



SENTENCING
POLICY

State of Nevada

DIRECTOR'S REPORT: MAY 2021

Nevada Sentencing Commission Meeting
May 21, 2021



ADMINISTRATIVE AND BUDGET CORE FUNCTIONS

ADMINISTRATIVE CORE FUNCTION

The infrastructure is fully established, and the Department is functioning efficiently on a day-to-day basis.

We recently hired a new staff member, and we are now fully staffed. Each staff member has been assigned an area of expertise.

- Laura Arnold: Research Specialist
- Rhonda Buckley: Administrative Specialist
- Monica Chiazza: Data Specialist

BUDGET CORE FUNCTION

The Department was budgeted \$438,988 for fiscal year 2021 less the required reductions resulting from the Covid-19 pandemic.

We are currently on track to revert some funds in our travel and salary categories. These reversions are due to:

- Impacts from the restrictions from the Covid-19 pandemic which limited the ability to travel
- Normal salary savings due to vacancies



COMMISSION CORE FUNCTION

VACANCY AND NEWLY APPOINTED MEMBER

Since the last meeting of the Commission, Holly Welborn from the ACLU was appointed to the Commission.

The Commission has one legislative vacancy that will most likely remain vacant until the end of the current meeting cycle.

MEETING CYCLE AND FORTHCOMING APPOINTMENTS

The meeting cycle of the Commission runs from August 1, 2019, through July 31, 2021. Members serve two-year appointments which means the appointments of the current members of the Commission will end July 31, 2021.

Staff will solicit the appointing authorities at the beginning of July for appointments for the next meeting cycle that will begin August 1, 2021.

OPEN MEETING LAW UPDATE

On June 1, 2021, the requirements of the Open Meeting Law (OML) that were suspended in response to the Covid-19 pandemic will no longer be suspended.

Assembly Bill No. 253 of the 2021 Legislative Session, if passed, will make changes to the OML including codifying certain changes to the OML that were implemented during the pandemic.



AB 236 CORE FUNCTION

NLJRCC – COORDINATING COUNCIL

- See the NDSP website for an updated list of appointments to the Coordinating Council
- Five more appointments needed from four counties
- Chair of the Council will be appointed at the September meeting of the Sentencing Commission
- First meeting of the Coordinating Council in September

TECHNICAL VIOLATIONS/GRADUATED SANCTIONS/TEMPORARY REVOCATIONS

We have begun a project to identify practical and fiscal impacts of implementing these provisions of AB 236. The preliminary information we have is specific to parole. We will be reaching out to all agencies impacted by the

implementation of these provisions of AB 236. We will also gather information as it relates to probation.

We will present our findings, including data, at future meetings of the Nevada Sentencing Commission.

SAVINGS AND REINVESTMENT AND PRISON POPULATION UPDATE

- Track admissions and releases
- Data by institution
- Governor’s Recommended Budget includes funding of certain programs that could be classified as reinvestment



REPORTS AND DATA CORE FUNCTIONS

CRIMINAL JUSTICE DATA HUB AND DATA STORAGE

To assist the Department and the Commission in fulfilling mandates related to criminal justice data, we are working on building a criminal justice data hub.

We will take data that has been submitted to the Department and data that is publicly available and establish a data storage of this information. This data storage may evolve into a database and even a dashboard as staffing and technological resources permit.

We will identify key metrics, sources for those metrics and provide that information in the hub. The hub will also include information about where gaps of data have been identified.

This information will be available on our website and key findings and visualizations will be published by NDSP in a data digest.

The data storage, data digest, and future database and dashboard will assist the Commission in making recommendations and provide important information to the public regarding the criminal justice data that is available and where to find it.

SUPPLEMENT TO THE AB 236 REPORT

We met with agencies and stakeholders to follow-up on the questions and issues discussed at the February 19, 2021, meeting. We then reviewed and analyzed the data and prepared the supplement.

CJI COVID-19 PROJECT

The Department is assisting and collaborating with the Crime and Justice Institute on a new project. This new project studies the impact of the pandemic on Nevada's Criminal Justice System.



LEGISLATIVE CORE FUNCTION

LEGISLATIVE TRACKING

The Department has been tracking legislation relevant to the duties of the Department and the Commission. We then organized the tracked bills into categories and provided regular updates to the Commission during the legislative session. A full legislative update will be provided at the next meeting of the Commission.

LEGISLATIVE ACTIVITIES

Tracking legislative activities resulted in submitting amendments to ensure that the Commission and Department received certain reports. These reports include criminal justice data that are relevant to the duties of the Commission and our Department.

COST SAVINGS ANALYSIS OF AB 125 AND AB 241

At one point during the legislative session the Department was asked if we could identify any cost savings that might result from the enactment of Assembly Bill No. 125. We took this project on and engaged and collaborated with all the agencies that would be impacted by the enactment of the legislation. We conducted a similar analysis for Assembly Bill No. 241.

We are learning more about how to evaluate and analyze the costs and practical impacts of enacting certain policies and legislation as they relate to the prison population. We look forward to improving our methodology for evaluating cost savings and providing such information to this Commission, our stakeholders, the legislators and the public.



OUTREACH CORE FUNCTION

The NDSP has received a total of **41** communications since the Director's Report at the February 19, 2021, meeting.

TYPE OF COMMUNICATION

- LETTERS: 23
- PHONE CALLS: 13
- EMAILS: 5

MOST COMMON SUBJECTS MENTIONED

- AB 236: 16
- Individual Request: 4
- Disparities in Sentencing: 3

REQUEST TO BE INCLUDED AS PUBLIC COMMENT AT NEXT COMMISSION MEETING: 17

FACILITY LOCATION OF INMATE (IF APPLICABLE)

- Northern Nevada: 10
- High Desert: 7
- Florence McClure: 5
- Pioche Camp: 3
- Ely: 3
- Lovelock: 1
- Warm Springs: 1
- Humboldt Conservation Camp: 1
- Saguaro: 1

LAS VEGAS TRIP

- Meetings with NDOC staff
- Visited Ely
- Visited Florence McClure



CASE LAW TRACKING

2021 Nevada Advanced Opinions

State v. Fourth Judicial District Court, 137 Nev. ____ (Adv. Op. No. 4) (2/25/2021)

Criminal Charges - A felon in possession of a firearm or firearms commits a single violation of NRS 202.360(1)(b) regardless of the number of firearms in the felon's possession.

Sewall v. Eighth Judicial District Court, 137 Nev. ____ (Adv. Op. No. 9) (3/4/2021)

Pretrial Release – The State's evidence of Defendant's first-degree murder was insufficient to defeat the defendant's right to reasonable bail under the Nevada Constitution because it did not tend to demonstrate that the defendant committed the elements of first-degree murder.

Hildt v. Eighth Judicial District Court, 137 Nev. ____ (Adv. Op. No. 12) (3/25/2021)

Retroactivity jurisprudence (jury trial in qualifying misdemeanor case) – Defendant's misdemeanor conviction for domestic battery was vacated based upon the retroactive application of *Andersen v. Eighth Judicial District Court*, 135 Nev. 321, 448 P.3d 1120 (2019) (defendants charged with a misdemeanor domestic battery offense are entitled to a jury trial) because *Anderson* announced a new constitutional rule of criminal procedure, and it was decided before the conviction became final (in this case, after the district court affirmed the defendant's conviction but before the deadline for the defendant to seek certiorari from the Supreme Court).



COMING SOON!



**CRIMINAL JUSTICE
DATA HUB**



LEGISLATIVE UPDATE



DATA DIGESTS



**2021-2023 SENTENCING
COMMISSION MEETING CYCLE**