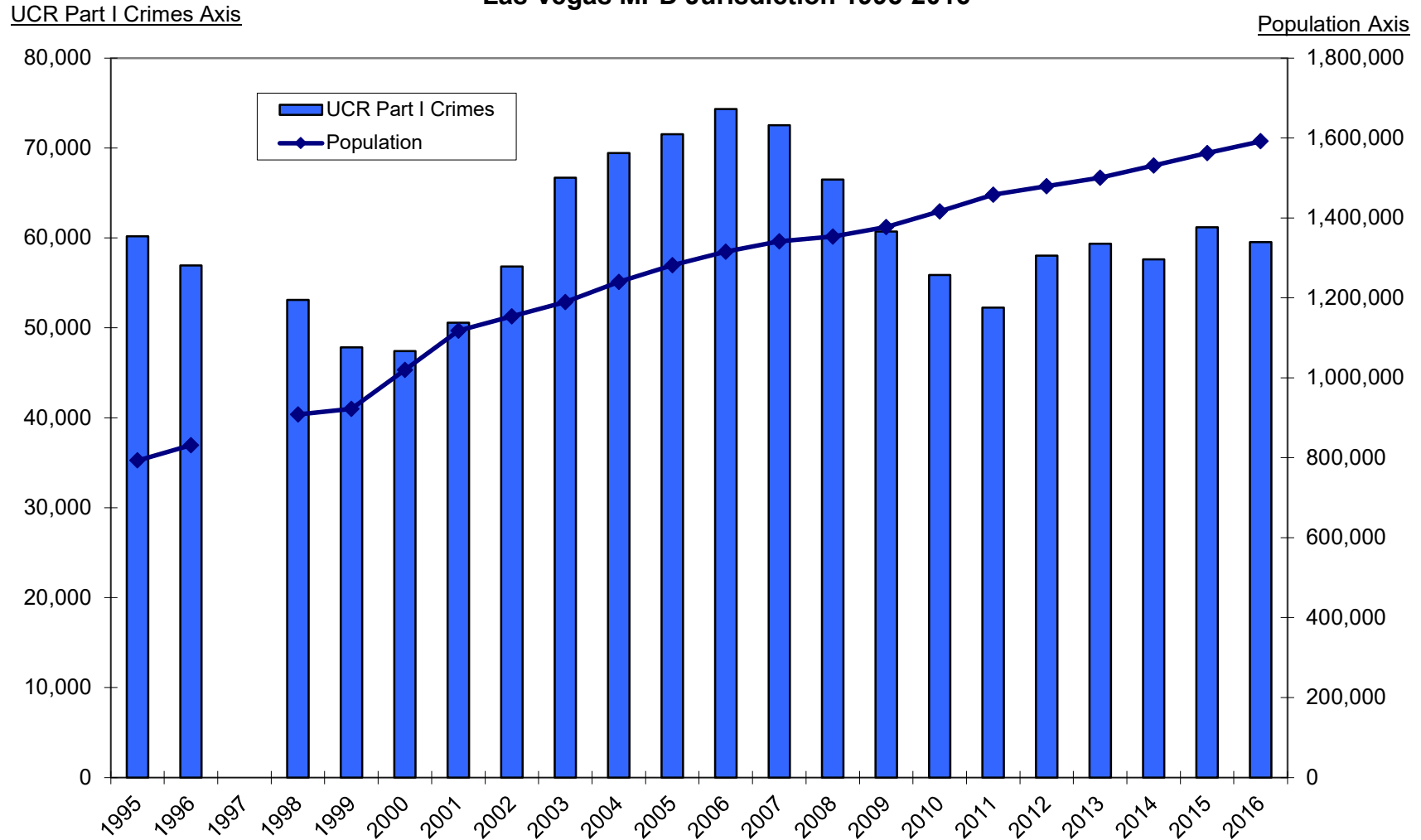
Projections numbers represent end of calendar year figures.

## **APPENDIX A: FIGURES**

**FIGURE 1: Reported Crime and Population:  
Nevada 1990-2016**

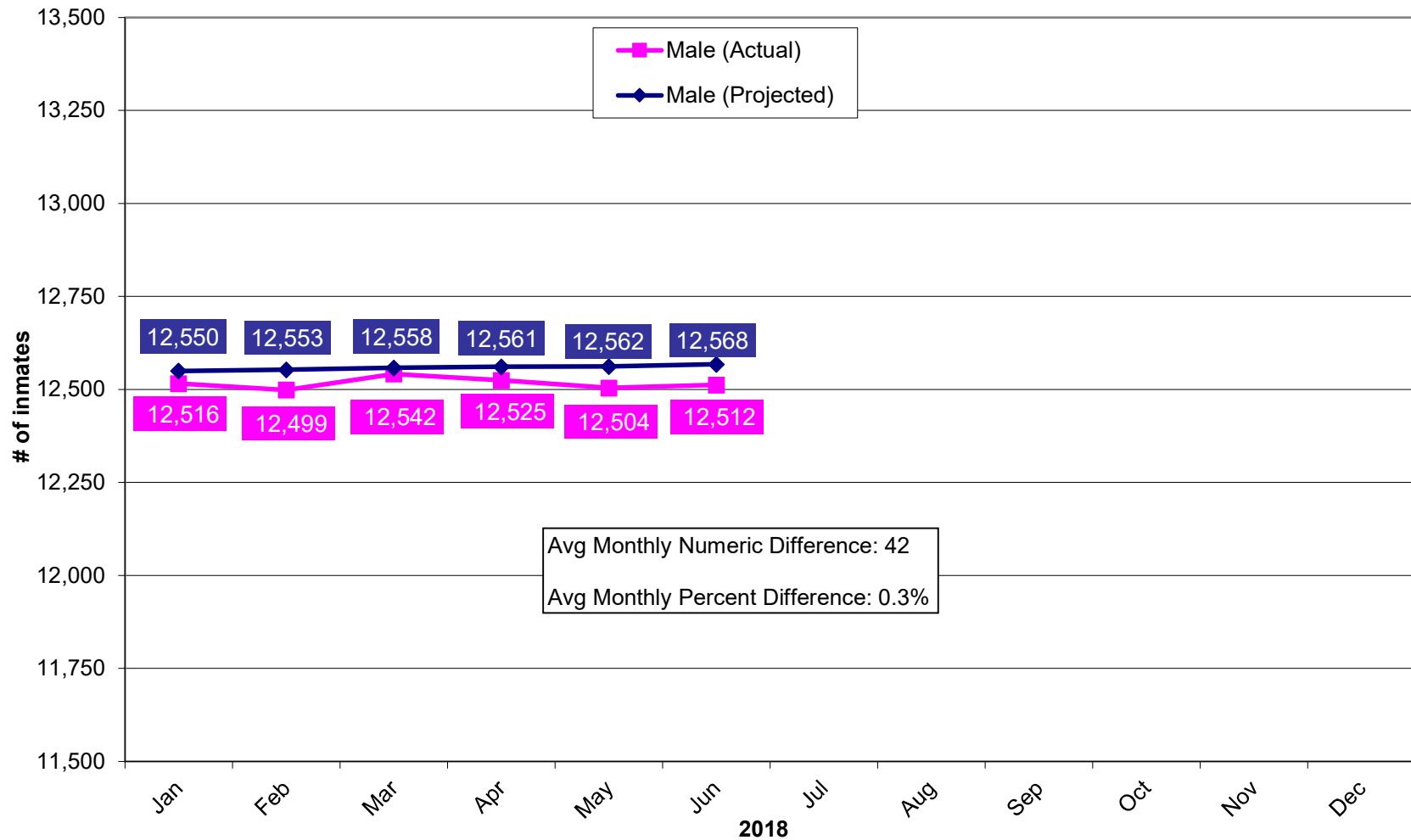


**FIGURE 2: Reported Crime and Population:  
Las Vegas MPD Jurisdiction 1995-2016**

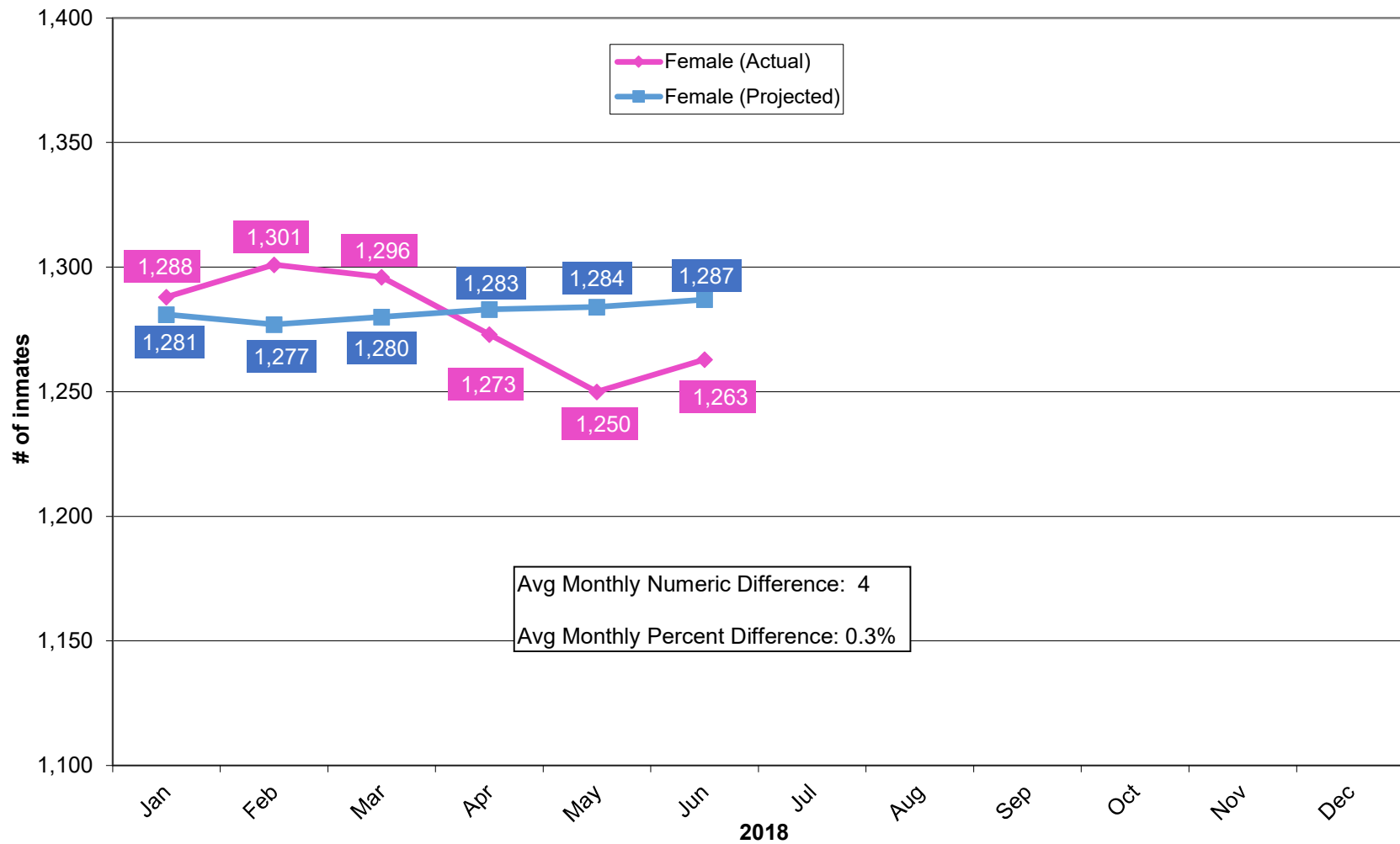


NOTE: The FBI's Uniform Crime Reports for 1997 did not show the reported crime for the Las Vegas Metropolitan Police Dept jurisdiction.

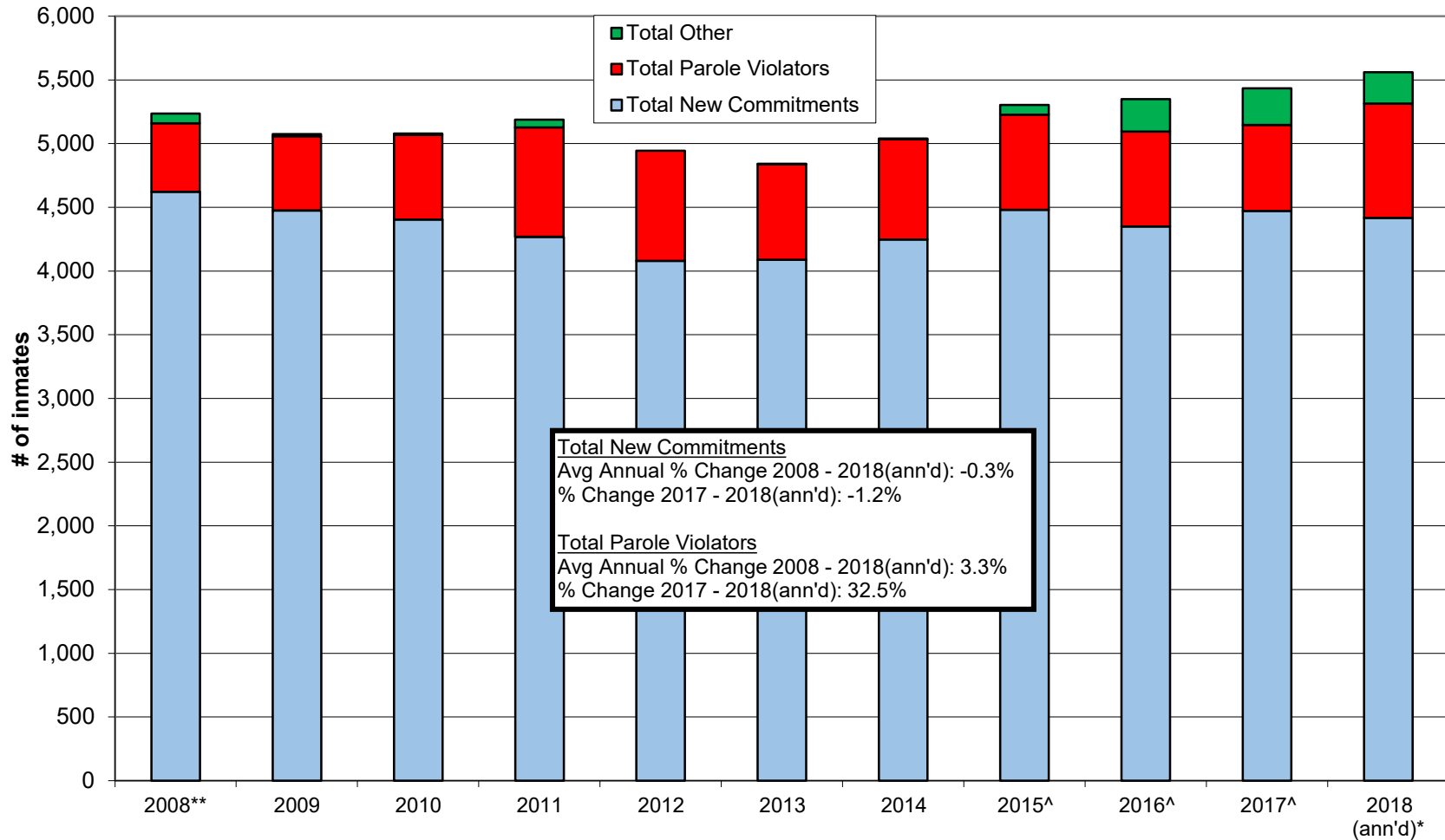
**FIGURE 3: Accuracy of JFA's March 2018 Forecast**  
**Total Male Inmate Population: January through June 2018**



**FIGURE 4: Accuracy of JFA's March 2018 Forecast**  
**Total Female Inmate Population: January through June 2018**



**FIGURE 5: Historical Male Admissions to Prison  
2008 - 2018 (Jan-Jun: Annualized)**

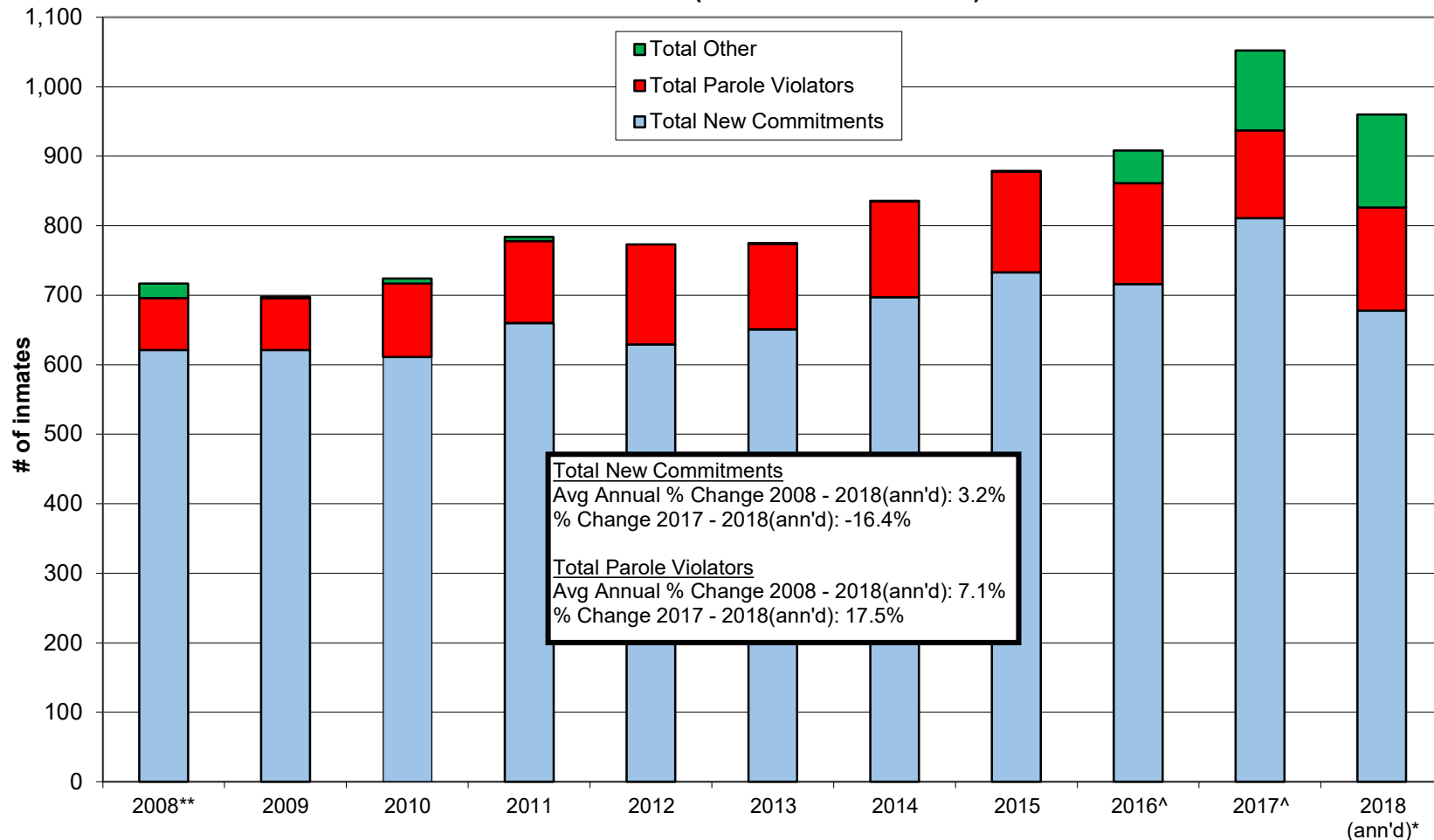


\*\*The 2008 admissions datafile did not contain admissions by type for July and August. We utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

\* The 2018 data from January through June was annualized by simply multiplying by 2.

^ Almost all of the "Others" in 2015 - 2018 are Parole Housing Unit admissions.

**FIGURE 6: Historical Female Admissions to Prison  
2008 - 2018 (Jan-Jun: Annualized)**



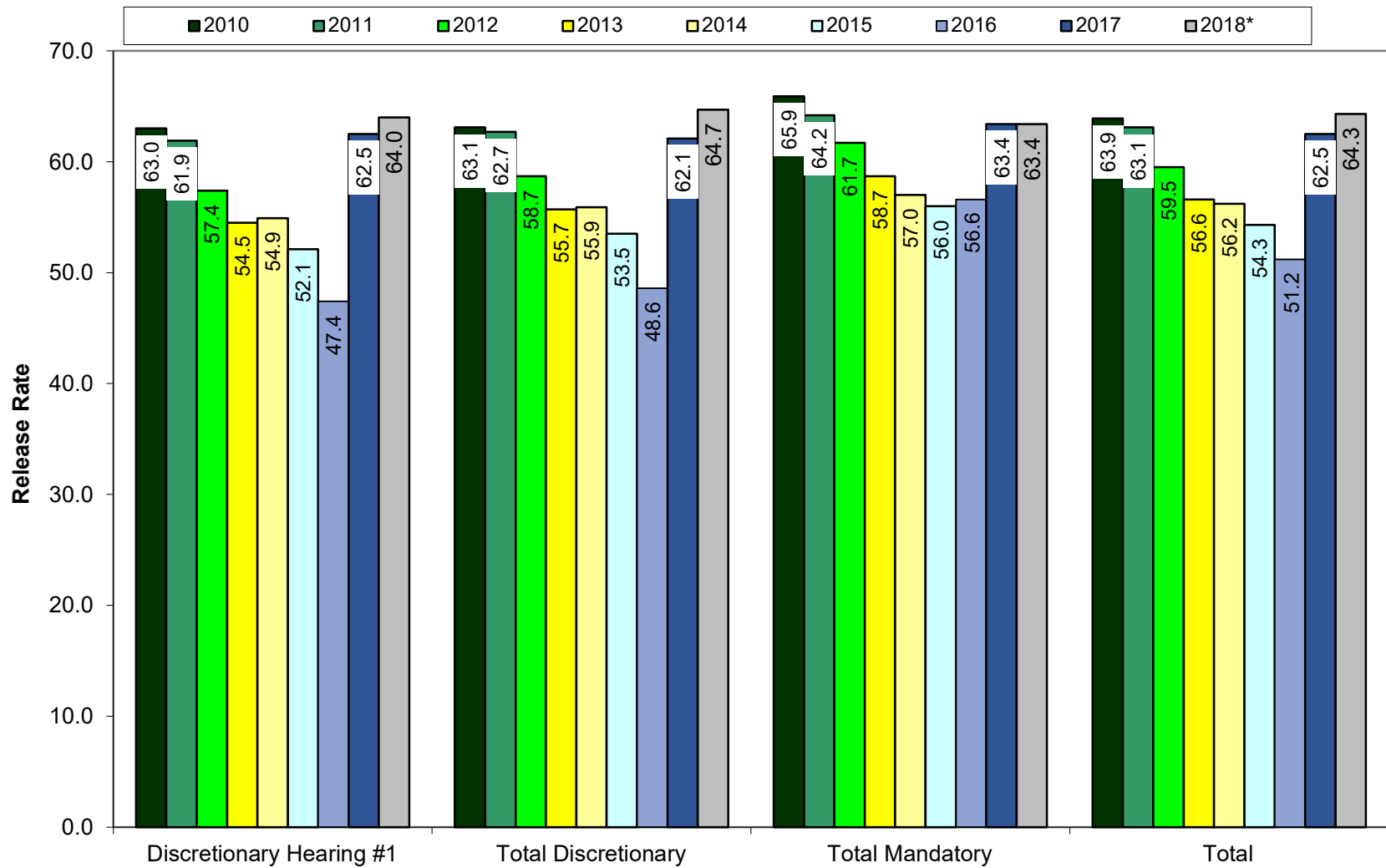
\*\* The 2008 admissions datafile did not contain admissions by type for July and August. We utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

\* The 2018 data from January through June was annualized by simply multiplying by 2.

^ Virtually all of the "Others" in 2016 - 2018 are Parole Housing Unit admissions.

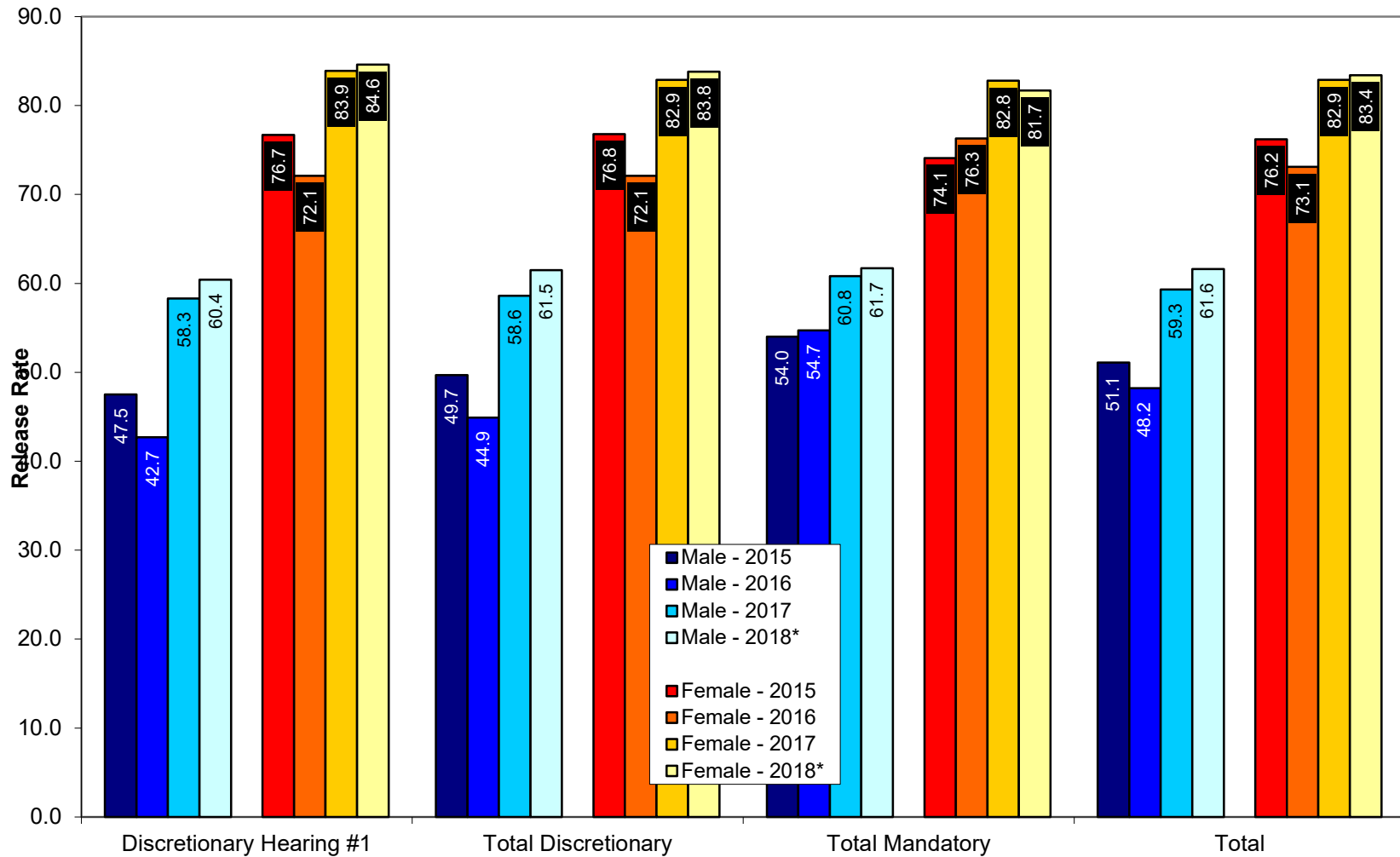


**FIGURE 7: Parole Release Rates: 2010 to 2018 (Jan-Jun)\***

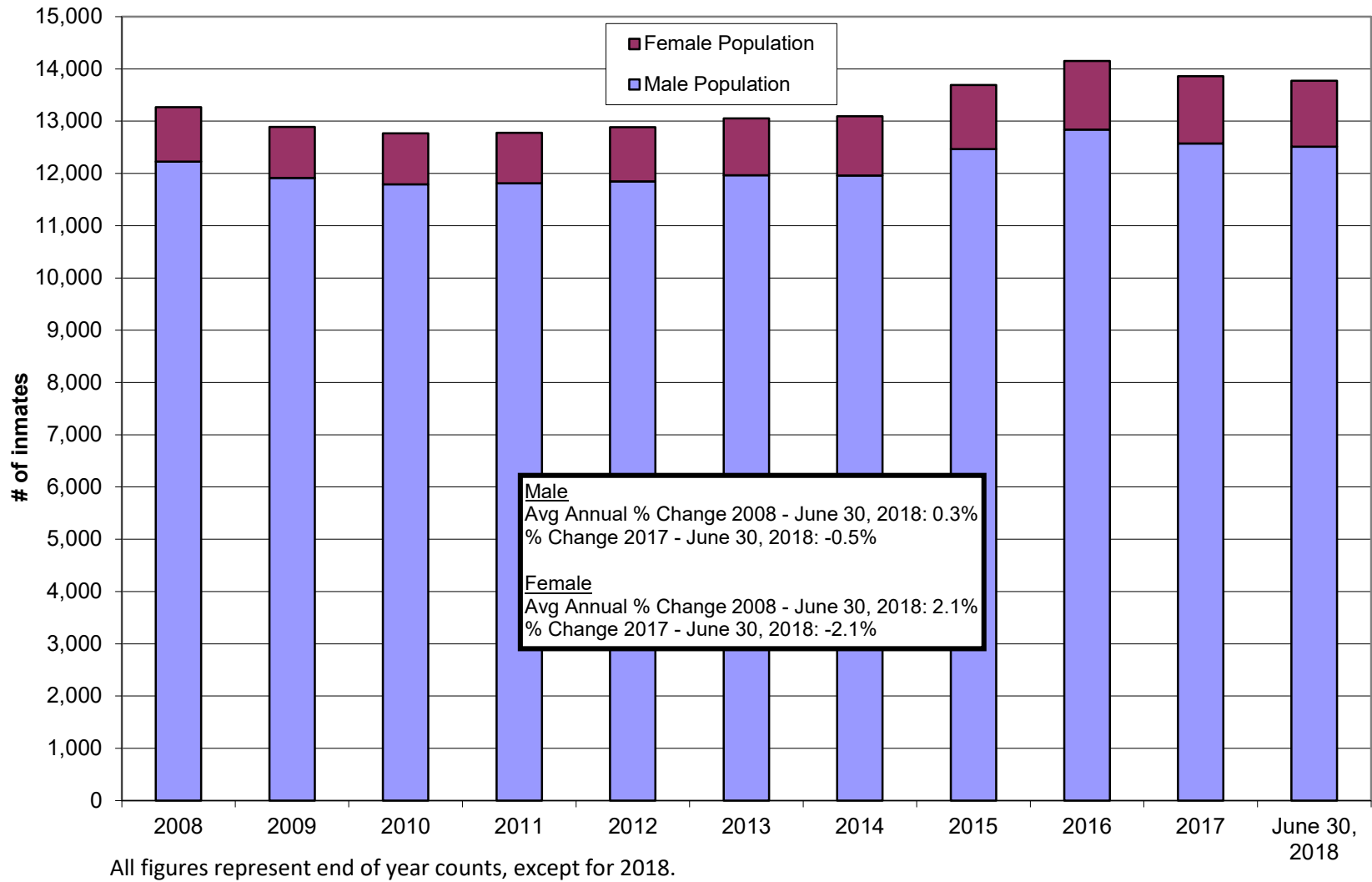


v

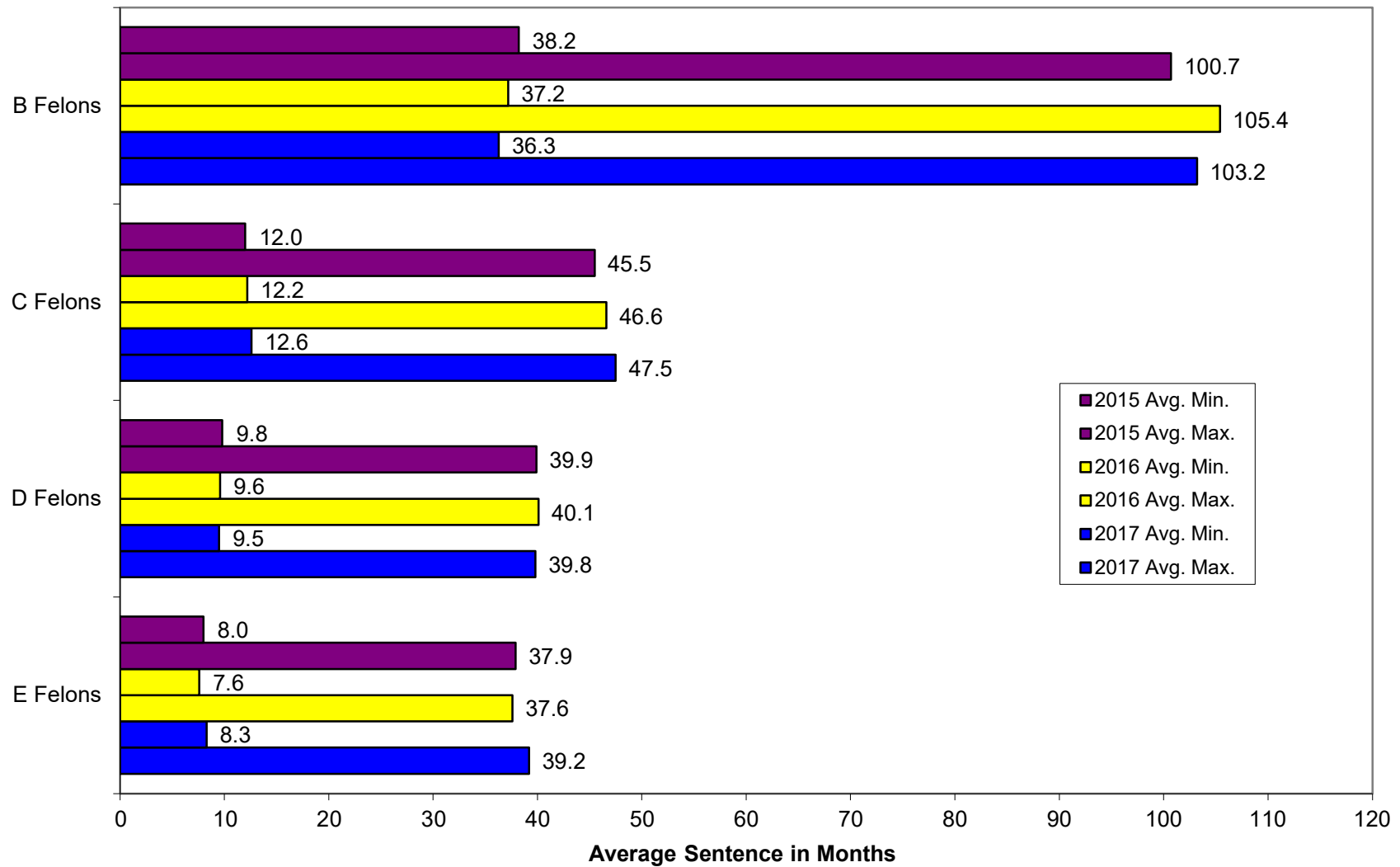
**FIGURE 8: Parole Release Rates by Gender: 2015 to 2018 (Jan-Jun)\***



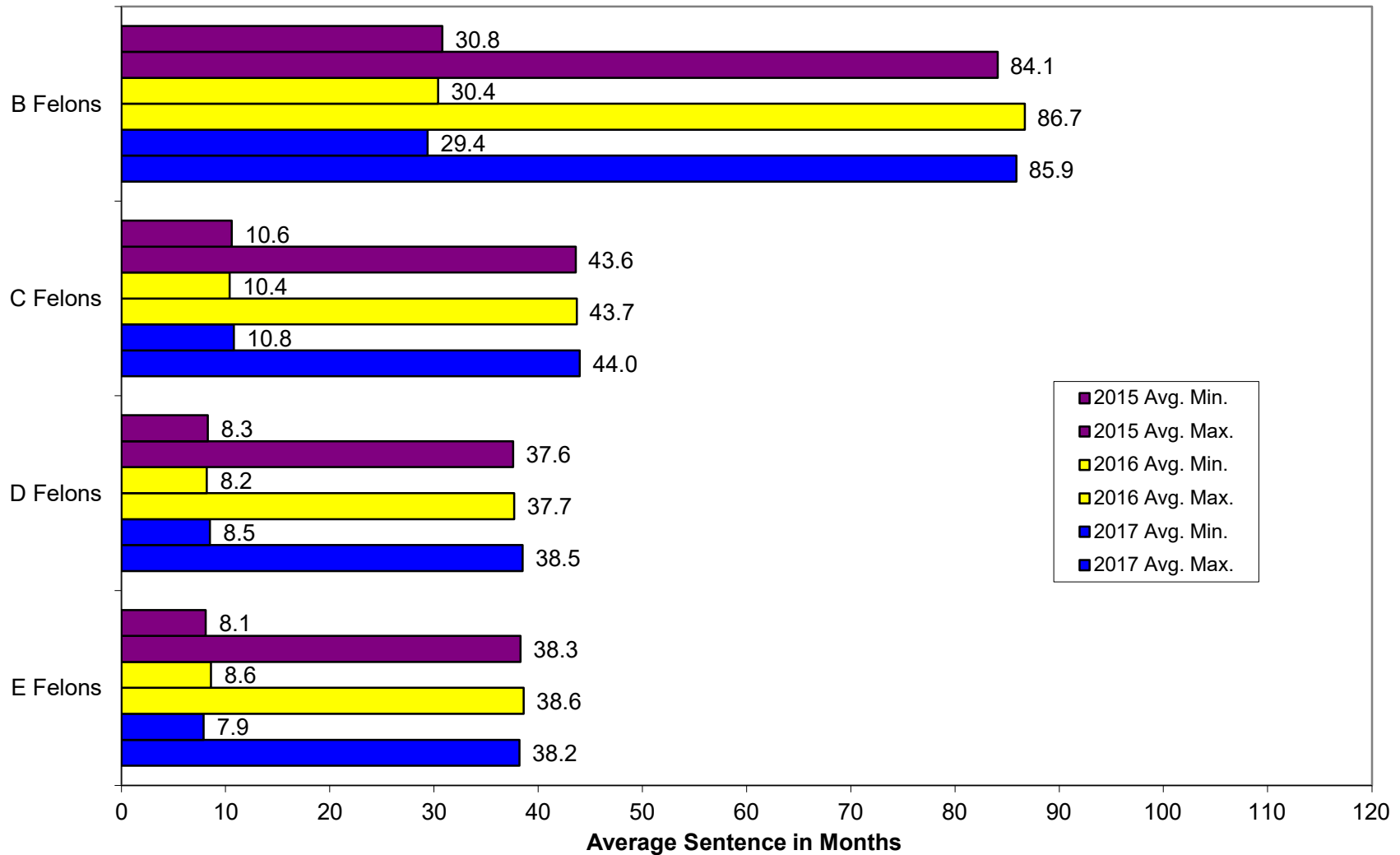
**FIGURE 9: Historical End-of-Year Inmate Population by Gender  
2008 - June 30, 2018**



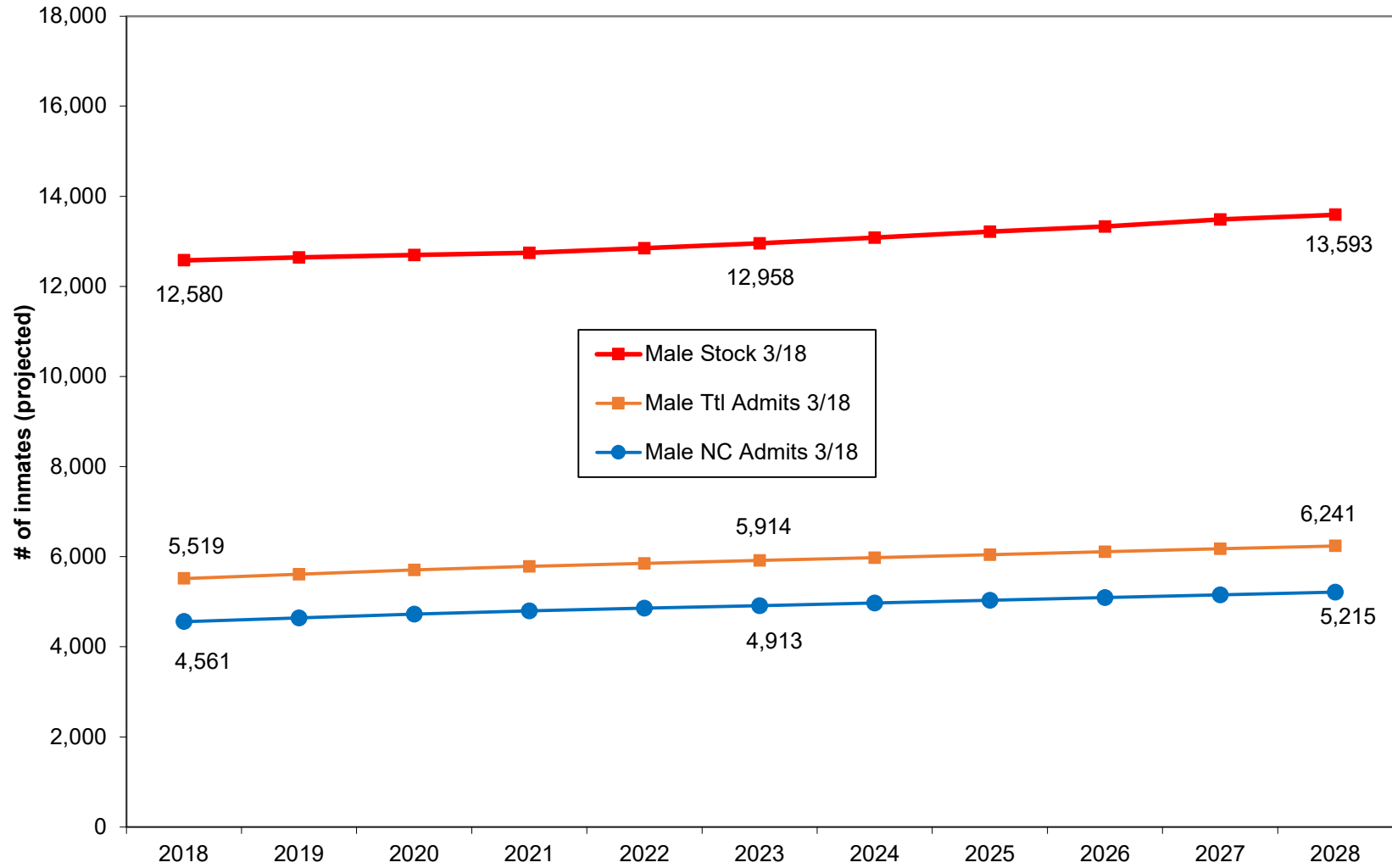
**FIGURE 10: Average Minimum and Maximum Sentences by Felony Category  
Male New Commitment Admissions to Prison: 2015 - 2017**



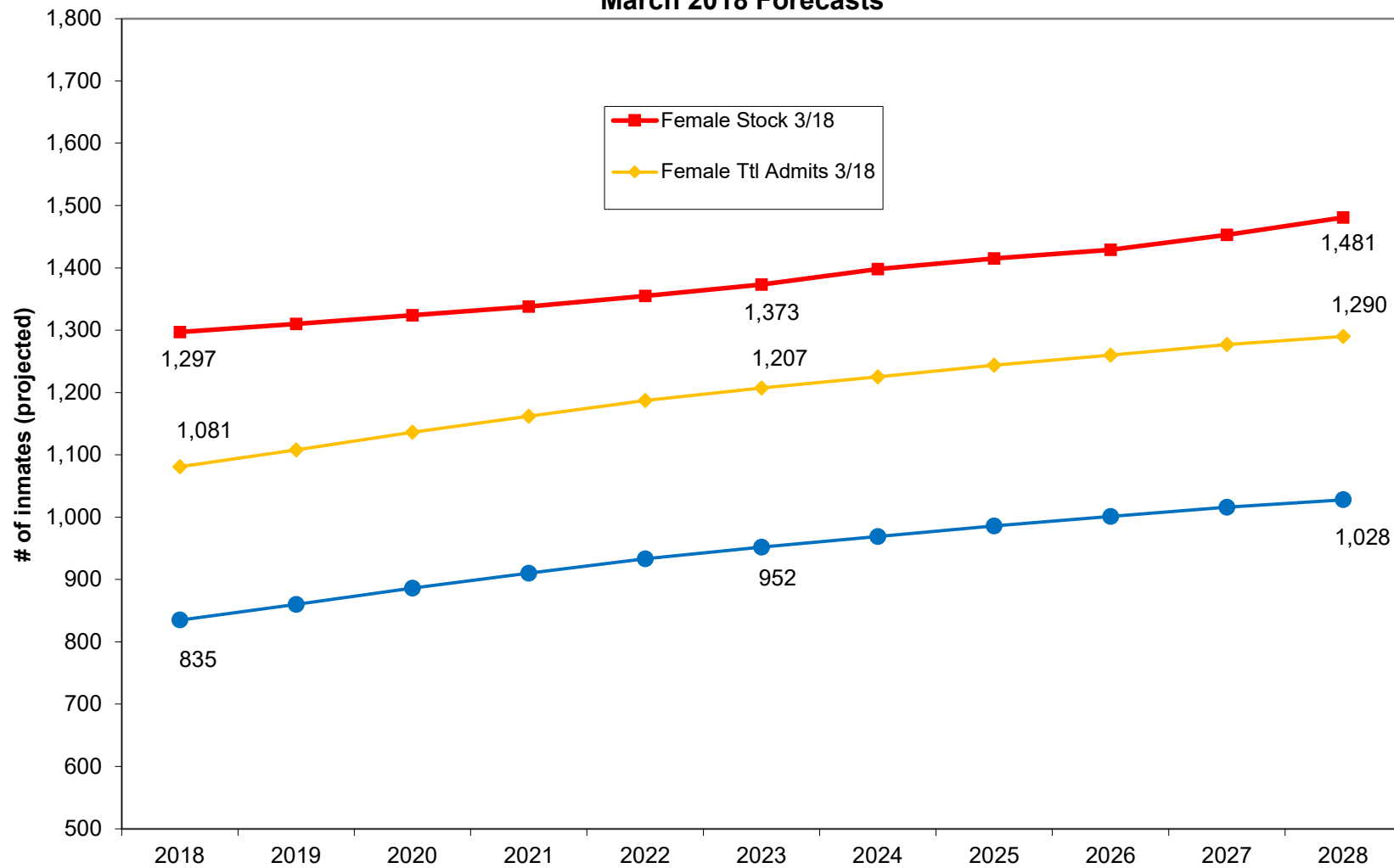
**FIGURE 11: Average Minimum and Maximum Sentences by Felony Category  
Female New Commitment Admissions to Prison: 2015 - 2017**



**FIGURE 12: Projected Male New Commitment and Total Admissions and Stock Population: March 2018 Forecasts**



**FIGURE 13: Projected Female New Commitment and Total Admissions and Stock  
Population  
March 2018 Forecasts**



**Nevada Department of Correction  
Ten Year Prison Population Projections  
2020-2030**

**by  
Wendy Ware  
Dr. James Austin**

**February 2020**



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# **NEVADA DEPARTMENT OF CORRECTIONS TEN-YEAR PRISON POPULATION PROJECTIONS**

## **I. INTRODUCTION**

The Nevada State Budget Office has asked The JFA Institute (JFA) to produce three separate forecasts for the state prison population to be completed in April 2020, October 2020, and February 2021. JFA, under the direction of Ms. Wendy Ware, utilized the Wizard simulation model to produce prison population projections for male and female offenders. This briefing document represents the results of the analysis and simulation for the first forecast cycle, April 2020.

For the current forecast, JFA reviewed current inmate population trends and analyzed computer extract files provided by the Nevada Department of Corrections (NDOC). This briefing document contains a summary of projections of male and female inmates through the year 2030, a summary of recent offender trends, and an explanation of the primary assumptions on which the projections are based. The contents that follow are based on the analysis of computer extract files provided by the Department of Corrections in December 2019 as well as general population and crime trend data. All figures are contained in Appendix A of this document.

### **Accuracy of Past Forecast**

The most recent, previous forecast was issued February 2019. The February 2019 forecast estimated the Nevada state prison population very closely for January through May 2019 (an average monthly difference in the projected and actual populations of 1.1 percent). However, from June 2019 through January 2020, the forecast was less accurate, tracking NDOC actual counts with an average monthly difference of 5.1 percent. The divergence from the NDOC actual counts beginning in June occurred between the male population projections and male actual counts. The female projections continued to forecast the NDOC female population accurately through October 2019.

The February 2019 forecast of the male inmate population estimated the actual population at an average of 3.8 percent per month for January 2019 through January 2020 (an average accuracy of  $\pm 2.0$  percent is considered accurate). The forecast overestimated the actual male population all 13 months observed.

The February 2019 forecast of the female population overestimated the actual population outside the accuracy range for only the months of November and December 2019 and January 2020. For the first ten months of 2019, the female forecast tracked the actual NDOC female population at an average monthly difference of 0.1 percent.

## **II. BACKGROUND**

The forecast of correctional populations in Nevada was completed using Wizard projection software. This computerized simulation model mimics the flow of offenders through the state's prison system over a ten-year forecast horizon and produces monthly projections of key inmate groups. Wizard represents a new version of the previously used Prophet Simulation model and introduces many enhancements over the Prophet Simulation model. The State of Nevada utilized the Prophet Simulation software to produce its prison population forecast for more than ten years. JFA upgraded the existing Nevada model into the latest Wizard software in order to take full advantage of the model's newest features.

Prior to 1995, sentenced inmates in Nevada received a maximum sentence and were required by law to serve at least one-third of the maximum sentence before a discretionary parole release hearing was held. Those offenders not granted discretionary parole release were released on mandatory parole three months prior to their maximum sentence expiration date. Under SB 416, offenders in Nevada are assigned both a

maximum and a minimum sentence as recommended by Nevada State Parole and Probation officers. A complex grid was developed to recommend these sentences. The grid was revised several times between July 1995 and March 1996 before a final formula was agreed upon. The resulting statute-mandated offenders are not eligible for discretionary parole release until they have served their entire minimum sentence (less jail credits). Monthly good-time earned credits are no longer applied to the reduction of the time until discretionary parole eligibility. The system of mandatory parole release remained unchanged under the new statute. In addition to these sentence recommendation changes, SB 416 also put in place the diversion of all E felony offenders from prison.

The current simulation model mimics the flow of inmates admitted under two sentencing policies: 1) inmates admitted to prison with “old law” sentences and 2) inmates admitted under SB 416. Within the simulation model, all inmates admitted to prison are assigned minimum and maximum sentences for their most serious admitting offenses. The model performs time calculations, simulates the parole hearing process, and releases offenders from prison based on existing laws and procedures.

In July 2007, the State of Nevada passed AB 510 which changed three main aspects of a prisoner’s good time credit calculations. First, under AB 510 the monthly earning of good time for an offender who engages in good behavior increased from 10 days to 20 days. Second, AB 510 increased the amount of good time awarded for all education, vocations training and substance abuse treatment programs completed while incarcerated. Credits for program completion would apply to both the minimum and maximum sentences. Lastly, AB 510 provided that certain credits to the sentence of an offender convicted of certain category C, D or E felonies (that do not involve violence, a sexual offense or a DUI) will be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence. Previously, these credits could not be applied to the minimum term imposed, only the maximum.

AB 510 was passed and went into effect on all offenders to be admitted to the NDOC in July 2007. Also, offenders housed within the NDOC at that time were made retroactively eligible for all credits listed in the bill (to July 1, 2000). This caused an immediate and dramatic increase in the number of offenders who were parole eligible reflected in the 2007-2008 data.

In June of 2019, AB 236 was passed by the State of Nevada. The legislation is aimed at cutting the cost of corrections in the State by reducing recidivism and lowering the state’s prison population through sentencing reforms. JFA will assess the impact of this legislation in this iteration of the forecast brief only in respect to reforms that will directly affect the Wizard simulation model and projections. These reforms include: expansion of E Felon offenders eligible for a presumptive sentence of probation; reducing the penalty for certain crimes from a category B to a category C felony; revising provisions relating to burglary; increasing the felony theft threshold and revising penalties for various theft offenses; making it unlawful to install or affix a scanning device within or upon a machine used for financial transactions under certain circumstances; making it unlawful to access a scanning device under certain circumstances; and revising provisions relating to habitual criminals. A brief synopsis of each reform where the impact on bed space will be examined by JFA is provided below.

1. Revision of burglary sentences (for new commitments only): this reform links burglary sentences to the severity of conduct in commission of the crime by distinguishing and defining different structures involved, requiring unlawful entry, and aligning penalties as follows:

<u>Unlawful Entry Type</u>	<u>Penalty</u>
Motor Vehicle	Category E Felon (1-4 years)
Other Building	Category D Felon (1-4 years)
Commercial Building	Category C Felon (1-5 years)
Residence & Home Invasion	Category B Felon (1-10 years)

2. Adjustment of penalties for possession of a controlled substance (new commitments only): this reform establishes a tiered penalty structure for possession of a controlled substance based on increasing weight amounts and substances as follows:

<b>Schedule I and II substances</b>	<b>Schedule III and IV substances</b>
Under 14 grams, category E with mandatory diversion for 1st and 2nd category D for 3rd and subsequent	Under 28 grams, Category E with mandatory diversion for 1st and 2nd Category D for 3rd and subsequent
14 grams-28 grams, category C	28 grams-200 grams, category C
28 grams-42 grams, category B (1-10 years)	200 grams and more, category B (1-10 years)
42 grams and more, category B (2-15 years)	

3. Increase the drug trafficking weight thresholds (new commitments only): this reform changes drug trafficking penalties as follows: Schedule I with weight of 100 grams or greater is a category B felony (2-20 years) and Schedule II with a weight of 400 grams or greater is a category B felony (2-20 years).

4. Raise the threshold for felony theft offenses (new commitments only): this reform raises the felony theft threshold from \$650 to \$1,200 and creates a tiered penalty structure based on increasing values, as follows:

<b>Property value</b>	<b>Penalty</b>
\$1,200 and less	Misdemeanor, up to 6 months jail
\$1,200 - \$4,999	Category D felony, 1-4 years prison
\$5,000 - \$24,999	Category C felony, 1-5 years prison
\$25,000 - \$99,999	Category B felony, 1-10 years prison
\$100,000 or greater	Category B felony, 1-20 years prison

5. Reclassification of certain non-violent category B offenses to category C offenses (new commitments only): this reform changes the felony level of the following offenses: knowingly selling a motor vehicle with odometer that has been fraudulently altered, unlawful use of scanning device, gaming crimes, and maintaining a drug house.

In addition to items 1 through 5 already discussed above, several reforms in AB 236 act to reduce the prison population by altering sentencing policies for parolees and probationers and put caps on revocations. Further, for probationers only, terms of probation are reduced for some offense categories. These reforms are listed below (items 6 through 7):

6. Establish revocation caps for Technical Violators: this reform establishes limits on the amount of time an individual on probation or parole can be incarcerated for a revocation due a technical violation of the conditions of supervision. A technical violation is defined as any noncompliance that does not constitute absconding, a felony offense, battery constituting domestic violence, DUI or a gross misdemeanor.

7. Frontload resources by reducing the time on probation: this reform require the Division of Parole and Probation to submit a recommendation for early termination to the court when certain conditions are present Further, maximum periods of probation are established corresponding to the following offense categories:

- a. 12 months for a gross misdemeanor
- b. 18 months for a Category E felony
- c. 24 months for a Category C or D felony
- d. 36 months for a Category B felony

### III. TRENDS IN POPULATION AND CRIME IN NEVADA

**Significant Finding:** *The Nevada resident population grew by 14.7 percent between 2009 and 2019 at an average annual rate of 1.4 percent. From 2018 to 2019, Nevada’s population grew by 1.5 percent.*

**Significant Finding:** *Levels of serious crime in Nevada declined by an annual average of 3.6 percent from 2008 to 2018. From 2008 to 2018, UCR Part I crimes in Nevada fell by 6.0 percent to 2,979 per 100,000 residents. This is the lowest reported crime rate in Nevada for the past 30 years.*

**Significant Finding:** *Rates of UCR Part I violent crimes in Nevada have declined by an annual average of 2.6 percent between 2008 and 2018.*

#### A. Population

The U.S. Census Bureau conducts a decennial census and the Census Bureau’s Population Estimates Program publishes population estimates between censuses. After each decennial census, the Census Bureau examines its estimates and revises them, where necessary. In September 2011, the U.S. Census undertook such a revision, and the new estimates for 2001 to 2009 appear in TABLE 1. The decennial census results for Nevada for 2000 and 2010 are shown in bold in TABLE 1, while the remainder of the column shows the US Census estimates for July 1 of each year.

For over two decades through 2007, Nevada experienced a phenomenal growth in population and was the nation’s fastest-growing state between 2000 and 2010.<sup>1</sup> The state population growth slowed for a couple years, but since 2012, Nevada has been among the top 10 fastest growing states in the country each year.<sup>2</sup> Just as it was in 2016, Nevada was the 2<sup>nd</sup> fastest growing state in the nation in 2017.<sup>3,4</sup> In 2018, Nevada shared the top spot with Idaho as the fastest growing state in the nation.<sup>5</sup> In 2019, Nevada tied for third with Utah and Arizona as the 2<sup>nd</sup> fastest growing state in the US.<sup>6</sup>

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<sup>1</sup> U.S. Census Bureau. Press Release 12/21/2011

[<http://www.census.gov/newsroom/releases/archives/population/cb11-215.html>]

<sup>2</sup> Population change and rankings: April 1, 2010 to July 1, 2016 (NST-EST2016-popchg2010-2016)

[<http://www.census.gov/data/datasets/2016/demo/popest/state-total.html>]

<sup>3</sup> U.S. Census Bureau Press Release 12/20/2016

[<http://www.census.gov/newsroom/press-releases/2016/cb16-214.html>]

<sup>4</sup> U.S. Census Bureau Press Release 12/20/2017

[<https://www.census.gov/newsroom/press-releases/2017/estimates-idaho.html>]

<sup>5</sup> U.S. Census Bureau Press Release 12/19/2018

[<https://www.census.gov/newsroom/press-releases/2018/estimates-national-state.html>]

<sup>6</sup> U.S. Census Bureau Press Release 12/30/2019

[<https://www.census.gov/newsroom/press-releases/2019/popest-nation.html>]

**TABLE 1: ESTIMATES OF NEVADA’S POPULATION: 2000 – 2019**

<b>Year</b>	<b>Population Estimates (US Census)</b>	<b>% change</b>
<b>2000*</b>	<b>1,998,250</b>	
<b>2001</b>	2,098,399	5.0%
<b>2002</b>	2,173,791	3.6%
<b>2003</b>	2,248,850	3.5%
<b>2004</b>	2,346,222	4.3%
<b>2005</b>	2,432,143	3.7%
<b>2006</b>	2,522,658	3.7%
<b>2007</b>	2,601,072	3.1%
<b>2008</b>	2,653,630	2.0%
<b>2009</b>	2,684,665	1.2%
<b>2010*</b>	<b>2,700,551</b>	0.6%
<b>2011</b>	2,712,799	0.5%
<b>2012</b>	2,744,566	1.2%
<b>2013</b>	2,776,972	1.2%
<b>2014</b>	2,819,012	1.5%
<b>2015</b>	2,868,666	1.8%
<b>2016</b>	2,919,772	1.8%
<b>2017</b>	2,972,405	1.8%
<b>2018</b>	3,027,341	1.8%
<b>2019</b>	3,080,156	1.7%
<b>Numeric Change 2009-2019</b>	395,491	
<b>Percent Change 2009-2019</b>	14.7%	
<b>Average Annual Change 2009-2019</b>		1.4%

\* Actual April 1, 2000 and 2010 US Census figures. All other figures are July 1 estimates from the US Census Bureau. Note that the US Census Bureau occasionally updates prior year estimates. As such, the estimates shown will sometimes differ from prior year’s reports.

The population numbers in Table 1 demonstrate a staggering rate of growth in Nevada’s population between 2000 and 2007, with average annual growth estimates of 3.8 percent. From 2000 to 2010, Nevada’s population increased by over 700,000 people to exceed 2.7 million people in 2010. However, since 2007, the pace of growth has slowed substantially. According to the U.S. Census estimates, from 2009 to 2019, the average annual rate of growth was 1.4 percent, with the increase in Nevada’s population from July 2018 to July 2019 estimated at 1.7 percent.<sup>7</sup> Between 2018 and 2019, Nevada ranked 10<sup>th</sup> in numeric growth (increasing 52,815 residents) and 2<sup>nd</sup> in percent growth (1.7 percent).<sup>8</sup>

<sup>7</sup> In prior reports, we reported population projections issued by the Nevada State Demographer [www.nvdemography.org]. That organization no longer appears to be producing population estimates and projections with the most recent reports being from 2014. In our most recent report, we included population projections from a report from the Nevada State Demographer that was issued in March 2017 (and was based on 2016 population estimates), but that document is no longer available on the Nevada State Demographer’s website.

<sup>8</sup> U.S. Census Bureau Press Release 12/30/2019

[https://www.census.gov/newsroom/press-releases/2019/popest-nation.html]



## **B. Crime**

Observing historical levels of crime can provide some guidance in projecting future admissions to prison. During the 1990s, the level of the most serious violent and property crimes (defined by the FBI's Uniform Crime Reports Part I Crime category) in Nevada increased steadily during the first part of the decade, and then displayed a generally decreasing trend during the latter. Serious crime increased each year from 2000 to 2006 at an average of 6.0 percent per year. From 2006 to 2011, UCR Part I crimes in Nevada fell at an average of 6.7 percent per year. Bucking the downward trend, UCR Part I crimes in Nevada rose by 10.9 percent from 2011 to 2012. Since 2012, UCR Part I crimes in Nevada showed modest decreases nearly each year generating a 0.6 percent average annual decline to 90,405 reported crimes in 2018. (See Figure 1).

It is worth noting that in 2017 and 2018 the total number of UCR Part I violent crimes reported decreased each year from the high numbers seen in 2014 through 2016 (the highest levels observed in at least the past 25 years). Since the number of UCR Part I property crimes (73,985 reported in Nevada by the FBI in 2018) far outnumber the violent crimes, the general upward trend in serious violent crimes is not readily observed in the overall trends of serious crime in Nevada. The number of serious property crimes in Nevada has declined by an annual average of 0.7 percent since 2012.

The area served by the Las Vegas Metropolitan Police Department (LVMPD) has generally exhibited similar changes in crime levels as the state as a whole. This area represents approximately half of the state's population and over half of the state's Part I crime. Since 2012, Part I crimes in the LVMPD's jurisdiction has alternately risen and fallen, displaying a 2.6 percent drop from 2016 to 2017. (See Figure 2). Similar to the state picture, the raw number of serious violent crimes reported in the LVMPD's jurisdiction in 2015 was at its highest level in the past 20 years, while the raw number of serious property crimes reported are below the 20-year average and have been for the past nine years. Notably, serious violent crime in the LVMPD's jurisdiction fell by a whopping 25.5 percent from 2016 to 2017.<sup>9</sup> In 2018, the number of serious violent crimes remained near the levels reported in 2017.

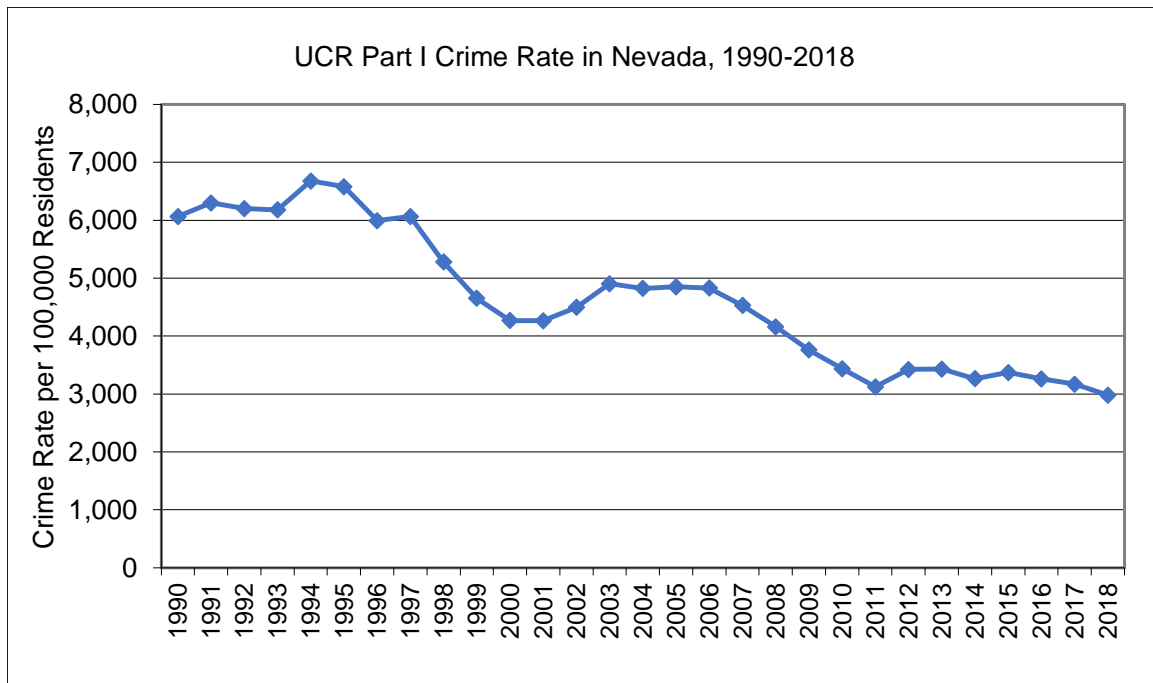
## **C. Putting Population and Crime Together: Crime Rates**

The decline in serious crime in the latter part of the 1990's occurred as the state population continued its dramatic increase -- resulting in a distinct shift in crime *rates*. From 1990 to 1997, the UCR Part I crime rate in Nevada remained steady, while from 1997 to 2001, the rate fell significantly at an average annual rate of 8.3 percent. After increases from 2001 to 2003, there was little movement in the overall Part I crime rate from 2003 to 2006. Then, each year from 2006 to 2011, Nevada experienced a sharp decline in its UCR Part I crime rate. The average annual decrease in UCR Part I crime rate from 2006 to 2011 was 8.3 percent. From 2011 to 2012, the UCR Part I crime rate in Nevada rose 9.6 percent and has been moving generally downward ever since. From 2016 to 2017, the UCR Part I crime rate in Nevada fell 2.8 percent and fell a further 6.0 percent between 2017 and 2018.

Notably, the Nevada UCR Part I crime rate is at its lowest point since 1990, as displayed in the following chart.

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<sup>9</sup> Uniform Crime Reports, Crime in the United States – 2017, Federal Bureau of Investigation, Table 6.



In the area served by the LVMPD, the crime rate dropped by an average annual rate of 2.5 percent from 2010 to 2018. From 2011 to 2012, the UCR Part I crime rate in the LVMPD’s jurisdiction rose 9.5 percent and has been on a general downward track in the years since. The serious crime rate in the LVMPD’s jurisdiction fell 4.7 percent from 2016 to 2017 and fell 3.3 percent between 2017 and 2018.

#### **D. Comparison of Nevada and the United States**

In the discussion above, the population and crime data are observed in terms of changes over time within Nevada. In TABLE 2, we present Nevada’s population and crime data compared to the national levels and trends. TABLE 2 makes clear the striking increases in Nevada’s population relative to the national trends over the past decade. From 2009 to 2019, Nevada’s population growth (14.7 percent) far outpaced the national population growth (6.9 percent). From 2018 to 2019, the increase in population for Nevada (1.7 percent) still exceeded the rise in the nation’s population (0.5 percent).

In terms of crime rates in 2018, Nevada had a notably higher serious *violent* crime rate per 100,000 inhabitants as compared to the nation, while it had a higher but more similar serious *property* crime rate to the nation. The long-term trends in the crime rates for Nevada and the nation over the past 10 years were similar, although US posted a slightly larger ten-year decline than the entire country, with Nevada’s serious crime rate dropping 28.4 percent compared to the nationwide decline of 30.0 percent from 2008 to 2018. In the recent term, from 2017 to 2018, Nevada’s serious crime rate exhibited a smaller decline than the national serious crime rate with Nevada’s decreasing by 6.0 percent while the nation saw a decline of 7.0 percent.

Nevada’s state prison population has grown only by 0.3 percent when comparing 2009 and 2019 counts while the state prison population for the nation has declined 6.6 percent. Aside from an uptick in 2013, the US state prison population has declined each year since 2009. In Nevada, the state prison population decreased each year from 2007 to 2010, and then increased each year from 2011 to 2016 to end at its highest level. The NDOC population has declined each year since 2017. For the most recent one year

change available, the Nevada prison population dropped by 6.0 percent (2018 to 2019) and the US state prison population declined by 1.0 percent (2016 to 2017).<sup>10</sup>

According to the Bureau of Justice Statistics, the 2017 state adult prisoner incarceration rate in Nevada (584 per 100,000 adult residents) exceeded that of the nation (503 per 100,000).

**TABLE 2: COMPARISON BETWEEN UNITED STATES AND NEVADA ON POPULATION, CRIME AND CORRECTIONS MEASURES**

	United States	Nevada
<b>POPULATION<sup>11</sup></b>		
Total Population (7/1/19)	328,239,523	3,080,156
Change in Population		
1-year change (7/1/18 – 7/1/19)	0.5%	1.7%
10-year change (7/1/09 – 7/1/19)	6.9%	14.7%
<b>CRIME RATE<sup>12</sup> (Rate per 100,000 inhabitants)</b>		
UCR Part I Reported Crime Rates (2018)		
Total	2,568.4	2,979.3
Violent	368.9	541.1
Property	2,199.5	2,438.2
Change in Total Reported Crime Rate		
1-year change (2017-2018)	-7.0%	-6.0%
10-year change (2008-2018)	-30.0%	-28.4%
<b>PRISON POPULATION<sup>13</sup> (State Prisoners Only)</b>		
Total Inmates 2019	1,306,305	12,929
1-year change (2018-2019)	-1.0%	-6.0%
10-year change (2009-2019)	-6.6%	0.3%
Average annual change (2009-2019)	-0.7%	0.1%
Adult Incarceration Rate (per 100,000 inhabitants) <sup>14</sup>	503	584

<sup>10</sup> Prisoners in 2017, Bureau of Justice Statistics Bulletin (April 2019). Nevada data provided by the Nevada Department of Corrections is from CY2019.

<sup>11</sup> U.S. Census Bureau, Population Division. Population estimates for July 1, 2019.

<sup>12</sup> Uniform Crime Reports, Crime in the United States – 2018, Federal Bureau of Investigation, Tables 1 and 4.

<sup>13</sup> Prisoners in 2017, Bureau of Justice Statistics Bulletin (April 2019). Nevada data provided by the Nevada Department of Corrections is from CY2019.

<sup>14</sup> Prisoners in 2017, Bureau of Justice Statistics Bulletin (April 2019).

#### IV. INMATE POPULATION LEVELS AND ACCURACY OF THE FEBRUARY 2019 PROJECTION

**Significant Finding:** Overall, the February 2019 forecast estimated the Nevada state prison population for January 2019 through January 2020 with an average monthly difference in the projected and actual populations of 3.6 percent.

**Significant Finding:** The forecast of the male inmate population estimated the actual population very closely and well within acceptable standards from January through May 2019 (at an average of 1.2 percent per month). From June 2019 through January 2020, the male forecast overestimated the actual male population by a monthly average of 5.5 percent. The period that accuracy declined in the projections is directly related to an unexpected decrease in the number of new court commitments entering the NDOC.

**Significant Finding:** The forecast of the female population estimated the actual NDOC female population accurately with an average monthly difference of only 1.2 percent from January 2019 through January 2020.

TABLE 3 and Figures 3 and 4 illustrate the accuracy of the February 2019 projections of the male and female inmate populations. The monthly inmate projections are compared with the actual population counts reported by the NDOC.

The February 2019 forecast of the male inmate population for January 2019 through January 2020 overestimated the actual male inmate population each month in the 13-month period. The largest difference from the actual population occurred in January 2020 when it differed by 7.8 percent. As Figure 3 illustrates, the actual male population began to decrease each month beginning in April of 2019 while the projections forecasted the population to remain static throughout the year.

The average monthly numeric error for the male forecast for January 2019 through January 2020 was 455 offenders and the average monthly percent difference was 3.8 percent. (See Figure 3 and TABLE 3.)

Female prison populations are historically more volatile than male populations because of their smaller sizes and facility constraints, and projections are generally less accurate. The February 2019 forecast of the female inmate population initially estimated the actual female inmate population very accurately through January 2020 except for the most recent three months. Those three months saw the forecast accuracy dip to lows of 3.1 percent (November 2019), 5.2 percent (December 2019) and 6.6 percent (January 2020) as the actual NDOC female population began to fall while the forecast predicted no major change to the population.

The average monthly numeric error for the female forecast for January 2019 through January 2020 was 15 offenders and the average monthly percent difference was 1.2 percent. (See Figure 4 and TABLE 3.)

**TABLE 3: ACCURACY OF THE APRIL 2019 FORECAST:  
TOTAL INMATE POPULATION JANUARY 2019 – JANUARY 2020**

2019	Male				Female				Total			
	Actual	Projected	# Diff	% Diff	Actual	Projected	# Diff	% Diff	Actual	Projected	# Diff	% Diff
<b>January</b>	12,363	12,436	73	0.6%	1,307	1,298	-9	-0.7%	13,670	13,734	64	0.5%
<b>February</b>	12,338	12,458	120	1.0%	1,314	1,307	-7	-0.5%	13,652	13,765	113	0.8%
<b>March</b>	12,339	12,467	128	1.0%	1,324	1,309	-15	-1.1%	13,663	13,776	113	0.8%
<b>April</b>	12,290	12,471	181	1.5%	1,306	1,307	1	0.1%	13,596	13,778	182	1.3%
<b>May</b>	12,238	12,482	244	2.0%	1,306	1,312	6	0.5%	13,544	13,794	250	1.8%
<b>June</b>	12,126	12,507	381	3.1%	1,302	1,317	15	1.2%	13,428	13,824	396	2.9%
<b>July</b>	12,061	12,512	451	3.7%	1,302	1,320	18	1.4%	13,363	13,832	469	3.5%
<b>August</b>	12,026	12,524	498	4.1%	1,320	1,320	0	0.0%	13,346	13,844	498	3.7%
<b>September</b>	11,934	12,533	599	5.0%	1,309	1,308	-1	-0.1%	13,243	13,841	598	4.5%
<b>October</b>	11,842	12,532	690	5.8%	1,308	1,309	1	0.1%	13,150	13,841	691	5.3%
<b>November</b>	11,757	12,540	783	6.7%	1,271	1,310	39	3.1%	13,028	13,850	822	6.3%
<b>December</b>	11,682	12,544	862	7.4%	1,247	1,312	65	5.2%	12,929	13,856	927	7.2%
<b>January 2020</b>	11,630	12,541	911	7.8%	1,234	1,315	81	6.6%	12,864	13,856	992	7.7%
<b>Numeric Change Jan '19 - Jan '20</b>	<b>-733</b>	<b>105</b>			<b>-73</b>	<b>17</b>			<b>-806</b>	<b>122</b>		
<b>Average Monthly Difference Jan '19 - Jan '20</b>			<b>455</b>	<b>3.8%</b>			<b>15</b>	<b>1.2%</b>			<b>470</b>	<b>3.6%</b>

## V. INMATE POPULATION TRENDS

### A. Trends in Admissions

**Significant Finding:** From 2009 to 2015, total male admissions remained at consistent levels, averaging just over 5,000 per year. Starting with a 5.2 percent increase in 2015, male admissions have increased modestly each year (by 0.9 percent in 2016, 1.6 percent in 2017 and 2.1 percent in 2018). In 2019, total male admissions decreased by 8.8 percent, returning the number of admissions to pre-2015 levels.

**IMPORTANT NOTE:** The increases in male admissions trends starting in 2015 were related to the increasing admissions to the Parole Housing Unit (PARHU). It is important to note these offenders are granted parole, recorded as a release and then recorded as an immediate admission into the PARHU. This alters the resulting trends in both admission and release movement types. In 2019, the number of PARHU admissions declined for both males and females. This was due to an elimination of some duplicate cases in the data and a policy change where the window of non-reporting that resulted in a recidivism was expanded from two weeks to 30 days.

**Significant Finding:** Male new commitment admissions have declined by an average annual rate of 1.4 percent since 2009. The 10.7 percent drop in male new commitments in 2019 fueled the overall drop in male admissions.

**Significant Finding:** In 2018, male parole violator admissions increased by 37.7 percent. The numbers of male parole violator admissions in 2019 remained at the new levels seen in 2018.

TABLE 4 and TABLE 5 present the male and female admissions to prison from 2009 to 2019. Figures 5 and 6 show the male and female admissions to prison over the past decade, distinguishing the new court commitments from the parole violators. In the admissions tables and figures, the Parole Housing Unit admissions are captured in the “Other/Missing” column.

After reaching a high of nearly 6,300 in 2006 and 2007, total admissions to NDOC declined notably over the next two years to approximately 5,800 in 2009. After two years of modest increases followed by two years of slightly larger decreases, total admissions hit 5,617 in 2013 – the lowest level since 2004. From 2014 to 2018, total admissions grew at an average annual rate of 3.1 percent to reach 6,527. Fueled by a large decrease in male new commitments, admissions to the NDOC declined by 8.4 percent between 2018 and 2019.

#### 1. Males Admitted to Prison

From 2009 to 2019, the average annual change in the number of males admitted to prison for any reason was -0.03 percent. In both 2012 and 2013, male admissions declined and were below 5,000 for the first time since 2004. From 2014 through 2018, total male admissions to NDOC increased each year. The 2016 count of male admissions increased by 0.9 percent (or declined - 2.5 percent if the PARHU admissions are excluded). In 2017, total male admissions rose by 1.6 percent (or by 1.0 percent if PARHU admissions are excluded). In 2018 male admissions increased by 1.3 percent to a high of 5,506 (or by 2.2 percent if PARHU admissions are excluded). The 2019 decrease in male admissions of 8.8 percent (compared to 2018) was a result of the number of male admissions dropping to 5,019 (or by 8.2 percent if PARHU admissions are excluded).

Male new commitment admissions declined at an average annual rate of -3.0 percent from 2009 to 2012. After being almost unchanged in 2013, male new commitment admissions rose by 3.9 percent in 2014 and again by 5.5 percent in 2015. In 2016, male new commitment admissions declined by -2.9 percent, before rebounding by 2.8 percent in 2017. In 2018 and 2019, male new commitments fell by 3.6 percent and a whopping 10.9 percent respectively.

Note that male new commitment admissions have accounted for over 80 percent of total male admissions to NDOC each year throughout the past decade except for the past two years where male new commitment admissions were 78 percent of total in 2018 and 77 percent in 2019.

Male parole violator admissions have been quite erratic over the past decade. Overall, this admissions cohort increased at an average annual rate of 6.2 percent from 2009 through 2019. For three years numbers of this cohort declined (2015 through 2017) which included steep decreases of 5.1 percent in 2015 and 9.3 percent in 2017. Most recently, male parole violator admissions have increased two successive years, by 37.7 percent in 2018 and 3.3 percent in 2019. The increases in the previous two years have primarily been fueled by increases in discretionary parole violators. It is important to note that the percent increase in mandatory parole violators in the past decade cannot be derived due to limitations in the data. However, it is important to note the percent increase from 2018 to 2019 was relatively larger for mandatory parole violators, 3.3% versus 1.1%.

## **2. Females Admitted to Prison**

From 2009 to 2019, the average annual change in the number of females admitted to prison was 3.1 percent. In 2016, total female admissions increased by 3.3 percent and then by a whopping 15.9 percent in 2017 to reach the highest number of female admissions to date (1,052). However, as highlighted above, if the PARHU admissions are excluded, total female admissions in 2016 declined by -1.9 percent (rather than increased by 3.3 percent) and rose by 8.7 percent in 2017 (rather than by 15.9 percent). In 2018 and 2019 female admissions decreased by 4.7 both years excluding PARHU admissions. The number of female admissions when PARHU admits are not counted was 851 in 2019.

From 2012 through 2017, female new commitment admissions were on the rise, averaging an annual increase of 4.9 percent. This group has seen two consecutive years of declines in 2018 and 2019. Female new commitments fell by 9.4 percent between 2017 and 2018 and a further 8.4 percent between 2018 and 2019.

Over the past ten years female parole violator admissions have increased by an annual average of 6.1 percent driven primarily by increases in the number of discretionary parole violators. Increases in the number of female parole violator admissions has peaked in the most recent two years. This admissions group increased by 25.4 percent between 2017 and 2018. In 2019, a further 12.7 percent increase occurred.

Note that female new commitment admissions averaged 83 percent of total female admissions to NDOC each year throughout most of the early part of the past decade (2009-2015). Even with the exclusion of PARHU admissions, this trend has changed in recent years as female new commitments have comprised less and less of total female admissions, falling to 70 percent in 2019. Conversely, the number of female parole violator admissions comprising total admissions is on the rise in recent years.

**TABLE 4: HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE: MALES: 2009 –2019**

Year	New Court Commitments & Probation Violators	Safekeepers	Int. Sanction Probation**	NPR/CC	Total New Commitments~	Discretionary Parole Violators	Mandatory Parole Violators	Total Parole Violators	Other/ Missing/ PARHU	TOTAL
2009	4,118	286		71	4,475	577	6	583	17	5,075
2010	4,089	258		58	4,405	663	1	664	11	5,080
2011 <sup>+</sup>	3,897	262	38	70	4,269	723	128	858 <sup>++</sup>	61 <sup>^^</sup>	5,188
2012 <sup>+</sup>	3,732	265	8	70	4,081	743	120	863	0	4,943
2013	3,769	220	44	53	4,088	639	110	749	5	4,842
2014	3,804	291	73	79	4,247	658	128	786	7	5,040
2015	4,123	268	28	60	4,481	628	118	746	76 <sup>##</sup>	5,303
2016	4,042	221	9	76	4,350	642	103	745	254 <sup>##</sup>	5,349
2017	4,182	215	0	74	4,471	566	110	676	286 <sup>##</sup>	5,433
2018 <sup>+</sup>	4,100	167	0	44	4,311	811	120	931	264	5,506
2019	3,690	80	0	71	3,841	820	142	962	216	5,019
<b>Numeric Change 2009–2019</b>	<b>-428</b>	<b>-206</b>	<b>--</b>	<b>0</b>	<b>-634</b>	<b>243</b>	<b>136</b>	<b>379</b>	<b>--</b>	<b>-56</b>
<b>Percent Change 2009–2019</b>	<b>-10.4%</b>	<b>-72.0%</b>	<b>--</b>	<b>0.0%</b>	<b>-14.2%</b>	<b>42.1%</b>	<b>--</b>	<b>65.0%</b>	<b>--</b>	<b>-1.1%</b>
<b>Average Annual Percent Change 2009–2019</b>	<b>-1.0%</b>	<b>-9.4%</b>	<b>--</b>	<b>4.8%</b>	<b>-1.4%</b>	<b>4.6%</b>	<b>#</b>	<b>6.2%</b>	<b>--</b>	<b>0.0%</b>
<b>Percent Change 2018–2019</b>	<b>-10.0%</b>	<b>-52.1%</b>	<b>--</b>	<b>61.4%</b>	<b>-10.9%</b>	<b>1.1%</b>	<b>18.3%</b>	<b>3.3%</b>	<b>--</b>	<b>-8.8%</b>

NOTE: The admissions data shown are from the NDOC admissions data file.

\* The 2018 data from January through November was annualized by multiplying by 12/11.

<sup>+</sup> The admissions data shown for 2011, 2012 and 2018 have been updated to reflect data from an NDOC report provided to JFA.

\*\* Prior to the March 2013 data update, the Intermediate Sanction Probation admissions had been included in the New Commitment & Probation Violator column.

~ The following admissions are included in the Total New Commitments column for the year indicated; these small numbers of admissions are not shown in a separate column:

2011: 2 Intermediate Sanction Parole admissions; 2012: 5 Interstate Compact admissions and 1 PRC admission; 2013: 2 PRC admissions; 2015: 2 PRC admissions; 2016: 2 PRC admissions; 2018: 1 Interstate Compact

<sup>++</sup> Includes 7 SafeKeeper Misdemeanor admissions not shown in a separate column.

<sup>^^</sup> The 61 admissions shown in the Other/Missing column for 2011 were for the PRIDE program.

<sup>#</sup> The drop in mandatory parole violators down to 1 in 2010, followed by an increase to 128 in 2011 (which is an increase of 12700%) generates a misleading result for the average annual change in mandatory parole violators over the past 10 years (1253%).

<sup>##</sup> Prisoners admitted to the Parole Housing Unit (PARHU) after release to parole are shown in the Other/Missing column. The 68 offenders admitted to PARHU in 2015 were moved to the Other/Missing column (they had been counted with Discretionary Parole Violators). In 2016, 243 male offenders were admitted to PARHU. In 2017, 277 male offenders were admitted to PARHU. In 2018, 239 male offenders were admitted to PARHU and 184 were admitted in 2019



**TABLE 5: HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE: FEMALES: 2009 –2019**

<b>Year</b>	<b>New Court Commitments &amp; Probation Violators</b>	<b>Safekeepers</b>	<b>NPR/CC</b>	<b>Total New Commitments<sup>~</sup></b>	<b>Discretionary Parole Violators</b>	<b>Mandatory Parole Violators</b>	<b>Total Parole Violators</b>	<b>Other/ Missing/ PARHU</b>	<b>TOTAL</b>
<b>2009</b>	603	2	6	611	104	2	106	2	719
<b>2010</b>	646	5	9	660	117	1	118	7	785
<b>2011<sup>+</sup></b>	605	0	5	611	108	9	118 <sup>++</sup>	6 <sup>^^</sup>	735
<b>2012<sup>+</sup></b>	623	2	3	629	138	6	144	0	773
<b>2013</b>	644	2	5	651	114	9	123	1	775
<b>2014</b>	685	4	8	697	123	15	138	1	836
<b>2015</b>	723	1	9	733	139	6	145	1	879
<b>2016</b>	707	1	8	716	143	2	145	47 <sup>##</sup>	908
<b>2017</b>	800	2	9	811	116	10	126	115 <sup>##</sup>	1,052
<b>2018<sup>+</sup></b>	723	5	7	735	148	10	158	128	1,021
<b>2019</b>	666	0	7	673	168	10	178	106	957
<b>Numeric Change 2009–2019</b>	<b>63</b>	<b>-2</b>	<b>1</b>	<b>62</b>	<b>64</b>	<b>8</b>	<b>72</b>	<b>--</b>	<b>238</b>
<b>Percent Change 2009–2019</b>	<b>10.4%</b>	<b>--</b>	<b>16.7%</b>	<b>10.1%</b>	<b>61.5%</b>	<b>--</b>	<b>67.9%</b>	<b>--</b>	<b>33.1%</b>
<b>Average Annual Percent Change 2009–2019</b>	<b>1.2%</b>	<b>--</b>	<b>8.4%</b>	<b>1.2%</b>	<b>6.1%</b>	<b>#</b>	<b>6.1%</b>	<b>--</b>	<b>3.1%</b>
<b>Percent Change 2018–2019</b>	<b>-7.9%</b>	<b>-100.0%</b>	<b>0.0%</b>	<b>-8.4%</b>	<b>13.5%</b>	<b>0.0%</b>	<b>12.7%</b>	<b>-17.2%</b>	<b>-6.3%</b>

NOTE: The admissions data shown are from the NDOC admissions data file.

\* The 2018 data from January through November was annualized by multiplying by 12/11.

<sup>+</sup> The admissions data shown for 2011, 2012 and 2018 have been updated to reflect data from an NDOC report provided to JFA.

<sup>~</sup> The following admissions are included in the Total New Commitments column for the year indicated; these small numbers of admissions are not shown in a separate column:

2011: 1 Intermediate Sanction Probation admission; 2012: 1 Interstate Compact admission; 2018: 1 PRC admission

<sup>++</sup> Includes 1 SafeKeeper Misdemeanor admission not shown in a separate column.

<sup>^^</sup> The 6 admissions shown in the Other/Missing column for 2011 were for the PRIDE program.

<sup>##</sup> Prisoners admitted to the Parole Housing Unit (PARHU) after release to parole are shown in the Other/Missing column. In 2016, 46 female offenders were admitted to PARHU. In 2017, 115 female offenders were admitted to PARHU. In 2018, 119 (of the 128 Other/Missing/PARHU) female offenders were admitted to PARHU. This number was 93 in 2019.

## B. Trends in Parole Release Rates

**Significant Finding:** *In the first 11 months of 2018, overall release rates increased compared to 2017, after having increased substantially from 2016 to 2017. The overall release rate in 2016 was 51.2 – the lowest rate since 2008. Then in 2017, the overall release rate rose to 62.5 before rising to 64.7 in the first 11 months of 2018 (the highest rate since 2000). This trend continued in 2019 as the overall release rate increased to 65.2.*

**Significant Finding:** *Overall both mandatory and discretionary release rates in 2019 remained at the elevated levels first seen in 2017. Total mandatory release rates reached 69.1 in 2019, the highest rate since 2009.*

TABLE 6 compares parole release rates from 2009 through 2019 (Dec '18-Nov '19) by type of parole hearing.

TABLE 7 and TABLE 8 present the parole release rate characteristics for male and female inmates in the 2019 (Dec '18-Nov '19). Figures 7 and 8 present recent parole release rate data: Figure 7 shows the overall release rates from 2010 to 2019 (Dec '18-Nov '19) by type of hearing, while Figure 8 presents the data from 2016 to 2019 (Dec '18-Nov '19) disaggregated by gender. Since 1999, JFA has generated release rate statistics disaggregated by gender. The simulation model utilizes these gender-based release rates. For discretionary release hearings, the release rates for female offenders are higher than for male offenders. The rates for mandatory release hearings used to be similar for males and females but have become consistently higher for females as well.

Release rates issued in the report are release rates rather than grant rates. If an offender is temporarily granted parole and then it is rescinded before an offender is released or if an offender is not heard within 30 days of their minimum eligibility date, it is counted in JFA's statistics as a denial. Parole board statistics would label this as a grant and then a denial in the former case or a grant in the latter case. To avoid confusion, all rates presented in this report are labeled release rates rather than grant rates.

- For male inmates in 2019, the total discretionary release rate ranged from 56.0 for A felons to 91.3 for E felons. The total discretionary release rate for males in 2019 was 60.5.
- The male discretionary release rate declined steadily in the past ten years, reaching a ten-year low of 44.9 in 2016. In the most recent three years (2017-2019), this rate has rebounded to reach levels near or above 60.
- For female inmates in 2019, the total discretionary release rates ranged from 71.4 for A felons to 96.0 for E felons. The total discretionary release rate for females in 2019 was 80.4.
- Female discretionary parole release rates have remained high over the past ten years. The female discretionary parole release rate between 2009 and 2019 reached a nadir in 2016 at 72.1. However, the rate quickly rebounded and has remained above 80 each year since.
- The mandatory parole release rate for male offenders had declined each year from 2009 to 2015. Since 2015, this rate has steadily increased since, reaching a ten year high in 2019 of 67.2.

- Like the discretionary rate, the mandatory parole release rate for females has remained high between 2009 through 2019. This rate dipped mid-decade to a low of 74.1 in 2015. The rate has since rebounded to above 80 the past three years, reaching 86.2 in 2019.
- The total discretionary release rate for males and females together has remained between 54 and 64 over the past ten years. In 2016, the rate reached a decade long low of 48.6 but has since rebounded remaining above 60 since.
- The mandatory release rate for males and females combined has remained more stable than the discretionary rate between 2009 and 2019. While the mandatory release rate also reached a mid-decade low, it has since rebounded, remaining above 60 each of the past three years and reaching a near ten year high in 2019 at 69.1.

**TABLE 6: PAROLE RELEASE RATES 2009 –2019 (DEC ‘18 – NOV ‘19)**

	<b>Discretionary Release Rate</b>	<b>Mandatory Release Rate</b>	<b>Total Release Rate</b>
<b>Males</b>			
2009	51.3	66.9	55.3
2010	60.4	64.4	61.4
2011	59.7	62.7	60.5
2012	55.6	59.8	56.8
2013	52.6	57.2	54.0
2014	52.3	54.6	53.0
2015	49.7	54.0	51.1
2016	44.9	54.7	48.2
2017	58.6	60.8	59.3
2018 (Jan- Nov)	61.3	64.0	62.1
2019 (Dec '18-Nov '19)	60.5	67.2	62.7
<b>Females</b>			
2009	75.9	88.0	78.7
2010	84.8	81.6	84.0
2011	84.3	82.8	84.0
2012	79.9	82.4	80.4
2013	77.4	73.6	76.5
2014	79.4	79.7	79.5
2015	76.8	74.1	76.2
2016	72.1	76.3	73.1
2017	82.9	82.8	82.9
2018 (Jan- Nov)	83.2	82.4	83.0
2019 (Dec '18-Nov '19)	80.4	86.2	81.7
<b>Total</b>			
2009	54.4	69.2	58.2
2010	63.1	65.9	63.9
2011	62.7	64.2	63.1
2012	58.7	61.7	59.5
2013	55.7	58.7	56.6
2014	55.9	57.0	56.2
2015	53.5	56.0	54.3
2016	48.6	56.6	51.2
2017	62.1	63.4	62.5
2018 (Jan- Nov)	64.2	65.9	64.7
2019 (Dec '18-Nov '19)	63.4	69.1	65.2

**TABLE 7: INMATE PAROLE RELEASE HEARINGS HELD: MALES 2019 (DEC '18 – NOV '19)**

Offender Felony Category	Discretionary Parole Release Rates					Total Discretionary Parole Release Rate	*Average Wait Time (months) to Discretionary Release Hearing	Total Mandatory Parole Release Rate	Total Parole Release Rate
	Hearing #1	Hearing #2	Hearing #3	Hearing #4	Hearing #5				
<b>A Felons</b>	50.8	55.2	62.5	67.5	54.8	56.0	27.1	44.4	55.5
<b>B Felons</b>	56.7	62.5	63.1	67.3	80.5	58.8	13.9	69.2	62.7
<b>C Felons</b>	57.5	62.5	87.5	(1/1) = 100.0	N/A	58.2	12.0	65.4	60.9
<b>D Felons</b>	65.0	86.4	N/A	N/A	N/A	66.2	12.0	60.7	64.7
<b>E Felons</b>	91.1	(4/4) = 100.0	N/A	N/A	N/A	91.3	12.0	69.2	89.6
<b>TOTAL</b>	59.6	62.6	64.0	67.7	62.1	60.5	15.0	67.2	65.2

**TABLE 8: INMATE PAROLE RELEASE HEARINGS HELD: FEMALES 2019 (DEC '18 – NOV '19)**

Offender Felony Category	Discretionary Parole Release Rates					Total Discretionary Parole Release Rate	*Average Wait Time (months) to Discretionary Release Hearing	Total Mandatory Parole Release Rate	Total Parole Release Rate
	Hearing #1	Hearing #2	Hearing #3	Hearing #4	Hearing #5				
<b>A Felons</b>	(7/10) = 70.0	(4/5) = 80.0	(1/3) = 33.3	(1/1) = 100.0	(2/2) = 100.0	71.4	(n=6) 23.2	N/A	71.4
<b>B Felons</b>	75.4	78.1	(3/4) = 75.0	(2/2) = 100.0	(1/1) = 100.0	76.0	12.8	89.1	80.3
<b>C Felons</b>	80.1	83.3	(1/3) = 33.3	(2/2) = 100.0	N/A	79.7	12.5	81.0	80.0
<b>D Felons</b>	85.1	(6/6) = 100.0	N/A	N/A	N/A	85.8	12.1	63.6	84.0
<b>E Felons</b>	95.9	N/A	(1/1) = 100.0	N/A	N/A	96.0	(n=2) 12.0	(6/6) = 100.0	96.4
<b>TOTAL</b>	80.4	81.8	54.5	(5/5) = 100.0	(3/3) = 100.0	80.4	13.1	86.2	81.7

\* Many of the cases in the parole hearing data file were missing a next hearing entry, and so the calculation of the “Average Wait Time (months) to Discretionary Release Hearing” is based on an unusually small number of cases.

### C. Trends in the Prison Inmate Population

**Significant Finding:** After reaching a ten-year high in May 2017 (14,179), the Nevada State prison population has steadily declined to 12,929 in December 2019. At the end of January 2020, the NDOC population had decreased to 12,864.

**Significant Finding:** Looking at the Nevada State prison population since 2000, the Nevada prison population exhibited modest growth in 2001 and 2002, followed by stronger growth from year-end 2002 to 2006 (posting average annual increases of 6.0 percent). From 2007 through 2014, the population declined or posted relatively small increases. The 4.6 percent increase in the Nevada State prison population from 2014 to 2015 was the largest observed since 2006, and it was followed by an increase of 3.4 percent in 2016. The prison population declined by 2.1 percent in 2017, by 0.8 percent in 2018 and by 6.0 percent in 2019.

**Significant Finding:** From year-end 2018 to year-end 2019, the male prison population declined by 6.2 percent, while the female prison population decreased by 4.2 percent.

TABLE 9 and Figure 9 present the year-end inmate populations for male and female inmates from 2009 to 2019.

- The male prison population decreased by 229 offenders from end of year 2009 to end of year 2019 – a total increase of 1.9 percent with an average decrease of 0.2 percent per year. From year-end 2018 to year-end 2019, the male inmate population decreased by 769 offenders, or 6.2 percent, for a total of 11,682 male inmates. This is the largest one-year decrease in the past decade.
- The female prison population increased by 267 offenders from end of year 2009 to end of year 2019 – a total increase of 27.2 percent with an average increase of 2.5 percent per year. From year-end 2018 to year-end 2019, the female confined population decreased by 54 offenders, or 4.2 percent, for a total of 1,247 female inmates. This is the largest one-year decrease in the past decade.
- Females made up 9.6 percent of the state prison population at the end of 2019. In the past decade, the percentage of the prison population that is female has ranged from 7.6 to 9.6 percent, averaging 8.6 percent.
- When looking at the changes in the population over the past decade or so, the population grew steadily from year-end 2010 to 2016 before showing three straight years of declines. The decrease in the NDOC population between 2018 and 2019 is the largest one-year decrease in the past decade.
- The male population grew at an average annual rate of 1.4 percent from year-end 2011 to 2016. Beginning in 2017, the male prison population began to decrease. In 2017 with the male population decreased 2.1 percent, followed by a decrease of 1.0 percent in 2018 and 6.2 percent in 2019.
- The female population has shown greater fluctuation: the average annual rate of change was +5.1 percent from year-end 2011 to 2016. Further, in the past three years, the female prison population has shown declines (2.1 percent in 2017 and 4.2 percent in 2019) as well as growth (0.9 percent in 2018).

**TABLE 9: HISTORICAL INMATE POPULATION: 2009 –2019**

<b>Year</b>	<b>Male Population</b>	<b>Female Population</b>	<b>Total Population</b>
<b>2009</b>	11,911	980	12,891
<b>2010</b>	11,790	979	12,769
<b>2011</b>	11,811	967	12,778
<b>2012</b>	11,845	1,038	12,883
<b>2013</b>	11,963	1,091	13,054
<b>2014</b>	11,961	1,130	13,091
<b>2015</b>	12,466	1,226	13,692
<b>2016</b>	12,836	1,317	14,153
<b>2017</b>	12,572	1,290	13,862
<b>2018</b>	12,451	1,301	13,752
<b>2019</b>	11,682	1,247	12,929
<b>Numeric Change 2009–2019</b>	<b>-229</b>	<b>267</b>	<b>38</b>
<b>Percent Change 2009–2019</b>	<b>-1.9%</b>	<b>27.2%</b>	<b>0.3%</b>
<b>Average Annual Percent Change 2009–2019</b>	<b>-0.2%</b>	<b>2.5%</b>	<b>0.1%</b>
<b>Percent Change 2018–2019</b>	<b>-6.2%</b>	<b>-4.2%</b>	<b>-6.0%</b>

Numbers represent end of calendar year figures.

#### D. Trends in Length of Stay

**Significant Finding:** When A felons are excluded, the overall average length of stay for male inmates paroled in 2019 was 26.6 months, up from 25.3 months in 2018, while for females paroled in 2019 the average length of stay was 17.1 months, also up from 2018 (14.6 months).

**Significant Finding:** Similarly, for males discharged from prison (excluding A felons), their average length of stay in 2019 was 28.5 months, down from 29.1 months in 2018. For females discharged (non A felons) in 2019, the average length of stay was 23.4 months, up from 20.4 months in 2018.

**Important Note:** The average length of stay calculations have been modified from past reports. Starting in the April 2016 report, offenders sentenced to Life with Parole are included in the analysis in their appropriate felony categories. In addition, parole violators with no new convictions have been excluded from the length of stay analysis. Results presented in the tables for prior years have been re-analyzed and updated using the new criteria and will not be comparable to results presented in reports prior to April 2016. Finally, offenders released from the Parole Housing Unit are excluded from the analysis.

**Important Note:** While TABLES 10 and 11 display the average length of stay for inmates in the various felony categories by release type, it is important to note that the proportion of inmates who are released in the various felony categories changes from year to year, and thus the overall average lengths of stay are influenced by those changing proportions.

TABLE 10 and TABLE 11 present the average length of stay for male and female inmates by felony category and release type (parole or discharge) for 2016 to 2019 (Dec '18-Nov '19).

- The average length of stay for males released to parole over the past few years (excluding the relatively small population of A felons) has increased gradually since 2016 from 24.5 months to 26.6 months in 2019.
- The average length of stay for females released to parole (excluding the very small number of A felons) has fluctuated in recent years, averaging 15.5 months between 2016 and 2019.
- The average length of stay for males discharged from prison (excluding the relatively small population of A felons) rose notably in 2017 to 28.5 months after spending two years at just under 27 months. This statistic rose to 29.1 months in 2018 before falling back to 28.5 months in 2019.
- Like the males discharged from NDOC in 2017, the average length of stay for female inmates discharged from prison (excluding the very small number of A felons) rose distinctly to 22.1 months after spending two years just under 20 months. In 2018, the average length of stay for discharged females declined to 20.4 months only to increase to a four year high of 23.4 months in 2019.



**TABLE 10: AVERAGE LENGTH OF STAY FOR MALE  
INMATES BY RELEASE TYPE: 2016-2019**

Offender Felony Category	LENGTH OF STAY (months)							
	2016		2017		2018 (Jan-Nov)		2019 (Dec '18-Nov '19)	
	Parole	Discharge	Parole	Discharge	Parole	Discharge	Parole	Discharge
<b>A Felons</b>	145.0	81.5	178.4	96.7	181.2	102.2	182.9	120.9
<b>B Felons</b>	37.5	35.6	37.4	39.5	39.2	39.1	37.4	38.4
<b>C Felons</b>	10.1	17.1	11.2	18.0	10.3	19.3	11.9	19.1
<b>D Felons</b>	8.3	14.4	8.4	16.2	8.1	16.4	8.4	16.7
<b>E Felons</b>	7.4	13.4	7.3	15.8	6.7	17.0	6.8	15.4
<b>TOTAL</b>	<b>30.7</b>	<b>28.5</b>	<b>31.2</b>	<b>29.7</b>	<b>32.9</b>	<b>30.2</b>	<b>35.4</b>	<b>29.9</b>
<b>TOTAL (No A Felons)</b>	<b>24.5</b>	<b>26.9</b>	<b>24.1</b>	<b>28.5</b>	<b>25.3</b>	<b>29.1</b>	<b>26.6</b>	<b>28.5</b>

**TABLE 11: AVERAGE LENGTH OF STAY FOR FEMALE  
INMATES BY RELEASE TYPE: 2016-2019**

Offender Felony Category	LENGTH OF STAY (months)							
	2016		2017		2018 (Jan-Nov)		2019 (Dec '18-Nov '19)	
	Parole	Discharge	Parole	Discharge	Parole	Discharge	Parole	Discharge
<b>A Felons</b>	109.8	55.3 (n=2)	129.7 (n=7)	--- (n=0)	125.1 (n=6)	171.2 (n=2)	165.6 (n=7)	--- (n=0)
<b>B Felons</b>	24.9	27.3	26.8	30.4	24.5	27.9	25.7	30.9
<b>C Felons</b>	8.8	15.0	8.9	17.4	8.1	18.3	8.6	18.4
<b>D Felons</b>	7.7	13.5	7.1	15.0	6.7	12.3	6.3	13.1
<b>E Felons</b>	7.4	12.5	6.8	11.1	5.9	10.2	6.5	11.4 (n=3)
<b>TOTAL</b>	<b>17.0</b>	<b>20.3</b>	<b>16.4</b>	<b>22.1</b>	<b>15.8</b>	<b>23.5</b>	<b>18.8</b>	<b>23.4</b>
<b>TOTAL (No A Felons)</b>	<b>15.0</b>	<b>19.8</b>	<b>15.2</b>	<b>22.1</b>	<b>14.6</b>	<b>20.4</b>	<b>17.1</b>	<b>23.4</b>

IMPORTANT NOTE ABOUT TABLES 10 & 11: If comparing these tables to previous versions of this report, please note that offenders sentenced to Life with Parole are now included in the analysis in their appropriate Felony Category. The very small number of offenders with a Life or Death sentence who are released continue to be excluded from these tables. Safekeepers discharged from prison also continue to be excluded from these tables. Prior year data has been re-analyzed using the same criteria listed above so that the results are comparable across the years shown. These tables, however, are not comparable to the ones in reports issued prior to April 2016. Offenders released from the Parole Housing Unit are excluded from these tables.

The table below presents the results of a separate analysis of the average length of stay of parole violators released over the past several years.

For parole violators with no new offense, their average length of stay displayed a steady upward trend from 7.1 months in 2013 to 11.6 months in 2017. In the first 11.6 months of 2018, the average length of stay for that population declined slightly to 11.1 months. In 2019, this statistic decreased to 9.6 months. For the small number of parole violators with a new offense, their average length of stay has bounced around, but has displayed an upward trend in the past few years reaching 35.7 months in 2019.

**SUPPLEMENTAL: AVERAGE LENGTH OF STAY  
FOR PAROLE VIOLATORS: 2014-2019**

Parole Violators	LENGTH OF STAY (months)					
	2014	2015	2016	2017	2018 (Jan-Nov)	2019 (Dec '18-Nov '19)
<b>PVs: No new offense</b>	8.0	9.6	10.7	11.6	11.1	9.6
<b>PVs: With new offense</b>	28.0	23.0	24.6	26.1	29.8	35.7

For the January 2019 report, we excluded prisoners with a Life or Death sentence – this resulted in no changes to any of the figures previously reported except that the average length of stay for Parole Violators with a new offense released in 2017 shifted slightly upward.

## VI. KEY POPULATION PROJECTION ASSUMPTIONS

The inmate population projections contained in this report were completed using the Wizard simulation model. The model simulates the movements of inmates through the prison system based on known and assumed policies affecting both the volume of admissions into the system and the lengths of stay for inmates who are housed in prison. It simulates the movements of individual cases, by felony class subgroup, and projects each separately. Males and females, as well as inmates sentenced under different sentencing policies, move through the system differently. The forecast presented in this document was produced using the NDOC data from December 2018 through November 2019 presented in this report. The list below summarizes the key additional assumptions not inherently reflected in the December 2018 through November 2019 data.

In addition to the data observed for December 2018 through November 2019, an assessment was completed on the seven areas of AB 236 that were presented to the legislature as having an impact on future prison estimates. That analysis is presented in the AB 236 impact section below.

### A. Future Release Rates:

**Future discretionary release rates will reflect what was observed in the data analyzed in this report (December 2018- November 2019). Future mandatory parole release rates will be held at an overall discretionary rate of 67.2 percent for males and 86.2 percent for females.**

Data for December 2018 through November 2019 show marginal increases in parole release rates. This leveling off of both male and female parole release rates (both discretionary and mandatory) is in contrast from the previous year's rapid increases. Based on this, both discretionary and mandatory release rates are assumed to remain at the December 2018 through November 2019 level throughout the forecast horizon. Parole release rates can have a quick and profound impact on a prison population. Because of this should be monitored closely in the coming months and re-analyzed in future iterations of this report.

### B. Future Admissions Composition (Base Assumption):

**The composition of future new commitment admissions is assumed to be the same as the composition of new commitment admissions during December 2018 through November 2019.**

The base model used for this report is based on admission and release data provided to JFA by the NDOC for December 2018 through November 2019. Future admissions are assumed to "look like" these admissions in terms of the proportion of admitting charges, sentences received, jail credit days earned, good time credit awards, and serving times to parole eligibility

It should be noted this is the base model assumption and additional model manipulation made to accommodate assumptions for AB 236 alter that assumption in the resulting forecast. These additional assumptions are provided below. An example of an AB 236 alteration is that a large portion of AB 236 is centered around reducing both parole and probation technical violators. The impact of this to the simulation is a composition of those offenders being admitted throughout the forecast horizon.

### C. Future Admissions Counts:

**Due to the dramatic drop in admissions in 2019, two separate new court admissions assumptions are presented in this report. The first, or base, scenario assumes new court admissions will not rebound immediately from the dramatic drop in 2019 rather they will gradually increase but not reach 2018 observed levels for 3-4 years where they will increase at a miniscule rate for the remainder of the forecast horizon. The base admissions assumption assumes total new court admissions will see an average growth per year of 1.6 percent over the forecast horizon.**

**The second new court admissions assumption, the worst-case scenario, assumes new court admissions will rebound immediately in 2020 to 2018 levels and grow modestly for the remainder of the forecast horizon. The worst-case new court admissions assumption assumes an overall average growth per year of 1.8 percent over the forecast horizon.**

#### Males

Male new commitment admissions increased each year from 2002 to 2006, at an average annual rate of 8.9 percent to hit almost 4,750 in 2006. From 2007 to 2012, male new commitment admissions exhibited a steady decline, falling at an average annual rate of about -3 percent to hit just over 4,000 in 2012. After being largely unchanged in 2013, male new commitment admissions increased at an average annual rate of 4.7 percent from 2013 to 2015. The 2.9 percent decline in male new commitment admissions in 2016 was erased by a similar increase in 2017. In 2018, male new commitment admissions declined by 3.6 percent.

In 2019, male new commitment admissions decreased dramatically and unexpectedly by 10.9 percent. This one-year change was so dramatic it affected both the three-year average rate of change in male new court admissions (-3.9 percent per year) and five-year rate of change (-1.8 percent). It is important to also note, the drop in male new court commitment admissions happened only in the latter seven months of the year. The early months of 2019 admissions were on par with the previous year's monthly averages. While there is no clear explanation of why male new commitment admissions have dropped, further analysis shows these declines occurred mainly in lower serious and non-violent offenders. It is also of note that although AB 236 does not go into official effect until July 2020, yet the recent decline occurred in large part among populations targeted in AB 236 (excluding parole violators).

#### Females

Over the past two decades, female new commitment admissions have fluctuated widely with several years of increases and decreases of varying magnitudes. From 2004 to 2006, female new commitments grew at an average annual rate of 14.7 percent to hit almost 750 in 2006. Female new commitment admissions declined for the next few years to just over 600 in 2009. After rising in 2010 and falling in 2011, female new court commitments increased at an average annual rate of 4.7 percent from 2011 to 2015. In 2016, female new commitment admissions declined by -2.3 percent before leaping by 13.3 percent in 2017. In 2018, female new commitment admissions declined by 9.4 percent. Female new commitment admissions fell a further 8.4 percent in 2019. The three-year average rate of change in female new court commitments is -1.5 percent per year while the five-year rate of change is -0.3 percent.

Like males in 2019, female new commitment admissions decreased dramatically and unexpectedly. Unlike males, the one-year change followed a similar, albeit smaller, decline in female new court admissions in 2018. While not as starkly pronounced as the male decline,

analysis of female new court admissions shows most of these declines occurred in the latter half of 2019. It is also of note that although AB 236 does not go into effect until July 2020, the decline occurred in large part among populations targeted by AB 236 (excluding parole violators).

#### **Other Admission Groups**

JFA feels dividing admissions to prison into categories is essential in looking at drivers of the overall prison population. New court admissions will spend significantly longer on average than technical parole violators and PARHU offenders. PARHU admissions declined slightly in 2019 due to a data correction as well as a policy change. NDOC has indicated this is the continued level and JFA has built that assumption into the forecast model.

#### **D. Future Parole Revocation and Parole Violators Returned to Prison Rates:**

**Both male and female parole violators are assumed to grow at similar rates as observed in 2019 over the forecast horizon.**

After hovering around 1,000 for the first part of the 2000s, the number of parole violators admitted to NDOC declined to 612 in 2008.<sup>15</sup> The decrease in parole violations was a result of AB 510 which shortened the time on parole for most offenders. With less time on parole, there is less opportunity for revocation. After 2008, the number of parole violators returned to prison increased substantially each year until 2012 when the number admitted to NDOC was again around 1,000. For the next several years, the number of parole violators remained around 900, and in 2017, dropped to 802. If the pattern for the first 11 months of 2018 holds for the remainder of the year, parole violator admissions will surge by 36.0 percent to hit its highest level in almost two decades. The total number of parole violators increased again in 2019 to 1,140.

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<sup>15</sup> The admissions data file for 2008 did not contain admissions by type for July and August 2008. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

**TABLE 12: PAROLE VIOLATORS ADMITTED BY YEAR: 2009-2019**

Year	Total Parole Violators	Percent Change
2009	689	12.6%
2010	782	13.5%
2011^	976	24.8%
2012^	1,007	3.2%
2013	872	-13.4%
2014	924	6.0%
2015	891	-3.6%
2016	890	-0.1%
2017	802	-9.9%
2018	1,089	35.8%
2019	1,140	4.7%

This table is populated using counts from the NDOC admissions datafiles.

^ 2011 and 2012 counts were updated using NDOC monthly reports provided in March 2013.

It should be noted the above assumption are for the baseline model. Additional model manipulation made to accommodate assumptions for AB 236 that alter assumptions in the resulting forecast.

### **AB 236**

As stated earlier in the report, in June of 2019, AB 236 was passed by the State of Nevada. This new legislation is aimed at cutting the cost of corrections in the State by reducing recidivism and lowering the state's prison population through sentencing reforms. JFA was not involved in the analysis of the original bed space impacts during the passage of this legislation but has reviewed summaries of the work completed. A complete analysis and individual assessment of each part and strategy included in the legislation is outside of the scope and resources available to JFA. As such, the following section provides a general summary of how relevant sections of the legislation were analyzed and built into the simulation model and resulting forecast.

1. Revision of burglary sentences (for new commitments only):  
It was observed in the latter half of 2019 new court admissions data that both burglary and attempted burglary (one sentence only) saw declines in admissions and slight declines in average sentences from 2018 and early 2019 levels. These new lower admissions levels and sentence lengths were built into the simulation model.
2. Adjustment of penalties for possession of a controlled substance (new commitments only):  
It was observed in the latter half of 2019 new court admissions data that both possession and attempted possession (one sentence only) saw declines in admissions from 2018 and early 2019 levels. These new lower admissions levels were built into the simulation model.
3. Increase the drug trafficking weight thresholds (new commitments only):  
It was observed in the latter half of 2019 new court admissions data that both trafficking and attempted trafficking (one sentence only) saw slight declines in admissions and more substantial declines in average sentences from 2018 and early 2019 levels. These new lower admissions levels and sentences lengths were built into the simulation model.

4. Raise the threshold for felony theft offenses (new commitments only):  
Analysis of new court admissions in 2019 found very few theft and attempted theft cases (one sentence) qualifying for this targeted area. It was determined that the 2019 commitment levels of theft and attempted theft would remain constant over the forecast horizon.
5. Reclassification of certain non-violent category B offenses to category C offenses (new commitments only):  
Analysis of the new court admissions in 2019 found very few cases who qualified for this target area (one sentence category B offenders with current maximum sentences over the proposed maximum sentences). It was determined that the impact on the overall prison population would be negligible and no adjustments were made from the base assumption of 2019 data.
6. Establish revocation caps for Technical Violators:  
Analysis of new court admissions in 2019 found this to be the most substantial proposed reduction to the prison population. As noted earlier, and in direct contrast to new court commitments, parole revocations increased in 2019 and are projected to increase over the forecast horizon. Probation revocations, both technical and new sentences, are included in new court admissions for the purposes of the simulation model and were dramatically down in 2019.  
  
Analysis of this targeted area is complicated by unreliable data separating both parole and probation violators into purely technical revocations verses newly sentenced. For this estimation, JFA utilized an assumption made during the passage of AB 236 that 34 percent of all returns (both parole and probation) were for technical revocations. An additional assumption was applied to the forecast model assuming a 20 percent reduction in parole technical violations returned to prison and an additional 5 to 10 percent reduction in probation technical violators returned over the forecast horizon.
7. Frontload resources by reducing the time on probation:  
JFA has considerable experience in states undertaking similar legislation that shorted supervision time, both on parole and probation. While this proposal can have a marked impact on supervision caseloads, in the one to five-year follow-up analysis, none of these states has seen negligible decreases in violations returned to prison as a result. With this experience, JFA did not choose to build in an additional impact for this portion of AB 236. It is recommended that this be tracked closely by the Division of Parole and Probation in the years to come.

All assumptions made regarding AB 236 were completed using the most recent data set available which should be noted is not the dataset used in analysis presented during passage of the legislation. The data set used in this report is more recent and reflects the dramatic decreases seen in Nevada new court admissions, probation violators and lower sentences for certain offenses. As with any newly enacted piece of legislation, it is often difficult to predict how prison and judicial practices will respond over time. JFA has extensive experience in Nevada (and nationally) in establishing the most reasonable assumptions possible for forecasting new legislation. JFA has used those methods for this iteration of the forecast model. It is particularly crucial that all these assumptions and trends be tracked routinely and with a critical eye to ensure accurateness in the forecast.

**NOTE: Housing of Arizona Contract Inmates**

**As of December 2019, there were 100 Arizona offenders (labeled NBV in aggregate reports) housed under contract in the Nevada State Prison system. It is assumed these offenders will continued to be housed at this number over the forecast horizon. The level of contract beds is not assumed to increase or decrease based on any trends.**

**TABLE 13: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY  
CATEGORY: MALES: 2017^**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	141	3.3%	28.4	812.9	665.5	468.6
B Felons	2,127	50.0%	28.8	208.8	103.2	36.3
C Felons	1,071	25.2%	28.3	141.8	47.5	12.6
D Felons	658	15.5%	28.4	117.8	39.8	9.5
E Felons	254	6.0%	29.9	127.4	39.2	8.3
Subtotal	4,251	100.0%				
Missing	4					
Total	4,255					

**TABLE 14: NEW COURT COMMITMENT ADMISSION  
CHARACTERISTICS BY CATEGORY: MALES: 2018 (JAN-NO**

Offender Felony Category	Number Admitted (JAN-NOV)	Percent Admitted (JAN-NOV)	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	158	4.1%	28.8	626.4	663.8	356.4
B Felons	1,977	51.4%	29.2	214.1	106.7	37.0
C Felons	956	24.8%	28.4	146.0	46.5	12.3
D Felons	552	14.3%	28.5	127.1	39.4	9.4
E Felons	205	5.3%	29.4	117.6	38.4	7.8
Subtotal	3,848	100.0%				
Missing	2					
Total	3,850					

**TABLE 15: NEW COURT COMMITMENT ADMISSION  
CHARACTERISTICS BY CATEGORY: MALES: 2019  
(DEC '18-NOV '19)^**

Offender Felony Category	Number Admitted (DEC '18-NOV '19)	Percent Admitted (DEC '18-NOV '19)	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	171	4.6%	28.8	681.2	682.4	459.2
B Felons	1,891	50.8%	29.5	211.5	109.2	37.1
C Felons	1,007	27.1%	28.5	145.9	47.0	12.6
D Felons	485	13.0%	29.0	127.4	39.8	9.8
E Felons	166	4.5%	30.0	119.2	37.8	7.9
Subtotal	3,720	100.0%				
Missing	42					
Total	3,762					

^ These tables include New Commitments admissions as well as a small population of offenders who were 'Not Physically Received (NPR).'  
They do not include Safe Keepers or Intermediate Sanction Probationers. Offenders sentenced to Life and Life with Parole were put in their assigned felony categories; most of the time, they are A felons.



**TABLE 16: NEW COURT COMMITMENT ADMISSION  
CHARACTERISTICS BY CATEGORY: FEMALES: 2017^**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	16	2.0%	28.6	1,091.4	637.8	304.5
B Felons	319	39.4%	28.6	183.6	85.9	29.4
C Felons	212	26.2%	28.0	131.4	44.0	10.8
D Felons	175	21.6%	28.6	110.6	38.5	8.5
E Felons	87	10.8%	28.9	117.5	38.2	7.9
Subtotal	809	100.0%				
Missing	0					
Total	809					

**TABLE 17: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS  
BY CATEGORY: FEMALES: 2018 (JAN-NOV)^**

Offender Felony Category	Number Admitted (JAN-NOV)	Percent Admitted (JAN-NOV)	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	13	1.9%	28.9	564.5	441.2	185.5
B Felons	305	45.2%	28.5	177.3	90.8	30.4
C Felons	171	25.3%	28.1	130.4	44.1	11.1
D Felons	116	17.2%	28.5	127.7	38.1	8.2
E Felons	70	10.4%	28.3	114.8	37.9	8.0
Subtotal	675	100.0%				
Missing	5					
Total	680					

**TABLE 18: NEW COURT COMMITMENT ADMISSION  
CHARACTERISTICS BY CATEGORY: FEMALES: 2019  
(DEC '18-NOV '19)^**

Offender Felony Category	Number Admitted (DEC '18- NOV '19)	Percent Admitted (DEC '18- NOV '19)	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	15	2.3%	28.5	866.9	597.2	291.6
B Felons	294	44.4%	30.6	159.9	81.8	27.2
C Felons	162	24.5%	29.3	118.8	44.0	10.5
D Felons	131	19.8%	28.5	123.9	37.3	8.7
E Felons	60	9.1%	29.1	109.6	37.1	7.6
Subtotal	662	100.0%				
Missing	19					
Total	681					

^ These tables include New Commitments admissions as well as a small population of offenders who were 'Not Physically Received (NPR).' They do not include Safe Keepers or Intermediate Sanction Probationers. Offenders sentenced to Life and Life with Parole were put in their assigned felony categories; most of the time, they are A felons.

**TABLE 19: HISTORICAL AND PROJECTED TOTAL ADMISSIONS: 2009-2030**

<b>Year</b>	<b>Actual Males</b>		<b>Actual Females</b>		<b>Actual Total</b>	
<b>2009</b>	5,075		719		5,794	
<b>2010</b>	5,080		785		5,865	
<b>2011<sup>#</sup></b>	5,188		735		5,923	
<b>2012<sup>#</sup></b>	4,943		773		5,716	
<b>2013</b>	4,842		775		5,617	
<b>2014</b>	5,040		836		5,876	
<b>2015</b>	5,303		879		6,182	
<b>2016</b>	5,349		908		6,257	
<b>2017</b>	5,433		1,052		6,485	
<b>2018</b>	5,506		1,021		6,527	
<b>2019</b>	5,019		957		5,976	
<b>Projected</b>	<b>Base Male</b>	<b>Worst Case Male</b>	<b>Base Female</b>	<b>Worst Case Female</b>	<b>Base Male</b>	<b>Worst Case Female</b>
<b>2020</b>	5,357	5,563	1,000	1,040	6,357	6,603
<b>2021</b>	5,523	5,661	1,039	1,062	6,562	6,723
<b>2022</b>	5,660	5,761	1,068	1,084	6,728	6,845
<b>2023</b>	5,728	5,864	1,090	1,105	6,818	6,969
<b>2024</b>	5,798	5,968	1,104	1,126	6,902	7,094
<b>2025</b>	5,869	6,074	1,118	1,146	6,987	7,220
<b>2026</b>	5,941	6,182	1,132	1,167	7,073	7,349
<b>2027</b>	6,015	6,293	1,147	1,188	7,162	7,481
<b>2028</b>	6,082	6,406	1,162	1,209	7,244	7,615
<b>2029</b>	6,166	6,520	1,177	1,231	7,343	7,751
<b>2030</b>	6,244	6,638	1,192	1,253	7,436	7,891
<b>Numeric Change 2009–2019</b>	<b>-56</b>		<b>238</b>		<b>182</b>	
<b>Percent Change 2009–2019</b>	<b>-1.1%</b>		<b>33.1%</b>		<b>3.1%</b>	
<b>Average Annual Percent Change 2009–2019</b>	<b>1.5%</b>		<b>1.8%</b>		<b>1.8%</b>	
<b>Percent Change 2018–2019</b>	<b>-8.8%</b>		<b>-6.3%</b>		<b>-8.4%</b>	
<b>Numeric Change 2020–2030</b>	<b>887</b>	<b>192</b>	<b>192</b>	<b>213</b>	<b>1,079</b>	<b>1,288</b>
<b>Percent Change 2020–2030</b>	<b>16.6%</b>	<b>19.2%</b>	<b>19.2%</b>	<b>20.5%</b>	<b>17.0%</b>	<b>19.5%</b>
<b>Average Annual Percent Change 2020–2030</b>	<b>1.5%</b>	<b>1.8%</b>	<b>1.8%</b>	<b>1.9%</b>	<b>1.6%</b>	<b>1.8%</b>

<sup>#</sup> 2011 and 2012 counts were updated from NDOC monthly reports provided in March 2013

\* The 2018 data from January through November was annualized by multiplying by 12/11.

## **PRISON POPULATION PROJECTIONS**

This section contains the inmate population projections based on the assumptions set forth above. Projections are presented for male and female inmates, and the total inmate population.

TABLE 22 presents the summary table of male, female and total population projections from 2019 to 2030.

### **A. Projected Male Inmate Population**

TABLE 21 displays a summary of the historical and projected male inmate population for the period 2009 to 2030.

Figure 12 presents the April 2020 forecasts of male new commitment admissions and stock population.

#### **Baseline Forecast**

- In 2020, 11,626 male offenders are projected to be under the Nevada Department of Corrections system.
- The male inmate prison population was 11,682 at the end of 2019. The population is projected to increase to 11,835 in 2025 and to 12,583 inmates by the end of 2030. The projected growth represents average increases of 0.8 percent per year through the year 2029.
- The male forecast for this cycle represents a noticeable lower forecast than the most recent February 2019 forecast. The lower forecast is a factor of the dramatic decline in admissions to prison seen in the latter half of 2019 combined with the projected impacts of the AB 236 legislation.

#### **Worst Case Forecast**

- In 2020, 11,837 male offenders are projected to be under in the Nevada Department of Corrections system.
- The male inmate prison population was 11,682 at the end of 2019. The population is projected to increase to 12,208 in 2025 and to 13,656 inmates by the end of 2030. The projected growth represents average increases of 1.4 percent per year through the year 2029.
- The worst case scenario forecast estimates 1,073 more male inmates will be housed in the NDOC in 2030 than the baseline forecast.

**TABLE 20: HISTORICAL AND PROJECTED INMATE POPULATION: MALES: 2009-2030**

<b>Year</b>	<b>Historical</b>		
<b>2009</b>	11,911		
<b>2010</b>	11,790		
<b>2011</b>	11,811		
<b>2012</b>	11,845		
<b>2013</b>	11,963		
<b>2014</b>	11,961		
<b>2015</b>	12,466		
<b>2016</b>	12,836		
<b>2017</b>	12,572		
<b>2018</b>	12,451		
<b>2019</b>	11,682		
		<b>Baseline Projected</b>	<b>Worst Case Projected</b>
<b>2020</b>		11,626	11,837
<b>2021</b>		11,579	11,829
<b>2022</b>		11,564	11,870
<b>2023</b>		11,627	11,771
<b>2024</b>		11,721	11,988
<b>2025</b>		11,835	12,208
<b>2026</b>		11,960	12,472
<b>2027</b>		12,111	12,724
<b>2028</b>		12,290	13,065
<b>2029</b>		12,421	13,178
<b>2030</b>		12,583	13,656
<b>Numeric Change 2009–2019</b>	<b>-229</b>		
<b>Percent Change 2009–2019</b>	<b>-1.9%</b>		
<b>Average Annual Percent Change 2009–2019</b>	<b>-0.2%</b>		
<b>Percent Change 2018–2019</b>	<b>-6.2%</b>		
<b>Numeric Change 2020–2030</b>		<b>957</b>	<b>1,818</b>
<b>Percent Change 2020–2030</b>		<b>8.2%</b>	<b>15.4%</b>
<b>Average Annual Percent Change 2020–2030</b>		<b>0.8%</b>	<b>1.4%</b>

Numbers represent end of calendar year figures.

## **B. Projected Female Inmate Population**

TABLE 21 displays a summary of the historical and projected female inmate population for the period 2009 to 2030.

Figure 13 presents the April 2020 forecasts of female new commitment admissions and stock population.

### **Baseline Forecast**

- In 2020, 1,224 female offenders are projected to be under in the Nevada Department of Corrections system.
- The female inmate prison population was 1,247 at the end of 2019. The population is projected to increase to 1,251 in 2025 and to 1,321 inmates by the end of 2030. The projected growth represents average increases of 0.8 percent per year through the year 2029.

### **Worst Case Forecast**

- In 2020, 1,269 female offenders are projected to be under in the Nevada Department of Corrections system.
- The female inmate prison population was 1,247 at the end of 2019. The population is projected to increase to 1,289 in 2025 and to 1,383 inmates by the end of 2030. The projected growth represents average increases of 0.9 percent per year through the year 2029.
- The worst case scenario forecast estimates 62 more female inmates will be housed in the NDOC in 2030 than the baseline forecast.

Forecasting the male and female Nevada prison population has been complicated, at this time, by two major events that have increased the uncertainty in the direction of the correctional population: 1) recent dramatic decreases in new court admissions and 2) the pending implementation of AB 236. With only 6-8 months of decreases in new court admissions, it is difficult to say whether that trend will continue or reverse itself. JFA has analyzed all the internal and external data available and presented its best estimate for long term correctional bed pace planning in Nevada. There will be two additional iterations of this report for the 2021 budget cycle and it will be crucial to examine new data and emerging trends as it becomes available.

**TABLE 21: HISTORICAL AND PROJECTED INMATE  
POPULATION: FEMALES: 2009-2030**

<b>Year</b>	<b>Historical</b>		
<b>2009</b>	980		
<b>2010</b>	979		
<b>2011</b>	967		
<b>2012</b>	1,038		
<b>2013</b>	1,091		
<b>2014</b>	1,130		
<b>2015</b>	1,226		
<b>2016</b>	1,317		
<b>2017</b>	1,290		
<b>2018</b>	1,301		
<b>2019</b>	1,247		
		<b>Baseline Projected</b>	<b>Worst Case Projected</b>
<b>2020</b>		1,224	1,269
<b>2021</b>		1,217	1,282
<b>2022</b>		1,225	1,287
<b>2023</b>		1,232	1,287
<b>2024</b>		1,241	1,292
<b>2025</b>		1,251	1,289
<b>2026</b>		1,264	1,307
<b>2027</b>		1,277	1,325
<b>2028</b>		1,293	1,347
<b>2029</b>		1,306	1,357
<b>2030</b>		1,321	1,383
<b>Numeric Change 2009–2019</b>	<b>267</b>		
<b>Percent Change 2009–2019</b>	<b>27.2%</b>		
<b>Average Annual Percent Change 2009–2019</b>	<b>2.5%</b>		
<b>Percent Change 2018–2019</b>	<b>-4.2%</b>		
<b>Numeric Change 2020–2030</b>		<b>97</b>	<b>114</b>
<b>Percent Change 2020–2030</b>		<b>7.9%</b>	<b>9.0%</b>
<b>Average Annual Percent Change 2020–2030</b>		<b>0.8%</b>	<b>0.9%</b>

Numbers represent end of calendar year figures.

**TABLE 22: ACTUAL AND PROJECTED INMATE POPULATION: 2019-2030**

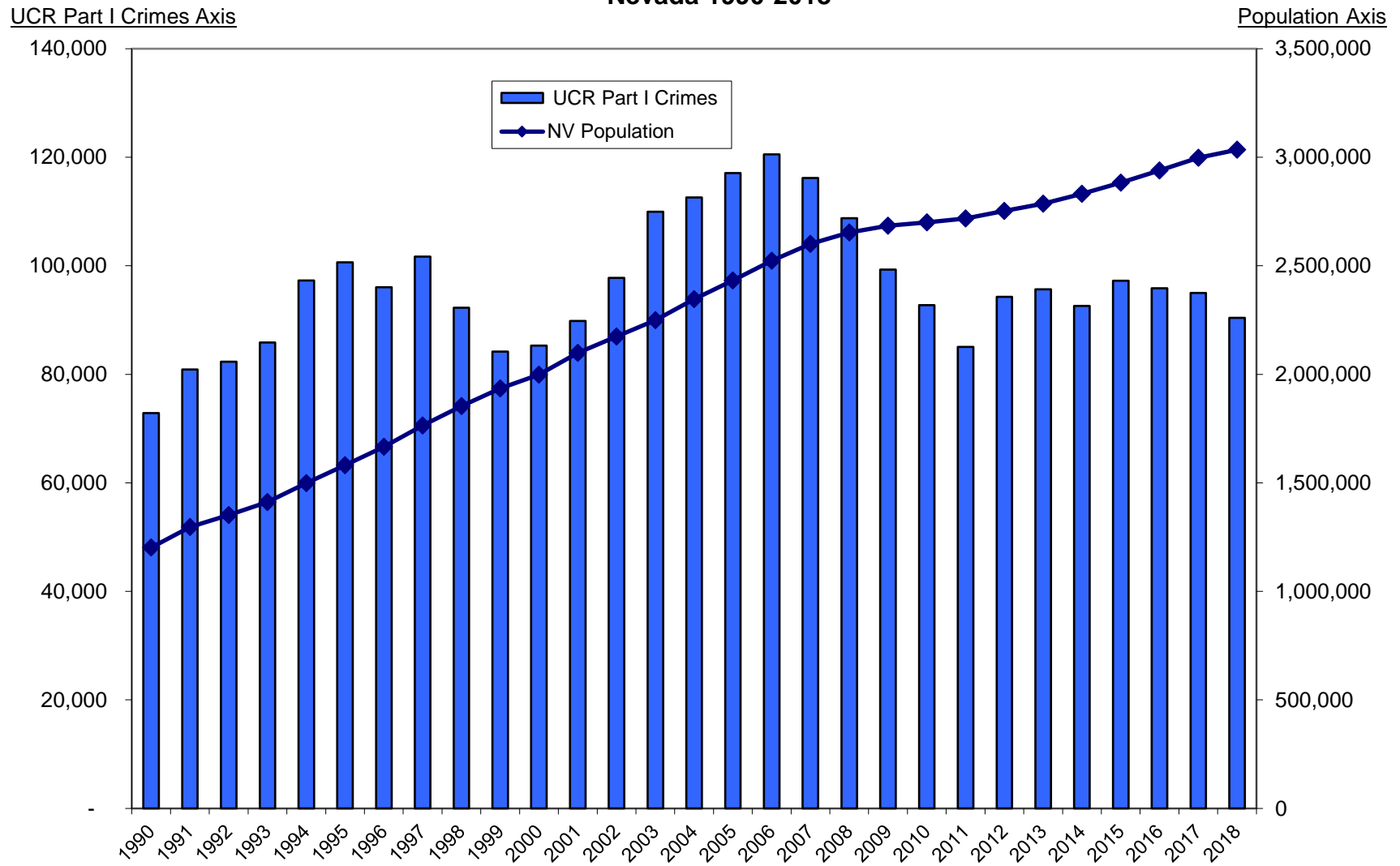
Year	Male Population		Female Population		Total Population	
	Baseline	Worst Case	Baseline	Worst Case	Baseline	Worst Case
<b>2019</b>	<b>11,682</b>		<b>1,247</b>		<b>12,929</b>	
<b>2020</b>	11,626	11,837	1,224	1,269	12,850	13,106
<b>2021</b>	11,579	11,829	1,217	1,282	12,796	13,111
<b>2022</b>	11,564	11,870	1,225	1,287	12,789	13,157
<b>2023</b>	11,627	11,771	1,232	1,287	12,859	13,058
<b>2024</b>	11,721	11,988	1,241	1,292	12,962	13,279
<b>2025</b>	11,835	12,208	1,251	1,289	13,086	13,497
<b>2026</b>	11,960	12,472	1,264	1,307	13,224	13,779
<b>2027</b>	12,111	12,724	1,277	1,325	13,388	14,049
<b>2028</b>	12,290	13,065	1,293	1,347	13,583	14,412
<b>2029</b>	12,421	13,178	1,306	1,357	13,727	14,534
<b>2030</b>	12,583	13,656	1,321	1,383	13,904	15,039
<b>Numeric Change 2020–2030</b>	<b>957</b>	<b>1,818</b>	<b>97</b>	<b>114</b>	<b>1,054</b>	<b>1,933</b>
<b>Percent Change 2020–2030</b>	<b>8.2%</b>	<b>15.4%</b>	<b>7.9%</b>	<b>9.0%</b>	<b>8.2%</b>	<b>14.7%</b>
<b>Average Annual Percent Change 2020–2030</b>	<b>0.8%</b>	<b>1.4%</b>	<b>0.8%</b>	<b>0.9%</b>	<b>0.8%</b>	<b>1.4%</b>

Projections numbers represent end of calendar year figures.

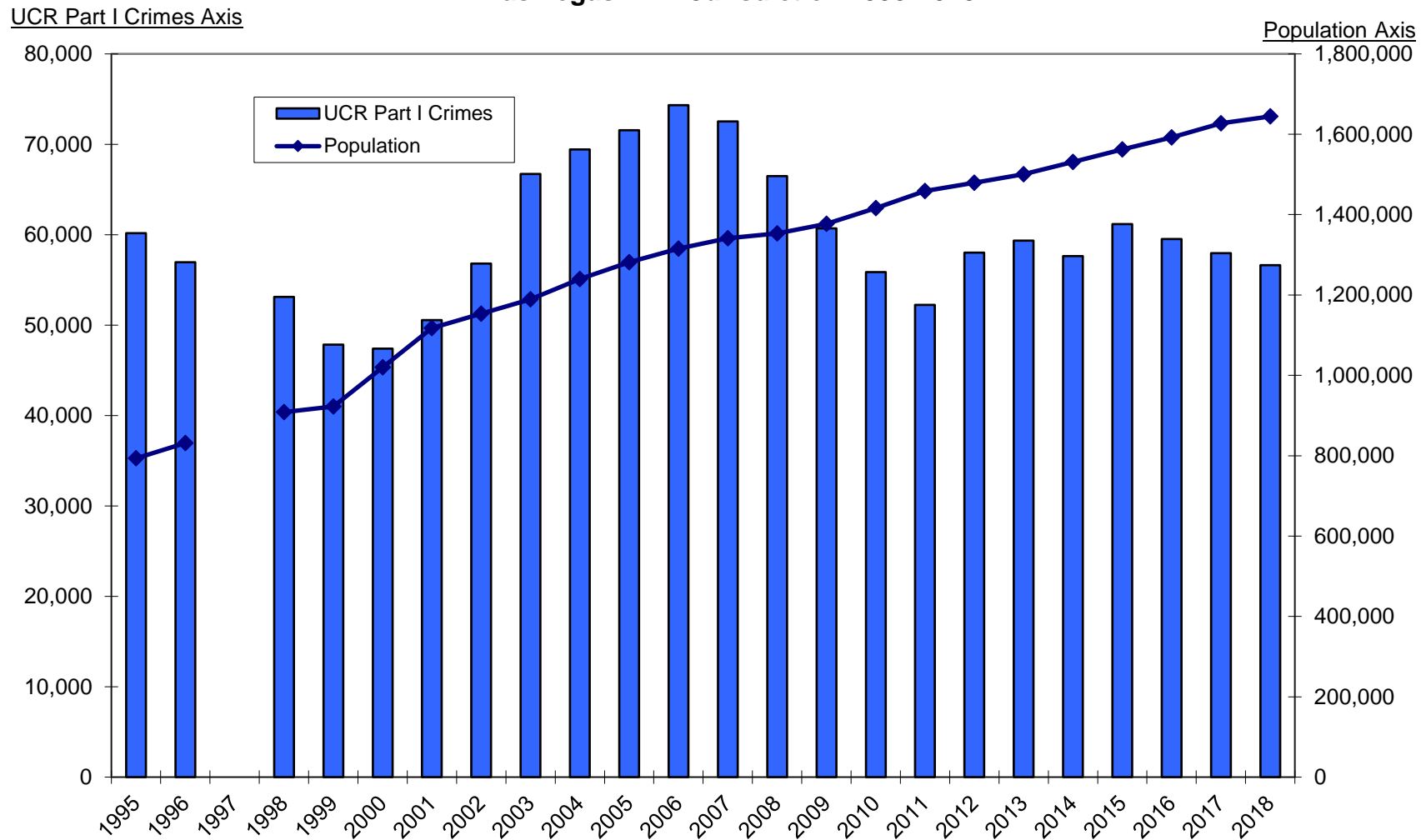
## **APPENDIX A: FORECAST TABLES BY MONTH & FIGURES**



**FIGURE 1: Reported Crime and Population:  
Nevada 1990-2018**

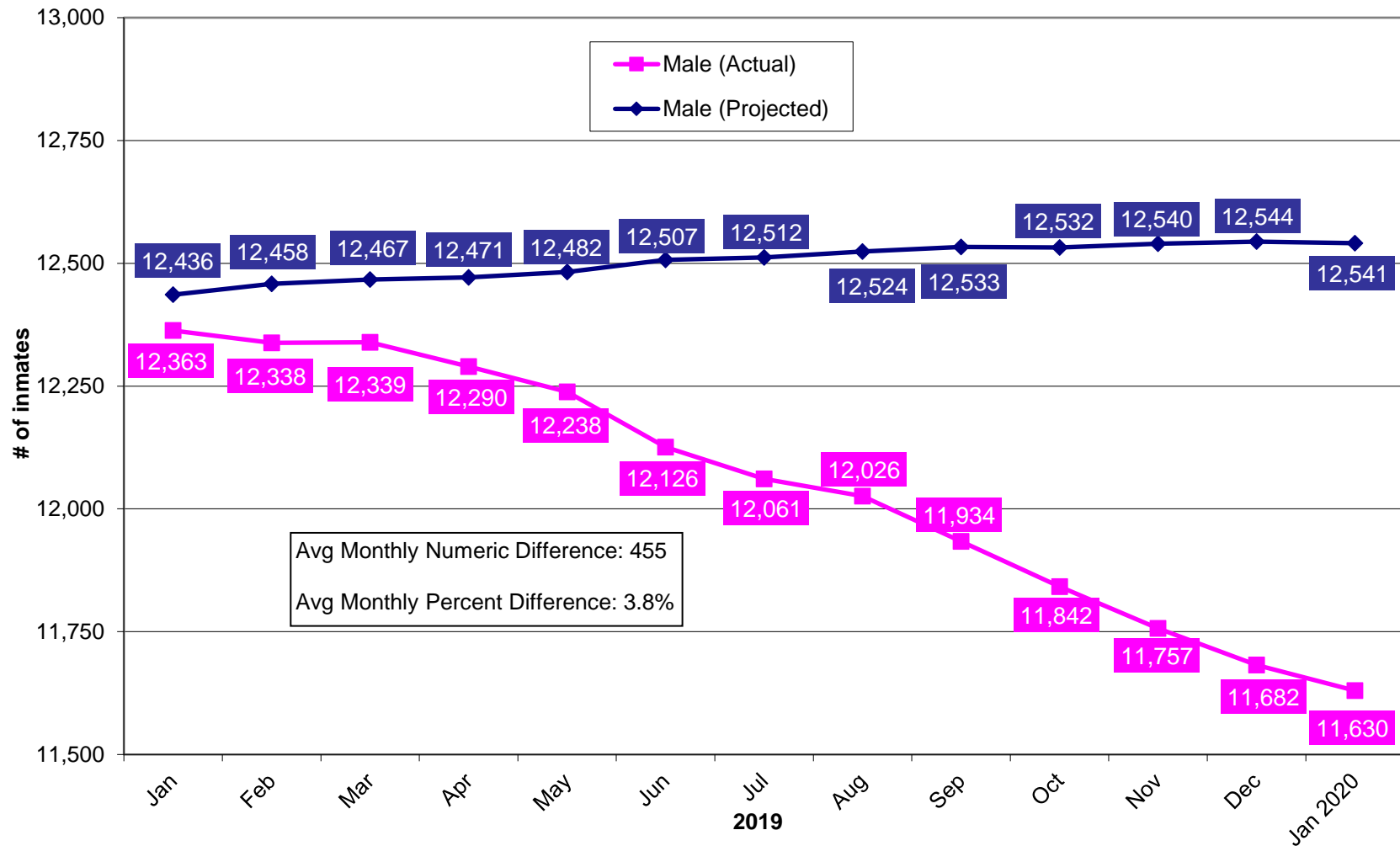


**FIGURE 2: Reported Crime and Population:  
Las Vegas MPD Jurisdiction 1995-2018**

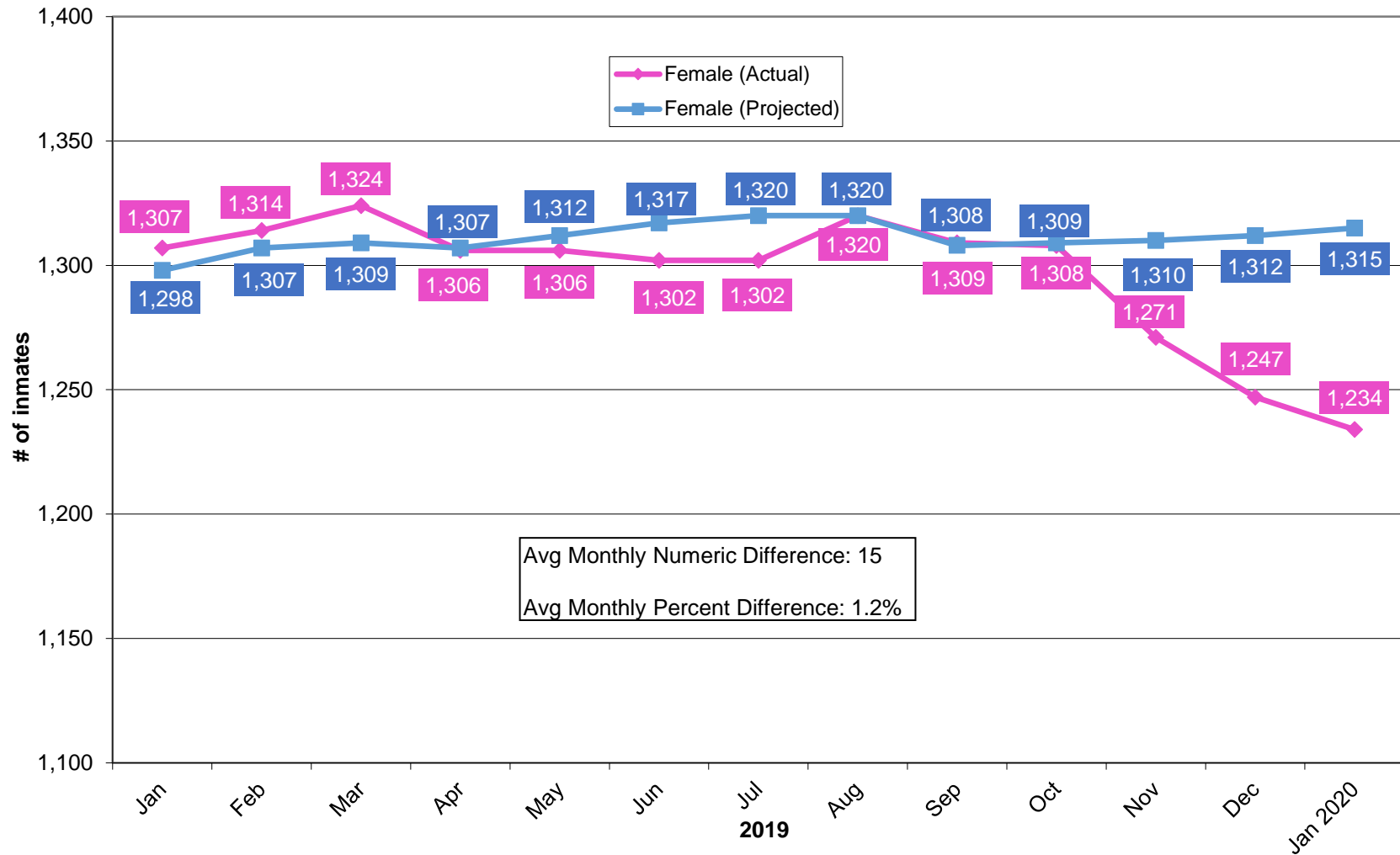


NOTE: The FBI's Uniform Crime Reports for 1997 did not show the reported crime for the Las Vegas Metropolitan Police Dept jurisdiction.

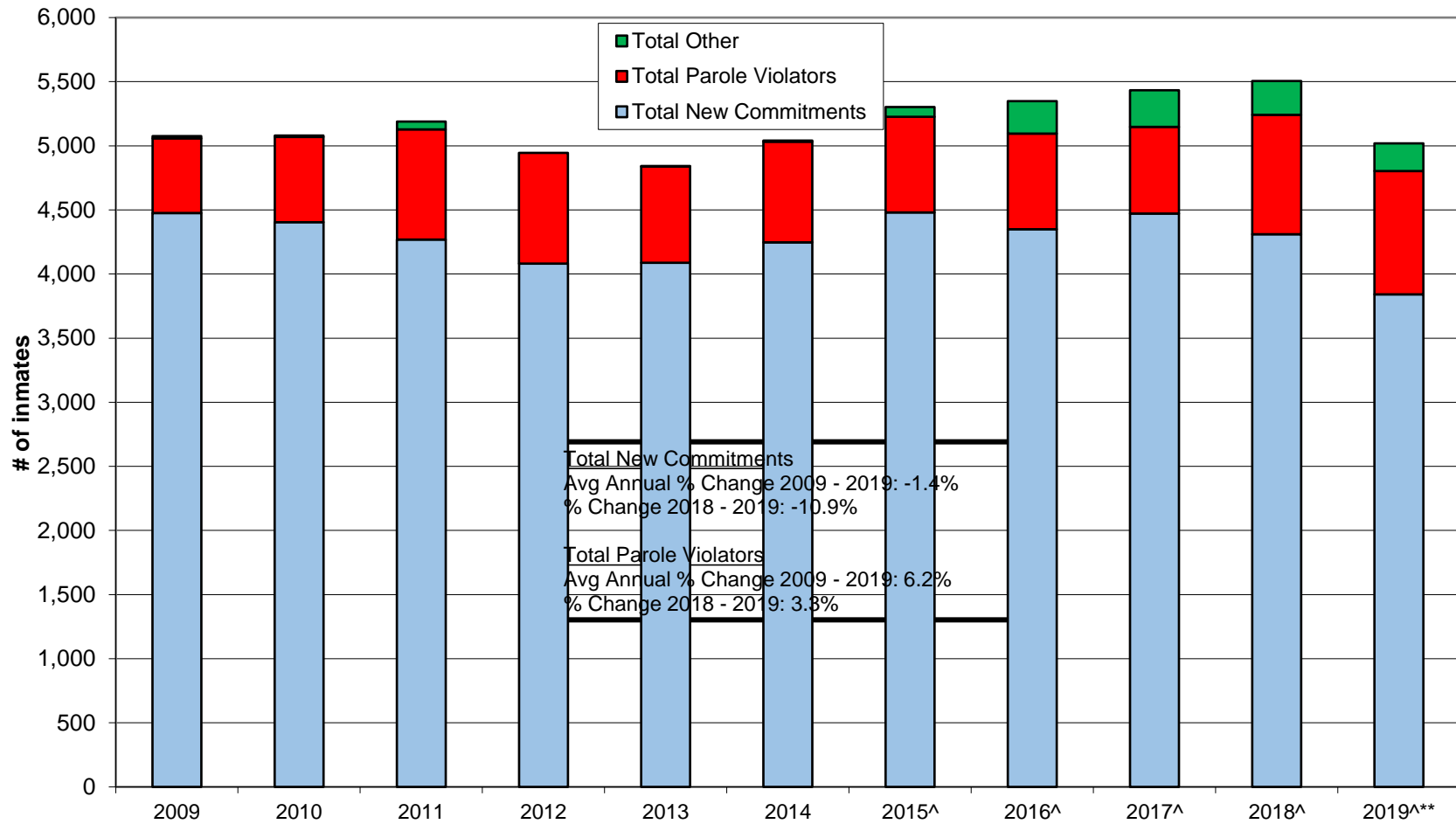
**FIGURE 3: Accuracy of JFA's February 2019 Forecast**  
**Total Male Inmate Population: January 2019 through January 2020**



**FIGURE 4: Accuracy of JFA's February 2019 Forecast**  
**Total Female Inmate Population: January 2019 through January 2020**

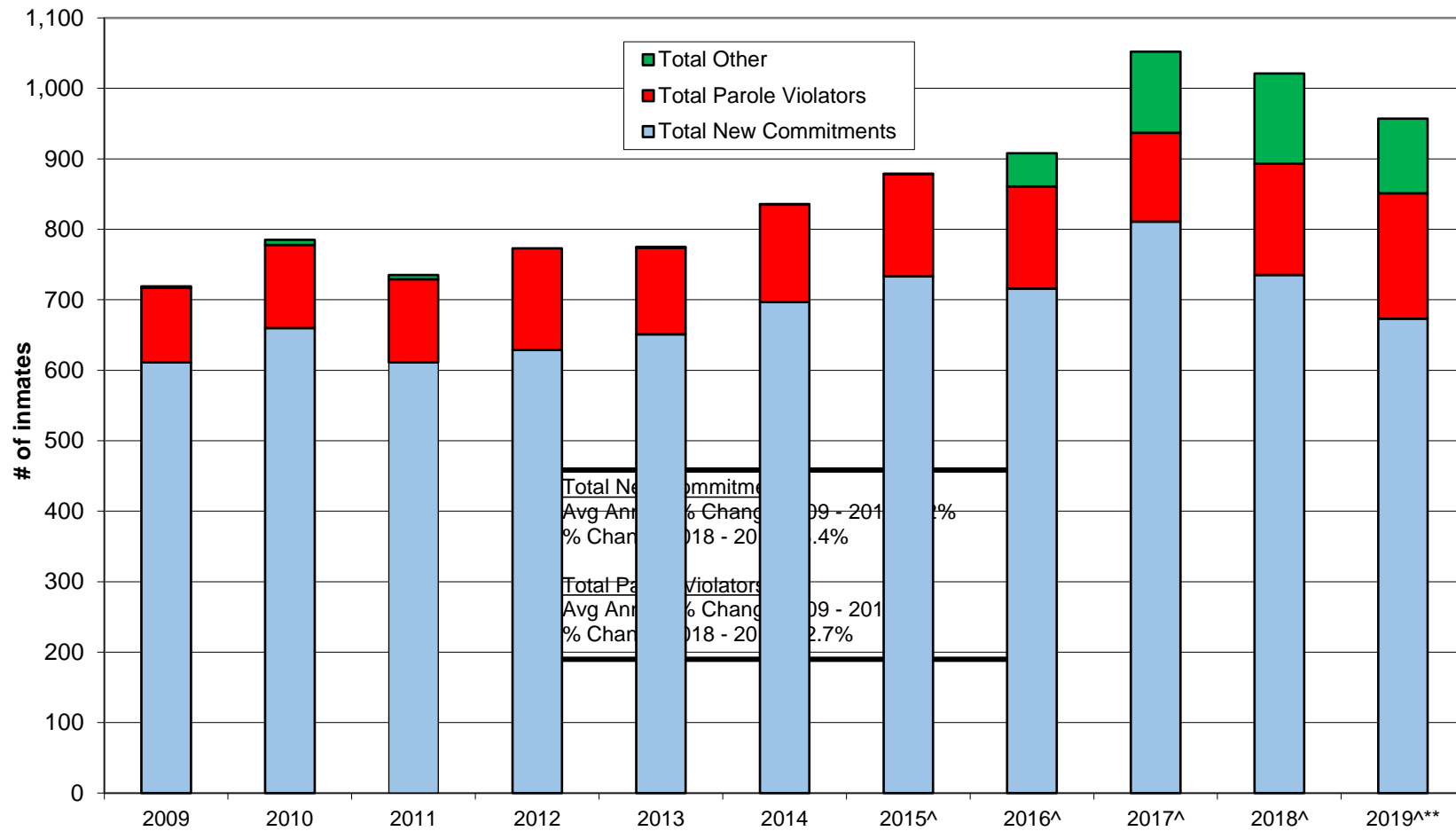


**FIGURE 5: Historical Male Admissions to Prison  
2009 - 2019**



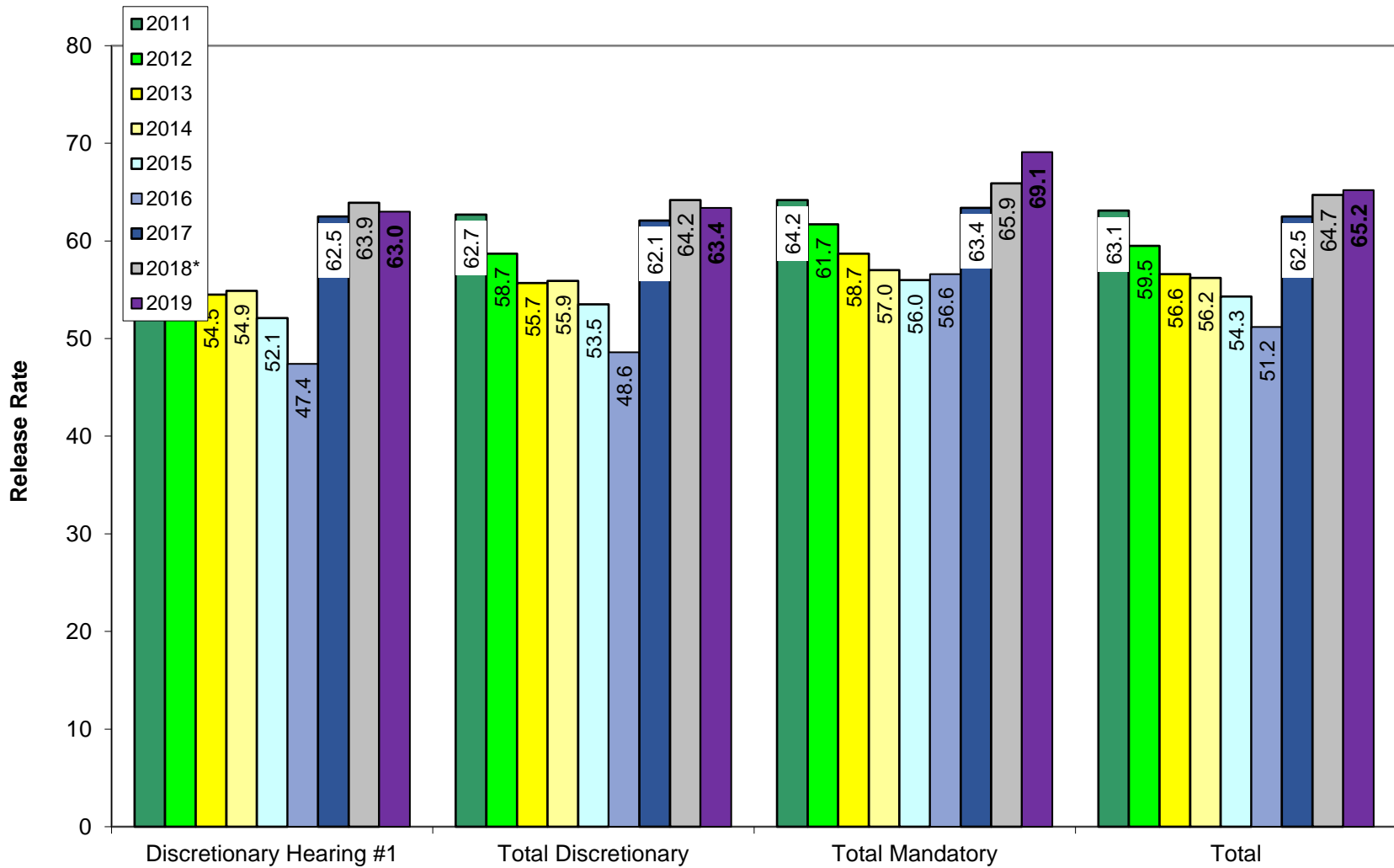
^ Almost all of the "Others" in 2015 - 2019 are Parole Housing Unit admissions.

**FIGURE 6: Historical Female Admissions to Prison  
2009 - 2019**

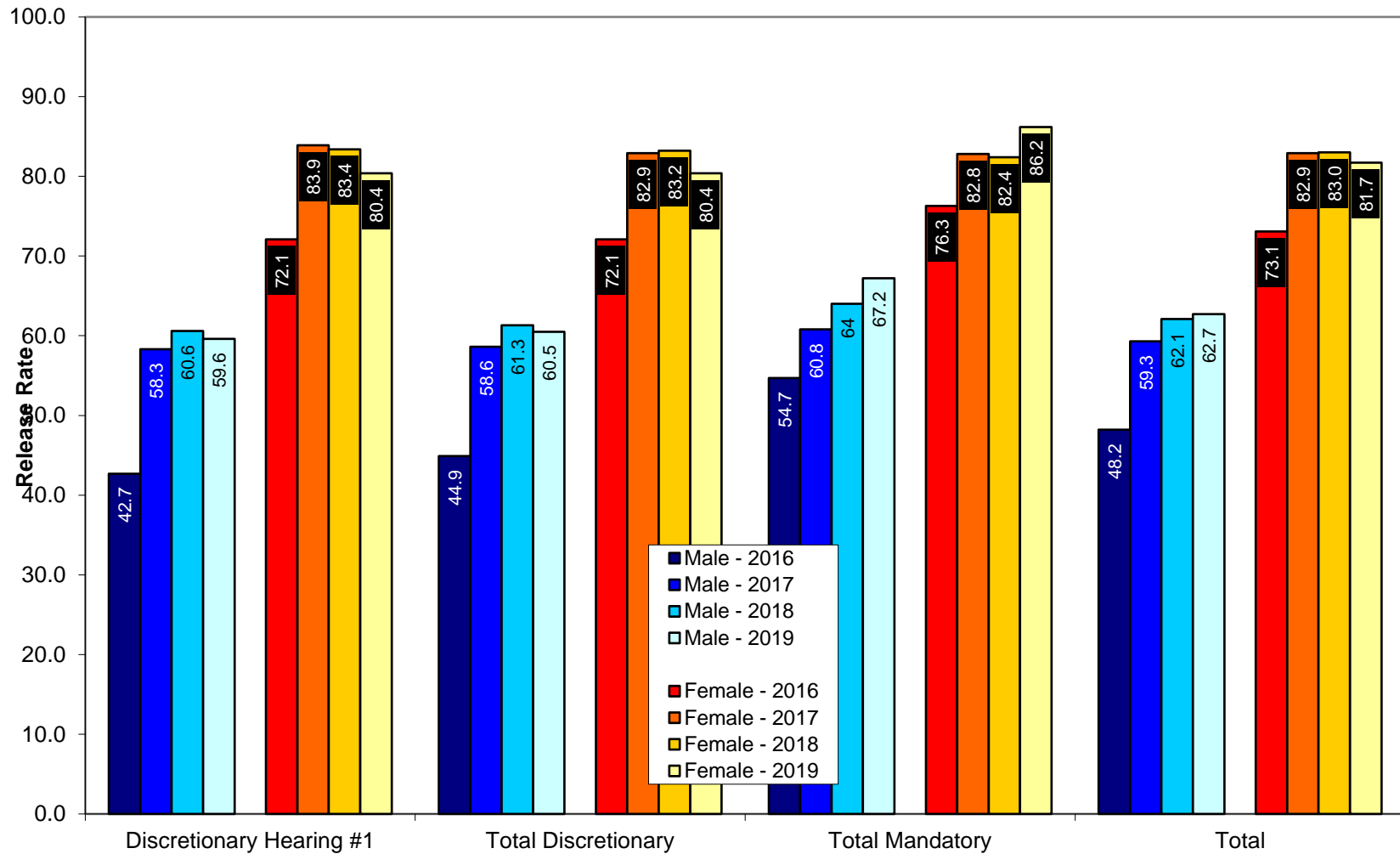


^ Almost all of the "Others" in 2015 - 2019 are Parole Housing Unit admissions.

**FIGURE 7: Parole Release Rates: 2011 to 2019 (Dec '18-Nov '19)\***

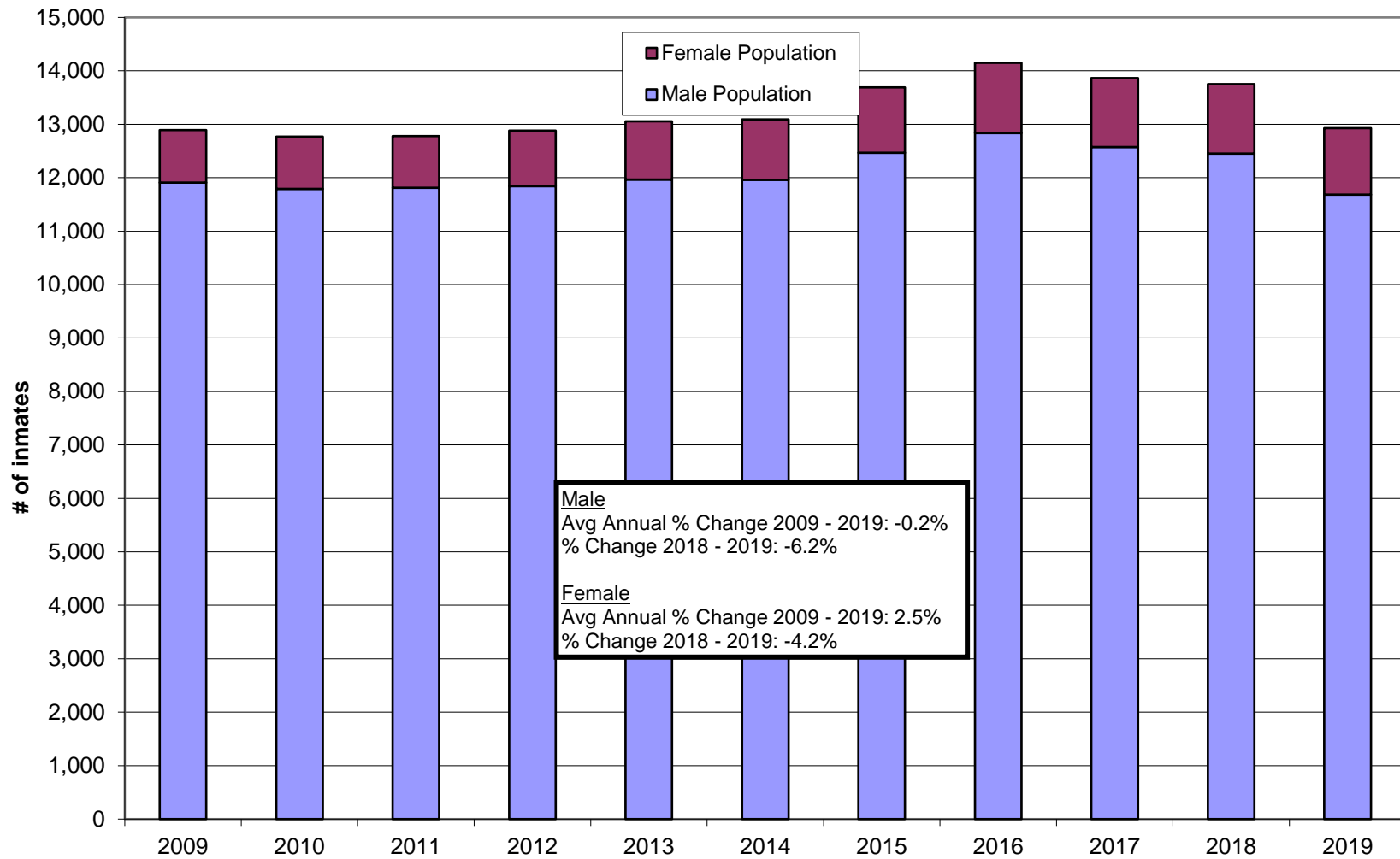


**FIGURE 8: Parole Release Rates by Gender: 2016 to 2019 (Dec '18-Nov '19)**



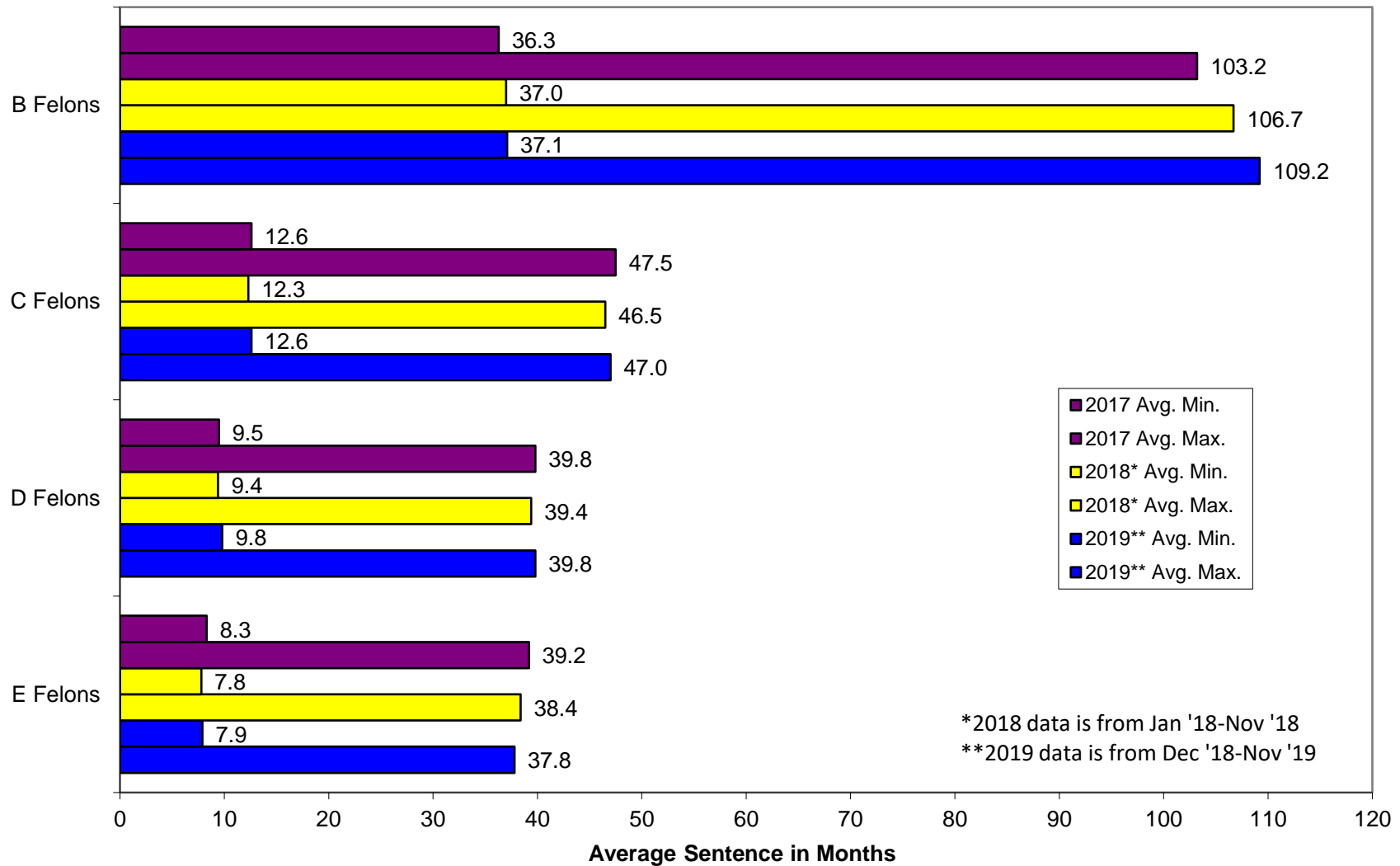


**FIGURE 9: Historical End-of-Year Inmate Population by Gender  
2009 - 2019**

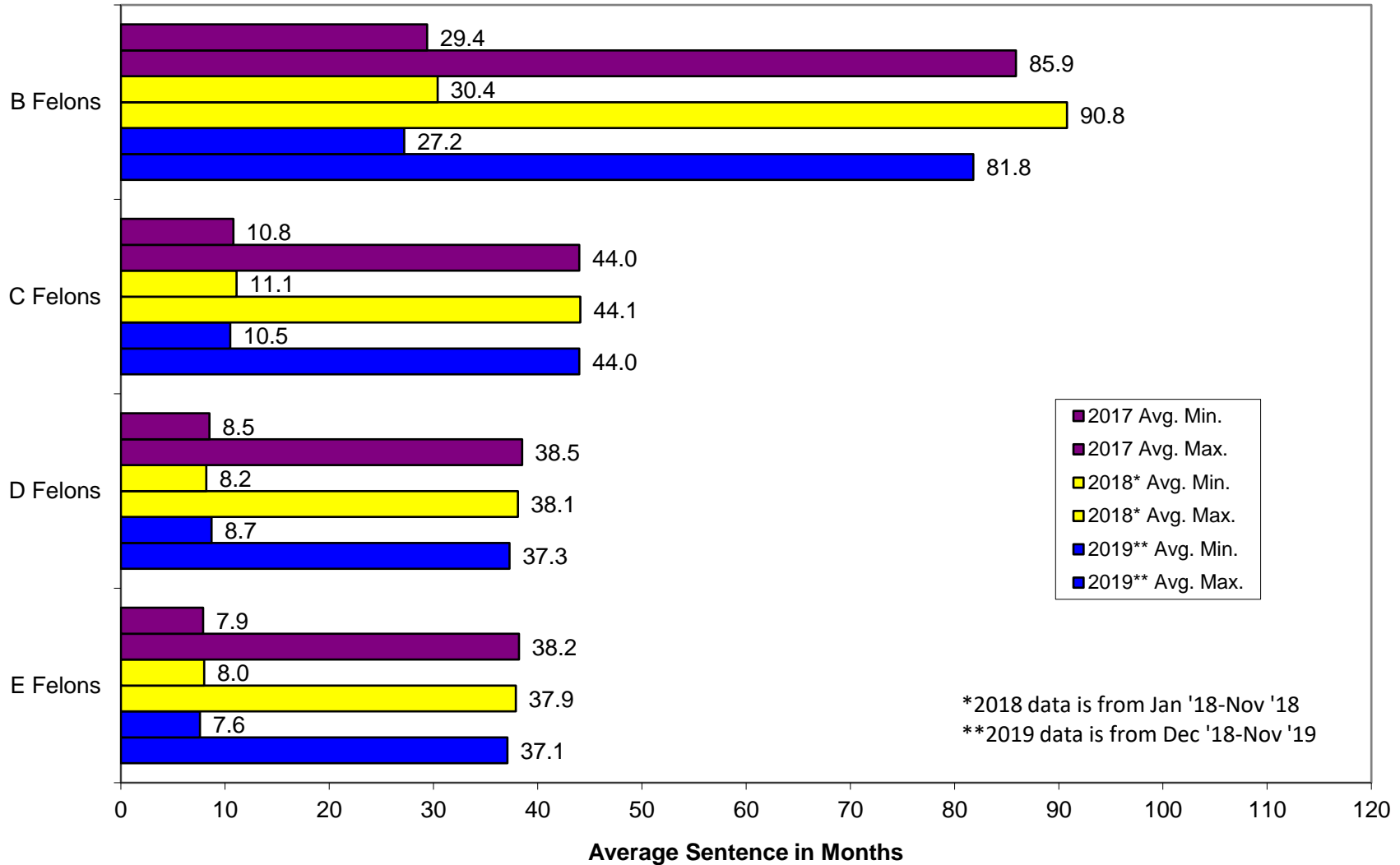


All figures represent end of year counts.

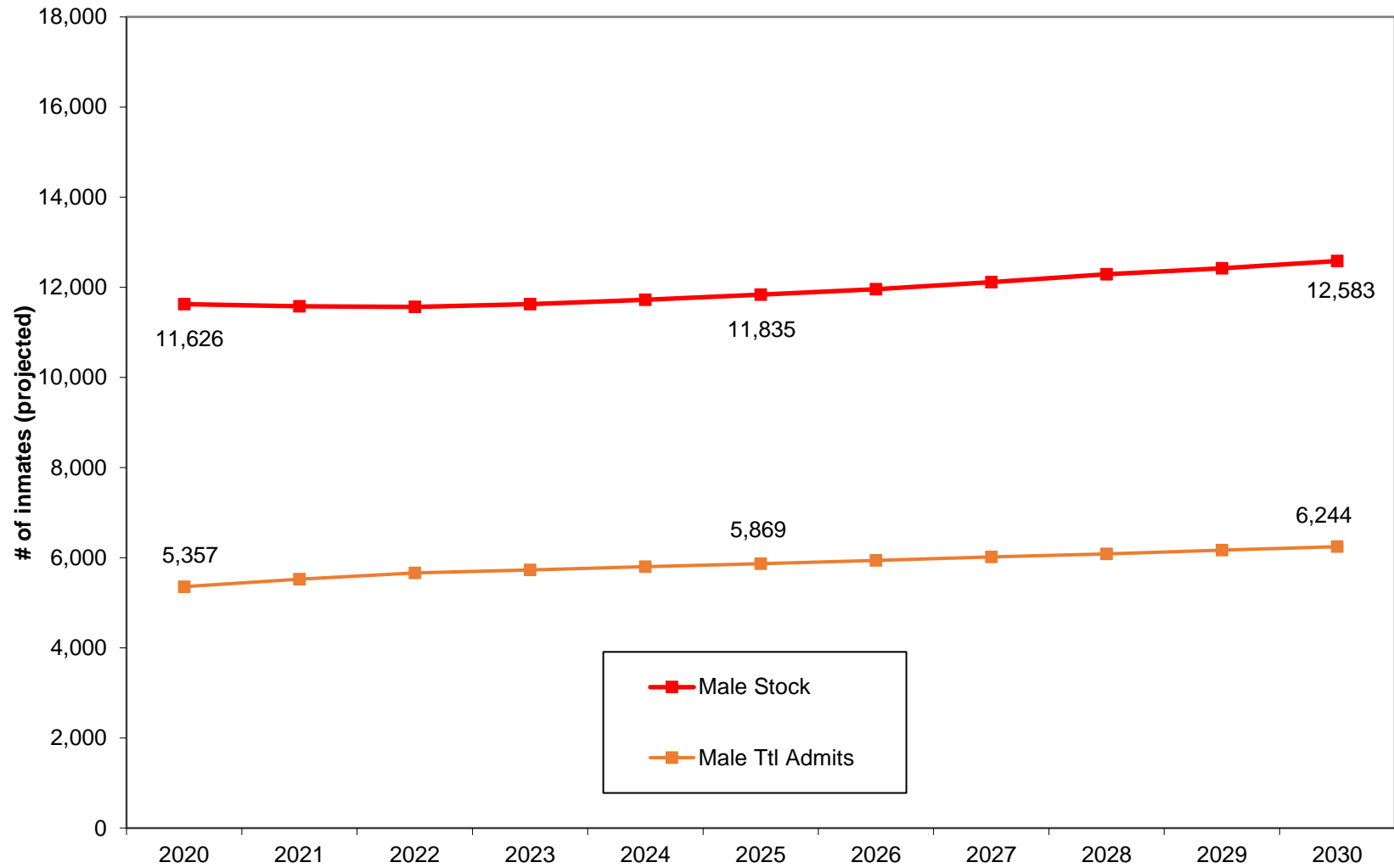
**FIGURE 10: Average Minimum and Maximum Sentences by Felony Category  
Male New Commitment Admissions to Prison: 2017 - 2019 (Dec '18-Nov '19)**



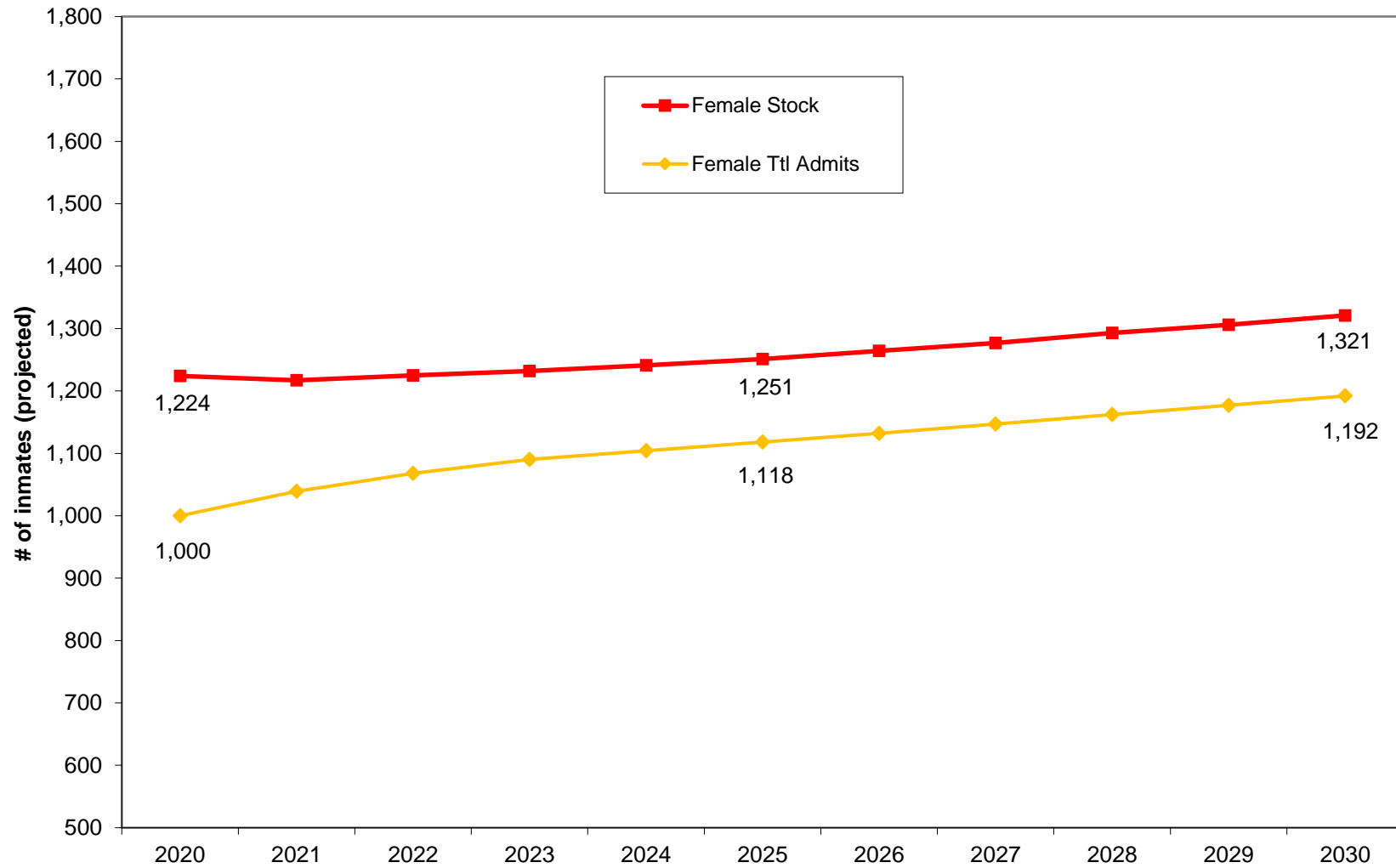
**FIGURE 11: Average Minimum and Maximum Sentences by Felony Category  
Female New Commitment Admissions to Prison: 2017 - 2019 (Dec '18- Nov '19)**



**FIGURE 12: Projected Male Total Admissions and Stock Population  
April 2020 Forecasts**



**FIGURE 13: Projected Female Total Admissions and Stock Population  
April 2020 Forecasts**



### BASELINE MALE FORECAST BY MONTH

Year	January	February	March	April	May	June	July	August	September	October	November	December
<i>Actual 2020</i>	<i>11,630</i>											
<b>2020</b>	11,604	11,596	11,612	11,613	11,613	11,627	11,602	11,622	11,628	11,620	11,615	11,626
<b>2021</b>	11,625	11,621	11,605	11,601	11,592	11,581	11,579	11,583	11,587	11,578	11,575	11,579
<b>2022</b>	11,568	11,565	11,564	11,558	11,560	11,561	11,554	11,555	11,559	11,562	11,567	11,564
<b>2023</b>	11,567	11,569	11,575	11,580	11,583	11,587	11,592	11,586	11,609	11,613	11,618	11,627
<b>2024</b>	11,637	11,634	11,633	11,638	11,675	11,696	11,701	11,712	11,719	11,725	11,733	11,721
<b>2025</b>	11,726	11,739	11,745	11,751	11,759	11,792	11,806	11,814	11,824	11,838	11,841	11,835
<b>2026</b>	11,834	11,842	11,860	11,873	11,880	11,911	11,922	11,932	11,926	11,938	11,945	11,960
<b>2027</b>	11,964	11,982	11,995	12,017	12,029	12,048	12,061	12,075	12,082	12,090	12,103	12,111
<b>2028</b>	12,117	12,125	12,140	12,167	12,184	12,193	12,216	12,243	12,259	12,271	12,283	12,290
<b>2029</b>	12,291	12,298	12,315	12,333	12,349	12,358	12,361	12,374	12,392	12,387	12,415	12,421
<b>2030</b>	12,415	12,426	12,467	12,466	12,478	12,512	12,535	12,542	12,567	12,579	12,580	12,583

### BASELINE FEMALE FORECAST BY MONTH

Year	January	February	March	April	May	June	July	August	September	October	November	December
<i>Actual 2020</i>	<i>1,234</i>											
<b>2020</b>	1,240	1,237	1,235	1,237	1,234	1,228	1,224	1,225	1,226	1,224	1,223	1,224
<b>2021</b>	1,222	1,226	1,221	1,222	1,219	1,221	1,217	1,219	1,221	1,217	1,216	1,217
<b>2022</b>	1,224	1,236	1,231	1,234	1,219	1,218	1,214	1,223	1,224	1,222	1,227	1,225
<b>2023</b>	1,225	1,229	1,239	1,225	1,227	1,230	1,227	1,236	1,236	1,235	1,237	1,232
<b>2024</b>	1,233	1,235	1,243	1,241	1,240	1,237	1,242	1,241	1,238	1,239	1,240	1,241
<b>2025</b>	1,242	1,240	1,242	1,243	1,246	1,247	1,248	1,245	1,247	1,249	1,248	1,251
<b>2026</b>	1,251	1,253	1,249	1,249	1,252	1,253	1,257	1,259	1,261	1,264	1,265	1,264
<b>2027</b>	1,261	1,266	1,265	1,268	1,272	1,275	1,282	1,280	1,276	1,278	1,275	1,277
<b>2028</b>	1,289	1,281	1,279	1,282	1,279	1,282	1,285	1,286	1,288	1,290	1,289	1,293
<b>2029</b>	1,291	1,295	1,294	1,295	1,290	1,287	1,283	1,297	1,298	1,301	1,304	1,306
<b>2030</b>	1,309	1,308	1,302	1,301	1,310	1,315	1,318	1,320	1,322	1,323	1,319	1,321

**BASELINE TOTAL FORECAST BY MONTH**

<b>Year</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>
<i><b>Actual 2020</b></i>	<i><b>12,864</b></i>											
<b>2020</b>	12,844	12,833	12,847	12,850	12,847	12,855	12,826	12,847	12,854	12,844	12,838	12,850
<b>2021</b>	12,847	12,847	12,826	12,823	12,811	12,802	12,796	12,802	12,808	12,795	12,791	12,796
<b>2022</b>	12,792	12,801	12,795	12,792	12,779	12,779	12,768	12,778	12,783	12,784	12,794	12,789
<b>2023</b>	12,792	12,798	12,814	12,805	12,810	12,817	12,819	12,822	12,845	12,848	12,855	12,859
<b>2024</b>	12,870	12,869	12,876	12,879	12,915	12,933	12,943	12,953	12,957	12,964	12,973	12,962
<b>2025</b>	12,968	12,979	12,987	12,994	13,005	13,039	13,054	13,059	13,071	13,087	13,089	13,086
<b>2026</b>	13,085	13,095	13,109	13,122	13,132	13,164	13,179	13,191	13,187	13,202	13,210	13,224
<b>2027</b>	13,225	13,248	13,260	13,285	13,301	13,323	13,343	13,355	13,358	13,368	13,378	13,388
<b>2028</b>	13,406	13,406	13,419	13,449	13,463	13,475	13,501	13,529	13,547	13,561	13,572	13,583
<b>2029</b>	13,582	13,593	13,609	13,628	13,639	13,645	13,644	13,671	13,690	13,688	13,719	13,727
<b>2030</b>	13,724	13,734	13,769	13,767	13,788	13,827	13,853	13,862	13,889	13,902	13,899	13,904

**NEVADA DEPARTMENT OF CORRECTIONS**  
**Operating Cost Per Inmate By Institution - ALL Expenditure Categories**  
**FY 20-21 Legislative Approved**

Budget Account	Institution/ Facility	Legislative Approved SFY 20				Legislative Approved SFY 21			
		Population	Budget	Per Yr	Per Day	Population	Budget	Per Yr	Per Day
3706	Medical *	13,306	\$50,435,021	\$3,790	\$10.38	13,424	\$51,614,989	\$3,845	\$10.53
3710	Administration	13,306	\$32,708,923	\$2,458	\$6.73	13,424	\$33,414,543	\$2,489	\$6.82
3711	Corr Programs	13,306	\$9,266,573	\$696	\$1.91	13,424	\$9,439,230	\$703	\$1.93
Sub-Total			\$92,410,517	\$6,945	\$19.02		\$94,468,762	\$7,037	\$19.28
3715	SNCC **	-	\$233,829	\$0	\$0.00	-	\$230,715	\$0	\$0.00
3716	WSCC	608	\$12,330,513	\$20,280	\$55.56	614	\$12,597,049	\$20,516	\$56.21
3717	NNCC *	1,327	\$30,928,812	\$23,307	\$63.86	1,324	\$31,603,658	\$23,870	\$65.40
3718	NSP ***	-	\$75,525	\$0	\$0.00	-	\$73,709	\$0	\$0.00
3722	SCC	330	\$1,978,340	\$5,995	\$16.42	334	\$2,023,641	\$6,059	\$16.60
3723	PCC	186	\$1,921,347	\$10,330	\$28.30	182	\$1,964,681	\$10,795	\$29.58
3724	NNTH	103	\$1,332,179	\$12,934	\$35.44	104	\$1,354,673	\$13,026	\$35.69
R&B Monthly Rate Cap				\$1,077.81	\$2.95			\$1,085.48	\$2.97
3725	TLVCC	352	\$3,046,738	\$8,656	\$23.71	356	\$3,140,657	\$8,822	\$24.17
3738	SDCC	2,072	\$27,760,934	\$13,398	\$36.71	2,086	\$28,668,925	\$13,743	\$37.65
3739	WCC	133	\$1,468,181	\$11,039	\$30.24	134	\$1,511,566	\$11,280	\$30.91
3741	HCC	138	\$1,520,933	\$11,021	\$30.20	139	\$1,562,288	\$11,239	\$30.79
3747	ECC	132	\$1,518,301	\$11,502	\$31.51	134	\$1,556,704	\$11,617	\$31.83
3748	JCC	174	\$1,776,090	\$10,207	\$27.97	177	\$1,832,119	\$10,351	\$28.36
3749	SSCC **	-	\$4,511	\$0	\$0.00	-	\$4,471	\$0	\$0.00
3751	ESP	966	\$30,122,414	\$31,183	\$85.43	1,020	\$31,098,733	\$30,489	\$83.53
3752	CCC	138	\$1,424,480	\$10,322	\$28.28	139	\$1,465,292	\$10,542	\$28.88
3754	TCC	139	\$1,479,132	\$10,641	\$29.15	141	\$1,530,292	\$10,853	\$29.73
3759	LCC	1,692	\$27,447,849	\$16,222	\$44.44	1,707	\$28,176,277	\$16,506	\$45.22
3760	CGTH	348	\$4,804,277	\$13,805	\$37.82	352	\$4,900,001	\$13,920	\$38.14
R&B Monthly Rate Cap				\$1,150.45	\$3.15			\$1,160.04	\$3.18
3761	FMWCC	1,025	\$17,947,289	\$17,510	\$47.97	1,038	\$18,584,116	\$17,904	\$49.05
3762	HDSP	3,443	\$56,863,274	\$16,516	\$45.25	3,443	\$58,810,538	\$17,081	\$46.80
Sub-Total		13,306	\$225,984,948	\$16,984	\$46.53	13,424	\$232,690,105	\$17,334	\$47.49
<b>Totals</b>		13,306	\$318,395,465	\$23,929	\$65.55	13,424	\$327,158,867	\$24,371	\$66.77

**Cost Per Inmate By Institution/Facility TYPE - w/o Medical , Administration & Programs.**

Type	Legislative Approved SFY 20				Legislative Approved SFY 21			
	Population	Budget	Per Yr	Per Day	Population	Budget	Per Yr	Per Day
Institutions	11,133	\$203,710,439	\$18,298	\$50.13	11,232	\$209,843,720	\$18,683	\$51.19
Remote Camps	866	\$9,336,885	\$10,782	\$29.54	869	\$9,595,294	\$11,042	\$30.25
Non-Remote Camps	856	\$6,801,168	\$7,945	\$21.77	867	\$6,996,417	\$8,070	\$22.11
Transitional Housing	451	\$6,136,456	\$13,606	\$37.28	456	\$6,254,674	\$13,716	\$37.58
	13,306	\$225,984,948	\$16,984	\$46.53	13,424	\$232,690,105	\$17,334	\$47.49

Notes:

\*Includes Regional Medical Facility

\*\*Closed July 2008 with minimal maintenance needs.

\*\*\*Closed April 2012 and decommissioned May 2012.



## Subaward Funding Update

June 24, 2020

# Funds Requested

Agency	Purpose	Amount Requested
Nevada Department of Corrections	Quality Assurance Specialist Position and Program Officer Position	\$231,825.00
Nevada Division of Parole and Probation	Training Consultant	\$36,000.00
	Assessment Tracking Enhancements	\$730.88*
Commission on Peace Officer Standards and Training	Training Specialist Position	\$29,945.00
<b>Total:</b>		<b>\$298,500.88</b>

# Remaining Funds

Funds Allocated to Nevada	\$428,000.00
Total Requests from Agencies Approved by the Sentencing Commission	\$298,500.88*
<b>Remaining Funds</b>	<b>\$129,499.12</b>