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**STATE OF NEVADA
DEPARTMENT OF SENTENCING POLICY**

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NEVADA SENTENCING COMMISSION

MINUTES-APPROVED

Date and Time: February 19, 2021 9 A.M.

Location: VIRTUAL

MEMBERS PRESENT

John Arrascada
Christine Jones Brady
Director Elisa Cafferata
Director Charles Daniels
Chairman Christopher DeRicco
Judge Scott Freeman
Justice James Hardesty – Chair
Chris Hicks
Darin Imlay
Dr. Jennifer Lanterman
Chief Thomas Lawson
Keith Logan
Russell Marsh
John McCormick
Kimberly Mull

MEMBERS EXCUSED

Jon Ponder
Judge Michael Villani
Senator Keith Pickard
Assemblywoman Rochelle Nguyen
Dr. Elizabeth Neighbors
Senator Nicole Cannizzaro
Chuck Callaway - Vice Chair

STAFF

Executive Director Victoria Gonzalez
Laura Arnold, Attorney, Department of
Sentencing Policy
Rhonda Buckley, Administrative Assistant,
Department of Sentencing Policy

1. Call to Order / Roll Call
[Meeting called to order at 9:04 a.m.]

Chair James Hardesty: Good morning everyone. I'd like to welcome everyone to the February 19th, 2021 meeting of the Nevada Sentencing Commission. I know some may ask why are we conducting a meeting during the legislative session. As you know, we're operating under statutory guidelines that require our meetings to be conducted throughout the year. I appreciate everybody's accommodation and your willingness to be available today for the meeting. As usual, we have a pretty robust agenda. I'd like to remind everybody to mute your device while you're not talking, and unmute, when you intend to speak during the meeting. State your name each time before you speak. Not only does this assist us in identifying the speaker, it also helps when staff is transcribing the minutes.

I will now ask Ms. Gonzalez to call the roll.

Executive Director Victoria Gonzalez: Thank you, Chair.

(ROLL CALL IS CONDUCTED BY MS. GONZALEZ; QUORUM IS MET.)

2. Public Comment

Chair Hardesty: I will now open the first period of public comment. There are two periods of public comment; one will be now, of course. The other will be at the end of the meeting. Members of the public have two options for submitting public comment. First, members of the public may do so in writing by emailing the Department of Sentencing Policy, at SentencingPolicy@ndsp.nv.gov. Public comment received in writing will be provided to the Commission and included by reference in the minutes of the meeting. I believe Rhonda has done that before today's meeting.

Members of the public who wish to testify may do so by telephone. Due to time constraints, public comment will be limited to two (2) minutes. To any member of the public who exceeds the two-minute limit, you may submit comments in writing to the Department of Sentencing Policy.

Chair Hardesty: Rhonda, if you'd like to open up the lines we can proceed.

Rhonda Buckley: Thank you, Chair Hardesty. Members of the public who would like to testify by phone, press star nine to raise your hand. When it is your turn to speak, please slowly state and spell your first and last name for the record.

Caller ID: '606' - My name is Amber Cannon. Good morning, I am a member of Return Strong and have a loved one incarcerated in Nevada Department of Corrections. Director Daniels had made statements during the December 9th, 2020 Sentencing Commission that were not forthcoming and lacking important information. Director Daniels stated that he has an obligation to keep people confined until they are appropriately designated the right to go home, which is fair and true. Unfortunately, that has not been happening. We have been tracking the parole action reports every month in January and there were close to 150 people who had either expired their sentence and were not released, as in the case of Connie Arnold, who was kept past her expiration and contracted COVID. Or they were granted parole, in the case of Robert Bowman. He was granted that right to go home and granted parole in the spring of 2020 but passed away from COVID in December 2020, while waiting to be released on a non-violent offense. He was serving a 1-3-year sentence for a DUI and the state allowed that to turn into a

death sentence.

I want to actually address the Commission for a moment to say, Nevada has an issue with sentencing. We over incarcerate and criminalize behavior that needs treatment, not prison and that is something that needs to be fixed.

There are others who have had their release dates pushed back due to lack of programming. These individuals are also at risk of succumbing to the torrent of COVID. The goal is to rehabilitate and release those who have proven they are able to be successful members in the community. Instead, their family members are planning funerals. The director may not have control of the fact that there is a global pandemic, but he does have control of “the truth” and consequently the poor response of the state as a whole. We are begging for accountability and communication and transparency from NDOC.

Caller ID: ‘826’ Good morning, my name is Ayanna Simmons. I am here to express my concern over information given by NDOC at the December 9th Sentencing Commission meeting. During the question period, Dr. Minev was asked about the elderly population at NDOC and it seemed his question would have brought up the question of compassionate release. Nevada has a very high percentage of people incarcerated that fit into this definition of vulnerable inmates.

In addition to the elderly, we also are concerned about people who are sitting in medical solitary confinement with terminal illnesses. NDOC has a policy for compassionate release according to the Conservative Justice Reform Project. However, data shows the populations that are elderly defined as 55 and over, have an extremely low rate of recidivism. Approximately 3.5 percent, rather than 41 percent, from the general population. In addition, they are twice as costly to incarcerate and honestly, Nevada needs to look at their sentencing structure and how the impacts are aging prison population. That isn’t the director’s job, but it is the job of the Commission.

Nevada has a disproportionately elder population due specifically to the way enhancement and habitual criminal laws. Many of our elderly inmates have been in prison for 20 and 30 years or more. While that isn’t the Director’s fault, he and Dr. Minev are responsible for not addressing the option of compassionate release for terminally ill, disabled and elderly inmates. They have the obligation to at least shape the process and it is not happening. Please review the information submitted in writing regarding two of our members, Terry Clark and Ryan O’Neill, who were recently highlighted in the article of the Nevada Current.

It’s time to stop talking and do something to fix this broken system. Before more lives are lost, we need to stop lying to ourselves. We are not doing well at handling this pandemic. We have a moral obligation. We’re Nevada strong, battle born, and we’re in a position that everyone that’s a leader, that’s in leadership, should have some compassion and concern about their fellow brother. And with that, I close. Thank you.

Caller ID: ‘151’ Denise Bolanos. Good morning, my name is Denise Bolanos and I am a member of Return Strong. Thank you to the Commission for offering the opportunity to provide public comment. Without these public spaces I don’t believe we would have any kind of voice on matters brought up at these meetings. Matters that directly concern and affect us.

Director Daniels mentioned at the previous Sentencing Commission meeting in December that groups such as ours have other avenues to be able to be heard by him and that our voices matter, and they are heard. So far, that hasn't been the case. However, that's unfortunate because the concerns of NDOC and the ones of the families of the incarcerated, at the end of the day are one in the same. I want my husband to be healthy and safe and thriving in this environment for as long as he is there as much as I am sure Director Daniels wants his staff to be safe and healthy and thriving. One cannot exist with the other. And yet, that can't happen in an environment where there is constant injustice, negligence and miscommunication. For example, we all lose when the Department is short-staffed or understaffed in any facility because it leads to our loved ones paying for that in the way of lockdowns that the officers need to implement as a result and it makes the officers' jobs harder as well. We both lose in this example.

Alternatively, we can also both benefit in certain situations. Incarcerated people being mentally, emotionally and physically healthy and strengthening ties with families matters just as much as officers not having to work as long and hard to fill in those gaps, so that they can have the work-life balance improves so they are also able to nurture family bonds. Every one of us benefits from a less stressful and hectic working and living environment within NDOC. Give families a chance to work with you through communication and collaboration because when it comes down to it, our interests are one in the same. Thank you.

Caller ID: '209' Ashley White. Good morning, my name is Ashley White, and I am a member of Return Strong and have a loved one incarcerated at NDOC. I am here to respond to statements made by Director Daniels at the December 9, 2020 Sentencing Commission meeting that conflict with my loved one's experience and what we have heard from incarcerated people across the state.

Director Daniels has stated that each inmate has been issued two masks, but my fiancée has only received one and has told me that some of the other inmates haven't received any. It is widely reported that they have never received new masks since the first ones were issued. In addition, most reports state that during the midst of the massive outbreaks, COs were not wearing masks correctly and many were wearing gators. When incarcerated people would ask staff to mask up, they were often retaliated against or mocked and told that, "I'm going home tonight. I don't care if you get sick."

He told about Prison Industries making hand sanitizer that isn't available to inmates because of the urban legend about people drinking it. There may have been some, but there is a disciplinary process to process that doesn't require implementing group discipline that puts the other 9,000 people at risk, especially when soap and hot water are a limited resource. This could have easily been solved by putting portable hand sanitizer stations on the tier and near the phones, but it was all or nothing.

Also, it was stated that testing would be done weekly, but he hasn't been tested in over a month. They did give him N95 masks, but they were not fitted, and without proper fit they're useless. We believe my fiancée, who is high risk, has caught COVID twice. We can't confirm that because he was never tested. I am deeply concerned to hear the Director stand in front of us and tell a story that does not reflect the experience of my loved one personally, or the experience of the hundreds of incarcerated people that have reached out to us throughout the pandemic.

I remember one letter from a person at Warm Springs or Northern Nevada, and they said they were so

sick they were turning blue, medical would not even come to give them relief medication. He believed he was dying that night. The letter told of how he wrote goodbye letters for his family and gave them to someone to mail and then wrote to us. He made it, but however, is that the best we can do. Director Daniels, I am concerned that maybe you are deeply out of touch with what has happened inside the walls to people you are supposed to be providing care for during their incarceration. We have to do better and we have to start with the truth.

Caller ID: '499' Jodi Hocking. Hello. I am a founder of Return Strong, Families United for Justice for the Incarcerated and I have loved one at Southern Desert. I'm here to respond, as others, to statements made by Director Daniels at the December 9 Sentencing Commission meeting. The Director stated they have implemented an "all hands on deck" call to action during this health crisis. And while he gives most respect to corrections officers who made the necessary sacrifices to work during the pandemic, it again only tells part of the story. Kind of like a PR, or public relations version. What the plan was, how it was on paper and what was going to be facilitated, but not the reality that occurred. I believe that only two things can be true at the same time. That that was the plan and those were the things that were supposed to be implemented, but we also have to acknowledge and not pretend that that's not what happened.

First of all, the staffing shortages at Warm Springs, High Desert and NNCC resulted in serious issues maintaining provisions for basic human needs like food. We received wide-spread complaints about the amount of food that was provided and that it didn't meet or even come close to meeting daily nutritional needs. We have reports from facilities that have no way of communicating with each other that talked about receiving two packets of peanut butter and three crackers and a carrot, or a bag lunch that contained two slices of balogna and a pack of mayonnaise. All hands on deck needed to have been prepared for shortages of staff for when people began to get sick. Instead, it had people who were positive bouncing from facility to facility working overtime, spreading COVID as they went.

All hands on deck would have been prepared for the shortages in medical staff that would be required to humanely care for people if and when the virus hit.

Unfortunately, that didn't happen either. They were pulling each other's teeth, giving each other CPR, checking for respirations while COs and medical staff ignored calls for help and told them that the only way they were getting help was if they were dying. And even then they might not get it was because there was only one ventilator at Warm Springs. I won't say there weren't COs that tried to help or get care, but unfortunately the ones that didn't, seemed to be the overwhelming consistent story.

Caller ID: '099' Valerie O'Neill. Good morning. My son is incarcerated at Southern Desert Correctional Center. I am a member of Return Strong and I am here to respond to statements made by Director Daniels at the December 9th Sentencing Commission meeting and hope to actually understand where his information is coming from. I have been following the policy changes and watching the difference between what is said and what is done closely throughout the pandemic.

My son is seriously ill and has an autoimmune disorder that makes him very susceptible to bad outcomes if he contracts COVID. As a matter of fact, we have been trying to apply for his compassionate release with no success or even response. He was just in the hospital a few weeks ago, which resulted in a \$110,000 medical bill that we will owe since he is incarcerated. Since his return

to prison, he still isn't getting the ordered medication and care, yet Director Daniels repeatedly states he treats each person as vulnerable. How is that possible when he doesn't treat the vulnerable as vulnerable.

Director Daniels stated in the last meeting that the inmates were being tested once a week for COVID-19, but that is just not true. My son has not been tested one time during the pandemic. Not at High Desert. Not before he went to the hospital. Not when he returned from the hospital and not since he has been at Southern Desert. And he is very vulnerable. He isn't alone. We have many hundreds of letters stating that since the beginning of the pandemic lockdown in March through the time of the meeting, that they were only tested once or twice, and at a maximum of four to five times. The Director's claim of weekly scheduled testing is untrue and reckless to make the public think that the department was testing inmates at regular intervals and ensuring a safe atmosphere.

Now that there has been widespread outbreaks at the prisons, the goal is to work towards vaccination at the facilities and the department needs to be transparent about the path forward in regard to that goal as they have not been honest or transparent about the testing of the inmates. Again, if they were your loved ones wouldn't you be calling for full transparency and accountability? Thank you.

Caller ID: '271' Tami Irvine. I am also with Return Strong and I am here to also respond to the statement made by Director Daniels at the December 9th Sentencing Commission meeting. It was concerning because he did not appear to be completely forthcoming. He stated that the NDOC was implementing what he called a firewall strategy, which also includes limiting movement in and out of the prison as well as limiting movement within the prison to reduce the number of outbreaks of COVID-19. Under the guise of protecting the inmates as well as the staff, but the firewall strategy outlined being used in a manner that only serves to keep inmates locked in their cells for days at a time. Or quote, safety reasons.

It sounds great, but what happens during implementation has been different. At High Desert and Southern Desert, inmates who work in Prison Industries go to work together. There can be up to 150-plus people working in close proximity, all workers socially unable to distance. Again, all workers walk together, spend the day together, and return back to the unit together. Yet, once they are in their unit, they are sequestered in their cells and kept from showering and have restrictions on their phone, all while sending them to work.

It seems the firewall strategy is not a safety measure, but more of a selective one based on what the department deems appropriate for the safety of their staff, while still making the profit and ignoring the humanity of the inmates. The Director failed to mention any of this in his statement of the praise of how NDOC has implemented their self-serving strategy during this health crisis. If the strategy is in fact working and the facility is secure enough to have inmates working, then it is secure enough for basic human needs such as showering, phones, mail and regular access to fresh air with staggered yard times for the inmates.

We are growing tired of the public relations reports and only want to get to the reality. If Director Daniels continues to give these reports, we ask we be given the opportunity to bring hundreds more letters of incarcerated people who have survived the pandemic from inside the NDOC walls. Thank you.

Chair Hardesty: Thank you, Ms. Irvine.

Chair Hardesty: I'd like to thank those who took the time to provide public comment. There is another period of time for public comment if you would like to participate in that period time at the end of the meeting. You are most welcome to do so.

I do want to comment on a couple of things. As the NDOC's efforts evolve in dealing with the pandemic, it is appropriate that the Commission hear more about these issues and how they're being handled. This is something I would address and schedule at the next Commission meeting to get an update on the Department as to what is taking place. I also note that several comments we received today and previously, again remind us about the Compassion Release statute. And I want to mention to those who have called, who expressed concerns about Compassionate Release, just about the statute itself. This Commission, last spring and early summer, when we were discussing with the Department of Corrections issues surrounding Compassionate Release and other concerns about the growing COVID-19 problem, it was clear that the statute is very, very narrow in terms of the Director's authority to be able to deal with Compassionate Releases.

If you have concerns about that topic, I would certainly urge those of you who are with various organizations, that you consider communicating with the legislature those concerns, because it's only the legislature that can address the Compassionate Release statute, not Director Daniels. This Commission did, in its communication with the Governor and the Pardons Board and the legislature, inform them of its concerns about the narrow application about the Compassionate Release statute, last year, when we sent letters to the Governor and the legislature about this topic.

3. Approval of December 9, 2020 Minutes

Chair Hardesty: I'll open Agenda Item three and ask if the members of the Commission have had an opportunity to review the minutes and see if there are any edits, comments or corrections. Do any members of the Commission have any edits, comments or corrections regarding the minutes? Hearing none, I would entertain a motion to adopt the minutes as drafted by our staff.

JOHN MCCORMICK MOVED TO APPROVE THE MINUTES OF THE DECEMBER 9, 2020 MEETING.

MS. CHRISTINE JONES BRADY SECONDED THE MOTION.

SHERIFF KEITH LOGAN ABSTAINED FROM THE VOTE.

MOTION PASSED.

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

Justice Hardesty: Turning to item 4, a report from our Executive Director. As you know, she provides weekly updates to me regarding the activities of the Department. We've become real pen pals. I want to say again, to her publicly, how much I personally appreciate it, and I know the Commission appreciates all the work and dedication that she has put into this effort. I hope some of you were able to watch the budget presentation by our Executive Director at the legislature. Her enthusiasm and her

energy was apparent to the point where the Chair remarked about how impressed he was and I think we're just so fortunate to have this public servant assisting us in this important area. So, thank you, Victoria, and if you'd proceed with your report, we'd appreciate it.

Director Victoria Gonzalez: Thank you very much, Chair. I appreciate that, and as this Commission knows, I appreciate the opportunity to serve for this Commission and am very engaged in the work we are doing. I put together a report, a handout for the Commission to review, which you have in your reading materials. This is a high-level summary of what we have been up to since we last saw you in December. As I have done in the past, I organized my report by the core functions, which guide the activities and advanced the mission of the Department. As you can see, the various activities we all work on keep our agency running and, these are things that still need to be done to stand up the Department, and of course, advance the mission and mandates of the Commission and the Department. For most if not all of the activities, all members of staff are involved. We all wear many hats.

In our Administrative core function, we currently have a vacancy. The administrative assistant four position is currently vacant, and recruitment is in process. The job announcement was posted and we are waiting for HR to generate a list of our eligible candidates for us to interview. We hope to conduct interviews in the next week or two.

Under the Administrative function, we're also on track with our furloughs and make sure we take those each month. In the Budget core function, we manage our budget and process our fiscal activities with the assistance of the Director's Office at the Department of Public Safety. We have some slight overages in our supplies category right now, but we have salary savings that we will use to cover those. I note that we only have salary savings because of the normal delays that arise between recruitment. We do not have these salary savings because we don't need the help.

Another activity I wanted to mention in the Budget function is in regard to the required training that we are completing for our procurement card, or our purchasing card. The card will assist us in making purchases for the Department. The training is for the program we will use to reconcile our bank statements. The statements require different levels of approval, which is why we are all completing the training. The last thing I have noted under the Budget core function is that we have learned how to invoice CJI for the subaward that we were awarded, and we have even received our first check.

Under the Commission core function you can see that we have been transcribing the minutes from the previous meeting and as I have previously reported, we handle this within our Department. We have also been busy preparing for this meeting. Last in this function, I will note that we currently have two vacancies on the Commission. We have a legislative vacancy as Assemblyman John Hambrick is no longer in the Legislature. I have emailed the Director of LCB to request an appointment to fill this vacancy. We also have a vacancy that is typically held by a staff member of the ACLU. Last I heard from the Governor's Office, they are still processing the application and waiver that they received for that appointment.

Under the AB 236 core function, we have ongoing research and discussions related to the data that is required to be submitted to the Department for the Commission. We meet with CJI bi-weekly as they continue to assist in the implementation of AB 236. Most importantly in this core function is the progress

we have made with establishing the Nevada Local Justice Reinvestment Coordinating Council. Laura Arnold, our staff attorney, has taken the lead on this and she will provide a full update in agenda item six.

The activities in our Reports core function have kept us very busy with drafting, revising, and submitting the AB 236 report. As you can see, we will discuss this more in agenda item five.

In the Legislative core function, we were previously busy tracking interim committees. Now that we are in week three of the Legislative session, we are busy tracking BDRs, bills, and committees. We will provide more detail about our legislative activities in agenda item ten.

And finally, the Outreach core function. I have been invited by the Nevada Attorneys for Criminal Justice to give a presentation at their March meeting. The substance of my presentation will be to introduce the Department and the Commission to the NACJ and inform them of the mandates and activities of the Department and the Commission.

Since our last Commission meeting, we have received a total of 30 communications from the public and inmates. Members of the Commission can see the breakdown of those communications. Commission follow-up means we get letters or calls asking what happened at our last meeting. Unless there is a specific request, we often provide a copy of the agenda with our response so they can see what was discussed. As I've stated before, we respond to every single letter that is submitted to our office and call back every individual who has reached out to our office. When we respond to the letters, we ask them to clarify if they want their letters included as public comment at the next meeting of the Sentencing Commission. The individuals listed here in my handout have made such a request and the letters they submitted will be included with any other written public comment that we receive. The Commission also received these letters in advance of our meeting.

With that, I am happy to answer any questions about my report.

Chair Hardesty: I don't see any questions, Director, so I think we can move on to agenda item 5.

5. Presentation on Submission of Data and Report Required Pursuant to NRS 176.01343

Chair Hardesty: As the Commission is aware, the Department submitted a statutorily required report on behalf of the Commission. A draft of which was circulated to the Commission members, in which we sought your input before finalizing it and sending it to the Governor, the Legislature and the Chief Justice of the Supreme Court. Because of the timing of the collection of data and the date of the report, this agenda item will provide the Commission time to further respond to the data that was submitted and ask various questions. I also asked Victoria to give an overview of the report before we hear from agencies. Based on what we learned during the December meeting, this Commission may need to provide guidance to the agencies and our own Department so we will begin to address that as well.

I do want to share with Commission members, some of you offered some comments for inclusion in the report, but those comments related to either questions that were asked or comments that a given Commissioner had made but did not reflect action by the Commission. For that reason, I did not include those questions or comments in the final report because I didn't think it was appropriate to convey individual Commission questions or comments without the approval of the entire Commission in

conveying the report.

That said, we have collected those and intend to proceed to address those questions and inquiries and comments received from Commissioners, including those that may come up in our meeting today, directly with the various departments as we work on further data collection and so forth. So, I don't want you to think for a moment that because the final report may not have reflected a question or comment or suggestion that you had, that it was out of disrespect, it was rather I felt like the report should be the work product of the Commission and its general report as to what information we received consistent with the statute.

I encourage Commissioners to continue to provide questions and suggestions to the Director and to me, if you wish, so that we can continue to convey that to the folks providing the data and working with the Executive Director and her staff to do so. Ms. Gonzalez let's have your introductory remarks about the report and then we'll get into some specific presentations from department members.

Director Gonzalez: Thank you, Chair. Before the agencies make their presentations, I will provide a summary of the report that was submitted on behalf of this Commission as the Chair just stated. The report has been included in your meeting materials and is available on our website. As you can see from the cover page, we titled the report the AB 236 Report: Findings and Recommendations from the Nevada Sentencing Commission. The report is organized based on the statutory requirements provided in NRS 176.01343.

As has been discussed in previous meetings, the Commission is required to track and assess outcomes resulting from the enactment of AB 236 and then submit a report which includes its findings and recommendations. As AB 236 only went into effect July 1, 2020, it is premature to track and assess any outcomes, make any findings, or recommendations. The two main purposes of the report are to first establish a baseline which will be used in the future to track and assess outcomes. Second, as this is the first collection of data the report identifies those areas where data could not yet be collected and provides information about how agencies are addressing those measures that could not be reported.

The agencies submitted as much data as could be reported and we included it in the report exactly how it was reported. Along with the data we included a narrative about the collection of the data, some challenges the agencies faced, and goals for future submissions of data.

Future reports will look very different from this report. In the future, the report will include findings and recommendations identified during Commission meetings and highlight comparisons of the data using charts and graphs. The data submitted by each agency will be reproduced exactly as it was submitted in the exhibits section of the report.

We shared this report with this Commission to solicit feedback. Thank you, again, to those of you who submitted feedback and as the Chair has indicated we will address that moving forward as we continue to discuss next steps.

Also, as the Chair mentioned, the intent of today's presentation is to provide a more in-depth opportunity review of the data that was submitted. As this Commission did not have time to fully review

the data as it was submitted and include in the report, we invited each agency to present the data that was submitted and answer any questions from the Commission. Additionally, we may seek guidance from the Commission on future submissions of data.

The presentations from the agencies are generally outlined in the following manner. First, each agency will present the process for submitting the data. Then they will present challenges they faced. For the third part of the presentation, I asked the agencies to identify questions that arose while collecting and reporting data. These questions may include how to interpret certain statutory language, how to report in a manner that complies with the requirements of the Commission and how to best meet the needs and goals of the Commission. The last part of each presentation by each agency will conclude with time for the Commission to ask questions.

In terms of questions, the representatives from the agencies and our staff will be noting all the questions. There might be some questions that cannot be answered today. Our intent is to answer all the questions in full at the May meeting of the Commission.

After the presentations are complete, I will recommend next steps to the Commission regarding next steps for the data.

With the permission of the Chair, I would like to turn the time over to the representatives of the Nevada Department of Corrections.

Chair Hardesty: Of course, and for the Commission's reference, this material for NDOC is at pages 3-24 of the Commission's report. Director Daniels, are you and your folks ready to proceed?

Director Daniels: Yes. We have just prepared to proceed. I would like to turn the presentation over to Jorja Powers, who is our Chief of Offender Management. Ms. Powers.

Deputy Director Harold Wickham: Chief Justice, Victoria, thank you. It's a privilege to present today for you. My name is Harold Wickham. I am the Deputy Director of Programs for the agency. I work with the Offender Management Division. I will turn this over to Jorja and her team. They're a fantastic group of individuals who have worked incredibly hard to get this data for you and answer all of the questions that were posed. I'm very pleased to present Jorja Powers and the Offender Management team.

Chief Jorja Powers: My name is Jorja Powers and I'm the Chief Offender Management for NDOC. We reported all of our data on the template that was provided by the Commission and I'm going to address some of the questions that came out of the last meeting.

The definition of terms we had the sentence length versus sentence stay. The sentence length is the amount of time the offender has been sentenced to serve by the court and it does not change due to credits. The length of stay reflects the actual time served by an offender and includes credits added to sentences. There were questions regarding parole violators with no new offenses versus new offenses.

I will explain that offenders who violate parole, they're brought back to NDOC and they do not have a

judgement of conviction from a court. The imprisonment status will be set to parole violator with no new offense. The imprisonment status could be updated later, if a JOC is received for that offender. This logic is also applied similarly to the mandatory parole violators and probation violators.

There were questions regarding offense groups. The offense category for any crime is specified on the judgement of conviction received from the court. It is defined by Nevada Revised Statute and Nevada Offense Code. If an inmate has multiple convictions under the same booking number, the highest active offense for that booking was reported. The hierarchy for the highest active offense is as follows: sex, violence, property, drug, DUI, and other. This means that if an offender has a property or drug conviction but also has a sex or violence conviction within the same booking, it will be reported for the highest.

There was also a question about changing offense groups. That happens rarely, but it can happen. Once example is, we always categorized animal abuse as a violent conviction. There have been court rulings that have changed that, and we were asked by the Attorney General's Office to categorize that as a property offense from now on. So again, rarely those things happen but they may change.

I'm going to move on to scope of reporting. There were questions regarding how we reported data for admissions and releases. That admission and release data that is on the report represents felony offenders under our jurisdiction who were admitted or released during the calendar year 2020. Total current population data represents felony offenders under our jurisdiction as of December 31, 2020. There was a question regarding fiscal year versus calendar year and the reason we report that way is the JFA gives the data that way.

There was a question about safekeepers. No safekeepers were reported in our data.

The recidivism data in Section two, part C and D, were based on a 2016 release cohort. That was the most current cohort for recidivism.

Reporting procedures. The NDOC had to create three additional reports to extract necessary variables to comply with the reporting requirements of AB 236. Reporting under AB 236 is a work in progress. The NDOC will continue to strive for accuracy and completeness in providing the data requested. At this time, I'm going to defer to Jenna Buonacorsi, who is our Statistician II, about reporting challenges.

Jenna Buonacorsi: Hi, I'm Jenna Buonacorsi, Statistician II for OMD. There were a few challenges we faced with complying to the AB 236 reporting requirements. The first one being gender identity and sexual orientation. These are not values that we had previously reported, and this is due to HIPPA and data privacy restrictions. This data cannot be shared for those reasons as of now. In regard to the 2016 cohort that we provided the data for recidivism, we previously did not report the type of admission, gender identity, ethnicity or risk score. That's why those values were not included for the recidivism section.

The NDOC does collect data regarding an offender's race. However, we are currently in the process of updating our procedures so we can incorporate more contemporary demographic methodology to

comply with the national standards of race and ethnicity. So, moving forward those will be provided more accurately. We did have one section that was left up to interpretation and we appreciate clarification on what exactly the Commission is looking for in terms of prior felonies. There's a lot of different ways NDOC can provide this information. We can give the highest offense group, their most recent prior felony or even a specific offense group. Just whatever the Commission is looking for. We can provide whichever option.

Chief Powers: That is our presentation regarding the questions that were asked at the last meeting and I appreciate it. Thank you.

Chair Hardesty: Ladies, I appreciate your report and your follow up on the questions that were generated. Let me open up questions to Commission members to see if any Commission members would like to pose some additional questions to you folks today. Mr. Hicks.

Mr. Hicks: Thank you, Justice Hardesty. Thank you all for the data you collected, I'm sure that was a very difficult thing to do in short order. I do have a fair amount of questions about the data that I would like to go through them as they're listed in the AB 236 report. I don't know if you guys have that in front of you. If you don't or if you need clarification about what I'm asking, just let me know.

I wanted to start on page 4, which is prison admissions and its sub-category A, persons admitted. I brought this up before, it's broken down into six types of crimes and then the number of people admitted, of course, is relegated to whatever fits that category. My question is, is it possible for you all to break it down further. For example, according to that data, 736 people were admitted out of the 4,362 for a drug offense. Is it possible you can tell us what the drug offenses were, or perhaps maybe the top-10, then break it down into how those numbers fit within those categories? Another example would be property crimes. I know that's a vast amount of potential crimes. Can you break that down for us, for example, burglaries, then theft offense, so we can have a feel for where those people are falling in there? I recognize this is probably a great deal of information, but I believe it's far too "surface-y" right now the way it is. That's my first question.

Ms. Buonacorsi: Yes, that is definitely something we can work with our IT department, to provide a more zoomed-in on those two specific category types with drug and offense. And we, off the top of my head, the best way to do that is probably would be the ten highest and we can break it down like that into and give you a more detailed approach on the drug and property offenses. If those are the two offense types the Commission would like to see a more detailed view of, we can definitely work to provide that.

Chair Hardesty: Ms. Buonacorsi, I think the question is a little broader actually than just those two, line items. I share Mr. Hicks' question. Violence has a number of different areas as does the other. The question is, and I appreciate you responding to a specific question but it's a broader question to break this down even further. And I know you need Commission guidance on this as to how we go about it and what crimes we're specifically seeking, so probably it's up to the Commission to share with you some specific sub-parts of these. If you had that direction is that something you can accomplish?

Ms. Buonacorsi: That's definitely data we record and have. I'd have to work with our IT department to make an efficient way to pull all of that and break down those different offense codes into these specific sub-categories. Off the top of my head yes this seems like something we could do and give. Instead of having each of those six categories really talking about what's included in there. I don't for right now foresee any problems with being able to provide that but then again, I'd have to work with our IT department and make sure that this, how we would be able to break that down in an efficient manner.

Chair Hardesty: Mr. Hicks, if you don't mind, I'd like to offer a suggestion to all of the Commission members, that you share with Executive Director the crime types you'd like to see as sub-categories within in these general categories. Let's see if we can arrive at a general consensus and then we can get further development there. I'm sorry, Mr. Hicks for interrupting you, but I wanted to try to get some to-dos attached to these worthwhile inquiries.

Mr. Hicks: Please interrupt me, thank you for the clarification. That is what I was getting at. I really think it needs to be every category that's in that type of offense to be broken down. For my two cents, I think it would be valuable perhaps if it's the top-10 most-common crimes. Something like that, because if possible, all of it would be great. If not, maybe we narrow it down to top-10.

Moving to page 5, there's another, it's the next category of data and its type of admission. As an overall theme that I felt as I read the report, is I think it's very important maybe we have a definition section. A lot of this is hard to understand what it means, exactly. For example, there's not physically received (58 inmates). I don't know what that means. You did clarify parole violator with no new offense versus parole violator with new offense. I do think just as a general suggestion to the Commission, that a definition section would be valuable. The question I have about that section, is if someone were booked into the DOC on a new offense and naturally, they would be accounted for offense type under the total number of people admitted. If they were paroled within that year and then violated and were sent back to prison, would that now as a count as another new admission for the same person? If that makes sense.

Ms. Buonacorsi: Yes. As far as the definition of the different types of admission, that's definitely something we can provide for all of the admission types. Giving a brief description of what that means, could definitely be implemented. To the second part of your question, if a person is released and readmitted, how we calculate that data is based off of a report that generates the specific imprisonment statuses and the movement that is attached with that if they're coming in or coming out. I'd have to take a deeper look at our data and confirm that with you but as of right now, yes, I think they are getting counted for every admission and every release because, again, I'd have to talk with our IT team, if they come in on the same booking number or if they come in on a different booking number, or, if that is something we could implement. And if they're coming in and out on the same conviction and booking number. I could see how we would not want to include that information, or we do. Again, it's up to the interpretation of what admissions and releases are we looking for. Do we want just a new booking or a new admission, or people who are coming in at the end of the day that admission and release are going to cancel each other out. In our data and our numbers, it's still going to add to the same total at the end of the year. If that makes sense.

Mr. Hicks: It does. The scenario I was thinking of, to give you a little more clarity on it, is if someone were booked in today on a property crime that exists as a property offense, then was paroled this summer, then violated again with no new crime, they just violated and was sent back. Wouldn't that now account as another property offense in the total people admitted, but it would be the same inmate? Not to put you on the spot. You can think about it.

Ms. Buonacorsi: It's a good point to think about. I would have to talk with my IT department deeper on that. How we are pulling, like you said if somebody admitted as a parole violator, is that maybe something we need to talk and why they violated parole and how they're coming in and if it's with a new offense or without a new offense. Off the top of my head, I don't have that answer. I would have to talk with our IT department.

Mr. Hicks: And this is probably a question you're going to have to talk with your IT department as well. It was something I was going to make a suggestion to the entire Commission today. That is, that category of data that's called type of admission that we've been talking about. In my estimation that should be the baseline of prison persons admitted and we should work from there. As opposed to offense type and being broken down amongst all the 4,362 inmates. To me it makes more sense to break it down by each type of admission. So, we could see new commitments, what are those offenses? Probation violators. What are those types of offenses? Again, if we're trying to get data that is going to show us who's in our prisons, and what got them there, we need to drill down to that point. If you could look into it and Justice Hardesty, please feel free. As I read the report and throughout your data, to me the type of admission should be the baseline and we move from there, versus the other way around.

Next thing I wanted to move to is the number of prior convictions. I know you guys asked for clarity on what qualifies as a prior conviction. But I'm curious, how did you tabulate this data? What did you use as your baseline for prior conviction?

Ms. Buonacorsi: For the number of prior convictions, in one of our data software (OSM), we have a list when they come in of all of their prior convictions throughout the country. They've been convicted of a felony it shows up in there. So, coming up with their total number of priors, that one was quite simple. It's just adding up the number of prior felonies they had. The question we had with prior convictions, comes down to when we are asked to report their prior convictions, it means some inmates have 10, 15, 20 prior convictions. So, reporting that specific number of prior convictions, which prior? Do you want the highest prior or not? But as far as the total number of priors, we have that when they come in.

Mr. Hicks: Does that come from NCIC or PSIs? Where's that data in your OSM system come from?

Ms. Powers: That comes from the PSI. It is put into the computer by the program officer or intake caseworker upon admission.

Mr. Hicks: Okay, thank you.

Chair Hardesty: Excuse me just a moment. We've got some interruption or talk-over. Let's go back.

Who is the lady who was just speaking? We couldn't tell who that was.

Mr. Hicks: Justice Hardesty, I wasn't done, for the record. I still have a few more questions.

Chair Hardesty: Go ahead, Mr. Hicks, with your comments. I'm not sure what that interruption was, if another Commissioner was trying to comment. Please proceed with your other questions.

Mr. Hicks: Now I'm looking at page 7, which is risk score, under all of the inmates admitted last year. What is this risk score based on? Is there a risk assessment that is done when brought into custody? Or is it a risk assessment done prior to sentencing? What is that risk assessment?

Ms. Buonacorsi: I'll have to confirm with Sheila Cartwright. I don't know if she was able to make it on this call, but she's my main contact in our IT department. The risk score, for my understanding as of right now, and I'll have to confirm with her, it comes from their NRAS score when they get admitted and we do that risk assessment on them. That is the risk score as far as my current understanding and I would have to double check with our IT department to double check what exactly that score is. But to my understanding that's where it comes from.

Mr. Hicks: I found it interesting in the later part of the report, people with the lower risk it seemed, people with the lower risk are serving more time than people with a medium risk or higher risk. Again, it might be down to definition, but I'm not sure of what that risk is actually, its purpose and its affect.

Dr. Lanterman: Mr. Hicks this is Jennifer Lanterman. I have a quick response to that because this relates to the NRAS tool, and what we understand about trends and recidivism. Typically, people who are the lowest risk are either, people who have initial contact with the system. They don't have extensive criminogenic needs, or they're people who've committed very serious crimes – violent offenses, sex offenses, and they're considered low-risk because the risk score reflects risk, the likelihood that they will reoffend. It sort of seems counterintuitive, but people who commit homicide are less likely to reoffend than say somebody who sells drugs or builds a meth lab in their house. So, that leads to some confusing outcomes sometimes. Sometimes they might have a relatively low-risk score, but they might have a long sentence relative to the type of crime they committed.

Mr. Hicks: That makes sense to me. Thank you, Dr. Lanterman. I appreciate it. Last couple of questions, if we move to page 10, the parole and release from prison, that's subsection 2. I'm curious if you're able to collect and report data from those inmates who are in residential confinement. Still considered in custody but in residential confinement if we could have a breakdown of that. And also, those inmates who are in transitional housing, such as a restitution center. I know we have one here in Northern Nevada. So, if we can have a breakdown of inmates who are physically locked down in Department of Corrections, versus those who might be in residential confinement or those in transitional housing where they're going after work during the day and things of that matter.

Ms. Powers: Yes. People in transitional housing are already inmates at this moment as are residential confinement. They are under our auspices, so they are in all of that data. So, the transitional housing people are inmates, they come back every night, they are in the data you have. We can get you the

residential confinement information broken out, also.

Mr. Hicks: Thank you. I have no more questions. I'll add my suggestions at the end of the agenda item. Thank you.

Chair Hardesty: That'd be great, thank you. Dr. Lanterman, would you like to pose any questions or offer any comments to this group?

Dr. Lanterman: Yes, Justice Hardesty, thank you. I have questions for Parole and Probation based on the data reported by Department of Corrections. Page 5 of the report indicates that approximately 45.3 percent of the 2020 Department of Corrections admissions, consists of revocations of discretionary mandatory parole and probation for technical violations, only. This is high and is a challenge given AB 236 goals of reducing DOC population, improving the effectiveness of community supervision and reducing possible barriers to re-entry.

This scenario raises a few questions for me about graduated sanctions. I knew that generally there have been discussion over the last few years about expanding graduated sanctions. I know day reporting centers have opened. There are three specific questions related to this scenario. First, what graduated sanctions are available to parole and probation officers who are working with clients who are committing technical violations. Second, are you able to produce data on the number of clients who have been revoked for technical violations only, who were referred to graduated sanctions before that revocation? Can you produce data that distinguished between clients who had a technical violation who proceeded right to revocation, versus clients who had technical violations who were referred to graduation sanctions, and then based on continued violations were then subsequently revoked?

And third, are there problems with implementing the graduated sanctions that are available and if there are, are you able to articulate the general nature of those problems so that we could understand the landscape in which you are working with clients who are non-compliant with their supervision conditions?

Chair Hardesty: Dr. Lanterman, I don't want to get picky here, I think all of those questions relate to the presentation by the Division of Parole and Probation, and we're not there, yet.

Dr. Lanterman: They relate to parole and probation, but they are based on the data reported by DOC. So, maybe wherever you want it to go, it can go. I think it raises a significant issue that we need to address.

Chair Hardesty: Let's pose the question to the NDOC. Are you able to provide data that answers the questions posed by Dr. Lanterman and to the extent you aren't able to we will defer the questions to P&P?

Alejandra Livingston: Hello, this is Alejandra Livingston, and I am an economist with Nevada Department of Corrections. I believe that if I understand, the question is in regard to whether the NDOC can provide more detailed information on technical parole violation and graduated sanctions. I wanted

to clarify that yes, the NDOC is tracking graduated sanction events and parole violations. We're actually tracking the 30-day revocations and 90-day revocations as per AB 236. This data is also being provided to JFA. JFA is also aligned in that data. What they've noted as far as the calendar year 2020, is that although we received significantly lower numbers of new commitments in 2020. New commitments for males went down by 23 percent. Technical parole violations went down only 9 percent.

How does that have to do with quashed warrants as well? There may be other factors as well so we can try to investigate that and of course parole and probation may have additional data they can update.

Chair Hardesty: Any other questions, Dr. Lanterman, at this time?

Dr. Lanterman: No Justice Hardesty. Thank you.

Chair Hardesty: Okay. Do any other Commission members have any questions for the NDOC staff?

Chief Tom Lawson: Justice Hardesty, this is Tom Lawson. I have one question for them and I'm kind of leery about popping up on screen after that last blast of questions from Dr. Lanterman. But I do have some notes, I'm answering some of those after our presentation. Just a follow up on Mr. Hicks' question about the risk score. My question related to that was, which NRAS tool are you using? Are you using prison intake to establish that risk tool? Or are you using the pre-release tool?

Ms. Livingston: The NRAS tool that is being utilized is the intake one, because the law requests for that. So, we use that one, the initial one. That one is probably more applicable for the admission side of the data that we're providing. Perhaps if it's necessary, we can try to provide the NRAS score that stands for the end of the person's time in prison. That would be probably more related to how the inmate is likely to behave after they are released. I think we can try to provide that.

Chief Lawson: That heading is you know, complicated, for that is admissions, so I was expecting the prison intake, but I wanted to just verify that. Thank you.

Chair Hardesty: Mr. Lawson, does that cover your questions? I wanted to follow up, if I may.

Chief Lawson: It does, thank you, Sir.

Chair Hardesty: Could I follow up? I infer from the response, you're able conducting pre-release risk assessments for the inmates. I assume that's a routine process, but I don't want to assume anything. Could you describe the process and tell us if that data's available? Those two things would be very helpful to have.

Chief Powers: We do the intake tool when they come in. Then there is not a pre-release one done before they leave. If they stay in prison a certain amount of time, we will give them another assessment. But there is not one done upon pre-release.

Chair Hardesty: Okay. Perhaps we'll be able to pose that question to the Parole Board. But you don't

do a pre-release assessment as part of a plan or parole application?

Chief Powers: We do do one if one is needed before parole board. However, we do not do one prior to release. I believe P&P is doing one when they go on to parole.

Chair Hardesty: Okay, we'll check with Mr. Lawson about that when we get to him.

Chief Lawson: I can cover that right now, so we don't lose sight of that.

Chair Hardesty: Thank you, very much.

Chief Lawson: Under the system of tools under the Nevada Risk Assessment System, the intake tool is just what it sounds like. It's to be done for classification purposes when the inmate enters the facility. The pre-release tool is just that. Prior to the Board making a release determination the tool intended to be used by or on an incarcerated individual to measure their suitability for release to community supervision. The community supervision tool that we use, under the standards is not done until 90 days after release, to see how they're adapting to that.

Use of the community supervision tool before release is contraindicated because that's not what it's designed for. So, we do not do that. There are times when we might end up doing that just depending on intake and our workflow, maybe not do that all the way at 90 days, maybe it's done a little earlier than 90 days. But the one that sets up their qualifications when they first come out, the intent of the system is for that to be the prison release tool, not the community supervision tool.

Chair Hardesty: Thank you for the clarification. Are there any other Commission members who have questions at this time of the NDOC staff? Seeing none, on behalf of the Commission I'd like to thank the staff of NDOC who presented regarding these questions and these issues. I also want to thank you very much, Director, you and your entire team for the cooperation you've extended to the Sentencing Commission staff, in coordinating these. I know these are very challenging asks with the IT systems we work with and really grateful for the dedication and the work of your personnel to help answer some of these questions.

Deputy Director Williams: Thank you, Justice Hardesty. This is Deputy Director Williams. Director Daniels had to step out real quick, he will return. Thank you for your kind words and we will continue to work on all questions that were asked of us to provide answers.

Chair Hardesty: Thank you, Director Williams. Good to see you. Let's move on then to the Division of Parole and Probation and that would be information that is found at pages 24-33 of the report for Commissioners who are wanting to ask questions specifically about the content of the report. Chief Lawson.

Chief Lawson: I have with me online Lt. Ryan Osborn. He is our Deputy Commander of the General Services Bureau they do the tracking of it. First and foremost, we've had comments about this and in testimony when we talked about AB 236 last session, we did submit a substantial fiscal note to AB 236

regarding the data collection elements. The positions that were initially funded for data collection for this report and then ultimately due to the COVID impact, the money for those positions was reverted prior to us being able to hire them to offset our share of the shortfall of the general fund. So, collection of the data has been very difficult. Lt. Osborn will touch into that on our behalf. The last part of it is our data system currently, as we've talked about it a number of times, is just inadequate and in process of being redesigned with an outside vendor. We have high hopes for better data in the future. With that, I'll turn it over to Lt. Osborn.

Lt. Ryan Osborn: Thank you, Chief Lawson. Good morning, Commission. I'm Lt. Ryan Osborn with the Nevada Division of Parole and Probation. I'm here to provide you some insight into the operations the Division of P&P in regard to AB 236.

I hope to give you an idea of where we were, where we are and where we're headed. After the passing of AB 236, the Division of P&P identified that our current system, OTIS, would not be able to provide the data required by AB 236. At that time the Division identified the need for the creation of three new personnel at the revision headquarters office to manually tabulate and aggregate all the necessary AB 236 data. Unfortunately, due to the pandemic, the Division of P&P was asked to surrender all of those positions. Unfortunately, we find ourselves in that position right now, that's why the data looks like what it looks like. The good news is, that the AB 236 positions are funded for the next biennium in the Governor's recommended budget. We did, although, faced with this obstacle, undeterred the Division set about the task reporting as much data as it could in an AB 236 report, to the best of our ability, given these limited resources. The data collection was accomplished by manually calculating and aggregating using existing staff, the limited relevant data that existed within our current system and repurposing existing reports that existed on our current Crystal Reporting database.

Giving an idea of where we're headed, currently the Division of P&P has, under contract, a new vendor for the purposes of creating an offender management system. The Division is working diligently to ensure all AB 236 requirements for reported data are represented within the reports and outputs of the new vendor system.

To date, the Division does not have an effective go-live date for its new system. But is working daily toward that goal. All AB 236 reporting elements were included in the request for proposal form, word for word, directly off the statute to our new vendor. The new system will be 100-percent capable and compliant with AB 236 reporting requirements as written today. And we're prepared for questions.

Chair Hardesty: Are there any questions for Lt. Osborn or the Chief? Yes, Dr. Lanterman.

Dr. Lanterman: I would like to follow up with Chief Lawson just to get an idea of what is going on with the availability use of challenges associated with graduated sanctions in relation to the earlier questions I asked about revocations for technical violations of parolees, so we can get a better sense of what the landscape is with resources for P&P.

Chief Lawson: First and foremost, your question about the number shown in the NDOC data-portion of it. Prior to the implementation, the biggest data concern there was that we had different definitions

of a technical violation. We, meaning P&P, included domestic violence and other non-felonies as a new offense and not technical violation. And other entities did not. So, by having that common definition I think we'll see clarity in the data moving forward. That number will adjust appropriately, so, in theory if we had additional violations or classifications of offenses, we can serve a new violation then their technical violation numbers are greater than ours because we considered some of those with new offenses and they did not.

Now we have that commonality in definition by statute, that will reconcile some of those numbers. I'll say that the previous data points may not be as reliable for analysis.

Second part is I believe, relative to your question about could we break down some of those elements to a more granular level. Obviously not in our current system. That would require a hand-mucking of all the chronological notations, just the free-text fields just to do that. If you're familiar with database design, that is absolutely most inefficient way to pull data, is free text. The new system is going to have free text fields, but we want all those other elements, as many things we possibly can, to be collected via pick list, check boxes, code tables that is sortable and able to be analyzed.

That's only two of your questions there I remember of the top of my head, if you wouldn't mind repeating the other two, I'd appreciate it.

Dr. Lanterman: Yes. The two other questions relate to, what graduated sanctions are currently available to P&P officers for use for non-compliant clients. And second, are there problems implementing the existing graduated sanctions? And if there are could you briefly explain what those types of challenges are.

Chief Lawson: First and foremost, I do want to point out we had graduated sanctions before AB 236 made them cool. We started graduated sanctions back in 2017, and really the changes to AB 236, the impact on graduated sanctions was, we inserted temporary revocations into our existing matrix and continued play as we had been doing. The matrix has been effective of course, with the loss of the DRC, the money being reverted, and it hasn't been funded moving forward.

That was a shot to our tools and our toolbox relative to our graduated sanctions. The same with state-funded house arrest money. Where before we had the option of placing somebody on house arrest at state cost. Again, that money was reverted due to the pandemic and has not been refunded moving forward. That was two large blows to our tool belt, but the other elements are still there. Anything from the very low level of curfew and additional reporting and things like that. Additional direct testing up to recommendations for temporary revocations. That matrix is in place and is in use.

On the parole side, I just heard we had our first person come across for a third, temporary revocation on the parole side. I guess handling data for the parole side is much easier because we have a north representative and south representative. Much smaller agendas so that when we send those over to hearing and come back, we are internally hand counting those, because again, our system, technical violations didn't exist back in 1999, or when temporary revocations and those kind of graduated sanctions didn't exist back then when the system was created. We're hand counting all of our parole

temporary revocations, so we have data points. Probation ones, that's darn-near impossible to do a hand count on with the number of district courts and the number of departments within those district courts. And of course, Clark and Washoe counties.

They're in the system for future reference but again they're being collected at the offender level via a narrative in their notes so we can't tag those. But we do have good numbers on temporary revocations on the parole side. That process has been working very well. We may go over, we're getting the data back on them and again, the board has been very good in analyzing those and applying appropriate sanctions relative to the evidence of the crime, and we have had several that are second-time and even a third-timer on the temporary revocation side.

We have noted on the probation side a couple of judges have imposed a far-greater sanction for temporary revocation than the standards were for a first offense. But those have just been one-offs. We don't have total numbers of those sanctions imposed.

Chair Hardesty: Any other questions for Chief Lawson or Lt. Osborn?

Kimberly Mull: This is Kimberly Mull. I have a couple of questions. Mr. Lawson, I want to make sure I heard you correctly. Did you say that when someone has a new offense of domestic violence, that is a technical violation and not a new offense? Is that what you said?

Chief Lawson: No. I said historically there were differences in opinion of what constituted technical violation and that the data previously reported, i.e., the data in this report, half of that data was collected under that difference of opinion of what constituted technical violation and half of it would have been after AB 236 was active, and there was a common definition of that. Part of that difference was what constituted that. What offenses were there? The Division's point of view was that a domestic violence was not a technical violation at any time. Because the violent nature of that we classified that as a new offense prior to implementation of AB 236.

Ms. Mull: So, now, what is it classified as?

Chief Lawson: I have to bring up the specific language to talk about those. But that was actually an amendment we offered, was to have certain non-felonies included in that definition of a new offense and not be considered a technical violation because of those concerns.

Ms. Mull: Okay. Thank you.

Chair Hardesty: Thank you, Ms. Mull. Any other comments or questions from Commission members for the Chief or Lt. Osborn?

Chairman Chris DeRicco: Chair Hardesty, this is Chris DeRicco. Sorry, I'm having technical difficulties with my microphone through Zoom, so I had to go back to the phone. I would like to comment on Ms. Mull's question on domestic battery, under AB 236, is not considered a technical violation. I did want to add that. And I did have one question with regard to the report on page 5, it was a question for

NDOC, when you might deem that appropriate. I know they already spoke. I was having difficulties, and nobody could hear me.

Chair Hardesty: No problem. We can circle back to Director Williams and his team. If they're not available, we can ask them to supplement with a later response. What is the question, Chairman?

Chairman DeRicco My question is on page 5 of the report, and this is something I brought up with Ms. Gonzalez approximately a month ago. Where it has the types of admissions and we have mandatory parole violators with no new conviction, and also with a new offense. Those numbers are 128 versus 3. Additionally, you have down below the parole violators with no new offense at 333, and parole violators with new offense 13.

I'm assuming this is the case that those numbers are generated for the type of admission once they actually hit the gate of the prison. If there are alleged violations, which I can tell you are the most time for new crimes, very high number for new crimes. If they have not been adjudicated on those new crimes, is that why they are just showing as a violator with no new convictions. And if that is the case, after a parole violation hearing and if it has been determined there was a new conviction, do those numbers change or should they change after the fact there was no new case and there was a new conviction it just wasn't there at the time they initially hit the gate?

Chair Hardesty: Great question. Director Williams, is your team available to comment on that?

Deputy Director Williams: Deputy Director Williams for the record. Jorja Powers will answer that question.

Chief Powers: Thank you, Deputy Director. Yes, Chairman DeRicco. It is pulled on whatever their imprisonment status is the day it's pulled. If they left and came back and on that date they are now a parole violator, that is what it will pull. If they haven't gotten a new judgment of conviction it will pull with no new. If we pull the data again on a different date and they have been sentenced, then they will be with new charges. So, it is whatever date the data is pulled.

Chairman DeRicco: So, I think those numbers there in my opinion, certainly they come back as alleged violators. Once again, I can say predominately most of those alleged violators are for new convictions or for even being absconders, and I understand at least if NDOC has to calculate it as what they are at the time they hit the gate. But it would be kind of nice to have information down the road, okay, how many of those violators after they actually had that formal parole hearing, were found to have new convictions, because I could see that those numbers would completely flip flop.

Chief Powers: I believe I understand what you're saying. The imprisonment status will change. Whatever it is the date we pull the data it will show they're updated status.

Chairman DeRicco: Okay. I think what's holding me up here, is because it says type of admission. They're only going to be admitted one time. So, they're going to have admitted and predominately according to statistics, that means probably 98 percent of them show as they had no new convictions,

which was the case at the time. Formally, after a violation hearing, I would venture to say that it's probably 70 percent instead of 5 percent. Maybe that's something we could capture in a whole other category. Maybe it's not right in the admissions category, but maybe it would be something to capture after the formal violation hearing.

Chief Powers: I'm making notes on this and we can discuss this and look and see if there's another place we might be able to report that. Our sentence management department is updating those after the revocation hearings. Maybe we can look at the data and have a further discussion about this.

Chairman DeRicco: Last question then. Is that a part of this report? If that's being updated right now, I guess that's not a part of this report. I don't recall seeing that. If so, that would be great to have that then it would show what they were on admission and then ultimately down the road, yes, in fact they were convicted. That's all I have, thank you.

Chair Hardesty: Thank you, Mr. Chairman. Ms. Powers, I would like to follow up on the inquiry because I think it's an excellent point. Maybe it's just another data set, you're not going to like this, another data set within the report. It seems to me, and I would urge others on the Commission to weigh in on this suggestion, I could see that category of parole and probation violator or even parole violator with no new offense, ultimately still being reflected as no new offense, because there's been a plea bargain, to dismiss the new offense in light of the fact that they've been returned to prison. Is that capable of being captured, Ms. Powers? In other words, there may be a judgment of conviction but there may not be because the DA's office is just satisfied they've gone back to prison to complete their term.

Chief Powers: If there was a plea deal, if it did not result in a felony, no, that is not something we would capture. We're not going to know if charges were dropped. We would know, but it's not going to be something that we capture.

Chair Hardesty: Okay, I think we want to think about that because I think that could be a valuable piece of information. Maybe you and our team could communicate further about that and maybe there's other ways we can address that. Chairman, to you, does the parole board maintain that kind of information on the folks they conduct hearings on, and is there a point where you eventually find out whether the new offense goes to conviction or the new offense is pled out?

Chairman DeRicco: I'll step it through. Once a parole retakes warrants been issued and they're ultimately brought back into NDOC custody, if they have charges pending, those hearings are continued out until resolution of that case. Once a resolution of the case happens, then we're able to move forward and at that point in time, we know whether or not a new conviction has occurred.

There would be some information possibly NDOC wouldn't know. If it's a new felony conviction, certainly at some point in time they're going to get a new judgement of conviction. If that individual was sentenced to prison for that new offense, they wouldn't get it probably if it was, they had a new felony conviction that was mandatory probation, for instance. We know when they've been convicted of a new offense. The other thing I would mention if it's a gross misdemeanor offense or a misdemeanor domestic battery or stalking, one of the other offenses, like those, we know about it and we put it on a

certification of order. That copy is sent to the NDOC, P&P as well. On our documents, we're able to note it but certainly NDOC is not going to get anything on it formally unless there is a new judgment that hits their facility.

Chair Hardesty: To your earlier comment, if you defer action on the revocation until the new offense is resolved, I assume you still revoke in instances in which the new offense is dropped rather than completed to a judgment of conviction.

Chairman Dericco: If a new offense is dropped, we can move forward and that might then make that then, yes. We could absolutely move forward. But it might turn that case into those alleged violations now into technical violations which would qualify for temporary revocations. And that happens in many instances. It certainly to the inmate's benefit to go through the process with the new charges because that happens in many cases. We can move forward once a resolution of those new charges have taken place, being dismissed, put down a new conviction, whatever it may be. But once those are no longer there, yes, we absolutely move forward and many of those do turn into technical violations which require only a temporary revocation.

Chair Hardesty: So, does your Department maintain records of those dispositions? Do you maintain a record on someone you've revoked, but it was revoked based on a plea deal as opposed to a resolution of the new offense by judgment of conviction?

Chairman DeRicco: Not records of that nature. What we have records of that we're able to determine is, whether or not we revoked an individual under AB 236 as technical violations and the period of time they qualified for that temporary revocation. Or if they're required for a full revocation or up to the statutory maximum, we do maintain those statistics as well. Those are all forwarded as well on to NDOC and as a part of JFA.

Chair Hardesty: I'd like to have the Director continue this conversation with you folks offline. I don't know if there are other Commission members who are interested in this, but I am. I think it's something that we need to have a little more detail about.

Chief Lawson: I'd like to chime in on that, so that everybody knows, we do not track that either. We wouldn't have a way of knowing, unless we were either review court transcripts or sit in court ourselves to know whether a charge was dismissed because it was lacking evidence or dismissed as part of a plea bargain. A dismissal is a dismissal. I would just be concerned with continuing down a path in using a charge for which there was no prosecution, and the charges were dismissed, against an offender moving forward in terms of graduated sanctions. I think that would open us up to challenges that we're being arbitrary and capricious. It would be a concern for us.

Chair Hardesty: I appreciate the point, Chief, and I don't disagree with your observation. I'm also concerned though, that on a report that shows 1,000 probation violators with no new offense, is a misstatement of the facts. It seems to me that some of those may be a high percentage, ultimately have a judgment of conviction and some of those are revoked after having had the new offense dismissed. That's not for the purpose of holding it against anybody, it's for the purpose of us

understanding what this statistic is telling us. I don't want the public or the legislature or anybody to be misled into thinking we're violating people who have no new offenses. I think that's the Chairman's point. But I think that revocations occur at least from what I've seen, both through a judgement of conviction ultimately for the new offense, but also as a result of a plea agreement, where the defendant is going to be revoked and there's no need to continue with the prosecution of the new offense. At least that was my experience as a district court judge, and I think that is still the case. I think we have maybe belabored the point, so, let's see if there are any other questions for the Chief and Lt. Osborn beyond those we just discussed.

Seeing none, I'd like to turn over the time to representatives of the Records, Communication and Compliance Division. Their information is contained on pages 34-57 of the report. Let's proceed with that.

Anna Hickox: Good morning, Chair and members of the Commission, my name is Anna Hickox and I'm a manager with the Records Communication and Compliance Division. You should be able to see now the presentation in front of you titled, 'Data Provided to the Sentencing Commission' by RCCD as required by AB 236.

Let me start with an introduction, RCCD hosts the central repository that collects and compiles criminal records data for the State of Nevada. We have contributing law enforcement agencies and criminal justice agencies who are mandated and responsible for submitting this statistical data to us. The data related to the crimes that took place in their respective jurisdictions. You see our programs, the uniform crime reporting program, collects, analyzes, compiles all data provided and historically publishes in an annual Crime in Nevada report that is provided to the public.

The UCR program is providing part of this data to the Sentencing Commission as prescribed by the AB 236. According to the AB 236 and NRS 176.01343 section 1D, that NRS requires the Commission to track and assess trends observed from data collected and reported to the Commission by RCCD, regarding two measurements. One is the Uniform Crime Rates for Nevada and each of Nevada's counties by index crimes and type of crime. The second is the percentage changes in uniform crime rates for Nevada and each of Nevada's counties over time by index crimes and type of crime.

So, how does this reporting process look like? In the past, prior to January 2020, the agencies that submit crime data to uniform crime reporting program, would submit that data in various ways, but mostly by faxes and emails. Then those faxes received had to be entered manually by the UCR staff and into an excel spread sheet. That in time morphed into an excel spread sheet that was provided by the FBI, which helped the agencies in this process of submitting data and make it easier for them to transmit it to us.

As of January 2020, the data is submitted electronically to a centralized repository that is operated by the UCR program. UCR program staff compiles those submissions into monthly submissions to the FBI. As of January 2021, this electronic reporting is still ongoing, however, the format changed from the summary reporting system for short known as SRS, to an incident-based reporting system, called NIBRS (National Incident Based Reporting System).

One would ask what is the difference between the two systems, NIBRS and the SRS? Following slide compares both systems. In short, NIBRS as the name suggests, is an incident-focused reporting system, which means that all the offenses within the incident are included, reported. Where SRS was only an offense-based system. That ties us into the hierarchy role, which SRS was based on. Hierarchy role means that only the most-severe offense was reported for each incident. Other viewed as lesser crimes, even though sometimes still very severe, were not reported.

NIBRS does not operate based on hierarchy role and therefore all the offenses within the incident are reported, up to 10 offenses. Also, NIBRS includes crimes against society that were not included in the SRS system. Very importantly, NIBRS includes much more detailed information about the crime occurring. There are 46 location types for example, versus eight in the past system. Very importantly, victim data and offender data is included for all offenses, and that was not the case with the previous system where only victim and offender data was reported for murders.

What is the impact of the mandate to report data to the Sentencing Commission on our reporting agencies and RCCD?

From the standpoint of the reporting agencies, there is no impact when it comes to providing data. All information that is required is already reported and submitted in agency's monthly submissions. From the UCR program perspective, there is a slight impact as some additional statistical data will have to be compiled.

What is that additional data that needs to be compiled? As far as the first measurement that we need to report to the Commission, the uniform crime rates for Nevada and each of Nevada's counties by index crimes and type of crime. The additional data would have to be calculated for each county. Right now, historically in our annual publication we would present that data for Nevada as a state. So, we would have to also include data for each county. Which right now with our capacity with using Central Repository data base, that is very possible for us to obtain and report.

The second measurement, the percentage changes in uniform crime rates for Nevada. For this state and for each of Nevada's counties over time, by index crime and type of crime, is the same situation as the previous measure. We do report historically that data annually, for the whole state. We would have to compile data for each county and that is just as the previous one is within our capacity.

Here's an overview of the agencies that are contributing with their data to the UCR program. We are working in partnership with 46 agencies. There are a couple of agencies that will start reporting crime statistics to the UCR soon. Those two slides present the agencies that are currently submitting crime statistics to UCR program.

I also wanted to mention definitions that we use when we report statistics to the Commission. For uniform crime reporting purposes an index crime is defined by the total number of violent and property crimes. This slide shows information regarding violent crime and definitions that are provided by the FBI. Briefly, the violent crime is composed of four offenses: murder and non-negligent manslaughter, rape, robbery and aggravated assault. Those violent crimes are defined as those offenses which

involve force or threat of force. And below is the definition for each of the individual violent crimes.

Now when it comes to the property crimes, property crimes include offenses of burglary, larceny, theft, motor vehicle theft and arson. The object for those type of offenses is taking of the money or property, but there's no force or threat of force present for the victims. This slide shows more detailed definitions for each crime and what they constitute according to the difference provided by the FBI to the UCR program.

The measurements we are using in presenting information to the Commission. The first measure is crime rate, which is the number of offenses per 1,000 inhabitants. This can be calculated for any city, town, county, as long as we know the population of the required area. This slide presents how to compute a crime rate. It's simply by dividing the number of offenses by population per 1,000 inhabitants.

In our second measurement is the percentage change. The difference between occurrences that took place in two different years, or other periods as desired, divided by the number of occurrences from prior year or period, multiplied by 100 to show the percentage change. This number also can be computed for the local agencies in order to present crime trends for a given offense in the particular time frame. This measure can show increase or decrease over time.

This slide shows data provided by RCCD to the Sentencing Commission. This data is for the state of Nevada. It is representing the following measurements: the number of offenses that took place in 2019; crime rate in 2019; number of offenses for the year prior; and in this case it was 2018, and a percentage change from the year prior. This data as you can see shown by index crimes, that's divided by violent crimes and property crimes. Which in turn are divided into more detailed crimes that I mentioned and showed the definitions in the previous slides.

We also provided data for each county, separately as requested. This slide represents the sample data for Clark County. On this slide there's additional information for each county as contributing agencies are included. You can see which agencies contributed to this data provided for some data for some of the agencies might be missing in certain years.

To summarize the information presented so far, the statute requirements can be met with our system capabilities. Our data, that was received in many forms in the past and compiled for the annual report now, is readily available in our repository. That is also available to the public and you can see the length on that slide to our website where you can access the data that I just mentioned.

This slide shows the landing page for the website. I mentioned in the previous slide, this slide shows a selection drop down. The first drop down is the selection of the jurisdiction. The data can be selected for the state as a whole or for particular agencies. The second selection is the year. We have data available in the system as old as 2014 in some cases. The third selection is the theme. The themes consist of four different themes, which are property crimes, domestic and elderly crimes, violent crime and hate crime.

This slide shows data for the violent crimes, so if we made a selection for the violent crimes in certain

year, I believe this slide shows 2019 data. This is what we would be presented with. It shows graphs and measurements for selected, in this case, violent crime. Another example there is also more detailed information, in this case, part of the violent crime, murder data.

Also, each of these graphs has a link to a lookup table. Lookup tables, as shown in this slide, where the data is detailed and then it can also be exported into an excel spreadsheet and further analyzed, if desired.

When it comes to limitations, the transition from one way of reporting data, which was summary, to the NIBRS, changes our source of data for the better. Because there's more information and more details and the hierarchy role is no longer present. However, it poses some challenges because the data may not be comparable. The summary data and NIBRS data may not be one-to-one comparable because NIBRS incorporates much more information than the previous system. Since the transition has been very recent and still ongoing for some of the agencies, we have not had the opportunity to test our capabilities to pull some of the data from the NIBRS database, so that's something that will have to be done down the road and if any limitations are present, reported at that time.

The transition from summary to NIBRS may potentially increase the number of certain crimes, especially the ones that are less severe and not reported according to the hierarchy role. So some of the trends may require adjustment and may not be comparable as I mentioned, one-to-one.

We also have two questions for the Commission, more in line with some clarification on the data the Commission would like to have presented with. The first question is, we were mandated to provide data regarding crime rate over time, and the question is, what is the timeframe for the crime rate the Commission would be interested in? I would want to add that right now we showed a five-year span, but if there's something, some other timeframe the Commission would be interested in, we would be gladly to oblige if that would be the way the Commission would like to go.

The other question is, the NRS also mentions percentage change in crime rates, but does not specify exactly over what time. Would the Commission be interested in the percentage change in crime rates from the previous year to the current year? Or, is there any different time frame that would interest the Commission to see?

This is the last slide with references. We'd be happy to answer any questions that any members of the Commission may have. Also, if there are any questions after this presentation, there's an email address provided for the UCR team that we can definitely provide any information.

Chair Hardesty: Thank you, Ms. Hickox. Commission members, are there any questions for Ms. Hickox? Seeing none, Ms. Hickox thank you for the thorough presentation. And with respect to the questions that you posed, we'll put this on the May agenda to discuss among the Commission members and see if we can get you a response. I really appreciate you being available and providing this response.

Ms. Hickox: Thank you.

Chair Hardesty: Commission, we've been going at it here a little bit. Before we take a break, let me just wrap up this agenda item. I'll just complete this by asking the staff to work with the members of the agencies to clarify some additional questions that were raised. I want to invite all of the members of the Commission. I know this is a big topic. There's been a lot of things that have surfaced, and things will come to mind, no doubt. When they do, I urge you to submit to the Director any additional questions or ideas or thoughts you may have about some of the things we've talked about on this agenda item today. And we will include those on an agenda item for our May meeting.

And of course, Ms. Hickox's questions, please be thinking about that. I can think about maybe setting year-over-year calculations, but in addition I think there might be some benefit in having maybe a 5-year or 3-year period as well. In any event, those are my visceral reactions to that area. Let's take a 10-minute break and reconvene and we'll pick up with agenda item number 6 when we reconvene. We'll invite Ms. Arnold to comment on the Council progress. Ten minutes, I've got 11:15, why don't we just say 11:30 for those who would like to take a short break. We'll reconvene at 11:30. Thank you.

I'd like to call the Commission back to order. I think there is at least one member, maybe two, who might have to attend to other business, starting about 12:30 p.m. I'm not sure how much longer some of these agenda items are going to take. Most of them are reporting and discussion items rather than action items. But there is one action item I'd like to address, which is agenda item number 11, relating to a revision by the subaward grant to the Nevada Department of Corrections.

Director Williams, if you or your staff could present the change or revision to the subaward request so the Commission can vote on that, I would appreciate it. Are you in a position to pull that up and address that?

See agenda item 11 for minutes

11. Proposed Revision of Previously Submitted Request for Subaward

Deputy Director Brian Williams: For the record, Deputy Director Brian Williams. Yes, sir. I would also like to report Director Daniels had to leave. He wasn't feeling well, so he will not be back with us. But we are prepared to proceed in his absence, as it relates to a revision previously submitted request for subawards. We have Chris Franklin, our Management Analyst IV, ready to present when you guys are ready.

Chair Hardesty: We are ready if you are ready.

Deputy Director Williams: I'll turn it over to Chris, Sir.

Chris Franklin: Good morning, Chair Hardesty, distinguished members of the Nevada Sentencing Commission. I'm Chris Franklin, Management Analyst IV for the NDOC. We're here to request the Commission's approval for a budget modification to our subaward. As previously expressed to the Commission, 2020 was filled with many different challenges that delayed our State approval authority

to begin implementing our goals and deliverables funded by this \$231,825 subaward that was graciously awarded to us by this Commission.

The primary goal in utilization of this funding, is to help build an internal infrastructure necessary to implement and sustain quality assurance measures in our division and teams. With our final approval from the Interim Finance Committee on the 27th of last month, we have initiated the hiring process for those positions. And our team has been advised that there are candidates under review at this time. That being said, due to delays encountered, the NDOC would like to request the Commission's approval to reallocate a portion of the awarded funding that currently utilized, which is primarily in the salary and associated costs of the program officer and quality assurance specialist positions to be utilized in adding a contracted administrative assistant II, to that budget. This position would be utilized to manage and maintain the administrative and clerical duties that were previously assigned to the contracted quality assurance specialist and program officer positions, thereby allowing them to focus primarily on achieving the deliverables and goals that we set forth in our original application and award.

This request does not increase the amount of our budget one cent. It is exactly the same. We are just asking to reallocate funding internally within those categories to fund this third position. We have taken the step to already submit this to our outstanding and supportive advisors at the Crime and Justice Institute. And they have also discussed this with the Bureau Justice of Assistance to ensure our request would be established, allocation criteria if this request is approved by the Commission today.

I thank you very much for your time and consideration. And I stand by for any questions.

Chair Hardesty: Any Commission members have questions regarding this request? Is there a motion with respect to the request?

JUDGE SCOTT FREEMAN MOVED TO APPROVE THE REQUEST AS PROPOSED.

JOHN MCCORMICK SECONDED THE MOTION.

MOTION PASSED.

Chair Hardesty returns to agenda item 6

6. Report on Collection of Data Required Pursuant to NRS 176.01343

Chair Hardesty: As you know we have been working to implement the Nevada Local Justice Reinvestment Coordinating Council. Ms. Arnold, our staff attorney at the Department has taken the lead on this in meeting with county representatives. Ms. Arnold, would you like to give us an update?

Laura Arnold: Thank you, Chair Hardesty, I would. Good morning, Commission members. For the record, my name is Laura Arnold. I'm the staff attorney for the Nevada Department of Sentencing

Policy. I'm here with an update on our efforts to facilitate the formation of the Nevada Local Justice Reinvestment Coordinating Council, which we refer to internally as the Coordinating Council.

In December of 2020, Director Gonzalez and I met to discuss a proposed action plan to draw Nevada's county commissions' attention to NRS 176.014 and its requirement on them to appoint their representative members to the Coordinating Council. On January 4, 2021, we executed on that action plan by sending a letter by US Mail and e-mail, to each and every county commissioner in Nevada and by copying each county's manager or acting manager on the letters we sent to the county commissioners.

In our letter, we introduced and explained a bit about the Nevada Sentencing Commission and our newly established department, outlined the mission of the NSC and highlighted NRS 176.014 and the obligation it created for Nevada's counties to appoint their representative Coordinating Council members. We also requested Coordinating Council appointments prior to July 1, 2021, so that Chief Justice Hardesty could name the Coordinating Council Chair in August, and we could prepare for a September 2021 Coordinating Council meeting.

Almost immediately, we received responses from several counties acknowledging our letter and NRS 176.014. And on January 13, 2021, we received confirmation of the first Coordinating Council appointment. White Pine County appointed Deputy District Attorney McKinzie Hilton. Around that same time, we began calendaring and reviewing county commission meeting agendas for the purpose of tracking the county's attention to the Coordinating Council and any appointments they were making.

By February 4, 2021, a month after our initial letter and e-mail campaign, a total of seven members of the Coordinating Council had been appointed. As of today, we have a total of nine confirmed Coordinating Council members.

In alphabetical order, by county, here are the current Coordinating Council members: appointed by Carson City, Elko, Esmeralda, Humboldt, Lander, Lincoln, Lyon, Mineral and White Pine counties. Based on these appointments, the Coordinating Council is currently comprised of one district attorney, two deputy district attorneys, four current county commissioners, one former county commissioner and a pre-trial services program manager.

We've been in contact with the current Coordinating Council members, both individually and collectively, to identify and introduce the Coordinating Council members to each other as they currently exist, and to inform them of any upcoming events, such as today's Sentencing Commission meeting.

We've also followed up with most of the counties from which the Department has not yet heard or have not yet put their Coordinating Council appointments on their upcoming meeting agendas, to inquire as to whether they had any updates we could share with the Sentencing Commission at today's meeting. Three counties responded and indicated that their representative Coordinating Council appointments were on their radar and they would soon be making those appointments.

We also noted that another county has their Coordinating Council appointment on its agenda for its February 22nd, 2021 County Commission meeting. We expect to have at least three, if not all four of those confirmed appointments by the end of March 2021. We will continue to track these remaining

county commission meeting agendas for their Coordinating Council appointments and follow up with them in our on-going effort to gage the timing of the required appointments, and until all of the required Coordinating Council members have been appointed.

With that, does anyone have any questions?

Judge Freeman: I don't have any questions. I'd like to report to you, that I somehow found myself on the subcommittee to appoint for Washoe County, along with Chris Hicks and Sheriff Darrin Balaam and Chairman Lucey. Whereupon we vetted some candidates and I'm pleased to indicate, although they have not been selected by the County Commission, we have identified two potential candidates as required for this proposition. We're hopeful for County Commission confirmation, when Chairman Lucey gets the opportunity to put them on the agenda.

I wanted to share with everyone that Washoe County has moved forward. We've identified two excellent candidates and we're hopeful for County Commission confirmation of those two. They have accepted the nominations and I find they'll be very unique and helpful to the Commission. That would be my presentation. Thank you.

Chair Hardesty: Thank you, Judge Freeman. Any other comments or questions by members of the Commission. Thank you, Ms. Arnold. Let's next turn to item number 7.

7. Presentation on Certain Data Collected by Washoe County

Chair Hardesty: Earlier in the Commission's history, we had a presentation from Chuck Callaway regarding certain activities and data that is collected in Clark County and we reached out to Mr. Hicks and the Washoe County Sheriff's Office to share a similar presentation. So, I'd like to invite Lt. Corey Solferino of the Washoe County Sheriff's Office to make his presentation to the Commission at this time, if he's available.

Lt. Solferino: Justice Hardesty, members of the Commission, Corey Solferino for the record. I'm the current director of the Northern Nevada Regional Intelligence Center. I did have a presentation and in interest of time, I know you have some of our crime statistics. I'd like to talk about some of the things that we are currently moving forward some of our crime-reduction strategies. You have already had a robust overview of the NIBRS system, transferring from UCR data and some of that data that we're reporting. So, I'd like to give a quick overview of that and then answer, entertain any questions you may have with your permission, Sir.

Chair Hardesty: Yes, of course. Please proceed.

Lt. Solferino: On behalf of the Washoe County Sheriff's Office and Sheriff Darrin Balaam and his executive team, it's a privilege to present before you today. Some of the things that we are looking at regionally with crime, is a Sheriff Balaam, Chief Soto of the Reno Police Department and Chief Crawford of the Sparks Police Department have made an initiative last year on a regional teams collaboration.

Under the Northern Nevada Regional Intelligence Center, that I currently oversee, we do a regional approach to crime reduction strategies. So, from this point moving forward, we currently have officers of all three agencies and also our federal counterparts, where we're taking a regional approach to gun initiative crimes to the gang unit, human exploitation and trafficking, the regional narcotics unit and the regional crime suppression unit. So, on behalf of that initiative, I want to say the last year has been an excellent learning curve and success story after success story.

By collaborating with our regional partners and not duplicating efforts and sharing information, we've just seen a huge return on our investment, and I can't thank those leaders of each police department and the Sheriff for that collaborative effort. It makes my job very, very, very easy.

One of the things, too, Sir, that we also implemented this, just a few months ago, is our Stratified Policing Initiative. It's taking an evidence-based approach to crime-reduction strategies. Rather than just responding to calls for service or investigating crimes after the fact through a traditional detective role, we're using crime analytics for using our intelligence analysts and our crime analysts, to identify certain patterns in our community. Thereby, once we identify those patterns, we're using place-based practices, we're using person-based practices and we're using a hot-spot policing model to bring attention through community involvement, through targeted enforcement and through presence in our community.

That just kicked off this past month and I'll be happy to report our successes upon that moving forward over the next year. One of the things the Sheriff's Office has also done, too, is publish an end of the year report called the State of the Sheriff's Office. It's available online. If you go to www.washoesheriff.com, you scroll through the search engine, State of the Sheriff's Office 2020 is on there. It's about a 38-page document that outlines our arrests, our successes, new initiatives that we're bringing forward, like the Veterans Unit, Virtual Housing Unit, some of our opioid crisis and responses to those measures. All that data is available for you. Also, on our Sheriff's Office website, in an effort to be more transparent in an effort to give more information to the community regarding crime trends, it's not up and running yet, but we will have dashboards that will show essentially our NIBRS reporting data. So, you'll be able to click on Washoe County, it will show it as specific to the region. Sparks and Reno and then the entire Northern Nevada Coalition and all the people who are reporting to that NIBRS data base and give you a true representation of what's happening in Northern Nevada with respect to crime.

One of the things I do want to highlight is in August of 2019, we transitioned from UCR summary data to National Incidence Based Reporting System, NIBRS data. It's like comparing apples and oranges. So, UCR was very finite, specific crimes reported. NIBRS is the entire dictionary of crimes reported. So, it gives a much more robust picture of crime happening in our region. When we were going through the certification process with the State, Washoe County Sheriff's Office, Reno Police Department, Sparks Police Department, University of Nevada Reno Police Department and our Indian Colony counterparts, the Reno-Sparks Indian Colony, Pyramid Lake Police Tribal, all reported our data for three months in order to help assist the State get their certification to be a NIBRS state.

We did receive that certification through the great work of Mindy McKay and her team at DPS. We thank them for their efforts there. And we hope it will give a much better, more accurate picture of crime across the entire state, and all of the stakeholders in the Nevada Legislature.

One of the things we did see were slight upticks and slight down ticks in crime, depending upon what we were looking at. But again, specifically what we were looking at was apples and oranges. Twenty-twenty really served as our baseline year for data. And what did 2020 throw us, it threw us COVID. It gave us a different, I don't want to say misrepresentations, but while people were staying at home, they're much more in tune with what is happening in they're surroundings. We had increased calls for service. People were home, so, residential burglaries decreased exponentially. You were home, working during the day, so people were less likely to be victimized.

DUIs for the most part went down exponentially. We had less people out on the road. We had less tourism, less people entertaining in bars due to the bars' shutdown. Consequently, our DUI arrests went down exponentially. Our motor vehicle thefts went down exponentially.

Some of the things we did toward the end of the lockdown we saw increasing, we started seeing was our domestic violence cases. We had people obviously who were confined to their homes, so we were trying to provide more services, more victim support services for those people who weren't able to get out and it resulted in the domestic violence offense. Those were some of the trends from 2020 that we did see.

As I go through some of the data, I just want to hit on some of the highlights. One of the things that we look at when we compare data, is against 4-year historical averages. So, we go back to 2016 through the calendar year and we compare week to week, month to month, year to year to make sure there's not any anomalies as far as our reporting data to make sure that we're not addressing certain crime trends in our community.

One of the things we saw increase toward the end of 2020, was assault and batteries. And also our vehicle burglaries. As people were trying to respect all of the lockdown orders and the lack of travel, they did go to the outdoors to recreate. Whether that was shooting, hiking, they took to the outdoors and to our trailheads. Unfortunately, what happens with that, is predators will take time to go and victimize people. If you have valuables with you, if you don't lock your vehicle, what tends to happen is people will go and be the victim of vehicle burglary. So, we did see vehicle burglaries creep up toward the end of 2020 due to that specific incident.

The domestic violence was within 30 arrests from the previous year. So, we were capped off at about 330, compared to an annual historical average of about 313. Those are things that we want to address next year moving forward with stratified policing. The Sheriff has prioritized what our significant incidents are and how we're responding to those data. To ensure we're giving our officers out in the field the appropriate tools they need to respond and that we're taking a community-centered approach to that.

We're not just doing one finite strategy, we're actually implementing about four different policing strategies. Based upon an effort to bring crime down in Northern Nevada. I've had some extensive talks with Deputy Chief Thew of the Reno Police Department and Chief Crawford of the Sparks Police Department. They're very interested in our successes with stratified policing and we're hoping that NNRIC (Northern Nevada Regional Intelligence Center) can serve as that hub and deploy those methodologies across all jurisdictions.

I know that's a rather large overview, Sir, and kind of wanted to give a historical context to what we're doing, what we're tracking and how we're reporting it. I suspect through my counterpart, Jenny Noble, my presence was requested more for questions and answers than a presentation. I'd be happy to answer any questions on the Commission's behalf.

Chair Hardesty: Let me open up to see if there are any questions from Commission members. Do any Commission members have any questions for the Lieutenant? Okay, Lieutenant, I don't see any. I just would observe. First of all, I want to thank you for the thorough presentation. I was interested in one of the comments you made, it kind of related to Ms. Hickox's comments, earlier. The changeover in the reporting to NIBRS, from where we were before. Since we were operating under the older system, can you make a comparison between statistics that are generated under one versus the other? What's your impression of that subject? We were asked about addressing year over year percentage changes, year over year calculations. Would those get conflated because of the different types of reporting systems that were used?

Lt. Solferino: Excellent question, Justice Hardesty. Yes. What we're going through with the training FBI and this conversion from Uniform Crime Reports summary data, to NIBRS data, much more robust. NIBRS tracks 62 different part A and part B offenses, whereas, off the top of my head, I want to say UCR tracked only eight part 1 offenses, basically your violent crimes.

One of the things our analysts have done is, in an effort to give Sheriff Balaam and the Chiefs of the region the best information they need regarding crime reduction strategies and what's really happening in our region, is we are trying to pull all that data and summarize it. The way that our current records management system operates, we currently use the Tiburon system. We use that across the region, it's nice at least while we're still moving toward a state initiative to use and share criminal justice information systems. At least the Northern Nevada entities are using the same system to pull that data.

One of my crime analysts is very good at his craft. What he does is he tries to pull all that information. So, we're trying to capture all the UCR data from years past to be able to compare it to that NIBRS data. It doesn't match up identically, so there are some inflated numbers. When we did go through the training with the Feds and when we did go live with the NIBRS transition, we were trying to be transparent with the public and pushed out press releases regarding crime trends and analysis and how there would be certain spikes in crime. Case in point, UCR didn't track arson. A lot of our fires over the summer that we were identifying as arson, looked like we had a four-hundred percent increase in arson over the last year, because it wasn't something we tracked previously.

As we get through those issues and we talk to the media and we push out press releases, 2020 really gave us that first-year baseline, moving forward of what it's going to look like. We still compare against four-year historical averages as best we can. As those years start to fall off, moving forward from 2020, we'll have a much more accurate picture of how we're reporting and what our crime trends are looking like.

Chair Hardesty: Thank you, for the answers. I was going to lead to that, and you answered it. Sounds like 2020 would be the better base year as we begin to look at year over year changes and percentage changes. Is that right?

Lt. Solferino: Yes, Justice Hardesty. Absolutely. Twenty-twenty served as that base year, and COVID did present us some different challenges with why we were over-reporting some things and under-reporting others. As we start to open up the state and the country, I think we'll get a much more accurate picture. But January of 2020 is that baseline moving forward that we'll actually do a robust comparative analysis.

Chair Hardesty: And then, just one example of the work you're doing there, on page 7 of your slide presentation, you are discussing crime categories by year to date. I was struck by the dramatic drop in DUIs, from 2016 to 2020. I guess my first reaction is, is that right? Secondly, what do you attribute this to? Maybe the pandemic, still, that's a rather dramatic drop in DUIs and, encouraging to see.

Lt. Solferino: Yes, sir, Justice Hardesty. DUIs have been trending down over the years. As you know, certain legislative mandates and implementation in the DUI process has made prosecution a little more difficult, moving forward. I'm not saying that we're not out there observing less. But our officers have specific targeted and enforcement campaigns through DUI Joining Forces.

For the last five years we've been able to use money from the Office of Traffic Safety at the federal level to go out and do specific targeted enforcement. Our officers are out there, they are actively looking for DUI crimes and we do have task force members who get paid directly to do that. I think it's the perfect storm of a bunch of things going on. Just this year, we were able to get back to our 2008 staffing levels due to the recession. So, it's taken us almost 12 years to recover to where we were in 2008.

Now we're back to those staffing levels. If you look at historical averages, best practices recommend two officers for every 1,000 population. We're sitting at about 1.21 in Washoe County. We are very, very underrepresented as far as the National Best Practices for officers-to-street ratios. As we start to implement these different crime reduction strategies and calls for service increase, that leaves us less time to do pro-active enforcement, which is where our DUI offenses come into play. Officers are out there looking for impaired drivers and conducting traffic stops. As they get pulled in different directions, they don't have the ability to go out and use that unaccounted for time that they could use proactively policing or when they're going call to call to call.

As we try to bridge that gap with grant-funded overtime and the ability to target that, but those numbers do speak for themselves, Sir. It's significant decrease in arrests and cases.

Chair Hardesty: The ratio that you just referenced, is that just the Washoe County Sheriff's Office? Or is that all law enforcement, RPD, SPD in Washoe County?

Lt. Solferino: Yes, Sir. It's just the Sheriff's Office. But I do believe I can speak on behalf of Reno and Sparks, too, they are well under the 2-per-thousand demographic, too. I don't know exactly. I want to say they're neighborhood of 1.5, specifically Sparks Police Department. They're going through a robust hiring campaign right now, as we all are. We have 22 different deputy sheriffs in the academy right now. I want to say that we just hired another six lateral officers who already have their POST Certificate from outside of our agency.

Reno and Sparks are doing an aggressive lateral campaign as well. While we're sitting pretty good as far as our vacancies and planned retirements and try to plug-in those holes, recruiting is a struggle. I

got the opportunity to present in front of the Assembly Judiciary Committee on Monday. Assemblyman Wheeler asked about recruiting and retention. It's difficult times. Just for comparison, Sir, in 2006 I was the background investigator for our agency, doing pre-employment investigations. We used to get anywhere in the neighborhood of 1,000-1,500 applicants every time we opened up for a recruitment.

This last recruitment we had less than 300 people apply. We're looking at different measures in recruiting in different ways. We've chaired a new diversity and inclusion committee. We're working hand in hand with human resources and our city counterparts to go out and recruit different demographics, different areas. Outside of the area to make sure we have the best and the brightest out on the street protecting our communities.

Chair Hardesty: Are you familiar with the ratios in Clark and in the rural counties, at all?

Lt. Solferino: The ratios to what, Sir? As far as how they're doing on open vacancies?

Chair Hardesty: Yes, the ratio of number of officers per 1,000 inhabitants.

Lt. Solferino: I don't Sir, but I could get with Executive Director Erik Spratley, from Nevada Sheriff's and Chiefs and pull some of that information and submit it to the Commission.

Chair Hardesty: Thank you, very much. Do any members have any further questions for the Lieutenant? Yes, Mr. Hicks.

Mr. Hicks: Thank you, Chair. Corey, I just had one question building off what you just said. What do you suspect, or what's your theory as to that significant drop in applicants for your profession?

Lt. Solferino: Excellent question, DA Hicks. I think it's a perfect storm of things, Sir. I think it's over time, some of the benefit packages that are privvy to myself and other people who were hired pre-1997-1999, where we can retire with a full benefit package 25 years and out. And healthcare, some of those have been amended throughout the years. I may not make as much working in a government position as I would in the private sector. But I got the opportunity to retire early with a full pension package. Some of those provisions have been removed moving forward. You see that with the summer of social justice and some of the different police reform tactics, a lot of people are hesitant to enter the profession.

I think it's an opportunity for us. I have had the opportunity to represent Sheriff Balaam through the legislative session, the last several sessions. And Sheriff Chuck Allen before that. Even as an intern had the opportunity to work under Deputy Attorney General Rhonda Clifton and Frankie Sue Del Papa to look at the legislative process. So, I've been in this for a long time. As I've gone through the years and been able to present to them and talk about AB 3 that happened over the summer, we truly have an opportunity for criminal justice renaissance, or rebranding of what we're doing.

Unfortunately, those events that happened 2,200 miles away from our jurisdiction, set the standard for the rest of the state. It sets us in a positive direction for reform initiatives and for working on certain things that have plagued our community. With Jenny Noble, Sir, myself, Mary Sarah, and Mr. Callaway when we go to the legislature, we talk about the issues with Northern Nevada with the Washoe County Detention Facility and the Clark County Detention Facility, being two of the largest mental health

facilities in the state. We need help with mental health counseling, clinicians. We need help with substance abuse addiction. We hope that those robust changes that we helped author with AB 236 last session, brings some of those things to the forefront and gets some of those monies that are saved on building prisons, to treatment programs so we don't have the revolving door syndrome.

It's just back to your point, though. It's the perfect storm, Sir. We don't have a whole lot of interest right now in law enforcement. It's a wonderful profession. It's a time-honored tradition. I'm proud to do it; 22 years now, moving forward. I've probably got at least another 8, I've got an 11-year-old in fifth grade. My wife and I are happy to serve in this community and move forward. But we need to be attractive to that new generation. For whatever reason, we've lost some of our luster.

Mr. Hicks: We remain happy to have you. So, glad to hear that, and thank you.

Lt. Solferino: Thank you, sir.

Chair Hardesty: I'll certainly endorse that comment. Any other questions or comments for the lieutenant? Thank you, Corey, very much. I appreciate your being available and patiently waiting until we could get to this agenda item. Let's now turn to agenda item number 8, a review of the 2020 Prison Population Projections.

8. Review of the October 2020 Prison Population Projections by the JFA Institute

Director Gonzalez: Thank you, Chair. I've included in your meeting materials all the statutes that are relevant to the JFA projections and how they are used in this state. One of the things that came up at our last meeting, was how the JFA projections are used. And how they're used in the state and possibly how they could be best used for this Commission.

In your materials there is a list of the statutes as I've provided. Some of these statutes specifically govern the projections, some govern the budget. I also included the statute that requires this Commission to use the projections. What I'm going to do is going to explain the statutes that govern the projections and how those projections correspond to the timeframes of the state budget.

NRS 176.0129 requires the Governor's Finance Office to enter into a contract for annual projections. As of right now, that contract is with JFA.

NRS 176.0139 requires the Governor's Finance Office to provide the projections to the Nevada Sentencing Commission.

The introduction to the projections, as they have been provided to you in your meeting materials, identifies each report as being a "forecast cycle" or "forecasts." I may happen to refer to them as a report. I wanted to make it clear for the purpose of my presentation, these terms are interchangeable.

Going back to the statute between GFO and JFA the contract indicates that JFA will provide three forecasts which correspond to timeframes of the state's budget. Because the projections correspond to the timeframes of the state budget, this means they are not necessarily available to the public as soon as they are released. There are three timeframes worth noting.

First, the agency's requested budget. The kick-off in February of an even-numbered year begins the agency's requested budget. During this time, the information related to the agency's requested budget is confidential. After the agency's budget is sent to the LCB (before October 15), then those items related to the request are available to the public. (See NRS 353.211.)

The next time frame is the Governor's Recommended Budget phase. Until the Governor sends the recommended budget to the legislature, information is considered confidential. (Subsection 3 of NRS 353.205.)

The final time frame of the budget is when the budget is before the legislature.

Now going back to those three forecasts or reports that are generated by JFA. There's one in April, October and February. The April report of an even-numbered year aligns with the agency recommended phase. This means the projections from April are not public until the agency requested budget is sent to the LCB (before October 15).

I made a visual here. The statute is not specific to the JFA projections. But it guides us into how we use them. I wanted to make that clear. There's nothing that says that these are explicitly confidential, but as they align to the budget is how we determine their status of what we can share with the public.

I made this diagram to outline the phases of the budget and how the JFA projections align. As I said, this isn't explicit in the statute, but because these projections correspond to different phases of the budget, is how I've come to how we're going to treat them as far as the status of their confidentiality.

The October projections are used during the Governor's Recommended Budget phase. This means the October projections are not generally considered public as part of those materials until mid-January when the budget is transmitted to the legislature. This usually happens around the time of the State of the State address by the Governor.

The February projections are the legislatively approved projections used for the legislatively approved budget. I believe these will be available to the public as soon as the budget is approved but they may be available sooner.

Considering the understanding of the projections and how they correspond to the budget timeframes, later this year I am going to propose to this Commission a change on how these projections are used to calculate the projected amount of costs avoided. At a previous meeting, we presented a methodology that could be used with calculating the projected amount of costs

avoided and how to best use these projections. As we learn more about how the projections correspond to the budget and how to use them in the most effective way possible, I'm putting together possible changes that might be best to help support this Commission in identifying those costs avoided.

Because we've used these previously to identify savings and reinvestment, I wanted to make sure that we have them aligned just as they're aligned with the state's budget. I'm going to continue to collaborate with the Governor's Finance Office as they're the ones who contract with JFA regarding these projections, so I can continue to understand how these timeframes are related and how they can be best used to support this Commission.

Next, I will provide a very high-level outline of the contents of the projections. Clearly, I am not an expert, I did not put these together. But I wanted to walk the Commission through them, so you know what you are looking at when you're reviewing them. I'd like you to think of this as a road map so that when we use these in the future, you know what you're looking for.

With the projections that are in front of the Commission today, what's unique about them, at the very front of the projections, is the special analysis. As we can see, JFA is taking into consideration what the impact of COVID-19 is going to be on the prison population.

For this Commission, that's going to mean using this along with other data about how to determine what the trends are regarding the prison populations. The Commission is tasked with tracking and assessing the outcomes of the population and identifying potential costs savings and the way that the Commission is required to do that by statute, is by using these projections.

We can see JFA is already providing some insight about how they are using that when they are pulling information in these projections. You can see there's introduction in the projections, that notes the history of the legislative changes that will have an impact on the prison populations. You will also note in the introduction the projections note that AB 236 is being taken into consideration and they're going to look at specific impacts of AB 236 and trends they see there.

You can see they identify specifically which areas of AB 236 correspond to their data systems and which areas they'll be able to track.

As you go through the report you can see there's a background on how their system is used. We can see trends in population and crime, as they look at those comparisons between the crime rates and the population. The JFA provides comparison to previous projections. We can see there are trends related to admissions, parole releases, prison inmate population and length in stay.

There are projection assumptions. As the statute requires the vendor that puts together these

projections is supposed to put together 10-year outlook of what the anticipated population, the prison population is to be for the purpose of helping establish the budget and figure out the costs that are going to be needed related to incarceration.

In that section of the report, we can see possible future release rates, future admission counts, future parole revocations and what the projected male and female population is. I would like to note, too, at the end of the report again, they are on page 39 of the report, JFA notes that they are not quite sure how long it's going to take ... I guess the assumption is that the impact of COVID-19 and the impact on the prison population has had an impact on the prison population and that there's going to be correction at some point.

There has been a decrease and so the assumption in the report makes it clear or assumes that there will be a correction at some point that the prison population will then increase as a correction to what's happened in relation to COVID-19. And they're specific that they're going to be tracking that. Again, that information might be helpful to the Commission as we review these projections in the future.

We know this is in process. So, we know there's another set of projections that will be coming out this month and as they correlate to the legislative budget, I will make those available to the Commission as they are available to the public. Then we can continue to look at those over time, and determine how best to use those as the Commission's looking at the different areas of data to make recommendations and look at trends we see in terms of the prison population.

As I said, I'm not the expert on this report, but as far as how these projections are used, how the Commission uses these projections and anything else related to that, I'd be happy to answer any questions.

Chair Hardesty: Before we get into questions by Commissioners, I wanted to share some information with you. I think that it is increasingly clear that there are a number of criminal cases throughout the State, especially in the urban counties, that have been delayed in being resolved because of the backlog, or I should say issues in the court system, being able to either conduct trials, with the disposition of those cases.

That has certainly influenced the admission within the prison. I think it is an area that we need to address along the lines of a course correction that the Director has just referenced. This is going to require some extensive study. I have recently been contacted by CJI as well as BJA, extending a potential opportunity for us to try to analyze the impact of the pandemic and the backlog of cases that exist within our criminal justice system at the moment, on what we can see going forward.

I've also reached out to Dr. Austin, haven't spoken to him yet, but I want to get him involved in that conversation. I think it's going to be important for us particularly the Sentencing Commission, to make sure we aren't wrong footed in what's happening with respect to prison

admissions that are being influenced not necessarily by crime, or AB 236 approaches, but rather being influenced simply because of the safety measures the courts have had to implement that have limited or prevented a number of cases from going forward. As an example, I was informed by the DA's office yesterday in Clark County, the number of murders pending in Clark County for disposition are 400 at this time.

I think that there are a larger number of other non-murder type cases, non-homicide cases that are in a similar situation. I think this is an area that will require some expertise from some of the people who crunch these numbers and evaluate these impacts. I'm hoping by the May meeting to have a specific set of proposals the Commission can take a look at that we may be able to take advantage of and frankly, get the benefit of the same kinds of resources that we received before when some of the numbers were crunched when AB 236 was considered.

Obviously, the Commission will weigh in on any such proposals that we might recommend to the Governor. With that, I want to invite any other questions or comments from Commission members for the Director or for me, or we can continue, and I think we need to continue this topic forward to the May meeting, for sure. Are there any comments or questions for the Director?

Sheriff Logan: I think this is going to be several years. I don't think it's just going to be the transfer from UCR to NIBRS and setting a baseline. The baseline itself is counted upon in a pandemic and then I don't know if it's, just as a suggestion if there's a way either through the courts or through the District Attorneys Association for them to define a, and I think this is going to be the hardest part, was the crime committed before the pandemic was declared, during the declared pandemic, after the declared pandemic and then when the adjudication comes forward, for us in order to be able to track those numbers to see if there really is a spike or not. And we're doing that while still trying to do an AB 236 parameter of what changes did that affect to the system at the same time when the system is an ebb-and-flow water down the river. I want to be able to as we make decisions or try to make policy decisions, know that it's accurate. I know you can't predict everything, but trying to establish those timelines in you said, the 1, 3, 5, 10-years windows of crimes. I think it's all going to have to come together and I think patience is probably the best call at this time.

Chair Hardesty: Sheriff, I don't think I could have framed the problem any better than you just did. That is precisely the problem that I foresee. Obviously, the longer the pandemic goes, or the longer safety measures have to be used that constrict the ability of the courts to proceed with the disposition of these cases, are the greater the challenges we will experience.

You're absolutely right. We need to compare apples to apples and that is an important part of this entire discussion. As I was discussing with CJI literally, three days ago, that is exactly the point. When was the crime committed? When was the disposition? And what periods of time does it fall in? Before the pandemic, during the pandemic. Also, too, were the crimes committed

at a point where they're governed by AB 236 or not?

That's a critical question in order to be able to access how this works. I think what all of this means, it complicates a lot of this data collection even more. It's going to require a significant level of resource that the state does not have, that we might be able to take advantage of to assist us and the Commission could provide a lot of direction in how we accumulate that. I view this as an opportunity.

I have to say, to me, it's a really challenging question that you framed. But I think it's exactly the problem that we're looking at. I don't think we can make confident recommendations about the impact of AB 236 with all these other things that are in play, without dividing them out. I really appreciate your observation. Anybody else wish to have any input or comment at this time. It's going to be a robust part of our conversation in May, I'll tell you that. I don't see any, Ms. Gonzalez, so let's go on to agenda item number 9.

9. Discussion of the Article, Parole Boards Approved Fewer Releases in 2020 than 2019, Despite the Raging Pandemic by Tiana Herring

Chair Hardesty: I circulated an article, or asked staff to do so, out of the Prison Policy Initiative, because it caught my eye about the parole hearings in various states, including Nevada, and I trust you all have had an opportunity to take a look at that article. I wanted to invite Chairman DeRicco to comment about the article and about the suggestion that Nevada's number of parole hearings and parole rates had declined significantly between 2019 and 2020, so that we could shed context onto this topic. Chair?

Chairman DeRicco: Yes, when I saw this article on the agenda of course I read through this and I think kind of as you mentioned previously on our last agenda item, we need to be able to compare apples to apples. It's very difficult in reading this article in order to do so. Throughout this article I got that the, and I understand that some of the Department of Corrections, they're parole boards are a part of their Department of Corrections, we're an independent body here.

Some things at least that I want to point out here for the record, the statistics that they have here based on Nevada, are on a calendar year and we do everything on a fiscal year. I can tell you that for fiscal year 2020, let me step back even previous to that. Our grant rate in fiscal year 2018 was 62.9 percent, and fiscal year 2019 it was 65 percent. In fiscal year 2020, and this is one of those with an asterisk, which I'll explain, the grant rate was actually 71 percent. Our grant rate has not gone down and once again it might be how they're comparing, put together the stats try to compare apples and oranges.

I do want to point out for the record, in March of last year when COVID hit, the institutions ultimately closed their doors to outsiders in order to mitigate the exposure which was a very smart move. However, in Nevada and according to statute, our parole boards must be open to the public. No longer could supporters, attorneys, victims, go to the institutions for these hearings. Additionally, shortly thereafter, the Governor closed the state offices down from mid-March until the end of May.

We were left in somewhat of a quandary figuring out what to do. Certainly, we did not as a Board did not want to go dark and do nothing and not be able to move forward with the opportunity for some of these individuals to be granted parole. As a result of that, what we did was, we were able to review all of the files as a Board between mid-March and the end of May, hand reviewed all the files. According to the NRS, we can grant parole in absentia, we cannot deny parole in absentia. So, we went through every file that we could, (who) was eligible for parole during that time period. We can't review cases that have victims, known victims that have requested to either be present or provide any time of input on hearings as well.

So, we reviewed all of those cases and went through every one. For the months of April and May, you have an anomaly that happened. That was, in those two months, we had a 100 percent grant rate. The reason being, is you cannot deny in absentia, but you can grant. We looked at the cases that looked like good candidates to grant, because we wanted the wheels to continue to keep moving. And we did.

Certainly, once the Governor released the restriction on the office closures effective June 1, we were that day, open and ready to go for the public and things went back to normal. An interesting note here, once again our grant rates went up, but that was because of those two months of 100 percent grant rate.

Once offices opened back up, we started to see our grant rates go back to where they were historically for the first half of fiscal year 2021. We're back to 64 percent, total grant rate. As far as total numbers of grants, I can tell you the prison population, I believe as part of the last JFA report, has declined approximately 11 percent in the last year. We don't determine when an inmate is eligible for parole, that's done by the Nevada Department of Corrections. They're the timekeepers. They notify us when they're eligible and then we make sure to hear that case.

The prison population has been going down so for talking total numbers of people granted, I wouldn't disagree that the total numbers have been reduced. But the percentage has held steady or even gone up somewhat in the fiscal year 2020. Those are the main things I wanted to bring up with regard to this article.

Chair Hardesty: Thank you, Chairman. Do any members of the Commission have any questions for the Chairman about this topic? Seeing none, let's move on to agenda item number 10.

10. Update on the 2021 Legislative Session

Chair Hardesty: Along with all the other things the staff has been doing, they now are embarking on trying to keep track of what's taking place in the legislature. I'm sure most of the people on this Commission know that's a challenge in and of itself and can be a full-time job in and of itself. I asked Victoria to give us a 30,000-foot view of what they have seen thus far and update us on what the Commission's interaction and tracking of the legislature looks like.

Director Gonzalez: Thank you, Chair. As I mentioned in my report, we were tracking interim committees in terms of looking through the scope of the lens of what is mandated and required for this Commission. I have actually asked Laura to put together a presentation and a summary of what our

process was and where we're at. When she's done, I will provide some information related to the budget hearing presentation that I made to the Ways and Means Committee and the Senate Committee as a conclusion to our activities related to the legislature. With permission of the Chair, I'll turn the time over to Laura.

Ms. Arnold: Thank you, Chair, Director Gonzalez. I'm going to update you on the Department's legislative tracking efforts. Prior to the 81st session of the Nevada Legislature, Director Gonzalez and I met to discuss the Department's legislative tracking plans in the context of the Nevada Sentencing Commission's statutory duties and recording requirements stated in NRS 176.0134 and 176.01343 and 176.01347. Generally, those statutory mandates require this Commission to recommend, evaluate, facilitate, train and report as follows:

The Commission makes recommendations related to elements of the criminal justice system that affect criminal sentences, the structure of criminal sentencing that incorporates the objectives and goals of fairness, consistency and proportionality and statutory sentencing guidelines.

The Commission evaluates sentencing policies and practices related to efficacy and fiscal considerations, as well as the impact of sentencing program options.

The Commission facilitates the development and maintenance of a statewide sentencing database.

The Commission provides training regarding sentencing and related issues, policies and practices.

The Commission provides reports that comprehensively address sentencing changes and recommendations, track and assess comparative sentencing data based upon statutory data measures and provides the projected and actual fiscal effects of sentencing reform efforts.

The Commission also advises the Department in how to best assist the Commission in ensuring its compliance with its duties, requirements, and objectives.

With the Commission's duties, requirements, and objectives in mind, our legislative tracking plan began by first breaking down AB 236, and we did that in two ways. First, we listed each NRS chapter and provision that was affected by AB 236. Then, we created a separate spreadsheet that provided a substantive summary description of each section of AB 236 and the effect that it had. Our intent was to have that information as a resource to which we could refer in our legislative tracking efforts, both now and in the future.

Next, we began what has been an ongoing review of all of the bill draft requests that have been, and continue to be submitted, to determine which of them, based on their brief descriptions, might possibly relate to Nevada's criminal justice system generally, and criminal sentencing specifically, in the context of all that this Commission is tasked with doing. With that broad filter, and as of today, we identified 242 bill draft requests to track and then review as they are assigned bill numbers and introduced.

We track and review those bill draft requests through the NELIS personal legislative tracking feature, which provides daily updates on the bill draft requests that are introduced as legislation. Once a bill draft request is introduced as legislation, we review the bill in its entirety and through our broad filter of whether it could or will affect that which this Commission is tasked with doing. If it in any way relates,

directly or remotely, to this Commission's duties and objectives, we add that bill to our legislative tracking workbook and, through NELIS, track that bill through the legislative process.

The information we include about each bill in our legislative tracking workbook includes, in relevant part and among other things, a descriptive summary of the bill, whether it affects any NRS provision identified in AB 236, how or why it may or does relate to criminal sentencing policies or issues, and its progress through the legislative process.

Through that process, which we undertake daily, we have currently identified 31 bills that we are tracking as they make their way through the legislative process.

Of the bills that we are currently tracking, as with those that we expect to be tracking once they are assigned to pending bill draft requests, some are more likely to affect matters relevant to the Commission than others. For instance, some directly bear on criminal sentences by increasing penalties for offenses, while others may indirectly impact criminal sentencing issues by potentially increasing or decreasing arrests and convictions.

Other examples of our reasons for tracking certain bills include those that address treatment programs within the Department of Corrections, require certain training for employees in the criminal justice system, or affect NRS provisions that are identified in our AB 236 breakdown. As the bills we are tracking make their way through the legislative process and we are able to further evaluate them based upon testimony and presentations, legislator questions and discussion, and other information, we will continue to adjust our consideration of those bills in the context of the Sentencing Commission's duties and objectives and rank them accordingly.

When Nevada's 81st Legislative Session has concluded, we will provide our final evaluation of the relevant legislation that passes and any impact of that legislation to the Commission's duties, objectives and mission.

We will also seek guidance and recommendations from the Commission as to what else it may want from our legislative tracking efforts. With that, are there any questions about our legislative tracking process or any guidance at this point from the Commission to incorporate into our efforts going forward?

Chair Hardesty: I'd like to offer some guidance. I think it would be beneficial to all of the members of the Commission if you could distribute weekly, the status of your current bills being tracked. I don't want to add because we have a limited staff as it is, but the summary you have hear on the last slide, if we could update that weekly. If you add a bill or remove a bill, at least the Commission members will see which bills you're following or deleting. I think then Commission members it will be up to you to take your own initiative or through your own associations look up these bills and their status. Then if you want to ask questions of the Department then we can provide additional information as appropriate to address those questions.

I imagine for many on the Commission you are already looking at these matters in your own offices, or associations. I think it might be informative and help communicate if the Commission staff can send out, this sort of tracking summary weekly. Thank you, Ms. Arnold, for your work on this. It's quite challenging. Do any Commission members have any additional questions or comments about this

practice?

Hearing none, I don't know if we need to see if there's anybody raising their hand, I'm not sure if I can tell. I'll assume that's the case, we don't have any additional questions for Ms. Arnold. Ms. Gonzalez, if you'd like to go forward.

Director Gonzalez: Thank you, Chair. Included in your materials is the presentation I made to the legislature, specifically the Ways and Means and the Senate Finance committees. The Chair appeared with me. As each agency is required to do, agencies are invited to make their budget presentations to the committees at various points during the legislature, we got to do ours the first week.

What I do for that presentation, is I provided information about our statutory mandates, our current budget. I provided a summary of our activities of standing up the department including impacts from the pandemic. Most of the items included in our budget request, sought to replace the funds we lost during our base year, which happened to be during the worst of the state being shut down.

We were impacted by not being able to hire and not being able to spend. So, we were not able to use funds that had been appropriated to the Department, which would then have been shown in our base year of what kind of appropriations we need for our daily functions.

The good news is our request also includes a reclassification of our Administrative Assistant IV. We're requesting this position be reclassified to a Management Analyst I position, also referred to as an MA I. Our intent by seeking this reclassification, is the position will increase the level of work we're able to accomplish as it relates to the data collection.

We aren't able to ask for an additional full-time position at this point because of the cap that is on our request, but we were able to ask for this reclassification which will help facilitate our work and help take us to another level of what we're able to get done.

Most recently I was asked by LCB to submit an expanded program narrative, regarding the budget of our department. This is also referred to as the EPN. The EPN includes detailed information about our budget. I will be submitting this to the Ways and Means Committee next week and the intent is that it will assist the Committee in reviewing our agency budget.

As the Chair mentioned as well, we received some questions from the Committee members. Definitely appreciation for what we are trying to do as we're trying to identify savings, we need money in order to identify those savings. And understand and appreciate the needs as they relate to data specifically as we know resources are important and necessary to get this work done.

With that, I'd be happy to answer any other questions about my presentation to the money committees or if there's any other questions about our legislative tracking.

Chair Hardesty: Any questions or comments from Commission members? Seeing and hearing none, let's move on to agenda item number 12.

12: Discussion of Potential Topics and Dates for Future Meetings

Chair Hardesty: As we have done in the past I, would invite any suggestions that any members of the Commission have for future agenda items. If you don't have a suggestion today but one of course occurs to you before our next meeting, please reach out to the Executive Director or myself and we will make arrangements to include that in the construct of the agenda.

Is there anybody who would like to make any suggestion on a topic or topics at this point today? Hearing and seeing none. Let's move on to our second public comment period.

13. Public Comment

Chair Hardesty: I'll open this comment period as we did in the first period. Those who wish to testify may do so by telephone. Due to time constraints, public comment will be limited to two minutes. Any member of the public who exceeds the two-minute limit, you may submit additional testimony or all of your testimony in writing to the Department of Sentencing Policy at sentencingpolicy@ndsp.nv.gov.

At this time, Ms. Buckley if you would open the lines for public comment.

Ms. Buckley: Thank you, Chair. Members of the public who would like to testify by phone, press star 9 to raise your hand. When it is your turn to speak, please slowly state and spell your first and last name for the record.

Again, if there is any member of the public who would like to testify by phone, press star 9 to raise your hand. When it is your turn to speak, please slowly state and spell your first and last name.

Chair Hardesty: Commission members, thank you for your patience. We don't see any individuals seeking to offer comment during this second comment period. Thank you all for your time and participation. I look forward to seeing you in May.

14. Adjournment

Meeting adjourned at 12:47 p.m.