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Victoria Gonzalez  
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Justice Lidia Stiglich  
Chair, Nevada Sentencing Commission

Christine Jones Brady  
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**STATE OF NEVADA**  
**DEPARTMENT OF SENTENCING POLICY**

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**NEVADA SENTENCING COMMISSION**

**MINUTES DRAFT**

**Date and Time:** August 24, 2022

**Location:** Legislative Building, Room 1214  
401 South Carson Street  
Carson City, Nevada

Grant Sawyer Building, Room 4401  
555 East Washington Avenue  
Las Vegas, Nevada

**MEMBERS PRESENT**

John Arrascada  
Chief Michelle Bays  
Dr. Shera Bradley  
Director Elisa Cafferata  
Chuck Callaway  
Director Charles Daniels  
Athar Haseebullah  
D.A., Chris Hicks  
Jim Hoffman  
Dr. Jennifer Lanterman  
Kimberly Mull  
John McCormick  
Julia Murray  
Senator Nicole Cannizzaro  
Assemblyman David Orentlicher  
Assemblyman Tom Roberts  
Christine Jones Brady, Vice Chair  
Justice Lidia Stiglich, Chair

**MEMBERS EXCUSED**

Judge Scott Freeman  
Judge Tierra Jones  
Christopher DeRicco  
Jon Ponder  
Natasha Koch  
Senator Pete Goicoechea

**STAFF**

Executive Director, Victoria Gonzalez  
Erasmus Cosio, Management Analyst II  
Jorja Powers, Manager of Policy Analysis  
Jose Sepulveda, Administrative Assistant

**1. Call to Order / Roll Call**  
**[Meeting called to order at 9:00 a.m.]**

**Chair Justice Lidia Stiglich:** I will now call to order the August Meeting of the Nevada Sentencing Commission. Good morning, it's wonderful to see everyone in person. I did have to find the room and get out a bit, so it is great to be here in person and I am looking forward to today's meeting, I want to welcome those members of the public who are streaming the meeting on the Legislatures website. This is the sixth meeting of our 2021/2023 meeting cycle. We added a new member; Athar Haseebullah from the ACLU, so welcome. I'm happy to report that all of our vacancies are filled, and I want to thank you to those who ensure that our vacancies don't stay vacant for long. Now to address some housekeeping matters for our in person meeting today first if she'll accept the assignment, I will designate Senator Cannizzaro as the point person in Las Vegas to assist when it comes to hearing public comment and fielding questions from the Commission members. Do you accept your assignment?

**Senator Nicole Cannizzaro:** Yes, thank you Your Honor I do.

**Chair Stiglich:** All right wonderful, thank you Senator. Next you can see we have a full agenda today, but staff does not anticipate for it to take all day for that reason I do not plan on taking a lunch break. I know staff advised you to bring food and snacks so that you have what you need to get through our meeting and move on to the rest of your day. I think everyone knows the rules of the meeting room but just as a refresher if you're speaking from the dais or coming up to the table to testify please make sure you hit the microphone button and speak clearly into the microphone. When you're done speaking hit the microphone button again to turn off the mic and please remember to state your name clearly each time before you speak. This is very important to staff when it comes to transcribing the minutes. It is also helpful to silence or turn off any of your devices to limit interference we want to make sure that those watching on the internet can hear what we are saying. I will now ask Director Gonzalez to take the roll.

**Executive Director Victoria Gonzalez:** Thank you.

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

**2. Public Comment**

**Chair Stiglich:** I will now open agenda item 2, the first period of public comment. There are two periods of public comment one at the beginning of the meeting and one at the end. 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](mailto:Sentencingpolicy@ndsp.nv.gov); public comment received in writing will be provided to the Commission and be included by reference in the meeting minutes. The second option is speaking in person if there is any public comment either here in Carson City or Las Vegas at this time please make your way to the table. We limit public comment to three minutes per speaker we will be timing up here and when you get close to your three minutes I will ask you to wrap up. Let us please start here in Carson City. Is there any public comment in Carson City? All right is there any public comment in Las Vegas?

**Senator Cannizzaro:** No, Your Honor we do not have anyone here.

**Chair Stiglich:** All right thank you Senator. Seeing no one who wants to testify at this time I'm going to close the first period of public comment, as a reminder to those in attendance we will have public comment at the end of the meeting as well.

**3. Approval of the Minutes of the Meeting of the Nevada Sentencing Commission held on May 9, 2022**

**Chair Stiglich:** Moving on to item 3, members of the Commission have been provided copies of the minutes from the May 9, 2022, meeting; are there any edits, comments, or corrections? All right hearing none I'll now entertain a motion to approve the minutes from the May 9, 2022, meeting.

JOHN MCCORMICK MOVED TO APPROVE THE MINUTES OF THE MAY 9, 2022, MEETING

JOHN ARRASCADA SECONDED THE MOTION

MOTION PASSED UNANIMOUSLY

**4. Update from the Nevada Local Justice Reinvestment Coordinating Council and Recommendation Regarding Grants Administered by the Nevada Local Justice Reinvestment Coordinating Council**

**Chair Stiglich:** I will now open agenda item 4 update from the Nevada Local Justice Reinvestment Coordinating Council and Recommendation Regarding Grants Administered by the Nevada Local Justice Reinvestment Coordinating Council. The Coordinating Council is required to make recommendations to this commission regarding the implementation of AB 236 at the local level. The Council is also tasked with administering grants to programs that will reduce recidivism. Director Gonzalez will provide us with an update on the activities of the Coordinating Council and a recommendation for this commission to consider.

**Director Gonzalez:** Thank you Chair and good morning everyone, it's great to see you. There are slides included with your materials and I will walk through those regarding an update from the Coordinating Council. The Coordinating Council has had four meetings since it got up and running last year; the intent is for the Coordinating Council to meet at least on a quarterly basis in a way that aligns with the quarterly meetings of the Sentencing Commission. One of the first efforts of the Coordinating Council was they agreed to support data driven efforts to support this commission by collecting jail data. The council has worked with staff to develop an inventory to send to each jail to learn preliminary information about how they collect and share data. We've received inventories from several of those jails already. Next steps include for our staff to reach out to each county to schedule what we call or are referring to as a sit-along so that we can learn more about each jail system, how they collect data, how they share it, and what variables they are included. The Coordinating Council also heard a presentation from the Mobile Outreach Safety Team in Carson City (MOST) and Dr. Woodard from DHHS to learn more about programs that would help support the treatment of mental health. The Coordinating Council is tasked with administering grants for treatment and programs that will reduce recidivism. So, what the Coordinating Council did over the last couple of meetings was develop a recommendation for what we are referring to as an upfront investment on reinvestment for these grants.

The recommendation before this commission today from the Coordinating Council would request that our department, the Department of Sentencing Policy, include a request for an appropriation to fund the grants administered by the Coordinating Council. The amount requested was developed from the research collected by our staff and the presentations from MOST and Dr. Woodard. The Coordinating Council identified priorities consistent with the priorities for reinvestment pursuant to the Commission's mandates which are programs for re-entry, education, substance use, employment, and mental health, housing to support re-entry of offenders and behavioral field response program. If the funding were provided, this is what those grants would be administered for, the counties would apply to the Coordinating Council. The Coordinating Council would work on developing metrics for measuring the performance of those grants and then request those reported to measure the outcome and then make the decision about which programs and treatment and counties to provide those grants to and then monitor those grants.

The Coordinating Council did not have a quorum at our last meeting, but the members present unanimously approved the recommendation and what they refer to as a non-binding motion which is the recommendation before you today. So, with that I will turn the time over to the Chair for any questions the Commission may have and about this recommendation.

**Chair Stiglich:** All right thank you for that report Director. Are there any questions at this time?

**Mr. Jim Hoffman:** Thank you Justice, my question is this \$3 million, is this the only source of money for these grants that's going to be the next biennium.

**Director Gonzalez:** At this time yes, the funding for the Coordinating Council must come from the General Fund; that's provided by statute so the amount we'd be requesting right now is \$3 million. That amount could be adjusted that we include in our request. It's also possible that during the budget building process which goes to the Governor's Office and then the Legislature next that that amount could be adjusted but right now it's \$3 million. The only source of funding that the Coordinating Council can use for these grants is from the General Fund.

**Mr. Hoffman:** I have a follow up if you don't mind. So, the Cost Avoided Report I think that's something like \$21 million, is that whatever the number is, so most of that is not going to this or is that a separate pot of money?

**Director Gonzalez:** The \$21 million identified in the cost avoided was the amount that we estimate has generally been avoided over the last two years since AB 236 went into effect. The purpose of that amount identified by the Commission is to make recommendations for various programming. So, the statute provides that the Commission will identify the costs avoided and then recommend funding to programs for re-entry that would be at DOC which is specifically provided in the statute, parole and probation, the housing division, and the Coordinating Council. The intent by specifically requesting \$3 million or recommending \$3 million be invested in the Coordinating Council would be part of that funding where then the intent would be for the Governor's Office and the Legislature to identify other priorities for programming to fund within those other categories of Department of Corrections, Parole and Probation and so I would hope that would be the intent to fund across those different types of programs. So, this would be a portion of that and then the intent would be for the rest of that to go towards the other programs. I will add that it's not necessarily a pot of money because they are cost avoided. When AB 236 was enacted it was identified what could be avoided if the policies and reforms were put into place and so what the approach is is to identify the formula that we addressed at our last meeting that this commission addressed as far as how to calculate those costs avoided and then point that out to the law makers and the stakeholders as far as here's money based on the calculations has been avoided and that could be appropriated to other programs. So just to be clear it's hard to identify those as a concrete amount of money but based on our methodology and formula that this commission has developed and approved it could give guidance about here's how we could prioritize reinvestment into other programs.

**Mr. John Arrascada:** I have one question it's more a matter of process referenced in the slide presentation that grants can be administered or requested of the Coordinating Council, is that the process for any entity or person that wants to obtain a grant for the purposes as referenced in the PowerPoint presentation?

**Director Gonzalez:** Just to make sure I understand your question, so if an individual through a county were to apply for a grant through the Coordinating Council?

**Mr. Arrascada:** Any entity if somebody wants to receive grant funding, do they go through the Coordinating Council and then it would come to this body to approve it or does this body have the ability to approve a grant request that has not gone through the Coordinating Council?

**Director Gonzalez:** Thank you for the clarification, all of the grants are administered through the Council, so the Sentencing Commission does not administer those grants. The Coordinating Council would provide regular reporting back to the Sentencing Commission on what's happening, but the statute provides that the Coordinating Council itself is the administrator of those grants and by virtue of our staff providing the support we would provide the technical support for keeping track of the grants but the Coordinating Council would have the final decision about who gets the grants and who doesn't and the Coordinating Council would also be the entity tracking metrics to make sure the grants are being used in those priorities that were identified in the recommendation.

**Dr. Jennifer Lanterman:** My question is have grant application criteria been established generally and particularly in relation to re-entry and if so do those requirements include evidence-based programs or practices because we've found that the word re-entry is used in a general way and is often applied to

programs and practices that are not evidence based or informed by research so I'm just curious about how you will prioritize applications or what the criteria are for programs, thank you.

**Director Gonzalez:** The criteria have not been developed yet; the Coordinating Council will do that next. So now that it has the recommendation, we were going to start soliciting presentations from other grant administrators to get ideas for what those criteria could be because the Coordinating Council did express that at our last meeting to make sure we start talking about that criteria to show that they're ready to go. So actually, in conjunction with Mr. Arrascada's question, I think it is appropriate for the Commission to provide guidance to the Coordinating Council about how to administer grants. So, if the Commission had an appetite to approve this recommendation today or a version of it, I think it would be appropriate if the Commission wanted to give a direction to the Coordinating Council about what to include as grant metrics as other priorities when it comes to administering these grants. The Coordinating Council functions as a type of subcommittee of the Commission and so it makes sense that the Commission could direct the Coordinating Council on the specifics on how to administer that. So, I don't know if that's what you were kind of getting at, but I think it would make sense to include that specific direction to the Coordinating Council when they're developing those metrics which we'll be doing in the coming year.

**District Attorney Chris Hicks:** Just a quick question Director Gonzalez because I just want to make sure I'm clear on this. So, the Coordinating Council is really going to be the entity that is tasked with considering grant applications, some of the criteria that Dr. Lanterman just talked about, and then the distribution of these reinvestment funds?

**Director Gonzalez:** That's correct.

**Mr. Hicks:** That's the way I understood it. My question is and I think its just a good opportunity to ask it I'm jumping ahead to item number eight. I'm curious wouldn't it be better for that particular agenda item to go through the Coordinating Council if that's the entity that's considering recommendations or distribution of reinvestment funds?

**Director Gonzalez:** That would make sense because once the Coordinating Council has grant funding then based on my understanding of what the proposal would be before the Commission would be a type of program or entity that would benefit from this funding. Once that grant money is in place it would make sense for them to then take their application to the Coordinating Council and make a request for those funds as far as how to actually get that money.

**Mr. Hicks:** I'm not trying to pick apart the agenda. I think as a commission it would make sense for us to be consistent in which these entities are appearing in front of asking for potential consideration of reinvestment funds. I could see problems if were allowing some people to come in front of this commission, some entities to go in front of the Coordinating Council. So, I would just throw that out for the Commission to consider, thank you.

**Director Gonzalez:** If that's something the Commission wants to consider, it could be included in the recommendation, as far as when it comes to applications and any sort of discussion with these types of things, that they start with the Coordinating Council first and then come up to the Commission if it's necessary.

**Chair Stiglich:** Thank you, are there any further questions for the Director? Any questions in Las Vegas? All right hearing none, I'll know entertain a motion to approve the recommendation from the Coordinating Council.

CHRIS HICKS MOVED TO APPROVE THE RECOMMENDATION FROM THE COORDINATING COUNCIL

CHRISTINE JONES BRADY SECONDED THE MOTION

MOTION PASSED

## 5. REPORT FROM THE EXECUTIVE DIRECTOR OF THE NEVADA DEPARTMENT OF SENTENCING POLICY

**Chair Stiglich:** I'll now open agenda item 5. Report from the Executive Director of the Nevada Department of Sentencing Policy. As is our custom and consistent with her duties, at each meeting the Director provides a report on the activities and budget of the Department. I will now turn this time over to her for the update and items of business for the Commission to handle.

**Director Gonzalez:** I am very excited to provide an update about our recent activities and the ongoing progress we continue to make. It's exciting to see where we're at about two and half years since we've been put into place. We're going to hear more about from CJI as well. First, I have our summary of activities based on the core functions we use to govern our department. With our agency request I have taken the opportunity to revise our core functions and our mission statement. These will be available on our website soon and we will distribute them to the Commission. There used to be seven core functions that we have it now down to five which you see here: administrative, budget, commission, data and reports, and outreach. Under administrative I am very happy to report that on September 6 we will be fully staffed. You can see the results we have realized as our talented team has evolved, and we look forward to your feedback to help us improve in our next evolution. Our budget request under the budget core function will include request for additional staff and other enhancements to our infrastructure. The details of our budget remain confidential in this stage of the budget-building process, but our request before this commission would be to include adding additional staff that will improve and expand our data collection capabilities and ensure that we can manage our day-to-day operations.

I will be seeking approval and support from this commission to submit requests consistent with these objectives for additional staff and additional support for our infrastructure. The BDR request that was approved at our last meeting by a majority of this commission was included in the Governor's BDRs and has been numbered BDR 263. I will keep this commission updated on the progress of the drafting of that BDR. As you know, we launched our first monthly data dispatch. We distributed this to the Sentencing Commission yesterday. It is now available now on our website we are going to also distribute it to our Listserv. These data dispatches will be available monthly and we'll notify you when they are available. We'll also notify our Twitter followers as you can see, we've created our department Twitter.

Under reports the Commission has two upcoming. The statement of cost avoided is due December 1<sup>st</sup> and the comprehensive report is due January 15<sup>th</sup>. Finally, I wanted to just briefly report here and give you more detail that our department and this commission are members of the National Association of Sentencing Commissions and there was a conference that staff was able to attend in Portland. We'll refer to them as NASC. They didn't hold a conference in person the last couple of years because of Covid. So, when we were first established the first year that the Commission and the Department were functioning, they didn't have a meeting and then they had a virtual meeting the year after that. We were able to attend that, but this was the first in person meeting we were able to attend. Like I said we're excited to announce that we created our Twitter account and invite you to follow us in order to stay updated on our activities along with the emails we send to the Commission.

I mentioned that one of the upcoming reports for the Commission will be the comprehensive report. I wanted to let the Commission know that we are going to start working on that and this is our plan for getting it done. Here is a very general outline we will put together for the report. Of course, we will include a summary of the meetings, we're going to identify data that can be included in the report. I would also like to include comments and findings from members of this commission regarding the data that's presented in the meetings. Some of the data we present here today includes data metrics we need to collect along with those required for AB 236 we would include those AB 236 metrics. While our department will have our analysis and findings, I think it's really important to keep our perspective neutral and rely on input from the Commission on what other findings and conclusions can be included in the report in relation to the data. We want this report to be useful to the public, stakeholders, and lawmakers so they can be a resource. So, by including these types of discussions and findings, I think it would be an excellent resource to the

stakeholders, lawmakers, and the public. You can see our plan here is to put an outline together with as much detail as possible. We will circulate what we have with the Commission and present as much as we can at the November meeting. Our proposal would be that the Commission approves the outline that we've developed at that meeting in November. Then we will draft the report in a manner that conforms with the approval and then circulate drafts among the Commission before the January 15 submission.

As I mentioned, we attended the National Association of Sentencing Commission's conference in Portland, Oregon. Staff and commission members from other states attended the conference. We learned about trends and activities and commissions in other states and got to share our accomplishments over the last couple of years mostly in just getting established. We got to hear about the experience of justice reinvestment in other states including a detailed experience in Alaska who passed an omnibus bill. We heard about their challenges from enacting such an omnibus bill and what resulted for them in a repeal of many of those reforms. We also learned about how supervision is organized and funded in other states like Pennsylvania and Oregon. Of course, we got to hear about data collection challenges in other states and Nevada is not alone in these challenges. We look forward to reaching out to our new friends and partners that we have in other states and bring presentations to this commission if that is something the members are interested in. More importantly we are excited to report that Nevada is represented on the Executive Committee as I was appointed to fill a vacancy that recently became open in the last couple of months.

At the conference, they requested volunteers from states who would be willing to host the 2023 conference. I volunteered Nevada. I proposed that if we hosted the conference could be held in Las Vegas, Reno, Carson City or Lake Tahoe. The conference is typically held in a state capital, so Reno, Carson City, and Lake Tahoe seemed the most appropriate. The Executive Committee and the membership present at the conference seemed most excited about the opportunity to have the conference at Lake Tahoe. At the next board meeting the Executive Committee will vote on the location of the 2023 conference. One of the items of business I have for this commission today is whether you would like us to pursue this opportunity. The Executive Committee would not want to move forward without the approval of this commission. If the Commission approves the opportunity, I will tell the NASC Executive Committee that Nevada approves to be considered to host in 2023. If we were approved, the conference will take place around the middle of August in 2023 and of course we would look to the members of the Commission for ideas on panels and a keynote speaker for that conference. We would also ask for your help in carrying out the conference. Then what I'm hoping is that by hosting the conference, it will be a great opportunity for members of this commission to start making those partnerships and connections in other states and that we could include funding commission members to attend future conferences.

So, as I said, I have two matters for this commission to consider for approval today including the request for additional staff and enhancements in our budget request, which is due September 1<sup>st</sup>, and then the second request is for pursuing the opportunity to host the 2023 NASC conference. So with that, I'd be happy to answer any questions.

**Dr. Lanterman:** Director Gonzalez, it sounds like an exciting opportunity to host the NASC conference. I have one question though. If we were selected to be the site for the conference would that create any financial obligations for the Department of Sentencing Policy or the Sentencing Commission?

**Director Gonzalez:** Thank you for that question. No, it does not. NASC has its own budget for paying for the conference. The only thing we'd be doing is helping administer the conference, doing the leg work for finding the site but there's a budget for everything included in that.

**Mr. Chuck Callaway:** Director Gonzalez, did I hear you correctly when you said that at the national conference one of the presentations spoke about repeals to reinvestment reforms that were made in other states. I'm curious did you hear from law enforcement during the presentations about reinvestment and reform, and if so, what was their comments regarding the reforms and what states repealed reforms and for what reasons?

**Director Gonzalez:** Thank you for that question, Mr. Callaway. The presentation for justice reinvestment in Alaska was made by the staff of the **analogous** entity to ours, they have a different name of course, and I believe they passed their reforms back in 2017. So, the presentation was made by staff; they did not include members from their commission. They did share that the concerns for the reforms came from law enforcement specifically and I would be happy to put together a full debrief of that in other states. I would say, based on what we heard at the conference, it's very mixed depending on how justice reinvestment reforms work and are applied and implemented. We noticed Alaska because there definitely seemed to be some similarities and wanted to share that with the Commission as far as possible challenges that could come with that but their concerns that they expressed did come from law enforcement. The data they presented was not related to that, the data the presented was related to what trends they saw in their prison population so we would be able to gather more data about that. I do have the comprehensive reports; we've been looking at their report so I could share that with the Commission as well and with your question I'd be happy to look more into that and put together a more comprehensive assessment of justice reinvestment in other states.

**Mr. Callaway:** Thank you for that and just a quick follow-up to that. We spoke a moment ago about projected savings in the State, and you had mentioned which I believe is very true that just because we don't spend money on something doesn't mean that we now have that money in the bank to use. So, during the national conference was there any discussion from other states that had passed reinvestment laws about hard dollars that they actually saved and were able to spend or at the end of the day were these projected costs nullified by various other expenditures that came about maybe not related to the reinvestment.

**Director Gonzalez:** I will give you three examples that I'm aware of. So, first of all that exact question was asked in the Alaska panel about the cost savings and they had challenges being able to identify those exactly for the reason that you just brought up as far as being dollars that could actually be invested. That is a point of discussion about how we address that. Utah also had a similar experience where they passed a justice reinvestment. Theirs was not as sweeping as ours and they have had a couple of analysis done by their commission that's required to collect data that has shown that they have not realized the outcomes that they had hoped to realize and so how can they address that. The specific challenge that they had was actually putting money into the programs. The thing I heard more than once from other states was trends in the prison population do adjust, they see other impacts. The number one challenge is getting funding to these programs. I believe Alaska expressed that concern, Utah has expressed that concern and I think that is a concern for Nevada when it comes to this reform is how do we get the money to these programs and then there's a practical concern that's also been discussed is the staffing in order to actually deliver these services. Utah expressed a very specific concern where they have some of these positions, but they can't fill them, and so that's the number one need we keep hearing about and how that's tied to reinvestment. So, I bring that up to your question about identifying those dollars in funding. The third example I will mention is that Louisiana had a very specific structure put in their statute for how funding was to be allocated. During the discussions when AB 236 was enacted, that was not feasible in our state but that is how Louisiana was set up. One of the things that I've noticed with justice reinvestment is looking at where is the state at and what's going to work for that state to enact the reforms in a successful way or to at least achieve the policies that were intended. Those are 3 very different examples about how those cost savings have been addressed or how they're being identified however the number one concern is the same across the board is how to fund these mental health programs. To your point, it was discussed. There's different approaches to that and I think it's something that's important for this commission not only because of statute but because of the reforms as far as what the Commission's required to measure is how do we actually identify this. How to identify and measure these needs and how do we make sure the funding gets there.

**Chair Stiglich:** Thank you Mr. Callaway. Are there any other questions for the Director? That said, Director's requested approval of two items to include a request for additional staff and enhancements in the budget and pursue the opportunity to host the NASC conference in 2023. I'll entertain a motion to approve both, either, or any so are there any motions at this time in regard to those items?



**Senator Cannizzaro:** I just wanted to make one comment. I'm going to support the motion-- I think it's a good idea-- obviously I do and will sit on the senate side with respect to budget and just want to make note that obviously we'll have those discussions as a legislative body with respect to any budget enhancements or staff but definitely support it in the committee.

JOHN MCCORMICK MOVED TO APPROVE THE MOTION FROM THE REPORT OF THE EXECUTIVE DIRECTOR

CHRISTINE JONES BRADY SECOND THE MOTION

MOTION PASSED

## **6. Report on Criminal Justice Data Collected and Analyzed by the Nevada Department of Sentencing Policy**

**Chair Stiglich:** I will now open agenda item number 6. Report on Criminal Justice Data Collected and Analyzed by the Nevada Department of Sentencing Policy. The staff at NDSP have set up a data collection protocol with the Nevada Department of Corrections and have been able to start analyzing the data they receive on a regular basis. It looks like the lead analyst at the Department, Mr. Cosio, will be reporting the most recent analysis and findings of the NDOC population data. Mr. Cosio, you may proceed.

**Mr. Erasmo Cosio:** Good morning, my name is Erasmo Cosio and I am the Management Analyst with the Nevada Department of Sentencing Policy. I'll be giving the analysis of the NDOC data that we have been receiving monthly. We began getting this data earlier this year. We have been receiving raw data for admissions, releases, and total population and we have this data back to 2017. We will be using this data to build a baseline and conduct ongoing analysis. Here are some preliminary analyses on the next slides. We have the NDOC data population by felony category compared from 2017 to 2022. We have the population by felony category by percentage, we have total population by felony category, we have total population by group offense, category C, D, and E by offense group, category B by offense group, and category A by offense group, and last but not least we'll be going over the aging population.

As we know, the prison population has been trending downwards. On the left side is what it looked like at the end of 2017 and on the right side is what the prison population looks like at the ending of July 2022. These are broken down by felony category, number, and percentage. The total prison population has decreased from 14,017 to 10,322, specifically category C, D, and E totals have decreased but so has the percentage that C, D, and E represent of the total population. A couple side notes on the next couple slides, safe keepers are generally individuals not currently serving a Nevada felony sentence. All categories and groups were counted based on most serious offense.

This is a visual representation of the same information that was on the last slide. This is broken down by category and percentage. One thing I want to point out here is that as the population decreased the distribution of As increased but so has the total number of As they're lower now. Here's a visual representation across all five categories from July of 2017 to July of 2022. Something I want to draw attention to on this slide is regarding category B. The Bs have decreased by almost 2000. That relative difference is noticeable, but the percentage of overall population has almost remained equal. Something to remember here from the previous slides is that category C, D, and E totals have decreased but those percentages have also decreased. Next, we asked the question, what offense group are represented in these totals? This slide shows the prison population broken down by offense group. We can see that across all categories there has been some degree of decrease.

What two groups show the most noticeable decreases? If you said drug and property, you're correct. Side note for this slide and upcoming slides, others is generally persons that are sentenced under the habitual offender's statute. First, we look more closely at C, D, and E by offense group. There has been some decrease in almost all groups across the categories. This analysis could be helpful in analyzing outcome from AB 236. Full analysis of all months back to 2017 will be presented at the November meeting. A couple

things I want to point out here is that in categories C, D, and E have decreased by almost 50 percent. We also see a significant decrease in drug for Ds and Es. Next up, we're looking at category B by offense group. AB 236 changed the penalties for certain drug and property crimes. This data may be used to measure the outcomes from AB 236. Violence was and still is the highest occurring offense group from 2017 to 2022.

Next up, we have the category A by offense group. We see a decrease in almost all groups except for DUI and property which both have increased from none to one. Category A is reserved for the most serious offenses as represented by the prevalence of sex and violence. From a cost analysis perspective, category A is the most expensive to house. Next, we conducted our data analysis based on a question from a previous meeting regarding costs needed to house aging offenders. Dr. Lanterman informed this commission that an accelerated age of people who are justice involved 50 years or older is the same condition as someone in their 60s in the free community. This is an example of the data that we are able to answer and questions we can deal with. So, for these parameters we looked at the population of age 50 or more and a minimum booking sentence of 120 or more. First, we broke it down by filling the category, by offense group, and then by felony category and offense group.

The total for this population is 1,104; on this data set we took the population and filtered by a felony category. As equal to 82.79 percent of this population and B's equal 17.12 percent of this population. We have the aging population by offense group. We saw that the majority of offenders are sex and violence. Next up, we have the aging population broken down by felony category and offense group. The majority of sex and violence offenders are category A and B. From a cost analysis perspective, it costs more to house these offenders because of their offense group, felony category, and age, something to consider when assessing resources allocated to corrections. We will have more analysis back to 2017 not limited to what you saw today, we will have more variables and data points to analyze. With that Director Gonzalez, Ms. Powers, and I turn the time back to the Commission for questions.

**Chair Stiglich:** Thank you Mr. Cosio. I had just a couple questions, what actually is a safekeeper?

**Mr. Cosio:** So safekeepers are generally individuals who are not currently serving a Nevada felony sentence.

**Ms. Jorja Powers:** Safekeepers are most often individuals from other states who Nevada takes in to watch if they have a problem housing them in their state. There's a coalition of states that have agreements with each other. So, if for some reason a high-profile case or just difficulty with violence or different gang activity then we would call to one of those coalition states and say can you take one of our inmates and we'll take one of yours, and so they trade bed days and they aren't actual Nevada inmates.

**Chair Stiglich:** Thank you Ms. Powers. The second question is with regard to the habitual has there been any effort or is that capable of being broken down as to what the underlying offense is, is it violence with a habitual offender, is it property?

**Director Gonzalez:** Yes, that is possible and that's our next step because we have that question as well. It's a variable that cannot be specifically identified on its own, but we've got those lists and we will have that at the November meeting.

**Chair Stiglich:** Thank you Director. Are there any questions from the Commission at this time?

**Mr. Hoffman:** So, mine was also about the safekeepers. Just so I'm clear these are people who have felonies from other states, is that correct?

**Ms. Powers:** Yes, that is true. They are from other states, there are also county safekeepers so if there is say White Pine, they have an inmate that they cannot deal with at that point then they will stay in a prison facility until such time as they're sentenced.

**Assemblyman Tom Roberts:** Great start on collecting data. I'd be curious to see in the future and maybe you have this in other reports is you have this total prison population by category. It'd be interesting to see is some of this population stagnant. Let's say people that are serving lengthy prison sentences that were imposed prior to 236 and a breakdown on people that are entering the system I mean we've reduced 4000 inmates since 2017 but where has that been, has it been on the intake side in the prison system? You know to really get a true impact of what 236 is doing it would be helpful to have that in future analysis.

**Director Gonzalez:** Thank you for that question. I appreciate the comments and questions because this will help give us another approach to analyze the data. I will say that I want to look at that as well. I think for what we have today, what we would be able to measure without any other additional information would be here are the types of offenders whose felony category and offense group were specifically addressed in AB 236, and we can count how many of them. I agree with you we want to look back about what the impact is. I will say too we have noticed that there was a downward trend in the prison population starting in 2017 which was two years before AB 236 went into effect. That's what's going to be interesting to track as well. We're really curious about that because one of the things we've discussed is that when we see-- let's say we look at admissions-- what the admissions is going to tell us is that something in the year or two previous may have affected that along with immediate outcomes. Releases are absolutely going to be impacted by the previous years. Releases aren't going to be impacted with what's happening in the moment because they're serving their sentence and they've earned their appropriate credits. What were going to look at is we started looking very closely at the admissions and the releases and what we think is going to impact that, and I'll tell you what we have noticed is that releases started to outpace admissions. So that tells us as well that something was happening a year or two previous that was affecting those releases along with the rate of admissions. So, we'll provide that as well and I think provide the different ways to approach the data in terms of AB 236. We may not be able to always identify specifically what happened with AB 236, but we'll be able to see what happening around before it and align the data to the policies that were intended by AB 236, and I think depending on the approach could decide what findings each member of the Commission would want to include when analyzing that data.

**Assemblyman Roberts:** Thank you for the answer and I appreciate moving forward, looking forward to some more comprehensive reports.

**Mr. Athar Haseebullah:** I just wanted to confirm do you have the ability to disaggregate the numbers categorized here under drug offenses by actual substance or singularly based on the felony category associated with the corresponding offense.

**Director Gonzalez:** I think we could do a sampling of that and I'm going to just check in with other staff as well. I think what we could do is take a sampling of the drug offenders and then go and gather additional information to see what we could collect regarding that.

**Ms. Powers:** Yes, that's true. We would definitely be able to do a sampling and then it would take our partnership with NDOC and maybe collecting other information, the NRS they were sentenced under, but we would have to do a little more work to get that.

**Director Gonzalez:** We'll do a preliminary sampling and bring that to the Commission in November. Then get feedback and show you what we were able to collect and see if that answers the question, and if that's the case then we can do more of deep dive based on the sampling we already started so we'll start that and look into it.

**Mr. Callaway:** Thank you sir for the data. So, a couple observations and then a question. First is to expound on the comment that Director Gonzalez made. Both the data in this report and the data from CJI's report which they'll be giving later show the prison population was trending down since 2017, two full years actually three years before AB 236 went into effect. I remember at a legislative hearing I don't remember what year it was, but it might have been 2017 Director Dzurenda doing a presentation for one of the Judiciary Committees and stating that his prison population was declining at that time well in advance of AB 236.

Then AB 236 goes into effect during a pandemic, and I guess we don't have any real data that shows AB 236 and maybe this more of a question for CJI when they come to the table later, but we really don't have in my opinion any clear-cut proof that AB 236 has had a significant impact on the prison population, with one exception and the one exception is that you stated that property crimes admissions have decreased by 50 percent. So, it stands to reason that when we raise the threshold of felony crimes to the \$1200 threshold which is high compared to many other states higher than California, our neighbor. When we lower the penalties and tier out crimes so that the penalties are much lower if they do end up going to prison, they're getting much less of a sentence. It would stand to reason that that's where AB 236 has impacted this is that we see less people going to prison for property crimes. So, then the question would be, and this is where I think the deep dive into the data becomes important is when we look at the felony offenders. How many of those folks, what is their criminal history how many bites of the apple have they gotten? How many of them would have been in prison prior to AB 236 for property crimes or other offenses and when I say property crimes you know people think oh well somebody stole someone's laptop or something, but it could be a burglary, it could be larceny from a person knocking somebody down taking their purse I mean how we define property crime is an important factor in all of this. I think the data needs to look at how many folks have had what I call multiple bites of the apple where prior to AB 236 they would have been in prison for the crime they committed whether it was a burglary whether it was stealing somebody's car and leading the police on a chase, and now because of AB 236 they didn't go to prison, they're part of that 50 percent decrease that we've seen. Then subsequently now they're committing a more violent crime and landing in prison later down the road where now somebody has been a victim of a violent crime and they've been victimized. I think this plays into the graduated sanctions when we look at the category E felonies, I don't remember the exact numbers you had on the chart 88 offenders or whatever but, my belief is and if I'm wrong correct me but unless you've had multiple convictions a category E felony is a mandatory suspended sentence or mandatory probation. So, for you to end up in prison for a category E felony you've either had previous convictions, you've had multiple bites of the apple, or your actions have been so egregious that you needed to be in prison, or you violated your parole multiple times. Which again we get into that discussion I guess later on today in the CJI presentation about supervision by parole and probation and how in their report they claim that there's been benefits there which I would argue. I think we need to have a deeper dive on the data to see how this property crime factor is affecting people that have multiple offenses. What we're seeing in law enforcement and we're starting to track this data now is individuals that are committing crimes that I will call crimes that shock the conscience, they're trying to shoot an old man with a gun that they think is loaded and it's not, they're killing a trooper on our freeways, they're killing a family of seven in a car accident, I can go on and on, they're raping a child in a dumpster. What we're finding is these folks have multiple, multiple criminal convictions that go back longer than my 33-year police career and so I want to see the data show that that's not a contributing factor to this. I don't know how we get there other than a deep dive of that data to look at these readmissions and who's had multiple bites of the apple.

**Dr. Shera Bradley:** I guess along those lines in terms of thinking about the impact of the pandemic versus AB 236 or the combination I was curious about pending cases in the criminal justice system before the pandemic and then since the pandemic started. In other words, are there more cases that are pending resolution and so those people aren't in a prison facility yet, but they potentially will be. I don't know if we have any of those kinds of numbers?

**Director Gonzalez:** I just want to comment on Mr. Callaway's request we can absolutely look into that, and we've got some ideas about how we could break that information down. Then to Dr. Bradley so in order to actually collect the information for pending cases we would need to go to courts. I will say we're looking at the admissions very closely so as you saw in the *Data Dispatch* we sent out yesterday, we'll highlight what the admissions look like. The dashboard on our website provides a comparison of admissions and releases. I will say my, qualitative analysis on the admissions and releases, which I could pull up and show you on the dashboard, would be that we have seen little spikes. So, we are about two years out since everything completely shut down and so I think measuring the outcome from those pending cases is going to be important. But when we look at the peaks what it looks like is there's a peak in admissions and then they

drop again and then the peaks don't seem to be the same peaks each month. There was a peak that we noticed I think a month or two ago that we're wondering if that was the start or at least part of those cases getting processed. I know members of this commission could comment on their actual experience of what they're seeing. Based on the data right now we're keeping an eye on it and so that's how we're going to be looking at pending cases. We are going to try and get court data to analyze that but the way we will analyze right now with the data we do have we'll be looking at those admissions, and then we can tell you too because we're looking at releases we can see how quickly they're coming in. As these admissions are coming in some of them are turning right back out because they've got jail credit while they were waiting for some of those cases. So even as they're getting processed, I think the prison population we're seeing it's doing what it's doing because they've already been sitting there waiting, they get processed, they serve whatever time they have left, and they're right back out on supervision. So, we'll do a sampling of that as well I think we could look at when someone was admitted and when they were released and see how quickly they came in and came out even with their length of stay. That would be how we could analyze right now for that and what our preliminary findings are when we discuss the data internally about what we are starting to see and the questions we have and where we're going to do deep dives. Then we're also going to work on figuring out how we could get some of that court data to provide some of those hard numbers for what the pending cases are.

**Vice Chair Christine Jones Brady:** I have a couple of questions. One has to do with again the systems and whether or not the data that you're collecting is compatible with systems that the court uses and maybe that's something I know you said you're going to be trying to collect data from the courts so that's one question I have and maybe that's something that can be answered at a later meeting. The other question I have regarding drilling down on some of this data is do we have ethnic, data more information on gender whether or not women, what groups of people are coming in and going out. I'd like to know if you're able to provide data on that. The other question I have has to do with medical cost and whether or not the rise in diseases both physical and mental are increasing the cost that the prison has with regard to the care of the inmates and if the data is able to ascertain whether or not diseases have increased of people coming in both mental and physical whether that's increase the cost and whether on the way out as they're released they are being released with Medicaid or Medicare or some sort of insurance in place. Those are the questions I had thank you.

**Director Gonzalez:** So as far as if it's compatible with the courts, when we start collecting that information we will start looking at those variables to see how they can talk to each other. Then absolutely we can do a breakdown of ethnicity and gender as far as the variables we are collecting it's included with that. With the medical cost, that is a good point too that's an ongoing question and so we will look at that. I think that will also take collaboration with DOC. I know there's some different data that different entities are collecting about that, and I'd like to centralize some of that because that's an important question so we will add that to our list as well and see what we can come back with in November.

**Mr. Arrascada:** We've heard a request for in essence to receive the data of doom, people that aren't successful. Is it possible to also receive data related to success of people staying out of prison. And is it through programs, through specialty courts, through treatment, or is it the availability within their jurisdictions of the programs and the treatment and to somehow measure that success that keeps people out of prison which is one of the directions AB 236 was meant to go?

**Director Gonzalez:** I think that's a great point. You gave some ideas right now about how we would measure that. The question with that is going to be a centralized entity but I think we could reach out to individual entities and figure some of that out and see what we could come up with and then brainstorm with you. We'll talk more about how we could collect that but that's a great point thank you.

**Mr. John McCormick:** We at the courts do actually collect data on pending caseload at the District Court level I don't know it off the top of my head, but our data team has that, and I will put them in touch with Victoria to make that link. Additionally, we do have some data on recidivism rates for specialty court

programs for people who entered specialty court in fiscal year 2017 basically 75 percent did not get a new conviction in the following three years.

**Dr. Lanterman:** For the next set of analyses, I think it would be really helpful for us to see whether or not there's been a percent change in the aging Department of Corrections population between 2017 and 2022. So, whether there's a statistically significant increase in the aging population, statistically significant decrease in that population or whether or not it remains relatively stable. And whether we have projections moving forward because those numbers will influence Department of Corrections budget request to address the aging inmate mobility health care, and palliative care, or hospice care needs. We really need to have a better understanding of how those numbers are trending so we can properly plan for care and project those costs, so that the DOC budget essentially doesn't get squished in weird places to reallocate funds to address those care needs, thank you.

**District Attorney Hicks:** I have a quick question for the Department. One of the arguments that was made when AB 236 was being debated in this building was that a lot of the changes that we're going to occur to the felony structure, the felony thresholds, would result in a bit of a shell game. That some of the inmates that were in prison were going to end up just being in our jails, that it was going to fall on the counties. Another thing to consider, so the prison population has dramatically decreased since AB 236 and starting in 2017. Interestingly, at least as I understand it in Washoe County, the jail population has gone up immensely it's at operational capacity is what my sheriff in that county says, where in some instances having to put three inmates in one cell together. What is also an interesting undertone in all of that is that we've had significant bail reform measures occur in the last five years. Where now were having bail hearings seven days a week, 365 day a year so significantly more inmates are being released on pre-trial supervision or on OR release, and yet our jail population is very high, at a capacity rate. So, I was just curious if the Department had an intention to perhaps look at the Clark County, Washoe County Jails to see what the effect has been there as well. If not, I know you have a lot on your plate, but I do think that would be a valuable area to look as well and you know it's not a classification of crime of course like in prisons but you could look at nature of the crime whether it be you know property offenses as we're seeing this decrease so that was my comment and question.

**Director Gonzalez:** Yes, so we are working on trying to set up the relationship to get the jail data and I think you brought up a good point. I think a place we can start is at the population level because you're right that comparison with what we have right now would be very informative for that. So, we will see what we can get together for November.

**Chair Stiglich:** Thank you, are there any further questions on this item? Hearing none we'll close this agenda item.

## **7. Presentation on Justice Counts and the Opportunity for Nevada to Become a Founding State**

**Chair Stiglich:** Presentation on Justice Counts and the opportunity for Nevada to become a founding state. At our May meeting staff presented information about Justice Counts, an initiative related to the collection and sharing of criminal justice data. Staff told us about the opportunity to become a founding state for Justice Counts which if granted would provide technical assistance to advance the initiative in our state. Our staff submitted a letter requesting technical assistance signed by myself and other members of this Commission. We were notified that Nevada has been awarded provisional approval to be a founding state. The Justice Counts team is here today to tell us more about the project, answer our questions, hear our comments, and facilitate a discussion about criminal justice data in our state. I will now turn the time over to the Justice Counts team to introduce themselves and proceed with their presentation.

**Mr. Ben Schelor:** Good morning everyone, I'm Ben Schelor and I am a Deputy Program Director at the Council of State Governments. I'm working on the Justice Counts initiative and thank you to Chair Stiglich and to Director Gonzalez, the team at the Nevada Department of Sentencing Policy, and the Nevada Sentencing Commission for having us today and for your interest in the Justice Counts initiative. It sounds

based on the conversation this morning and conversations we've had with NDSP, with members of the Commission, and with others in Nevada as though there is a great deal of interest in criminal justice data and a great deal of data literacy there in Nevada. We're happy to try to build on that by Justice Counts.

So, as I noted I'm with the Council of State Governments Justice Center. CSG is a national non-profit membership organization that basically exists to help state and local policy makers do what they do better. CSG is one of the co-leaders of the Justice Counts initiative which we will talk about momentarily. We will also cover a number of other topics and aspects of the Justice Counts initiative today including the problem that it exists to try to address, mechanisms that we are using and approaches that we're using to address that problem and then open it discussion, feedback, and questions with members of the Commission to talk about how that might work here in Nevada. So, who are we? We are the Council of State Governments Justice Center, and this is an initiative that is co-led by us here at CSG as well as our partners at the Bureau of Justice Assistance which is a division of the United States Department of Justice under the umbrella of the office of justice programs. So, BJA is contained alongside other federal entities like the Bureau of Justice Statistics, the National Institutes of Justice, and other such entities that exist to provide federal funding, assistance and guidance to states and localities to help improve their criminal justice system. Again, we work very closely at CSG with our partners at BJA to guide the initiative which has been around now for about two and a half years since the very beginning of 2020.

We have a National Steering Committee on Justice Counts that is 26 members from across the nation and they represent 20 different states. These are elected and appointed leaders from criminal justice agencies, policymakers from both chambers, from both parties, again from 20 different states from across the nation. And really this committee exist to help guide the project to provide feedback on various components of Justice Counts whether that's the metrics, the digital infrastructure, to help champion Justice Counts in states and localities across the nation, and to provide general subject matter expertise and context as we pursue our work. We also have 21 national partner organizations as part of Justice Counts, 14 of those 21 are association partners. Some represent stakeholders in the criminal justice system for example the American Jail Association, the International Association of Chiefs of Police, the National District Attorneys Association, the National Legal Aid and Defenders Association. So, from law enforcement all the way through prosecution, defense, courts, supervision, corrections we have stakeholder's associations representing those key leaders in the system. We also have association partners representing policymakers the National Governors Association, the National Conference of State Legislatures, the National Criminal Justice Association that represents the state administering agencies that administer federal funds to state and local criminal justice agencies. There are also a number of research and technical assistance partners on the project Measures for Justice, the Rand Corporation, the Justice Management Institute in addition to a technology provider on our project recidiviz, whose work you'll hear about a little later on.

So that's a little bit about who we are. I'm going to introduce other members of my team who are either speaking or on the call today we'll start with Vibha Venkatesha who's a member of the Justice Counts team and we're also joined by Katie Mozar program Director and Matt Herman one of our data scientists here at CSG. So, I'll turn it to Vibha for a quick introduction.

**Ms. Vibha Venkatesha:** Hi everyone, my name is Vibha Venkatesha. I'm a senior policy analyst on the Justice Counts team. I started at the Justice Center about six months ago and I'm on the state engagement side of our Justice Counts project work. Before coming to the justice center, I worked for about seven years with the re-entry task force in Michigan.

**Mr. Schelor:** Again, Deputy Program Director here at the Council of State Governments Justice Center. Prior to coming to CSG I was a deputy director for standards accreditation for the American Correctional Association, so my background is in corrections and supervision operations. I've been at CSG since about 2015 and on the Justice Counts project since early 2020 so fairly experienced with this particular work. Before we dive into some aspects of Justice Counts, the challenge that it addresses, and how we're going about that I want to frame a couple of things about the project generally. So, Justice Counts exists basically

to provide better and more timely and more reliable data to public and to policymakers and to agency leaders about what's happening in their criminal justice system. We're talking here at least in this instance about aggregate level data. We heard a lot earlier today about looking across the system at trends what's happening with everything from arrest to jail population to other components of the criminal justice system case filings, court processing, into corrections, to probation and parole, and really those are our areas where we need more and better data. So, unlike other projects Justice Counts does not exist with a policy end in mind rather it facilitates the ability of policymakers at the state and local level to make their own decisions about criminal justice policy. Again, we know that there is a ton of data out there at the agency level and in many cases at the state level and so Justice Counts is about bringing that data to bare putting it into a system in form that is easily used and easily understood and easily interpreted by policymakers and the public to help enhance outcomes in the criminal justice system and to enhance equity and other factors that are of great importance to policymakers and to state leaders. With that I will turn it to Vibha to talk about the challenges and the problem that Justice Counts addressed.

**Ms. Venkatesha:** As Ben alluded to this project is necessary because there have been great data collection efforts across the field in the past, but data is often several years old by the time its published. More recent data is published at the discretion of the individual agencies. It's often siloed, inconsistent or it's just not terribly user friendly. There is data in the Justice Count state dashboard for example on annual prison populations but metrics like probation revocations for example are data that is less readily available to us. So, the question that was asked earlier about seeing full breakdowns of populations trends that's exactly the kind of thing that this project wants to address. This is not an issue that's specific to Nevada or any other state this is across the country and at the federal level as well. There's also BJS reports that are only on an annual basis and they don't have regular data on all of the metrics that we are trying to address. This project aims to collect data that could be collected easily is already being collected but it's just not being consolidated and shared in a timely way that's easy to access and proactively available. So, when policy makers don't have data, they have to make decisions and policies based on conjecture, based on anecdote, based on emotions, on what's happening in another part of the country or another part of their state. That national trends aren't relevant or as accurate to data when it's really relevant to a specific locality or making policies about end decisions about programs that are at a specific local level. For example, I worked in a task force and during budget season policymakers knew that they could get questions answered during that time and that agencies and departments would be rushing to answer their questions, and then agencies and departments were having a huge crunch time trying to gather all this data to answer the questions that the policymakers had in such a short time period. What Justice Counts hopes to do is that this data is already being proactively available. It's being available on a regular basis or not even an annual basis and there's just open communication between agencies and departments and policymakers so that everyone is on the same page, and everyone understands the big picture of data in their state and in their localities.

Like Ben alluded earlier, this is not a policy specific project this is a data project. You are the people who know your state the best. Justice Counts is rooted in the idea of helping states to get to know themselves better across the system so that you have all of the information. You have it proactively, you have it regularly, and you have it at your fingertips so that you are able to see the trends, see what's working and utilize this decision to make data decisions and policy that makes sense and are driven by data. With that I'll turn it over to Ben to talk a little bit more about how we're going to do this.

**Mr. Schelor:** A little bit more on the nuts and bolts of Justice Counts, the deliverables we've created for the project, as well as how it might work in states including Nevada. So, there are four critical components to Justice Counts so one is we set out to generate multiple sets actually of consensus driven criminal justice metrics. In order to get everyone on the same page about what's happening throughout the system we have to know what we want to measure and by we I mean the coalition backing Justice Counts right not the Council of State Governments not BJA but members of the National Steering Committee, the 21 project partners that we alluded to previously, and over 100 members of the criminal justice field who are experts in criminal justice data who are agency leaders, who are other stakeholders throughout the criminal justice system who came together to serve on issue specific subcommittees to balance what policymakers want



and need to know versus what data is actually available and can be collected and transmitted at the agency level. So, agreeing on those core sets of metrics was a really key objective for us and happily that is something we've been able to produce in the last year and a half or so. In order to make those metrics meaningful and usable for policymakers and the public we have to deploy a suite of tools and resources so that agencies can actually share the data generated by those metrics. The metrics are one thing for agencies to know and utilize themselves in their own operations but absent some kind of digital infrastructure through which those data metrics can be reported at this local level, at the county level, and ultimately at the state level then there is utility there that is lacking. So, we've developed those tools and approaches to help share the data generated by the metrics as well. We realize also that states and localities are going to need help to do this. There are aspects of this that are highly technical in nature there are others that are less technical but more around how those data are defined, what they mean, how they're interpreted, and how they actually relate to driving policy and budget decisions. Again, at the local, at the county, or at the state level, and so we at the Council State Governments and our 21 national partners on this project are supporting states and agencies and implementing the Justice Counts framework. Then finally as I noted we're supporting states and agencies in applying the metrics and utilizing those metrics to make policy and budget decisions. Again, you see the process here of starting with those data, applying the metrics to those data, getting those data into a system that then translates and transmits those data to policymakers and the public, and then utilizing those data to drive policy and budget decisions.

So, a few minutes on the consensus-driven criminal justice metrics developed through Justice Counts. We have multiple tiers of metrics. The only metrics that are available right now we call tier one, and these are our metrics that had to meet a dual test. So, the dual test was feasibility are these metrics feasible for agencies of all sizes and capacities to actually either collect if they don't already collect these data or to report if they in all likelihood do already collect these data, and the other test was utility. So, they have to be useful for policymakers and for the public. If a proposed metric did not meet that dual test of feasibility and utility, then it did not make this first tier of cross-system metrics. So, we started looking at those cross-system metrics with seven different issue-specific subcommittees specializing in each sector of the criminal justice system. So those seven sectors are law enforcement, prosecution, defense, courts and pre-trial operations, jails, prisons, and community supervision so again those kind of run the gamut of the criminal justice system that is certainly not exhausted by any means but those are to represent broad sectors into which we have assigned various metrics. The sectors make up one side of the metrics, that you will see here in just a minute that are represented by a matrix. So, you're able to look at all of the law enforcement metrics for again these six categories that you see here at the top of the slide, or all of the court metrics across those categories, or all of the supervision metrics across those categories.

The categories are necessary because this information is numerous, it's at times complex, there are tons of different metrics, there are tons of different ways to look at how the system is functioning, and these provide some organization to the criminal justice metrics and hopefully to the criminal justice system as it is represented here. So those six are capacity costs, population movements, operations and dynamics, public safety, equity, and fairness, and you see below each of them here effectively what those categories set out to try to capture. For example, capacity and cost is how big is our system how much are we spending on certain areas of the system or in agency operations. Population movement effectively represents ins and outs. We heard discussion earlier of admissions and releases, how many people are coming into this given area of the system going out of a given area of system. That could be people, that could be cases, that could be you know operations. So, we talk about operations on that, and dynamics-- how are our key actions or decisions affecting people at various stages, and then again on down the line through public safety. What we see in terms of for example reported crime equity, looking at racial and gender breakdowns and populations in fairness is another key category for the Justice Counts metrics. Before we move on to look at the metrics themselves just a note about the consensus-driven nature of these metrics, so we started by again putting together the seven different issue specific subcommittees and having them brainstorm all of the different metrics that they felt were useful for policymakers to know. In total we ended up with nearly 1300 metrics across the board and that is way too many for anyone to be able to actually use and

understand. Through a series of meetings that involved the subcommittee members who are again work practitioners, researchers, and data experts within each of those fields, as well as us here at CSG, BJA our partners at Measures for Justice who oversaw and administered the metrics development process, we were able to hone and apply various tests to all of those proposed metrics and get down to the matrix you see represented here. So, we were voting in real time, we were having conversations in real time, there was a vote on every single metric. If there was not consensus about whether or not that metric should go forward then we stopped, we discussed it, we took another vote, if that consensus still didn't exist then that metric did not move forward. So again, what's represented here is truly the result of a consensus-driven process among the subcommittees and one that was reviewed and cleared by members of the National Steering Committee as well.

Here you see the Justice Counts Tier 1 Metrics. I will note very quickly that while the metrics themselves have not changed we have not added or removed any metrics, and again by we I mean the coalition backing the project has not added or removed any metrics, some have moved around different categories so for example reported crime is moved over into the public safety category, as further analysis and discussion has revealed that you know we are more comfortable with reported crime as a public safety indicator. So, this would not necessarily match word for word what is currently on the Justice Counts website although that will be updated here soon. So, what you're looking at is the most up-to-date version of the Tier 1 Metrics. Hopefully given the explanation previously of categories running vertically there in the columns and of the sectors running horizontally there across the rows, this matrix makes sense as a set of Tier 1 Metrics. There are 67 in total, there are no more than 11 per sector and again you see some similarity and some consistency there within each column within each category in terms of looking at how each agency or the data that each agency would report in line with the metrics. Great I'll turn it to Vibha to talk about the tools and resources for actually utilizing and implementing those metrics.

**Ms. Venkatesha:** So, what sets Justice Counts apart from previous efforts to improve data sharing is that we are building a national digital infrastructure to go hand in hand with these metrics. We're working with our partner recidiviz to build a platform to consolidate and share and display the data that's inputted from these metrics. This platform will be cloud based because of the associated benefits with being cloud based. Cloud computing is high speed its cost effective it has unlimited storage capacity, and cloud-based systems can be deployed to all users simultaneously, updates can be deployed to all users simultaneously, security feature like authentication access, control, and encryption can be managed more effectively remotely. Justice Counts is protected by industry-leading cloud security measures and is safe to host the data that's required for the metrics. A really important consideration both in developing the metrics and in developing the infrastructure is that we know that definitions can vary so while there will be definitions and methodology that's provided for each of the metrics, and I'll work through that in just a second, it's also important that agency staff has flexibility and adaptability and the ability to add important context. For example, there are some places that collect use of force data and that includes any contact from law enforcement, then other places that collect it based on if there's a certain level of force. When comparing that would really skew numbers and it would skew trends. So, the point of this project is to provide an accurate picture so there is that ability to include that kind of context and then accessible to all Justice Counts reporting agencies. So, our tech partner knows technology really well they're former Google and Microsoft engineers, but again you know your state the best. You know Nevada, you know Washoe County, you know Las Vegas, and agency staff know their agencies and their departments the best, they know their capacity, and they know their day to day working schedule. Through our alpha partner program the Justice Counts team is partnering with agencies all over the country that represent a diversity of rural and urban, different technology, different databases, etc. The exciting thing about Nevada having the opportunity to be one of the 10 founding states is that these states will then be able to provide feedback in real time and really be on the cutting edge and help shape the infrastructure in a way that works best for you. Ultimately the point here is for this platform to be user friendly for any agency staff to input and policymakers to access so we're aiming to make this as user friendly as possible.

Here you can see what it could look like, and you see this flexibility to toggle and choose your report metrics that are already being collected like much of the data that the Sentencing Policy Department presented earlier. You can choose to input data that's already being collected on a regular basis and share other data later when it's more readily available. Here you can see an example of how there is the methodology and the definition of what the metric is to provide clarity and again this kind of flexibility with the ability to toggle of course like the suggested date range.

Then here you can see how we're asking for additional context so either there's questions being asked like for this example it includes programmatic and medical stuff but then there's also just an open answer option to provide any additional context that could be useful in interpreting and analyzing this data. And finally, data is great but to be able to see the big picture and to see the story that the data is telling. The other important thing is that it's accessible and its easy to understand and digest and to actually be able to utilize to make decisions and make policy. The infrastructure will also take the data that's inputted and then generate visualizations and dashboards to sort of be able to zoom out and see the big picture, see trends sort of like the way it's displayed here. Now with that I will kick it back over to Ben to talk about how we will be supporting states and implementing the Justice Counts framework.

**Mr. Schelor:** Again, we are under no illusion that states and agencies will have excess capacity or even the necessary capacity to be able to just go in and pull all of these data that are necessary for the metrics from their system you know like that at the snap of fingers. There are many agencies that do have capacity like that. That are great with data that are already super data savvy and there are even more that aren't especially those that are smaller and that lack that capacity and that are not used to utilizing data either in their everyday operations or in providing data to oversight bodies or to federal agencies or to whatever the case may be. This is new and different for them, and they will need support from Justice Counts partners, from state agencies, and from others who are familiar with the infrastructure, and familiar with the metrics in order to make those a reality. So, to help with that there are opportunities right now for 10 founding states of which Nevada has applied to be one. Again, were in receipt as are BJA of the letter from this Commission from I believe it was June, and really excited to be taking steps in that direction today. There are other opportunities for states to join the founding states program and receive one year of technical assistance in six distinct phases that we'll walk through quickly now.

So, phase 1 is introduction and orientation. Effectively we need to get everyone around the table, criminal justice agencies across the system around the table, data experts, folks from state leadership to understand and endorse Justice Counts, and to know what it's going to result in to know how its going to work to get everyone one the same page about what needs to be done, and to really drive the project forward in a way that makes the most sense for that state. That involves convening agencies to participate, involves orienting agencies to the Justice Counts approach, providing them with orientation materials information what this is what this isn't and establishing or designating a governance or oversight structure. In the case of Nevada, we think that the Sentencing Commission and the Department of Sentencing Policy clearly make the most sense given their statutory mandate as centralized collectors and analyzers of criminal justice data across the state. You all make the most sense as a home so to speak for Justice Counts in Nevada. There are other states that have similar entities and there are many that don't, so we'll be working on a state-by-state basis.

Phase 2 is evaluation and assessment. Really difficult to know where to go if you don't know where you are. So that's the evaluation and assessment component of what we do. So participating agencies would complete an online self-assessment tool that is active currently now. We can drop a link to the Justice Counts website and to the self-assessment tool in the chat now and be sure to distribute that information later as well. We want to map state data onto the Justice Counts framework again we're not trying to reinvent the wheel, we're not trying to ask agencies to do more than is necessary to participate in Justice Counts. We want to make the barrier or the bar to entry for Justice Counts low and so to the extent that data already flows from county jails up to DOC or to a different entity or from as we've seen earlier today DOC over to the Department of Sentencing Policy, we'd like to leverage those connections and again try to start

to kind of map the metrics on to data that already exist and it is already moving from the agency level up to the state or up to the federal government in ways that we can make those processes more seamless and easier. Then finally we want to evaluate policymaker data literacy and readiness. I've been really impressed with the discussion in this commission today with how granular the data or the requests for analyses have been, how thoughtful folks are about asking about why analyses were conducted in a certain way, what those analyses actually mean. So that is part of the process here as well, right, is as we help states to conduct or pursue Justice Counts in their jurisdiction or in their state, wanting to know kind of where the baseline is in terms of what policymakers want to know and what is most helpful for Justice Counts to or how its most helpful for it to work.

Phase 3 is implementation planning. So again, with phases 1 and 2 we kind of know where we stand so then we need to plan to roll out Justice Counts at the state level. How do we work with state and local agencies, which agencies are ahead of the curve, which agencies might be slightly behind the curve? Where can agencies lend each other capacity, where can the state help localities or vice versa in terms of participating in Justice Counts. All of that is around developing a reporting strategy for each agency again one that is customizable by that agency's data and analysis capacity. We want to identify priority metrics for agencies to focus on. Once we have a kind of critical mass if you will of agencies that have completed the self-assessment, a really good sense for where there is some consistent data in each sector across the state, and where it is either inconsistent or missing completely. So that is where we can work with the Sentencing Commission and the Department of Sentencing Policy to say these are the priority metrics we want every law enforcement agency in Nevada to be reporting via Justice Counts or all 16 county jails or we really want to know from DOC to focus on these priority metrics. Then finally we want to develop visualization for those priority metrics. So, what is the way that either policymakers or the public or agency leaders can view and analyze the data quickly that are user friendly, that are clear, that quickly and easily show the policymaker or the viewer what it is they want to know based on those data. So, developing those visualizations is key.

Phase 4 I think is the big one. This is the actual implementation, so this involves onboarding agencies to Justice Counts. There's a one-time onboarding exercise they would go through with the team here at CSG and our partners at Recidiviz and others who were involved in the process that's the initial configuration for each agency. So, what's the mechanism through which they want to report data. Do they, hopefully not, but some may need to kind of collect it and report it manually, others may be able to link their system to it, others may be able to run a report within their system to collect those data and so again understanding that landscape and completing an initial configuration for each agency is a key step. Secondly is to implement a reporting strategy and automations, again you heard me kind of reference the automations there so how is it that those agencies once we know how they're going to get those data how often are they able to do it. You saw some frequency associated with each of the metrics are they able to do that, is there a delay, do those data need to settle, and again getting a little bit technical here but important considerations for each agency's reporting strategy. Then finally to engage policymakers and state leaders around the data so to get folks in the legislature, in the governor's office, in the judiciary and also at county level government excited about the data that will be forthcoming from Justice Counts. So, to help them know the state system at a higher level as well as to know how local and county systems play into that and ideally to be able to compare between jurisdictions as well.

Phase 5 is ongoing implementation assistance so this is a longer phase where again folks here at CSG as well as our project partners and state leaders are working with those agencies to troubleshoot any issues that they might come across. To identify a second tier of metrics, again if we've identified the priority metrics and we're making progress on those, what are the other metrics that we want to then start to prioritize in that second wave to get again additional data. We want to recruit additional agencies so we certainly again don't envision that all hundred plus law enforcement agencies in Nevada will be on board right away. We'll start with those that likely have more data capacity more experience and we'll slowly branch out to working with additional agencies to deepen the impact in the context of the data provided by Justice Counts. Then finally to ensure regular use of that data in policy making. So, one thing to highlight, this as a resource to

policymakers quite another for them to be coming back to it on a routine basis. You know as it updates in a very timely way, we want them coming back to look at trends in prison population and admissions, releases, and again hopefully many of the other metrics that are able to be satisfied there in Nevada.

Finally, is phase 6. This is sustainability and additional metrics so you heard me reference the second tier of metrics much earlier in this presentation that would be more comprehensive perhaps more granular that would go above and beyond or contain additional breakdowns in many ways related to the tier 1 metrics. So, we want to work with the state of Nevada and other founding states to ensure ongoing access to the digital infrastructure opportunities for future TA, opportunities for expansion to hopefully adopt the tier 2 metric, continued support and engagement of policy makers around how they utilize these tools and utilize this data. So that is certainly the sustainability phase of our technical assistance plan. With that I promise I'll stop talking I know I've been chatting for a while now and open it up to questions, thought, concerns, feedback, anything and everything we are certainly open to hear all of it.

**Chair Stiglich:** All right thank you so much for that thorough report I'll now turn to the Commission for questions. Any questions or comments in Carson City?

**District Attorney Hicks:** First question I have is the amount of participants in the data you're talking about is immense. Just Washoe County alone, we're on the district attorney you have the District Attorney's office, the Reno City Attorney's office, the Sparks City Attorney's office those are all prosecuting entities occasionally the Attorney General's office, and then just in law enforcement you have the Washoe County Sheriffs Office, the Reno Police Department, Sparks Police Department, Nevada State Police, and then several other smaller entities. What concerns me is how you will get all these entities on board. This commission has no authority to order any of those entities to cooperate, to provide data, and so it seems to me that is, I want to make it clear I think your initiative is commendable and I think it's something we all would love to see provided it has the deep granular analysis that you've commented on today, but the initial hurdle for me is have you don't this yet in a state? Nevada's not that big but we do have 17 counties all of which have these types of entities and I'm just talking from law enforcement perspective. If you look even at public defense we have a Public Defender's office in Washoe County, Alternate Public Defender's office in Washoe County, Conflict Council Department all of which would have to report all this data. I mean I think just Washoe County would take years to get that on board so I'm curious how you address that issue first and foremost.

**Mr. Schelor:** Well, thank you Mr. Hicks for the question. It's a great point it is one that we have certainly thought a lot about, which is the number of stakeholders and entities that are involved in an initiative like this and in putting together the self-assessment tool we did a count of relevant agencies in each state. Again, we're aware of over 100 law enforcement agencies in the state of Nevada alone. We know there to be 18,000 plus law enforcement agencies across the nation, 3,100 I believe plus jails across the country, and so again certainly aware and mindful of the number of stakeholders and entities that would be involved in something like this. That said I think it is important to remember that the metrics were oriented around data that is commonly collected by these entities, that many of these entities operate using case management systems that are provided by a national vendor that operate in similar ways. That you know once someone perhaps at a larger agency or the state agency is aware and able to you know collect the data necessary and enter the data necessary for their own agency. That they can provide assistance to smaller and other agencies in that area as well. I think we are looking for entities at the state level including the Nevada Sentencing Commission to champion Justice Counts which at the end of the day is a voluntary project unlike other federal data initiatives such as the Bureau of Justice Statistics collection of probation and parole data or the national corrections reporting program or even the FBI's national incident-based reporting system or NIBRS data for NIBRS system for law enforcement data participation in Justice Counts is ultimately voluntary but again that's where we want to help build buy-in and support and illustrate the effectiveness of a project and an approach like this at the state level. Certainly, larger entities participating and larger agencies participating that cover a larger sector or proportion of the population in the state are

helpful in that those agencies demonstrate trends and simply just cover more of the population. So, there's a lot to be thinking about there. Katie and Matt, I wonder if you have additions to that as well.

**Mr. Matt Herman:** The only thing that I would add here is that we hope in Nevada or in other states to work with the entities that are already helping to aggregate some of this data at the state level. So, the report that we heard earlier, all the great work that is already happening it sounds like pulling data from DOC, thinking about the courts, thinking about the jails, there's already this action that's happening in the state so that maybe we could help sort of augment that or accelerate that to help some of these sort of state level reporting entities pull data and work with the agencies to sort of help compile it and then report it up to Justice Counts. So that's one of the other strategies that we're thinking about.

**Ms. Katie Mosehauer:** Hi everyone, my name is Katie Mosehauer I'm the Program Director for Justice Counts, thanks again for having us and I apologize for not being on video; I'm at a conference where the internet is not strong or there's too many of us for what we've got available. I think the last thing I'd add to what Ben and Matt mentioned was that Justice Counts has more and more value the more agencies that participate but it isn't an all or nothing sum game, and that every agency that starts to contribute you know data actually starts the snowball rolling down the hill in terms of what we know. So, you're absolutely right that you don't necessarily need a broad authority to mandate but that's part of the role of the CSG Justice Counts as one of TA providers for the project is to be out there pounding the pavement and helping to make a really strong case for reporting some data from as many agencies as we can get on board. So, that's one of the benefits of being a founding state is that you get the CSG resources to help recruit and to bring people into the project which is a little bit different than some of the kind of opportunities that will be available a little bit later on in the project.

**District Attorney Hicks:** Thank you, I have a few other questions, but one comment I'd like to make in regard to that question. So, I'm appointed on this commission by the Nevada District Attorney's Association which represents all the elected district attorneys in the state of Nevada there's other individuals on this Commission that have similar roles for example Chief Bays is appointed by the Sheriffs and Chiefs Association which represents a vast majority of the sheriffs and chiefs in our state. My point would be I don't know if a motion is something to be contemplated today, but it would be very difficult for myself for example to give any input as to whether or not we should embrace this without me at least going to my association. So I would ask that there may be a concession that we don't take any actual action on engaging with you until individuals on the Commission like me, like Chief Bays have an opportunity to actually talk to the entities we represent to make sure that this is something that they would want to cooperate in because I do think for it to be effective you need significant contribution I doubt that any of you would disagree with that. So that's just one point I wanted to make. A few other questions I had so data, data, data everybody here loves that word. Data, as I've been on this Commission since it started, as we all have learned is not easy it is very complicated especially in the criminal justice system there are just so many variables that have to be considered. So, one thing that troubled me a bit when I looked at the metrics that your entity is putting forward for Justice Counts is that one they may be too general and there are some other concerns I have so I guess my preliminary question is if we were to engage with Justice Counts can we change the metrics?

**Mr. Schelor:** Thank you for the question, Mr. Hicks. We are working right now on a series of what we're calling technical implementation guides that as Vibha highlighted in her portion of the presentation today do provide additional context and definition around each of the metrics. So certainly understandable that in looking at them in their current iteration on the website that they seem to be too general, but we are working on providing additional definition to each of those to include components that we recommend that agencies include or exclude again if they have the ability to analyze and collect data in those ways. So, I think that would be helpful and again as Vibha noted there is an opportunity for each participating agency to utilize their own definition for what is contained in those metrics. So, you know we talk about use of force for example in a correctional context and that you cannot just compare use of force data from one agency to another because definition of use of force in those agencies differ significantly. So, we want to be sure that agencies participating can attach their definition and their metadata to whatever they report through Justice

Counts so that definition cannot be divorced from the data that they present. Secondly, I would say that the tier 1 metrics are effectively a baseline from which we would encourage states and agencies to conduct more granular analysis to also report additional metrics as they see fit. We are working on a second tier of metrics as I noted but again, we would encourage states that are dealing with their own policy issues and their own areas of emphasis or focus to expand on those metrics as they see fit.

**Ms. Mosehauer:** So, a few additional pieces is that the metrics that we displayed both on the website and like that matrix that Ben showed earlier. Those are like the formal top line metrics and there are also up to about five breakdowns that will also be published underneath each of those for example if you're looking at prison admissions there will be breakdowns by things like violent offense, property offense you know public order events and other. So, there will be some additional layers that are still forthcoming that are also very customizable by the state definition of what could be incorporated. So there will be a little bit more detail even within tier 1 than what was kind of on the page today but I do think that as you mentioned your role in an association, there could be some guidance you know given to you know for example district attorney offices in Nevada that we'd all really like to use this field to measure this kind of thing and then that can be put in the context notes that you really think that it's important to measure. A specific measure in a specific way and that we can help configure for you. So, while the framework for what's included in the digital infrastructure will you know be a little bit static there's ways you can manipulate it. I'll also mention that we're building on an open-source platform which means that if there are really custom metrics that are critical to what Nevada sees as the important pieces there are ways that you could kind of bring in some engineering resources to add whatever you want to kind of go on top of and in addition to what exists.

**District Attorney Hicks:** Thank you, so you gave me a segue to another point I wanted to ask you about. So, for example prison admissions when I look at the metrics on your prison admissions you have for example as you just indicated you break it down into was it a life prison admission, a life sentence or just a prison sentence and then as you said it might break it down further into a property offense, a victim crime, but we already have that. We have that readily available. Our director and her department have been wonderful about providing us that data. That data is not enough because what we've seen for years is you might have two defendants, both of which were sentenced on a burglary offense and because of the demographic breakdown that you have in here that you hope to collect, I'm going to use specific demographic there may be an African American defendant and a Caucasian defendant both charged with a burglary one may get a four to ten prison sentence, one may get a two to five prison sentence. If the data only goes down that far one of the conclusions that's going to be reached is well, there's an inequity in the system because the African American inmate got a larger sentence than the Caucasian one or vice versa. I'm comfortable in saying having been a prosecutor for 20 years worked in three different DA offices in our state that the whole story is probably that one of those defendants had committed multiple burglaries and perhaps it was reduced down to one for a plea bargain or one of those defendants had a significantly larger criminal history. If we don't collect that data too, the data becomes misleading. To the point that I think it was Katie just brought up I'm interested in how far those metrics are going to go because that's something we've talked about for a long time in this Commission and it's essential. I will say that the director we have right now and our department have already come up with some incredible reports that do show those very metrics, those very important variables. So, that is one of the many concerns I have about the metrics is how far are you going to go on the variables that are out there. The one other thing, I don't want to monopolize all the time, so I just have a few other questions. So, a comment was made that we make the most sense as an entity for you all to engage with. The duties of the Nevada Sentencing Commission are to put it very generally there's a statute that lays out all the duties but to summarize it and this is on the website is to make data-driven recommendations for sentencing and corrections, evaluate the effectiveness and fiscal impact of sentencing with consideration for certain objective and goals for sentencing and tracking and assessing the outcomes of AB 236. That is the duties statutorily by this statutorily created commission has. I struggle with how a lot of these metrics fall within the duties of this commission for example I start with law enforcement tier 1 metrics. I just see a lot of this as being outside the wheelhouse of the Sentencing Commission for example the annual budget of all our law enforcement entities; I don't know how that's

relevant to the duties of the Nevada Sentencing Commission. The use of force incidents by law enforcement entities again very important data to have, very important to analyze but I don't know that it falls within the statutory duties of this commission. Fairness, the total number of civilian complaints sustained by law enforcement agencies, again has nothing to do with sentencing, with corrections, with AB 236, with the mission, of the duties of this sentencing commission. I look at the prosecution entities. The total number of attorneys my office might have, I have a criminal division and a civil division you know my civil deputies really have nothing to do with corrections, with sentencing, with AB 236. So, again violations filed against attorneys in my office or alternatively violations filed against the gentleman in front of me Mr. Arrascada of attorneys in his office. I don't know how that metric has anything to do with the duties of this commission and so that's why I think it's important to know if we can use, the kind of tailor these metrics to what's the duties of this commission because the overall, if it's an all or nothing proposition, I think you're going to have a very difficult time getting entities in our state to buy on to it. I'm sure you've heard it before I don't know if you have other states doing this yet, but I would assert that right now what I'm seeing is well outside the scope of the Nevada Sentencing Commission. The other question I had, is has your committee or your board of directors considered a metric for victims of crime because that is an alarming subset of the criminal justice system that's not in here. You know I think it would be incredibly valuable to have a victims of crime metric that would lay out all the demographics of the victims of crime just like for defendants, and perhaps you have a metric for restitution ordered for victims of crime and then another metric of restitution actually collected for victims of crime. So, I think there is an underrepresentation of a very important element of the criminal justice system in these metrics and I'm curious if you guys have ever thought about that or if that is something that you would add if you did engage with the state of Nevada.

**Ms. Mosehauer:** Thank you so much for that really thorough list of questions. I have good news for you, we've thought about all of those things. So, I really appreciate that you are hitting a lot of the highlights that we've heard in a lot of places. I think there was three key things that I think I can respond to. One was like the existing availability of some data or the depth of the metrics, the second was the purview of your commission, and the third was the inclusion of additional things like victim's metrics that are absent from the publicly listed ones. So in the first part about the available data you currently have from corrections that makes total sense to me that your you know DOC was able to produce some really valuable exciting data. That's true in most states you know departments of corrections in particular have the most capacity for data in most states, so we definitely see Justice Counts as not being the end all be all for data. This is really an opportunity to lighten the list of the most commonly asked kind of base line questions for those agencies, so that there is data available so that they can spend their valuable research time on digging into the next level of questions. We know that there's really common go to things that get asked every session or really regularly that this can hopefully take some of that off of their plate so that they can dedicate their resources a little differently. We also know that not every sector has the same resources as a DOC in terms of their research capacity so that's a little bit of kind of the design of the project is to try to address and balance some of that so that our view of the criminal justice system can become slightly less correction focused and more like the whole spectrum. You also mentioned you know the really important part about equity is that if you get a little slice of an equity metric you can jump to the wrong conclusion and that's really important and very carefully considered in the way that the metrics are constructed as well. The equity metric really focuses on kind of following people through the system so we can really think about our disparities increasing or decreasing. So, we're not going to get to the level of the example that you gave in these metrics specifically because it would be just enough to get people to the wrong conclusion and not enough to do something useful. So, we are trying to right size the information a little bit to avoid some of those really big pitfalls that we've seen happen and happy to follow up on any of this offline or in follow up questions as well. So, your second point about the purview of the committee I absolutely hear you and understand that. The budget piece we put in because we thought about like the decisions that policymakers make are often around budget and if you don't know what's being dedicated or how much an agency is sourcing from grants you don't really know what they need to do their job effectively. So that was a little bit of why we thought that that might be something everyone would want to know, but Vibha showed a screen in the presentation where there were little toggles next to each of the overall metric categories and any agency or any state can



say you know what we can recommend that you report on the metrics that are under our purview and the other ones are up to you. So, any agency can say you know what this use of force thing is not really something that's you know required by my commission I'm not going to report that. There is flexibility so that you wouldn't be getting yourself outside of your scope if there was a recommendation to proceed with Justice Counts because it could be like a qualified or a narrow approach that fits your mission. Third on the victim's piece I absolutely think that's an incredibly important call out. So, on the feasibility metric in the first round we found that a lot of the metrics associated with victims we're not meeting our feasibility bar we also know that behavioral health is thoroughly lacking as are re-entry metrics. Those are pieces that we are prioritizing for inclusion in tier 2 and as part of the tier 2 development process we'll also be seeing if there are any victim-centric metrics that we could elevate back to tier 1 because we do believe that there are elements for victim services and are obligations to victims that should be measured at every point in the system that are not currently you know forward facing that need to be in there. So that is to come; we know definitely it's tier 2 but we're hoping we might be able to retroactively add a few to tier 1 as well in that process.

**District Attorney Hicks:** When do you expect to have that done? I mean would it be better to reconsider this opportunity once you all have gained the realization of those additional needs. I'm not being disrespectful to your particular agency; I will just say there is a history in Nevada of entities coming from outside of our state taking certain positions on our criminal justice data that have had lasting implications on criminal justice in our state. There has been promises made but not necessarily the data it never came to fruition. So I feel like it's a duty of mine based on the entity I represent to raise those issues because we don't want to be a year into this and then come to the realization that what was talked about as being something you may do in tier 2 never happened. You know I don't want to go on too long-- I could, because I do have grave concerns about this, but I do want to share them with you because as I said I think it's a commendable mission. I'm just not convinced yet that it's something that this commission based on our statutory duties should take on, and I don't say that lightly. It helps me to say it because I know how good of a job our Department of Sentencing Policy is doing right now. So my question is, is it an absolute commitment by your organization to work directly with our Department of Sentencing Policy if we do engage with you, and will the Director have significant input in the way this data is handled because this data does need to be Nevada centric. I have no interest in my role here as what's going on in the rest of the country, I'm interested in what's happening in Nevada. So, is that a commitment that you all would give?

**Ms. Mosehauer:** Yeah, it is. I feel very confident. The whole idea of the founding state program is that there is an immense amount of effort that went into a consensus building process but when the rubber hits the road, we're going to learn a lot. The founding states are going to shape this program immensely and that is really a critical element of the founding state program is to understand what is working, what isn't. We've made a commitment to BJA as well to review the metrics on a very regular basis and to bring recommendations about what's working and what's not and what needs to be changed and added. We have also made the commitment to include victims metrics going forward so that is something that is in our public facing materials and that we have made to all of our constituents. So, that there is like a good faith you know offer on the table to be collaborators in the process together.

**District Attorney Hicks:** I'm going to stop with my questions. I'm taking up a lot of time, but I thank you all very much for your time and I strongly encourage you to consider some of the issues I've raised because I would just hate for this commission to get in an area where we're not getting any better data than we're already managing to do as an entity and I don't want it to be misleading so thank you very much.

**Ms. Mosehauer:** I appreciate that. We're happy to talk offline as well if you'd like to schedule a follow-up conversation because your questions are truly important.

**District Attorney Hicks:** I would if we do in fact move this along to a formal vote at another meeting I would very much like to take you up on that.

**Director Gonzalez:** I appreciate this conversation. Our entity never existed before. It's really exciting to have this agency here; the problem has been nothing was ever centralized. There are conversations that I don't know if they were started, if they were continued, but the intent for my vision for our agency and this commission is to be the leader in criminal justice data. The concern that I have as well about previous entities coming in and conducting studies was, they were doing their data collection for their purpose and they move along and there was nobody in place to continue the data after they did it, and our agency is there to stop that cycle. This commission is tasked with a very important duty in being a criminal justice data leader. I think there's a way to think about you know we've been in existence for two and a half years, where are we going to go next? We are setting the stage for Nevada we're doing something that wasn't done before, and I'm really excited about that and I'm excited about the conversation for this commission to have because we get to bring these concerns to the table and figure out what out what are we going to do next. A couple of things, I really appreciate the partnership with every member on this Commission and I appreciate what District Attorney Hicks is bringing as a concern that I think makes sense from what has happened previously. I would like to make sure my vision is expressed in this meeting, and I've talked to Justice Counts, I've talked to all the commissioners about this, but I want to remind everyone of that as we move forward that my statutory duty as the director is to collect data from every criminal justice agency. So, it lists specific agencies in my statutory duties and then it adds any other criminal justice agency. I already have that. Separate from the commission are its duties but they do align and where I see us, we are asked to provide resources to the Commission. So, I think our agency being the point of contact and the leader in the data is very important in this for what comes next and is consistent with my statutory duty. An example I can think of too where we are already getting requests for data that if we can centralize it can come through our agency. I already came across a request for data regarding DOC metrics. It's data we already collect. The entity tried to contact DOC directly and I worked with DOC to say send them our way. We will take care of this metric, we will take care of reporting this, and we will make sure the variable is defined appropriately and I already noticed where there was a concern with the variable that they wanted to collect and how it had been previously collected. I'm going to work with that entity to correct that definition and make sure the data is properly reported, and I see Justice Counts as being similar. There is this effort to create these dashboards and to create this data across for every single state and if we centralize it, we can provide the information that will be consistent and reliable if it goes through us. That is my vision for this by us working with Justice Counts we collect this information, we would enter in the metrics and work with the agencies but it would still come through us because it's almost like I see us reporting this for the purpose of the Justice Counts effort. In case anything were to ever happen I don't think it will, we already have the data we can keep it going, right? So, I wanted to add that as part of my vision, and I will say that when we're in the business of analyzing data related to sentencing corrections it gets really fuzzy really fast about where it should come from. And I just wanted to point out that even today and I was thinking about all the times I've been asked to make comparisons to other metrics requires me to try and get this from other entities. At a previous meeting we've talked about cost avoided we've been asked to analyze the cost diverted that are being diverted back to local jurisdictions to make that as a full cost analysis. That's something I want to do with our analysis, and I would say that this is consistent with that data we would collect for the fiscal analysis. It gets broad and I'm not afraid of that and I trust the relationship that I have with this commission and that I have with my staff that we will all work together to make sure that we agree on the metrics and how we want to collect it so we can again break this cycle of how criminal justice data is being collected and shared. It's going to be I think some growing pains to figure that out, but I appreciate the input and just wanted to offer that as some of my vision of what I see for that and what I see for the opportunities. I don't want to be afraid to collect data from everywhere and then have it housed in our agency and we can truly be a criminal justice data hub as I've articulated for anything. Then any request that were submitted from any entity whether it's local or from a national perspective can come through us and we can work on getting that consistent data out there.

**Chief Michelle Bays:** I just had a couple of quick questions. Starting with a practical one, do you have any ideas or just averages as far as implementation costs and if there's any assistance out there for that as far as grants or, I'm trying to get at is some of the data that you mentioned does exist. There's some that you

could maybe either interface with or get fairly easy but then a lot of it is not so it would take individual agencies coming up with somebody somewhere counting that, setting a report, and then forwarding that on an ongoing basis. So, what's your experience with the cost, with people, with how you get at that?

**Mr. Schelor:** Thank you, Chief, for that question, we do not have an assessment of costs per agency, would obviously be different for every agency. We have had agencies that are testing the infrastructure right now and utilizing the metrics right now that have said that it is very quick and easy for them to participate and really doesn't incur much if any additional cost, and we've had agencies that have been on the other end of the spectrum as well where it does require more staff time for them to participate but I do not have an estimate of those costs. With regard to grant opportunities again this is a federally funded effort we back at the end of I believe June there was an opportunity through BJA for states to sign up to receive funding to participate in Justice Counts. That opportunity has now closed although I believe hopefully I'm not speaking out of term when I say that I believe there may be future funding opportunities again for state level entities primarily with regard to funding for local entities to participate. I do not have any additional information on that at this point. Katie is there anything you'd like to add to that?

**Ms. Mosehauer:** Yeah, that's a great summary. I think the couple of additional pieces that we've really been thinking about are how we can leverage the researchers on our team and some of the contractors in our scope to help write some of those reports so a little bit of how can we take on some of that technical cost of helping to pull data that currently exists. The other piece is that we really want to recognize is meeting agencies where they're at with starting with data that exist and then moving forward. So a lot of what I think our role at CSG will be is really kind of elevating the voices of agencies back up to BJA and saying like this is where agencies need capacity, and this is where they need your help. So, I think a lot of it is helping to you know make sure that folks can do what they can with what already exist and if there's a really common scope that is not accessible or is not collected that we help leverage and get resources in the future to support that data.

**Chief Bays:** Okay thank you for that. Just some follow up on the reporting part of it. Are there any states that have got farther along where there's some available reports or data to look at, and then also when you do and at the point when you do collect of that is the raw data then continually available to whatever state or entity that it's collected from?

**Mr. Schelor:** Again, this is a relatively new project; we're only about two and a half years in, in terms of actual operation and up to speed on Justice Counts and the tier 1 metrics were released back in May. So, we do not yet have any states that are on board so to speak or fully up and running in terms of providing data through the infrastructure so unfortunately no, nowhere to guide you all on that. Again, we do have agencies that are testing the infrastructure right now and utilizing that and that's a question I can turn back to the team. With regard to the second part of the question, I will turn that to Katie who has more expertise on that, and she may need to remind me of what that was, I apologize.

**Ms. Mosehauer:** No worries. Yeah, there's a cohort of states that are in a very similar space to you, so you all are the frontrunners, but I've mentioned its going to be a little bit until we have an active example to be able to share directly but you mentioned like will data be available in an ongoing way to states that are participating and the answer is yeah. So, the idea is once data has been released to public facing dashboards that there would be ways to download that aggregate data either in chart form or in excel form so that you all could see it and use it. From the individual agency perspective, the control panel allows a lot of access behind the scenes to the data as well as to making updates and adjustments as well.

**Chief Bays:** Okay, thank you. The last question, you did mention the tier 2 metrics and there was some discussion about victims. Are there any other examples that you can offer about what's being looked at in the future to add to that list?

**Ms. Mosehauer:** Yeah so, the three primary elements that you do not see named in tier 1 are victims, behavioral health, and re-entry. So, those are three that we very publicly committed to ensuring are a part of

tier 2, and again victims were hoping to be able to retroactively elevate some into tier 1. So, for things like re-entry, we're really thinking about you know what are the protective factors so for example under public safety are there metrics around things like releases with housing or with employment that could be measured there as a way to measure successful re-entry efforts and pieces like that. So those are the three primary elements that are not currently represented in the metrics that you can anticipate seeing. We'll be kicking off the tier 2 process mid-September. There will be a public comment period on the metrics across all the sectors in early 2023, and then in May of 2023 those will all be released to the public.

**Vice Chair Christine Jones Brady:** When I'm looking at the NRS 176.0134 duties of the Sentencing Commission, it really is a long list first of all, but it really encapsulates what it looks like data counts is trying to do. It looks like this is spot on with the mission of the Sentencing Commission for example the statute says, the Sentencing Commission shall, 1, advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of the states system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors. Skipping down to 4 it says, facilitate that the Sentencing Commission must facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies using existing databases or resources where appropriate. Even looking at number 2 it says, evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in the state and other states including without limitation the use of plea bargaining, probation, programs of enhanced supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentences, mandatory sentences for crimes. The list goes on so at the AG's office one of the things that has been frustrating for me working in the state and I've had this conversation with Ms. Gonzalez on many occasions. Is that the Legislature often tasks the AG's office with collecting data; they also task the Department of Parole and Probation with collecting data and the Department of Public Safety with collecting data and I've had conversations with leaders within those other departments, and we all lament on how the data is difficult to come by, and how we are decentralized in Nevada which in and of itself isn't a necessarily a bad thing but as we are trying to make data-driven recommendations to the Legislature, it hurts when we don't have the data to look at. So, I think that what this what this proposes is in line with the duties of the Sentencing Commission and from a state perspective I think that it will help us in fulfilling some of the mandates the Legislature has put on not only the office of the Attorney General but other offices within the state of Nevada who don't have the resources or don't currently have the resources to collect the data or as they reach out to the local entities those local entities don't have the resources or the wherewithal to have already collected this data. So, I think this will help one thing I would like to speak with you all if we do move forward on this about rural Nevada and what are you going to do to help the sheriffs, the prosecutors and so forth in rural Nevada collect and report out on this data thank you.

THE SENTENCING COMMISSION TOOK A 15 MINUTE RECESS

**Chair Stiglich:** All right we're going to go ahead and get started.

**Mr. Callaway:** First of all, I'm going to keep my comments brief because I think DA Hicks touched on a lot of my concerns. When I look at this presentation, I feel like you know I've been there done that and the reason I say that is because having served on the Advisory Commission for over a decade and this body since its inception. We've seen Dr. Austin and Pew Institute come in and collect data, we've worked with him on getting him the data he wanted from the jails and various entities, we've seen CJI come in under a grant and collect data which obviously everyone knows the result of that. So, I guess I'm frustrated in the fact that it looks like this is a broken record and we're back in my opinion starting the same process over. We have an entity from outside of the State of Nevada coming in to collect our data for us which we have or, if we don't have it, we have the capability to determine how to obtain it, and how to use it for our own needs. I don't in my opinion believe we need to have another outside entity come in to do this and looking at the presentation I have a number of questions about the metrics. I believe the metrics just when I looked at it is very generic in nature. It talks about number of arrest, calls for service. It doesn't take into account for example just one of many examples in Metro's jurisdiction we have 43 million tourists a year, how do they play into these

metrics? We receive over 3 million calls for service a year but some of those calls for service are medical or they're fire, and they're transferred. We respond on a fraction of those calls and then arrests are made on even fewer, so the metrics doesn't take into account, you know for example, programs that law enforcement uses in lieu of arrest such as the harbor or diversion programs to avoid arrest. Again, I agree with Mr. Hicks, and I respect the comments made by Vice Chair Brady, but I don't see how the Department's annual budget or maybe even use of force data fits in with the statutory obligations of the Sentencing Commission when it comes to sentencing. Of course, we already report use of force data but in this metrics it's not clear on what that is that you know something as simple as you put the handcuffs on someone too tight and they complain about injury all the way up to and including use of deadly force, so I think there's a lot of questions about the metrics. I'm also concerned, I think Commissioner Bays talked about this one, about if the goal is to collect data that were already collecting and compile this data okay fine it's out there but if the goal is to collect additional data, then how is that collected. We have to use our department resources, we have to assign people to start collecting this data, or is it incumbent upon an officer in the field to collect this data on car stops for example or calls for service and then does that increase the time of response for calls. There's just a lot of unanswered questions when it comes into this, and I'm concerned about how once the data is being collected the interoperability between the agencies with this data because for example it was mentioned that an agency could opt out or an agency could report based on their own metrics. So, if LVMPD is reporting certain metrics but Washoe County is reporting different metrics and this all going into the same pool of data how is this data then being analyzed correctly to determine for our use I guess if it's muddy data from different metrics. Finally, I guess I'll just leave it on this is that a comment was made at the end where it says after this trial period or what not that we can discuss ongoing access to the digital structure. So, that makes me wonder is the intent to compile all of this data into some type of a digital structure that is owned in essence by Justice Counts, and then moving forward if we decide not to participate or we don't have additional grant funding then that data belongs to Justice Counts and we no longer have access to it. I'm not sure quite on how that comment was stated but moving forward I do have a lot of concerns about this particular process. I support data collection but I'm not sure if I support it in this manner.

**Ms. Kimberly Mull:** This is more of a comment after seeing how passionate Washoe County DA is on the subject. I know the victim aspect was mentioned and about the component missing, but I think that there are aspects of that that are also in here. So, I was raped in Washoe County in Reno four years ago and I ran the perpetrator out of my house afterwards with a gun. He was caught a couple blocks away from my house by police and arrested on foot participated with law enforcement and everything. Then the Washoe County DA decline to prosecute and I asked the DA's office if I could get the number of cases that are referred to them by law enforcement, the number of cases they decline, and the number of cases they actually prosecute because I was curious how my case fell in with that since it wasn't prosecuted, which are questions that are actually asked on here or numbers that are pulled from here. I was told as a victim that it was inappropriate for me to ask that question and ask for those numbers and then it was quote on quote I wasn't entitled to those numbers and that nobody outside of their organization can have those numbers. So, whether it's through this entity or just through our department I think getting these numbers does help victims and it is encountered in here because I think making sure that the cases are being prosecuted and being prosecuted fairly for both side for victims and for those who are accused is equally important. So, I just wanted my two cents on that, thank you.

**Mr. Hoffman:** So, my first question is I'm also curious about a point that Mr. Callaway raised. Let me explain my understanding and then the Justice Counts people could tell me if I'm incorrect. So, we would sign up to be a founding state, you guys would help set up this database, get people on board with reporting data, and then what happens with the database. Do you guys keep that, does the state keep that, if we later decide to drop out of the program can we still use the database, or do we lose access? How does this work I guess is my first question?

**Ms. Venkatesha:** Sure, so this data ultimately belongs to the agency's reporting the data to Justice Counts via our technical infrastructure. Ultimately Justice Counts is really just intended to be another tool in the toolbox for agencies and for the Nevada Department of Sentencing Policy. The agencies will still own their

data, they can still edit and remove data at will. If an agency decides to stop participating in Justice Counts, they'll be removed from our list of reporting agencies and that data will no longer be reported on an ongoing basis. Yeah, agencies will ultimately own the data that they're using.

**Ms. Mosehauer:** Yeah, just to add a little bit more to that is like the benefit of being a founding state is simply that agencies get hands on help. Both in recruitment and configuring the data because it's a new program. Once an agency is on board, they have perpetual access to the infrastructure to keep reporting for as long as they want to participate. So, it's not something that if you all decided to not be a part of the founding state program anymore some people chose to continue, others didn't; it is very much like the offering and the opportunity that we are providing is assistance in kind of making it happen the first time, and then what happens next is really up to you. We will continue to provide access to the tools that have been afforded to you as party of the program and that would be something in an ongoing way as part of Justice Counts.

**Mr. Hoffman:** Thank you. Then as a follow-up question so I want to make sure I understand the metrics then correctly. So, it's up to Justice Counts sets up a whole menu of possible metrics and then it's up to the agencies or the state or whoever to decide which of those metrics we actually care about or want them to report or don't care if they report, is that accurate?

**Mr. Shelor:** Broadly speaking, yes sir. Again, there's this set of the 67 tier 1 metrics I think we would love for all of those tier 1 metrics to be reported. That provides the most context, that provides the most cross-system information for policy makers and the public that are utilizing Justice Counts and the infrastructure, but we're also again mindful that capacity is limited, that some of these data are readily available while others are not. So there is a process by which either state leaders or agencies can get together and identify those that they want to prioritize for implementation. I think there is far more utility in having one or two or a handful of metrics collected, and data supplied for those metrics by agencies across the state than it is to have several agencies reporting only these few metrics and several agencies reporting only those few metrics, and again there's not alignment between those between those two. I hope that's helpful and responsive and certainly Katie, if there's anything else, or Vibha or Matt are welcome to jump in as well.

**Mr. Hoffman:** Thank you, that is very helpful. So, the last thing I want to say is more of a comment. It seems to me that this is a great opportunity, and we should be jumping at this. I appreciate the concerns that Mr. Hicks and Mr. Callaway raised but to me it seems like none of those implicate the decision to join this program. I think the way to resolve those issues is join the program and then the metrics that everyone can agree on or the data that everyone can agree we should report, we can do that. The metrics where it's too complicated or we don't think it's necessary, those are discussions that we can have down the road, or the Legislature can have down the road, or the agencies can have down the road. I think the benefit of this system is that it gives us a lot of flexibility in how to handle those conversations. So, I think that's one thing that makes this different from other attempts that we've made in the past to do this. So, I personally think that this is a really good idea, and we should be jumping on it, thank you.

**Mr. Arrascada:** I just wanted to clear up a couple questions. In your name Justice Counts you're just providing a tool that will allow a state like Nevada to gather data, is that right?

**Mr. Shelor:** In effect, yes sir.

**Mr. Arrascada:** You're not going to come back to the state of Nevada after three years with a report with recommendations on what the state should do because it's up to the state to determine what to do based on the data collected through your technical infrastructure, is that right?

**Mr. Shelor:** That is correct, yes sir.

**Mr. Arrascada:** On the dashboard that you have provided in your PowerPoint, with that, metrics I think it's like 16, if as a commission, the state Sentencing Commission decides that calls for service is not something

we want to measure as a data point, we just toggle that off and then it's not measured, correct or that data is not collected?

**Mr. Shelor:** Correct that data would not be reported by the site, that's correct.

**Mr. Arrascada:** The same as your example on slide 16. Use of force incidents, it shows that turned off, and that's the same as with the calls for service I asked about right?

**Mr. Shelor:** Yes sir.

**Mr. Arrascada:** Those are decisions that are made by the state or the state entity or agency that partners with Justice Counts to utilize the infrastructure that Justice Counts has developed, is that right?

**Mr. Shelor:** Yes sir.

**Mr. Arrascada:** Just so I'm clear, at the end of the day with Justice Counts, the only report generated from Justice Counts would be data, numbers not suggestions or recommendations on what a particular state should do, is that right?

**Mr. Shelor:** That's correct, yes sir.

**Director Gonzalez:** I just wanted to mention, we presented the Justice Counts effort at our update to Legislative Judiciary Committee and at their work session they voted to submit a letter to express support for the effort of Justice Counts. One of the things that is really important to me when it comes to data and I think to the effort of Justice Counts and should be for everyone is that we all are in this together, and so we would be looking for you know support across all the three branches of government. So, I wanted to mention that the Legislature obviously is not going to be the body that would be working with this, but they would support this effort along with whatever we do here. This would advance what they're looking for as well with the session coming up. I will mention as well which Justice Counts touched based on that you know individual agencies could report this data already to Justice Counts, and by being a founding state Nevada really could be a leader here. No one else has done this yet. So, I think the conversations here could lead us to Nevada would be a participant in what does this look like. These conversation are going to be helpful for other states when they're trying to decide how we engage with this, and what do we do and what I think is a great opportunity for this young commission and our young department is to how do we want this to look, and we can set that example. Again, I think there'll be some growing pains associated with that but it's a great opportunity for us to define that and everything we're talking about right now would inform what's going to happen in other states. Then I just want to emphasize the other states. If it doesn't come through us again this could happen somewhere else and if this public body and our department is in the business of trying to help criminal justice data in the state. I think trying to centralize something like this for a reporting mechanism to Justice Counts will set the stage for future efforts like this. If another entity were to come along and request data they would come to us, we would have similar discussion, the Commission would decide how do we want to report these metrics, what makes sense. And again, looking for that consistency and sustainability when it comes to how do we want to report criminal justice data for Nevada.

**Chair Stiglich:** All right, thank you Director. Director then is it fair to say this is an effort that you support?

**Director Gonzalez:** Yes, I do.

**Director Elisa Cafferata:** Just a couple of observations. I really feel the pain of our law enforcement folks. Having been involved in a community indicators project, it is excruciatingly difficult to get clarity on what we're measuring, what it says, and all of that. I do think that that pain is actually a selling reason to be involved because if we're in the founding states we get to shape our own metrics, we get to say which ones we're using and not, with the technical assistance of this organization, so I think that would be helpful. You know the downside of being in the first wave is you're working out all the bugs and it is very hard work, but we will have some expertise and help. The other selling point to me for pursuing this is that because they are involved with national legislative councils, our legislators are going to be seeing this information from

other states, they're going to be seeing reports on sort of the outcome of what other states are doing with this data. So, I think we'll start to see our legislators asking how we can get in on this and use this information. I don't think we should underestimate the amount of work that will go in to getting this right. I do think data collection and indicator really have moved on to a new level because of the technology. So, I think it's important for us to be involved and sort of in control of our own destiny because this is coming at the national level one way or another and this is a great opportunity for us.

**Chair Stiglich:** Thank you, Director. Is there anything further or would anybody like to make a motion at this time?

**Mr. Arrascada:** I'd like to make a motion. I think I need a point of clarification. This would be for Director Gonzalez. My understanding is we've applied to be a founding state and we're being considered as a founding state so would a motion be to continue the process of being considered to be a founding state or a motion to be a founding state.

**Director Gonzalez:** I believe it'd be the latter. I don't know if Justice Counts would like to comment on this. As our provisional acceptance I would say that the vote would be that we want to be the founding state. If I could clarify what you just asked versus just being considered. So, I guess I would say maybe the motion would be that if approved by Justice Counts, we would participate. I guess I'm not quite sure let me think about it for a second. Justice Counts, do you have anything to comment to that? I'll take that as a no.

**Chair Stiglich:** Mr. Shelor I guess the question would be what do we need to do to move forward here if that is as I interpret Mr. Arrascada's motion.

**Mr. Shelor:** Yeah, thank you Chair. So, this is not a clearance or a decision that we can make. As a kind of co-lead on the project this would require the consultation of the Bureau of Justice Assistance who again funds this work and co-leads this work with us. I would say to continue engagement with Justice Counts in pursuit of becoming a founding state is an endorsement from the Commission that we would gladly take back to our partners at BJA at this time. Katie, I don't know if you've got additions or extra thoughts there.

**Ms. Mosehauer:** I don't think I have much to add, you all submitted the letter, with the confirmation of BJA, offered the provisional acceptance so I think, like you said Director, if this is like yes, we'd like to take advantage of that opportunity, obviously, there's a lot more conversations that would need to come after that to address some additional concerns in the room, but I think that's kind of our perspective on it.

**Director Gonzalez:** So, what I would propose is the Commission could consider is that it would be a combination of those two things. So, a combination of the Commission and the Department would continue to pursue the efforts to become a founding state with the provisional acceptance and with that if granted would participate in the effort.

JOHN ARRASCADA MOVED TO MAKE THE MOTION THAT THE BOARD CONTINUE TO PURSUE BECOMING A FOUNDING STATE WITH JUSTICE COUNTS AND IF ACCEPTED, TO PARTICIPATE

ATHAR HASEEBULLAH SECONDED THE MOTION

**Chief Bays:** I just wanted to clarify. So, the end of this would be if in fact we're accepted then we are going forward with that, but did we get any clarification as far as costs and you know what that would be. I think we had an offline conversation just briefly on that so that's kind of where I'm at the sticking point is going to incur any costs on the agencies particularly the rural agencies.

**Director Gonzalez:** If I can comment and then see if Justice Counts wants to comment on this. So, the technical assistance is being funded by the grant that's funding the Justice Counts initiative and that's what we'd be granted. We wouldn't have to pay anything from our agency, from the Commission, and what I would offer is that with the technical assistance my intent is for our agency to fill those gaps when we can in the collection of data. It's something were already trying to do. So, where agencies whether they're in the larger counties or the rural counties or wherever they are, I know what the needs are when it comes to



staffing and this is what our agency is here for. It's part of our request as well to expand our staffing so that we can provide that support to agencies so that it's not a burden to the agency. So, I would say it's a combination of the Justice Counts effort is intended to meet agencies where they're at. That is consistent with our effort to meet agencies where they're at and that they do not have to report any data that they are not capable of reporting and if there are areas where our staff can fill that in, we will offer that and support that because I think that will lend itself to sustainability. Then the technical assistance that we would provide are provided from Justice Counts would enhance that. I would say the efforts that we're already doing. My take is that there's not any additional cost to us directly and anywhere where it is assessed that that might be a burden on any of these agencies, I would offer my staff and the technical assistance of Justice Counts to fill in those efforts.

**District Attorney Hicks:** I just want to put a comment on the record as this is discussion. I will be a vote of a yes on this, and it's in large part because of my confidence in Director Gonzalez and her support of it. I just want to suggest to Justice Counts that you really consider or start taking steps to include a victim metrics. I think that's essential and that you also consider looking at the statutory duties of this commission when you put forth metrics that we would have to encourage our partners to follow. Thank you very much.

**Dr. Shera Bradley:** Just one more quick question. I don't think I heard this mentioned in any of the metrics but could we if we decided this would be useful include data collection about competency to stand trial, referrals, adjudications of those cases, etcetera. There's a huge crisis with regard to that across the country.

**Mr. Shelor:** There certainly is that by virtue of work we've done with a number of different states so wholeheartedly agree. Those were all issues that were discussed by the courts and pre-trial subcommittee and in the process of identifying the tier 1 metrics for courts. That was one that I think that also fell to the feasibility requirement that those data are either not collected or not collected in a consistent way, and so that is why metrics around competency to stand trial are not represented in the current tier. Again, very mindful of the impact of competency and those are under consideration as tier 2 metrics.

MOTION PASSES

**Chair Stiglich:** All right then, all those in favor of the motion say, aye. All right thank you, the motion passes.

#### **8. Presentation on the Department of Indigent Defense Services Holistic Resource Center and Request for the Nevada Sentencing Commission to Recommend the Reinvestment of Costs Avoided to Provide Financial Support to the Center**

**Chair Stiglich:** I'll now open Agenda item number 8. Presentation on the Department of Indigent Defense Services Holistic Resource Center and request for the Nevada Sentencing Commission to recommend the reinvestment of costs avoided to provide financial support to the center. Staff from the Department of Indigent Defense Services or DIDS contacted our staff to request this opportunity to present information about their holistic resource center and make a request of this Commission. To the members of the Commission and the public, the staff of DIDS provided supporting materials for their presentation. Those are all available on our website. I will now turn this time over for them to proceed with their presentation and request, please.

**Ms. Marcie Ryba:** Thank you, Chair Justice Stiglich and thank you, Director Gonzalez for this opportunity to appear in front of this commission. We also are a brand new agency, my name is Marcie Ryba I serve as the Executive Director of the Department of Indigent Defense Services and I'm here with Thomas Qualls, our deputy director. Our department was created at the same time as the Department of Sentencing Policy and that's how I got the opportunity to know Director Gonzalez because we're actually homeless at the same time, in the same building. We both would look at each other at each other wide-eyed wondering what

we'd gotten ourselves into, but it appears she's done a great job so far. So, let me tell you a little bit about ourselves like I said we're created in 2019. We were passed by an assembly bill AB 81 which created the board of the Department of Indigent Defense Services, and the passage of this bill marked a culmination of almost three decades of judicial and legislative analysis of indigent defense services. I know that there's many members on this commission that were active in the creation of our department but to just give everyone else a little bit of a background. The Supreme Court in 1992 created a Nevada Task Force to inquire into the racial and economic injustice in the administration of the criminal and civil justice system. In 1997 that task force issued a report and they found that the following issues contributed to racial and economic biases in both the quality and the delivery of justice. That's inadequate financial support of public defender offices to ensure proper attorney investigatory and support staff, lack of early contact with indigent defendants, insufficient training of indigent defense attorneys, poor interpreter services, and a need to guarantee effective assistance to counsel at all stages of criminal justice. Following that task force report, the Supreme Court created the Implementation Committee in 1998 and at the end of that committee they made the recommendation that the independence of the defense function was jeopardized, the state lacked oversight, and binding indigent defense standards. Indigent defenders labored under excessive caseloads and the state lacked comprehensive reliable indigent defense data. TSG, that committee, recommended that the state take a leadership role in the provision of indigent defense services by relieving more of the counties of their financial burden, establishing a state oversight commission, promulgating minimum standards, and formalizing regular performance evaluation of indigent defense providers. Seven years later the Supreme Court issued an order forming the Indigent Defense Commission. In 2007 the Indigent Defense Commission recommended that we need to adopt workload standards, adopt attorney performance standards, ensure the independence of the defense function, require indigent defendants outside of Clark, Elko, and Washoe to be represented by the state public defender and have that totally funded by the state, and institute uniform data collection and reporting. In response, the Supreme Court issued 80KT411; in that order they asked each county to establish a uniform standard for determining indigency, required that the judiciary be excluded from the selection of council approval of compensation and data expenses and determination of indigency, adopt attorney performance standards, require weighted caseload studies in Clark and Washoe, require administrative office of courts to determine uniform practices, and establish a statewide commission of oversight. After numerous concerns from criminal justice stakeholders across the state the Supreme Court revised that order in 2008 and they temporarily stayed the implementation of that for our rural counties. They also temporarily stayed the implementation of performance standards extended deadlines for completing caseload and reconvened the Indigent Defense Commission rules subcommittee for further analysis.

In 2017 the Legislature passed Senate Bill 377 creating the Nevada Right to Commission Council. In that Commission Council they ended with making certain recommendations where they had a sixth amendment report finding that in part, rural indigent defense systems suffer from pervasive lack of judicial and political independence, a pervasive lack of institutionalized attorney supervision and training, a pervasive lack of independent defense investigation in all but the most serious felony cases, a pervasive lack of support services, flat fee contracts and excessive case load. In response they made a recommendation that the Department and Board should be created in addition there was an ACLU lawsuit brought against the state of Nevada where there is currently a stipulated consent judgment, and our department is tasked with making sure that we comply with many of these. So, in 2019 when we were created by AB 81 we have been tasked with doing certain requirements including providing resources to our rural counties, collecting data, providing training, and assisting with these rural counties. Overall, our board has the ability to create minimum standards for indigent defense and we have worked with the rural counties to help them implement for the first time plans for the provision of indigent defense services. So, at this time all counties have a plan for the provision of the indigent defense service, and we have those minimum standards in place. In order to assist those rural counties with the added cost for complying with these minimum standards, our board also has the ability to create a maximum contribution formula where that board stays, after a certain point any expenses over and above that are an expense to the state so we can help those rural counties. The reason I wanted to focus on this a little bit more before I pass it to Tom and the why are we here is what we're here

for is a recommendation from this committee to set aside funding or to make a recommendation that reinvestment should be made in indigent defense specifically the rurals with our holistic resource program. Like many of the other directors at this point or on this commission we are preparing our budget. We are funded by the general fund, and we are going to be making an ask for a holistic resource center and we're hoping to have this commission support that this is an appropriate reinvestment of some of these savings. We are asking that this not be taken as a part of a local application because it may not happen in the rurals. When we started collecting data, we asked for indigent defense data and one county gave us indigent burial costs. They didn't really know what we were asking for and they didn't have anyone that was tracking it. So that's why we're asking and what our proposal is that you're going to hear about is to create a state resource that we give access to the rural counties, the rural public defenders too because there just aren't these resources in those rural counties and there's not one point person to be able to apply. Many of these rural counties rely on contract public defenders and there's not necessarily a lead public defender to be able to ask for that. With that we would turn it to Mr. Qualls.

**Mr. Thomas Qualls:** Thank you Directory Ryba, thank you Chair and commission members for inviting us here and hearing about what it is that we're working on and building. One of our main tasks is to create more effective and sustainable indigent defense systems in the rural counties. These public defenders and these systems in these rural counties are stretched pretty thin, it's fair to say that there is a crisis in some of these counties. There's a shortage of indigent defense providers and there's a shortage of resources for them. One of our top priorities in supporting and creating these more sustainable systems is the creation of a holistic resource center. Now Mr. Arrascada in the Washoe County PD's office and the Clark County PD's office have these more holistic resources, social workers, access to things sort of that are collateral to the criminal charges that their faces, but these rural indigent defense providers are kind of out there on their own and they don't know how to access this or there's nobody in their area that can provide some of these necessary services. I'll elaborate a little bit more what I mean about holistic defense for those of you that aren't familiar with it. It's the idea that you provide more than just defense for the discrete specific charges that these people are facing because often time in their lives the reason they are in the system has a lot to do with all of these collateral circumstances. Again, it's poverty, various health issues, domestic violence, substance abuse, mental health issues, housing and security, unemployment, and just a general lack of information about or access to social support mechanisms. So, what holistic defense does is that it creates a little bit of an interdisciplinary team that addresses these collateral circumstances so hopefully we can get these people and their families stabilized which in turn stabilizes communities. Again, our main focus is giving the rural communities access to this the same as are available in the larger urban areas.

Our solution of having public defenders fill this roll in their offices and their teams is because of the unique access that public defenders have and the time in which they have to these people. They're often one of the first contacts after their initial law enforcement arrest to be able to interview these people, find out more about what's going on in their lives, and bring these collateral resources to bare early on in the process. We've been working with a number of different organizations including the FAST organization here to try to learn all the steps and the process and what resources are available where. This that you're looking at is called a Sequential Intercept Model and it's developed by an organization called SAMHSA it's the Substance Abuse and Mental Health Services Administration. So, this sort of addresses all the different stages along the line of you know criminal justice entanglement if you will, all the way from first contact through alternative sentencing, maybe prison and release. I know that this Commission studies all of the different stages and there's a lot in. I was looking at your recent cost avoidance report from August of 2022 and what we're particularly interested in is the recommendations at the end for appropriate reinvestment and there's a lot of good and important and necessary things on that list. Where we're looking at holistic defense and public defenders' intervention in this is in intercept 2. Where according to the people that we have talked to about this and the various stakeholders is in intercept 2, and that's exactly the initial public defender contact and intervention and that's a place where there's not adequate resources and there's not adequate attention and especially in the rural not adequate funding. So, that's what we're creating the holistic resource center to address, and you know again as Marcie noted the reason we're here is just

asking to be considered in that chain and on that list of recommendations as an entity that can provide assistance there and cost-effective program that also will result in more cost avoidance.

The data that we have from different types of models shows that this holistic defense model can lead to cost avoidance while also either maintaining the current levels of public safety or reducing them. The holistic resource center is again as I noted mission aligned with the goals of the ACAG to develop more cost-effective public safety strategies and it's an appropriate reinvestment tool. Specifically, the Kentucky model that I'll talk about in a little bit shows a one to three return on investment, that is for every dollar that they put into their alternative sentencing workers system they save \$3 on the back end including in incarceration costs.

The three models that we looked at in creating our own model specific to Nevada was you know the gold standard is kind of the Bronx defenders. The Bronx defenders were the subject of a decade long study by the Rand Corporation and has also been featured in a extensive Harvard Law review article. They are an urban center and so we wanted to also add some models of entities that provide this holistic program in a more rural setting, and so we looked to Kentucky's system as well as a group called Partners for Justice. Partners for Justice embeds trained advocates in public defender systems that's essentially their model, but they work with over 20 programs across the country in both urban and rural settings, and so they kind of figured the juxtaposition of both. So that's the model that we created for Nevada and specifically for the rural communities that we support is based upon those three. Just a little bit of data, I don't want to go too far down the rabbit hole it's one of the reasons we provided you with the extensive reports that we have and we actually have more if the Commission is interested in it. But just the thumbnail sketch the results of the evaluation of the Bronx Defenders showed that the program reduced the likelihood of a custodial sentence by 16% reduced the sentence lengths by 24% averted a 1.1 million days of custodial punishment over the study period and saved tax payers over \$160 million again including in saved incarceration cost. All without increasing future crime or jeopardizing public safety at all.

Just to explain a little bit about Kentucky's alternative sentencing worker's model, and here's an important point to make here and how this is a little bit distinguishable from say alternative sentencing as we commonly know it and specialty courts, and the like is that those are mostly court driven and they're kind of more towards the end of the case versus this being early on in the process. It's also more collaborative model so the ASW workers work with the attorneys and the clients to create a alternative sentencing proposal and that proposal often includes more than just say a drug court or a mental health court. It talks about all of the wrap-around needs that they have that can be addressed there, and then that is presented to the court as a collaborative thing and then you know the court process either approves or modifies that. Proof of concept of Kentucky's program it showed that over a 12-month period and this is a shocking statistic, so I went back and made sure it was correct but it's a reduction of 80% of the potential sentence compared to the history of cases without the use of this alternating sentencing model. This is another one where the ROI is actually higher than that one to three for every dollar that Kentucky spent there was a \$3.76 return on investment from incarceration costs that were avoided due to these interventions.

The Partners for Justice model, they're advocates, and this is really inventive too because they sort of address the areas of the life. The factors that that don't maybe rise to the level that a social worker would handle or that a mental health professional might handle but they look at three areas of instability in these people's lives income, housing, and access to either healthcare or mental health care. They do this because the studies show that over 60% of those who spent time in local jails struggle with either a mental illness or substance use disorder. Then they also look at the economic impact not just on the person and their family but on the community as a whole. You know this is an area where we talk about we can save money on the back end in a lot of ways by addressing these issues up front in a holistic way. Getting these people hopefully out of the system, connecting them to the services and resources that they need so we don't have to spend more money on the back end by ignoring or not having the resources to manage all these other aspects. This is our current organization chart proposed for our holistic resource center the Executive Director, Ms. Ryba, and then a dedicated deputy director would be over the holistic resource center. As you

can see it will include both social workers and advocates, so you have a multi-tiered interdisciplinary team there working with these attorneys and their clients. As well as social services manager mitigation specialist and investigators that can be dispatched as needed in these cases. So that's it in a nutshell, in conclusion our holistic resource center building is designed from these three proven models' evidence-based systems that we are tailoring for use here in Nevada specifically as a rural resource. There's a typo in the next bullet point it shouldn't be a three to one ROI which is not very good it's a one to three, ROI with the resources you know brought in the beginning to save money on the back end. To address Mr. Arrascada's question as well as a number of other points Mr. Hicks and others brought up about data collection, we know well the complexities and that the devil is in the details in data collection because that is one of our mandates as well is to collect uniform data across the state. So, we have rolled out a case management system to all of the counties at no cost to them that has been employed that we're pulling a quarterly data reports from. We can with new data that can be recorded through the holistic resource efforts we can be a data partner with this Commission, with Justice Counts if they come online to help answer some of those questions and to make sure some of that granular data that maybe is hard to catch is collected. So that's it in closing we just respectfully request that in the future this commission add us to that list of appropriate cost-effective reinvestment recipients. Happy to take any questions or discuss things more.

**Chair Stiglich:** Thank you for your presentation I'll now turn to the Commission for questions. Do any members have any questions? We'll start down in Las Vegas this time, senator?

**Assemblyman David Orentlicher:** Thank you, thanks for the presentation. I'd just like if you could give me more practical sense of how these alternative programs work. They sound great but if you could just take a typical defendant and how would be different going through the Kentucky program as opposed to a drug court or just no alternative program and how the Partners for Justice addresses income and housing for defendants.

**Ms. Ryba:** Thank you Assemblyman that's a wonderful question. So, to start off we went to a training once and someone brought up the idea of, what happens when you provide a social worker to police officers. If someone makes an admission to them that can be used against them, and they could face new charges. What happens if you provide a social worker to a specialty court they're likely going to face a penalty or a punishment for any admissions. Generally, use carries two days in jail if you use that and then you'll get right back into treatment, but if you provide that social worker to the public defenders, the public defenders are focused on getting you into the treatment that you need and addressing the issues. In addressing housing if we have access to social worker that could help set them up with housing resources that are available, food stamps, or any other issues that they're having that we could address early on. Part of the issue is that there's, on that sequential intercept method, you see a lot of funding for intercept point one that's where the police officers initially have contact with them. We have MOST teams where we can get them into treatment if appropriate but sometimes those people go to jail and when they go to jail there's not really a resource for them until we get to intercept point 3. So, the entire time that they're waiting in jail the main person that has contact with them is their public defender and if we give that public defender a social worker to work with, we can sit down with that person try to find out what lead to this arrest and see if we can assist with housing, food stamps, any other resources that they need. Obtaining evaluation to see if it's mental health or substance abuse related and starting to get them into the treatment program before sentencing. I think there about a period of 60 to 90 days in most cases before you see the judge and you're actually sentenced. So, if we can start these individuals in a treatment program, we can start them in that treatment program two to three months earlier than they would otherwise if we're waiting for the judge to recommend it. The key is earlier access to services, earlier access to treatment and many of the rural public defenders do struggle with knowing what treatment is available out there sometimes they wait for the judge to order it and again that's a 90-day delay. So, we're hoping to reduce that reduce those incarceration costs and place these people earlier into treatment.

**Mr. Qualls:** I'll just add something in response to your question about you know how that differs from maybe just a normal criminal defense case or one that doesn't have a public defender that doesn't have access to

any of these resources. In the rural counties one of the things that I touched on but didn't go into a lot of depth. One county that has contract public defenders that we are assisting right now and trying to build up their contract public defenders in the third quarter of our reporting already have been assigned over 400 cases apiece. With a case load like that and being somewhat remote there's neither the time for the public defender to address a lot of these issues or even to find them out nor the resource to connect them with if they did find them out. So, we're working on multiple fronts we're working to increase funding and build sustainability in these counties by reducing the case loads and increasing the number of attorneys and resources that they have, but also we want to be a centralized center that they can contact and then our advocates or our social workers can then manage and coordinate these other aspects of the case for the attorneys so that they can focus on the rest of their caseload.

**Mr. Hoffman:** So, I represent basically all of the defense attorneys who aren't represented by Clark or Washoe public defenders here. So that includes the private bar, but it also includes rural public defenders. In that capacity, I was at a conference that the Department of Indigent Defense Services hosted here in Las Vegas a few months ago. This is an anecdote I want to share, there was a really good panel discussion about mental illness and substance abuse and how those can impact a criminal case, but then after the panel a lot of the rural attorneys who were attending got up and were like well that's all really great, but I don't know anything about those services in my county. I don't know how to get a psychologist to exam my client, I don't know how to get them substance abuse treatment. There's just a really big problem of lawyers not having good access to these supports that exist there because as Deputy Director Qualls said it's a lot of work to figure that out. The Clark County Public Defender or the Washoe County Public Defender have professional people whose entire job it is to understand what resources are available and help connect clients with the resources, but that's not something that really exist in the rurals and to the extent that it does exist, a lot of it is run through the courts or through a drug court or specialty court of some sort. So, this holistic resource center I feel like is filling a real gap and I also think it's important to note that one issue with rural courts is that for them having a drug court or a specialty court costs extra money because the court is providing a social worker or something like that. This is a way to offload those costs from the counties onto this holistic resource center which can do this job more efficiently. So, I think from a financial perspective this is also a good recommendation. So, I would ask the rest of the Commission to join me in supporting it, thank you.

**Ms. Julia Murray:** I too wanted to voice my support for this type of an endeavor whether it ends up coming through this exact model through DIDS or something else that we see down the road. What DIDS is attempting to put on the table here is an opportunity to have an interfacing with the defendant population at every stage of the intercepts that we've heard about over the course of all of our meetings. We've had an opportunity to hear from law enforcement at how important it is to have community-based services on the ground and out in the community. We've had an opportunity to hear from specialty courts about how important it is at intercepts 3 to have people in the court system that are educated and trained and know how to move people if they've reached that point back into a position where they maybe have an opportunity for success and to not see the system again. The whole goal here is to figure out what if anything AB236 is doing how can we reduce prison populations. Well part of reducing prison population starts not just at intercept 1 not just at intercept 3 but in our gap at intercept 2. As we're educating defendants in a hands-on model as we're educating the system as we move forward we're creating an answer to that piece that's currently missing, and so I just wanted to let you know as one who does practice in a area that I see this every day. The actual void that is there if you look at a practitioner who has no access to these resources and the outcomes in their cases and the likelihood of success of those individuals as they work through the system it is significantly lower than those that have hands on treatment throughout all of the phases of the system so there's a huge gap in our state when you look at the rural communities, and this is a really good idea at starting to create an outreach based answer to that gap that perhaps increases rates of success in the specialty courts as they continue to expand in the state or even if they just stay where they're currently at. We've continued to see data that those that graduate from the specialty courts have high success rates in the population to not return to criminal behavior in a window of three years. We've seen success rates on

other outreach-based programs at intercepts 4 and beyond through programs such as reentry programs, but we really have nothing going on in the rural portion of the state in this gap of intercepts 2 and this in an attempt to answer that void. So, I just wanted to voice my support for that.

**Assemblyman Tom Roberts:** Thank you, Madam Chair. So just curious on you know I see we're going to have this center I'm assuming it would be in Carson City or wherever it's located how are you going to deliver like a social worker in Carson City or some of your other support services how are they going to deliver those services let's say you know halfway across the state or across the state are they going to be primarily coordinators through local contracts or can you kind of explain how that's going to work?

**Ms. Ryba:** Thank you Assemblyman. You are correct. In our plan we have an idea to have it stationed in Carson City because that's where we're at. That's also the central location for the State Public Defender so we'd like to provide them with access to that social worker. But at the top of our holistic resource center is a mental health coordinator and what we're hoping to do is have that person make connections statewide. Connections with the north, the south, the east, the west, who are the social workers out there, who are the mental health providers, what treatment programs are available, and to let our rural attorneys know what is available. We'd also like to have some local social workers who can possibly do case management when these individuals are in jail. Some of these rural counties have done exceptional work in providing you know phone services or zoom conferences where public defenders can meet with their counsel while they're in jail, and in many of these rural counties they've opened up to having access to a public worker possibly assisting virtually. So, if we're unable to do a boots on the ground sort of social worker we're hoping to do some sort of telehealth where we can treat them over the phone, let them know of the treatment that's available and get them into those treatment services, so I think that that's the main part of our plan. We also want to provide them with access to names of social workers where they could apply for funding from the courts to hire that social worker on an hourly basis and have that social worker do a case management if a higher level of care is needed. I'll pass it to Thomas.

**Mr. Qualls:** Just to add a piece to that, yes. A significant amount of work would be done remotely I mean the pandemic sort of taught us how effective we can be remotely and created this infrastructure for us to use that. So, we would use all the tools we have. There would be some boots on the ground and there would be a lot of remote work. The organization chart that we showed you is sort of our beginning our pilot project of this, and we would hope to expand it in the future, but again the main thing would be to create a statewide network to increase the number of lists of available mental health practitioners and other resources and to build this network, build these relationships, and build this network larger and larger so that coordination is not only more possible but easier. So, we would use all aspects and all of the tools that are available to us.

**Chair Stiglich:** I think for myself, this is Chair Stiglich. Everything that you're proposing is necessary, laudable. Coordinating services in the rurals is difficult because there's not a lot of services to coordinate so you have a much bigger issue in problem. Sequential Intercept Method is a great framework because we want every touch somebody has with the criminal justice system to have value. It's intercept; can I take you out at this point can, I take you out of the system at that point, so it makes sense conceptually and it's important. The question I have that I don't know that I can reconcile today is not whether it is important, worthy, and needed it's whether the reinvestment dollars are the proper dollars to direct here when they're supposed to be directed towards recidivism which presupposes that you've already gone through the process. Keep people from coming back and I understand your point, well if they don't come in in the first place, we're winning so I definitely agree with that. I think for myself I just need a little more information about where we have directed those funds because then otherwise it's a wide-open area, but definitely it's a need in what's going on in the rurals. I appreciate all your efforts and expertise and the challenges that you face are insane. So, I just wanted to mention that at least that's what I'm thinking about here.

**Mr. Arrascada:** Could you please clarify exactly what you're asking us to do? My impression was at the beginning is that you're asking for this committee's support during the legislative session to request funds from the general fund to create the holistic defense unit that you're talking about, is that right or am I wrong?

**Ms. Ryba:** It's similar to what we're asking for. We are asking to be added to the list of appropriate reinvestment of these savings funds in that report that's done under NRS 176.01347, and we believe that this is appropriate, there's not a lot of data on indigent defense out there. I'm sure a lot of people may or may not know that, but the national institute of justice has given the Bronx Holistic Center a promising rating. So, there's very, very limited data on indigent defense and indigent defense services; we are hoping to collect additional data and I think that if we were given a chance to say that at this point from what we're presenting that this is an appropriate reinvestment by doing this and possibly stopping recidivism, that we could bring data forward to this Commission, so that we can see that it is successful. Again, that's based off that National Institute of Justice promising rating, the result we're seeing in Kentucky, and across the state of those. I mean Clark County and Washoe County know that they have better outcomes in their cases when a social worker is there. So yes, we are asking for your support. We are hoping to be added to the list of bullet points of where the reinvestment should be done because indigent defense isn't in any of those bullet points so we're hoping to bring us to the table because I think we're part of the solution.

**Mr. Qualls:** I would echo the answer that in addition to wanting to be on that list of recommendations, we'll accept your support before the Legislature or anywhere.

**Mr. Arrascada:** I would just like that because we are Washoe County Public Defender is a holistic defense office. I think over half of our attorneys have actually gone to the Bronx to train in the holistic method and it actually is a method that is directed to prevent recidivism which is one of our mission goals as a board or commission. To simplify it, what holistic defense is when you have a client charged with a crime so now he's in the system. You're looking at what brought this person here in the big picture was it drug abuse, was it mental health, was it you know poverty is always there, is it lack of housing. What can we provide during this time that they're having this interaction with law enforcement system to get them out of that cycle in order for them not to come back, and so really I think what you're proposing your holistic resource center and I support the telehealth model because there's scant resources in our rural counties, I think we all acknowledge that, is that it actually is preventing recidivism because it's catching at that intercept where the arrest has already been made. The person has a record now and its how do we stop that from occurring and that's what holistic approach is really all about. It's not stopping it at the beginning before someone has contact with law enforcement that would be a dream, but it's once they're involved and I support this 100% and I also support the use of telehealth resources to help provide the mental health and the substance abuse counseling. I can just anecdotally tell you that about eight years ago I litigated in Lyon County whether someone could be placed into a DUI diversion court, and the judge there ruled that Lyon County did not have the resources, the funding, or the availability to provide the DUI court that was active in Clark and Washoe. And it actually took a Nevada Supreme Court ruling to say that these diversion courts must be provided statewide. So, if were providing these resources statewide I think also a holistic resource center that can extend itself into the rural counties is laudable and I support it.

**Chief Bays:** I think that's exactly the point. I think there's a presumption about the resources existing for your center to be effective, and my concern would be wouldn't you be using up funds that would be better spent actually augmenting those rural resources that don't exist, like the court you just mentioned Mr. Arrascada that's a concern. You know I have some others as well, I think they're probably predictable concerns about it but really the main one is the problem is that the rurals don't have resources available. So, while you may have a center that has somebody who can point them in that direction, there is no direction for them to go so that I think is a concern. I also think that the two areas that you point to, Kentucky and the Bronx are having some really significant crime problems right now. So, you know that's a concern when you know you're pointing to an effective program in a jurisdiction that's not having an effective experience. Then I think the last thing that the social workers were mentioned; social workers are privileged. They work with you know either a state or a county agency. So, they're available in the rural they're available in Washoe County, Clark County throughout the state to point somebody in that direction, to provide whatever resources might be there, but again there are very limited resources in the rurals and I would expect that the best use of funds would be to just simply augment those programs, thank you.



**Mr. Qualls:** I could respond to some of your concerns, and I certainly hear what you're saying. In building sustainable solutions, we sort of have to start somewhere. The idea of building this holistic resource center and having it centralized and being able to dispatch care, yes mostly from urban areas to these places either through telehealth some other remote work or travel is how it would need to start. And then over time, again we are working on numerous fronts to try to build up resources in all of these counties and over time, it would be great and it's our plan for there to be as Director Ryba mentioned earlier, more resources actually on location in these places. Its not there right now and so it seems to us the most cost-effective way to start is to say where are the resources, and we can connect you to them through this center and so that's the proposal. To your concerns about safety, that's one of the reasons why we included that research and those findings in there is that both the models actually all three of the models that we are looking to and that we presented on have shown no increase in public safety attached to that. One of the reasons is that what you do is you create more stability through this model instead of as been mentioned you know these people cycling through and maybe things escalating and then the economic and other ripples through the family and the community spreading out and causing more problems. We really try to address that earlier on and sort of stich that up to prevent future recidivism. To Chair Stiglich's concern about recidivism, this is one of those tools again along the line at the appropriate intercept in that gap to help along with the other tools that are there to help reduce recidivism and stabilize communities. Again, we're not pitching it as a panacea because none of the programs that are talked about are recommended here can fix all of the problems, but it has been noted an existing gap right now that we can fill in. And the saying I like to use a lot is the best time to plant a tree was 10 years ago the next best time is today, so that's what we're trying to do we're trying to plant trees, address the issues that exist and find the gaps that we can provide services in.

**Director Cafferata:** Thank you, so my quick question and then a couple of observations. I didn't hear a budget number roughly guessing 10-ish people, a million-ish dollars?

**Ms. Ryba:** For the second year it would be around \$750,000, for the first year it'd be less because most salaries start October 1<sup>st</sup>, so somewhere in the 600 range.

**Director Cafferata:** Great, so my observation would be, you know one of the things that we've heard throughout this meeting today is those cost savings that are available for reinvestment may or may not actually be available for reinvestment. So, I know you're looking for our support, but I would say based on the questions maybe what we want to do is get some clarification if this recommendation for adding this to the list of allowable reinvestment projects, get some clarification if its truly allowable but also at the same time maybe have some conversations about are there alternative funding sources that we could support going forward, and maybe come back to the next meeting and say that we would go to the Legislature and support evaluation of a variety of funding sources for this concept with the understanding that you would be making these investments and tracking the data and seeing how effective it is because there's some questions about that. If we're going to be supportive, I think we want to actually support real dollars not potentially partial saving, maybe there's money so that would be my comment.

**Chair Stiglich:** All right, thank you Director. I think at this time what would make sense is that we move this matter to the November agenda. The next list will be in December anyway, I know I need more information it sounds like I think we all need a little more information. Mr. Hicks.

**District Attorney Hicks:** Just a few questions. I want to build off what Commissioner Cafferata had to say. So, it's \$750,000 a year that you want to add for this org chart is that right?

**Ms. Ryba:** Looking at the cost we believe that the budget would be approximately \$750,000, yes.

**District Attorney Hicks:** Okay, so you're just looking for a letter of support or you want to be added to the list but whether we support you or not it doesn't affect your ability to go to the Legislature and ask for this, give this very same presentation correct?

**Ms. Ryba:** That's correct, we're just hoping for this commission's support since it is you know part of the sentencing portion. We are part of the justice group that has been described earlier so we're just hoping for support.

**District Attorney Hicks:** In regards to those bodies, that org chart you showed, would any of those bodies be used in actual criminal defense work?

**Ms. Ryba:** They're generally social workers so they would be part of the indigent defense team. So, indigent defense services is defined in the NRS as you know the defense of an individual. So, I think preparing your sentencing argument would be considered part of indigent defense services because if you decided to negotiate your case the next biggest step is what are we going to present for the judge as a possible sentence. So, yes they would be involved in that in working with the client and the public defender to try and find evaluations that are necessary, treatment programs that we could place them in, mental health programs if necessary, medication that they need to be on so that the time we'd come before the judge we have all of this information that could be presented.

**District Attorney Hicks:** So, I look at the org chart and I see social workers, two, three social workers I get that, but I've been prosecuting a long time and I know what a mitigation specialist does, and I know what a public defense investigator does and that's work to defend the person accused of a crime. The point I'm getting at is justice reinvestment was never contemplated to fund public defender's offices or district attorney's offices. Mr. Qualls pointed out at the beginning it's bleak in the rurals I know it is and I do appreciate that I'm not trying to argue against the holistic approach you're putting forth. It's also bleak for the DA's there. Resources are what they are, but I think it would be a very bad precedent for this commission to set to start supporting those entities in receiving reinvestment dollars because I can tell you you're going to get a bunch of prosecutors here to say you know what we could sure use a victim advocate, we could sure use an investigator, and those are also things that help with justice reinvestment. So, I think it is very much outside the scope of what, one, this commission should be doing, and two how those justice reinvestment dollars are supposed to be used. They're not supposed to be used to fund public defense of people accused of a crime. The other point I wanted to make is you had indicated that your social workers might help those accused of a crime with getting some housing or perhaps some food stamps or different services that are provided for the state. I looked up while you were saying that the Division of Human Services which is the state social services entity and it's got \$816 million budget. All those things are available to all of our citizens who qualify, right? They don't have to be charged with a crime to seek those out. So it seems a little bit duplicative to me to now recommend that we support funding an additional realm of health and human services when it already exist to a tune of \$816 million. The last question I had is am I accurate in reading your or looking at your statistics that that comes from the Harvard Law review article that studied the Bronx Defenders. The one that said it's 16% less of a prison sentence and 24% less likely of, is that correct Mr. Qualls?

**Mr. Qualls:** That comes from the Rand Corporation study, I believe.

**District Attorney Hicks:** Okay, well yes it was done by the Harvard Law review in conjunction with Rand and so I read that yesterday and did you guys know that that study actually found that holistic work such as this particularly Bronx Defenders has no effect on recidivism? Did you guys know that?

**Mr. Qualls:** I think it's inconclusive as to recidivism, and again I think that goes to the number of variables and the lack of overall data we have on indigent defense

**District Attorney Hicks:** Okay, well just for the record I'll read what the Harvard Law review found and that is holistic representation has no measurable affect on future criminal justice contacts with estimates sufficiently precise so as to preclude modest, positive, or negative effects. These results suggest holistic representation does not dramatically reduce recidivism. The only reason I bring that up, I'm not saying it doesn't help in other areas, but the statutory priority of reinvestment dollars based on AB236 is recidivism. So, I think as I stated if this committee would be opening up a door I don't believe you want to open up of

other entities including prosecutors being able to come and ask for reinvestment dollars or support of reinvestment dollars moreover I believe it's outside the scope of what we have here as what our duty is. We have the very study that is being cited found that it doesn't show any measurable effect on recidivism and the priorities of this commission is to put reinvestment dollars towards recidivism. So deep respect for what you guys are trying to do sincerely but I do not think that this commission should be in the business of supporting a \$750,000 budget request for indigent services, thank you.

**Chair Stiglich:** All right, thank you Mr. Hicks. Unless there's anything further at this time, this will be on the November agenda. So, get a little more information, and thank you for your presentation, and we'll close this agenda item.

## **9. Update on Implementation of Assembly Bill No. 236 (2019)**

**Chair Stiglich:** I will now open agenda item 9, update on Implementation of Assembly Bill Number 236. When AB 236 was enacted, staff from the Crime and Justice Institute or CJI began providing technical assistance to help Nevada's agencies implement the policies and changes that resulted from the bill. July 1, 2022 marked two years since AB236 went into effect. Staff from CJI along with staff from other agencies are here to present an update on implementation. We have Abigail Strait and Valerie Meade from CJI to start the presentation Ms. Strait and Ms. Meade, you may proceed.

**Ms. Abigail Strait:** Thank you for inviting us today to give an update on the implementation of AB 236. As Chair just said, we're going to give a brief overview of the background and goals of AB 236 and then we'll hear updates from the agencies involved in the process of implementing the legislation about the progress they each have made. Finally we'll talk about some next steps to be taken to fully implement the legislation in a sustainable way. Just briefly about us, we work for CJI which provides nonpartisan consulting policy analysis and research services to improve public safety in communities around the country. In Nevada specifically we were funded by BJA to provide technical assistance to help implement AB 236. The TA was requested from BJA by the state. We have been working with Nevada since the summer of 2019 and are funded through September of this year. The role of our team at CJI is to support agencies implementing AB 236 in in whatever way they need.

**Ms. Valerie Meade:** I'm going to go into background and the AB 236 goals briefly. So, phase 1 began in Nevada when the Legislature tasked the Advisory Commission on the Administration of Justice was studying Nevada's criminal justice system and issuing recommendations. The ACAJ included representatives from various Nevada criminal justice agencies, policymakers, and other key justice system stakeholders. The ACAJ conducted an extensive review of internal data and research and compared Nevada with best practices from other states. From this research they released a report of findings and recommendations in January of 2019. Their findings were based on NDOC and other state data some of the findings included that the Nevada's prison population had grew 919% in four decades. They found that two and three prison admissions were for non-person offenses. They also saw particular growth in the number of people admitted to DOC with a mental health need with a growth of 35% between 2008 and 2017. Recidivism rates were also up for all offense types except for DUI. Finally, they found that Nevada's prison population had grown 7% since 2009 and was projected to surpass 15,000 people over the next 10 years. The ACAJ took these and more findings and issued a set of recommendations, these recommendations were turned into AB 236. AB 236 was passed in June of 2019 and most changes became effective in July of 2020 because of that timing, the majority of AB 236 implementation has taken place during Covid which has created additional implementation barriers for all agencies. AB 236 was created with five goals in mind, the first was focusing prison resources on those who have committed serious and violent offenses, then improving the efficiency and effectiveness of community supervision, strengthening responses to behavioral health needs, minimizing barriers to successful reentry, and ensuring the sustainability of criminal justice reforms. Now Abbie will start to talk about the implementation status.

**Ms. Strait:** We're going to go through each of these goals; we'll give a very brief overview of the provisions of AB 236 that relate to those goals just briefly as I know that you all are familiar with us already and for the

sake of time. Then we'll hear from agencies involved in implementing each of these goals. One note, when possible we will hear these updates from a representative from that agency directly. In a few cases someone was not able to be here in person in which case we'll read that update on their behalf. Briefly before getting into that one thing, I just wanted to note from the research about implementation is that it happens in stages. The important thing I want to just say about this graph is that implementation takes time. It takes a long time to go into full implementation and sometimes we go back and forth through the stages. It could be that something isn't working as intended and we need to go back a stage in order to revise and reimplement that practice. So, the point I want to make here is just that it's normal implementation to take a while and for agencies to be at different stages in their implementation progress. So, the first goal of AB 236 was to focus prison resources on those who have committed serious and violent offenses. Among other things that AB 236 did related to this goal it decreased penalties for certain substance offenses and established certain penalties for low-level trafficking and high-level trafficking. It made changes to the habitual criminal statute by increasing the number of prior convictions needed to be counted as a habitual criminal. It increased the felony theft threshold from the \$650 to \$1200. It distinguished certain types of burglary and imposed different penalties for each type and also added additional methods for medical release and increased eligibility for medical release. First update is from the administrative office of the courts, Mr. McCormick can I pass to you for your update from the AOC.

**Mr. McCormick:** The Administrative Office of the Courts in this bill didn't necessarily have any specifically delegated tasks. One of the tasks was all the courts were required to ensure that district court judges had sufficient training regarding sentencing and using the PSI since that was changed. We did conduct that training on July 9<sup>th</sup> of 2020, so we slacked off for eight days after it became effective. That training is actually still available on our distance education portal if anyone's particularly interested, they can contact me. Then the bulk of sort of where the AOC touches this is continuing to support specialty courts as you know sections 19, 20, 22, 23, 24, 27 etcetera expanded specialty courts. So just a little update on that, in fiscal year 21 we provided 7,612,000 and some change to courts to conduct specialty court programs. In fiscal year 21, we graduated 1320 graduates. At the end of that fiscal year there were 2985 participants in specialty courts programs. As I indicated earlier and I think I misspoke earlier of all the participants who graduated from specialty court programs in the state in 2017, 75% went on to not reoffend or rather to not have another conviction within three years on that. Of note, specialty courts being a primary component of this, we are experiencing some decrease in funding for that. In fiscal year 22, the administrative assessment revenue pursuant to 176.0613 that supports specialty courts programs is down 31.58% over fiscal year 21 so that's just more of a news note. I'd be happy to answer questions, and also indicate that ongoing training regarding criminal sentencing etcetera is part of our sort of judicial education regime and its one of the core competencies that we do focus on every year with district court judges.

**Ms. Strait:** Next update is from, the Parole Board. Chairman DeRicco's not able to be here so I will read update on his behalf. After AB236 passed the Board got to work updating regulations to comply with legislation this included regulations regarding early discharge and geriatric parole. The Board finalized the updated regulations and sent all to the legislative commission for approval by the summer of 2020. These regulations were approved late in 2020. The Board also develop a new process for temporary revocations in compliance with AB 236. This was one of the most impactful changes for the Board although they don't have firm numbers on this at this time. Chairman DeRicco did say it appears that parole hearings have increased and one possible reason for this is that before the Board would hear someone once for a parole violation however with AB 236 they may see someone multiple times for violations for the first 30-day revocation and then for a 60-day revocation etcetera. The Board worked with the Division of Parole and Probation to learn about NPP's use of graduated sanctions and revised reporting and revocation policies, and then in addition the Board has maintained regular communication with other justice system stakeholders in Nevada. The Chair has participated in regular cross-agency meetings as well as one-on-one meetings with representatives from NDOC, NPP, and the Department of Sentencing Policy to discuss implementation barriers successes and areas of collaboration. So, the Board has fully implemented all pieces of AB 236 that relate to it and plans to continue close communication with other justice system

stakeholders. I know NDSP has talked more about outcomes earlier and maybe will again later in the presentation but here are just a few outcomes related to goal one. As we've been talking about the NDOC month end count dropped from 12,912 in July 2019 so right before 236 was passed to 10,002 in July 2022. The NDOC month end count is now below the projections from JFA which the ACAJ had used in their study originally, and NDOC admissions per year have declined as well, as well as releases. These outcomes that I just read out and from this slide are from that great dashboard on NDSP's website. Of course, one big caveat as we have been talking about in this meeting today is that with all these outcomes we'll talk about today one difficulty with AB 236 is it became effective in the midst of COVID so its difficult to untangle how much was the result of that legislation versus COVID impacts and precautions.

**Ms. Meade:** I will talk about the next goal which is improvements to community supervision. So, with community supervision, AB 236 required training in evidence-based practices for community corrections staff, required the Nevada Division of Parole and Probation to adopt a system of graduated sanctions for officers to use in response to technical violations, require the NPP administer a risk and needs assessment to each probationer and parolee for setting a level of supervision and developing individual case plans and require the NPP re-administer an assessment once every year to determine if a change in level of supervision is necessary. Also required NPP to recommend the early discharge of an individual on probation once they've met a certain criteria, and then change the maximum length of probation to no more than 12 months for gross misdemeanor, 18 months for a category E, 24 months for a category C or D felony, 36 months for a category B felony and 60 months for a violent or sex offense. So next we'll hear from acting Major Shubert, can I pass to you to give an implementation update from NPP.

**Captain James Shubert:** Good afternoon, Captain James Shubert for Nevada Parole and Probation with our update on AB 236. So, since the passage of AB 236 in 2019, staff and leadership we've worked together to implement and comply with the legislation including updating our policies. So, Nevada Parole and Probation created working groups to update existing and create policies, procedures to comply with the legislation and that included policies on case planning, responding to violations, and creating PSI reports. In addition, we also created corresponding documents to a company these policies which include two case planning documents one that's done at the intake which is our baseline case plan and then the others is our progressive case plan which is completed by the officer approximately every 90 days. We also updated our graduated response matrix which I've seen has been talked about in this meeting many times. Then NPP finalized and rolled out these policies in 2020. We've made some tweaks since rolling those out and in some cases are still working to finalize the accompanying more constructions as well. Training staff mid-2020 right after finalizing the new and updated policies Parole and Probation developed training to educate our staff on the changes. AB 236 required that NPP train staff on evidence-based practices at the same time as educating staff on the new policies. NPP staff also developed basic training for staff on the topics required by AB 236. At the time that happened it came out through COVID so most of those were done virtually however after completing these trainings we have now implemented all new officers are getting that in-person training. When we implemented that, obviously we got some questions about these new policies and procedures to address that we dove deeper to the training topics required by AB 236. CJI has developed and has been in a process of rolling out three new curriculum effective case management, trauma informed care, and effective interaction with individual with behavioral health needs or disabilities. So, CJI has worked closely with Parole and Probation training team and NPP staff working to track fidelity of these changes to tailor to training to the questions that Parole and Probations has been receiving. CJI is delivering these training in a train the trainer format so that means that us at Parole and Probation we can carry on these trainings after CJI technical assistance ends. The train the trainer process will be completed in September and NPP will be rolling out these trainings to all staff and will incorporate them in our required training for all new staff. Now in addition ensuring fidelity to the changes after we roll out these new policies we want to create a quality assurance measure related to these policies, so we created an AB 236 fidelity working group to look at ways to track fidelity to changes we made. CJI's helped facilitate this and created materials for meetings of this group as well. Given that the current training that NPP and CJI is rolling out much of the group's recent work has centered around the ensuring that staff are creating case plans as required. This

has included identifying barriers to case planning, training needs around the case planning, and ideas how to track work and outcomes related to case planning. With support from CJI the fidelity group is working to develop recommendations relating to fidelity to case planning which will be informed by feedback from staff who is participating in the case management training. Tracking performance metrics AB 236 requires NPP to report certain performance metrics to the Nevada Sentencing Commission however we face significant barriers in pulling or reporting data from our current offender management system. We have been in a process of procuring a new one for the past four years and we are currently with a new company and hoping to have that installed by the end of 2023. In the meantime, we have worked with the Department of Sentencing Policy to report what data that we can, and we've also worked with CJI to develop temporary ways to measure internal progress. We are looking forward to having our new data system up and running and once that's on we'll be able to track everything that we are required to per AB236. Then communication finally through implementation of AB 236, NPP has communicated closely with other criminal justice partners especially Nevada Department of Corrections, Parole Board, and the Department of Sentencing Policy including quarterly meetings facilitated by CJI, and this collaboration has helped us quickly resolve any issues and helped this work together very well. Aside from those already mentioned, NPP has had some barriers in implementing AB 236 as everybody's mentioned it came out during COVID and that greatly impacted our implementation. Secondly as most agencies are, we are understaffed and that's kind of hindered our progress as well. However, despite those barriers we have been able to adapt and make great progress in implementing AB 236 and NPP plans to continue to ensure the fidelity of these changes, establishing a system to track performance measures, and communicating closely with our criminal justice partners, thank you.

**Ms. Meade:** So, while NPP's new data system is still in progress there are a few outcomes that we can look at relating to supervision, again these outcomes come from the NDSP dashboard. So, between 2017 and 2021 NDOC admissions for people admitted for a probation violation without a new conviction as a percentage of the total admission population dropped from 24.29% to 20.2%. Admissions for those admitted for a probation violation with a new conviction rose slightly as a percentage of the total from 1.08% to 2.22%. Additionally, NDOC admissions for people admitted for parole violation without a new conviction as a percentage of the total admitted population rose from 9.94% to 23.36% and admissions for those admitted for a parole violation with a new conviction rose slightly from 0.26% to 0.4%. One thing to note here is that the prison population admissions rate at NDOC in general were also declining in this period and again I'll note that the timing of AB236 and onset of COVID complicates some of these metrics.

**Ms. Strait:** Third goal of 236 was strengthened behavioral health responses. Among other things AB 236 authorized courts to assign a condition of completion of a specialty court program as part of a deferred judgment. It expanded eligibility for certain specialty court programs. It required district court judges, NDOC, and Parole and Probation staff to be trained on behavioral health issues and interactions with people who have behavioral health needs. It required POST to develop and approve a standard curriculum of certified training program and crisis intervention. It required each law enforcement agency to establish a policy and procedure for interacting with individuals who experience behavioral health needs and authorize the development of a behavioral field response grant program, which subject to the availability of funds would help support law enforcement agencies contract with or employ a behavioral health specialist to help respond to a crisis situation.

Next update will be from Peace Officer Standards and Training Director Sherlock is not able to be here so I will read his update for him. There are two main policies in AB 236 which relate to POST. First AB 236 required POST to establish a behavioral health field response grant program to help law enforcement connect with behavioral health professionals to respond to people experiencing a behavioral health crisis. We applied we meaning POST applied for subaward funding with the approval of the Nevada Sentencing Commission and the support of CJI to fund a contractor to support that work. That application was approved, and this contractor established the structures for the new grant program. It has not yet been funded by the legislature however if it is POST is now prepared to administer this grant program. Second, AB 236 required POST to develop a standard curriculum and crisis intervention for law enforcement

professionals. POST staff along with the support of that contractor funded by support funding that I mentioned earlier has developed that curriculum. I've also developed standards and requirements for law enforcement officers to guide how frequently they must be trained in this curriculum. Given all that POST is compliant with all requirements in AB 236. As far as next steps, POST will continue to deliver the crisis intervention curriculum and will continue tracking officer participation in that training, and POST is prepared to administer the behavioral health field response grant program if it is funded by the Legislature.

Next update, this relates to some work that we did at CJI and along with other partners in Nevada helped to connect Nevada with funding to pilot a virtual crisis care program. This program provides tablets to law enforcement officers in rural areas of the state so they can connect people in crisis with behavioral health professionals 24/7. Nevada's program is modeled after a program in South Dakota that CJI helped to design and implement in rural communities. In the 18-month pilot program of that South Dakota program, 80% of people in crisis were diverted from involuntary hospitalization or jail. After that pilot program, the South Dakota Legislature provided state funding to continue the program in the pilot sites and to expand it to additional law enforcement departments. Virtual crisis care was specifically designed to be implemented in rural areas to do a couple different things. Firstly, to connect people to timely professional and appropriate care regardless of where they live. Secondly, to reduce law enforcement transports to mental health hospitals and help keep people in their communities for public safety functions. Third, reduce unnecessary hospitalization and jail stays, and fourth, overcome behavioral health staffing shortages in rural areas. Virtual crisis care is a mobile response model which uses telehealth technology. It provides law enforcement with access to mobile crisis services via a tablet and telehealth technology in communities where these services didn't exist before. It allows law enforcement to seek assistance from behavioral health professionals who can assist with de-escalation, stabilization, and safety assessment during a crisis situation wherever that crisis is occurring. Then also following that crisis, VCC staff can connect individuals to local mental health resources for follow up care. CJI worked with multiple stakeholders in Nevada including Governor Sisolak's office and the Department of Health and Human Services to connect the State with funding from the Helmsley Charitable Trust to support this program. That program was officially launched at the end of June and Helmsley granted 3.8 million to DHHS for this program which will fund this program initially for 11 law enforcement agencies.

**Ms. Meade:** Next we'll talk about minimizing barriers to re-entry. So, for this goal AB 236 required that Nevada Department of Corrections develop a re-entry plan no later than six months before release and that NDOC must ensure every releasing individual has photo ID, clothing, certain transportation cost, if appropriate released to a transitional living facility, if eligible completing enrollment application paperwork for Medicaid and Medicare, and if applicable a 30-day supply of prescribed medication. So, I will turn us over to Deputy Director Williams to give an update from the Nevada Department of Corrections.

**Director Williams:** Good afternoon, Deputy Director Williams, Deputy Director of Programs for the Nevada Department of Corrections. Everything seems to be going relatively well. Our risk assessment, our NRAS, we recently ran into a bump there. They switched their programming for their systems and our facilities to the internet which our bandwidth within our facilities is lacking therefore we had a little bit of a issue there, but our IT department was able to work that out and get that resolved for us. We also received your subaward funding to help us with some of our staffing shortages and to provide quality assurance. The only issues there is that we're trying to find people to fill those positions so that continues to be a challenge throughout our department. Medical releases, AB 236 added additional methods for medical releases to be requested and submitted to the Director and increased eligibility for medical releases. Early on in implementation NDOC updated our policy on medical releases to reflect this change and has been operating under the revised policy. As the population impacted by this change was small there wasn't much else NDOC had to do to prepare for this. Some of the things that we require add additional methods for medical release to be requested and submitted to the Director. Increased the number of months eligible for medical releases from 12 months to 18 months that's been revised in our policies as well. AB 236 also required NDOC to make a re-entry plan for each offender in advance of their release and provide certain documentation support for other needs people often have upon release. NDOC had already created re-entry plans for each person

prior to AB 236 implementation, but we did update our policies to require those be completed no later than 6 months before release. We have continued to hold regular meetings with P&P, Parole Board, and other stakeholders to address any barriers people are meeting upon release and ensuring that Parole and Probation is getting all documentation they need from NDOC. We are still working on creating quality assurance measures to ensure that each person is getting all necessary materials as required by AB 236 across the state but again those positions have been difficult to fill over the last few months. What's some of the things that we are required to do? NDOC is required to develop a re-entry plan for each offender no later than 6 months before release, must ensure which you already went over most of that information, so I'll skip this section, we're continuing to conduct training as required by AB 236 for all our staff and they're all being trained in evidence-based practices, some of the required training topics are ones NDOC had already been training staff on. We continue to work with community partners such as the National Alliance on Mental Illness NAMI to provide training opportunities for our staff, we've also attended training through CJI that was conducted with P&P on effective case management, interacting with offenders with behavioral health needs, and trauma informed care. These are all topics that AB 236 requires NDOC staff to be trained in. We also were in conversation with CJI about delivering these curriculums as train the trainers for NDOC, but we currently lost our current training coordinator, so we had to pause the discussions. Performance metrics, AB 236 required NDOC to track certain performance data and submit results to Sentencing Commission. Early on we worked with Department of Sentencing Policy and CJI to develop a full list of metrics that NDOC would report to the Sentencing Commission. Most of that data was already recorded somehow in our system although there were a few metrics like sexual orientation that we didn't track in a way that would be easily to collect. The Department of Sentencing Policy has been helpful as we work to report as many of the metrics as possible. We've developed a reporting schedule with the Department of Sentencing Policy and have been reporting on that schedule. That ends my report.

**Ms. Strait:** I'll go on to the next goal of AB 236 the final goal, which was to sustain the criminal justice reforms. Simultaneously to AB 236, the Department of Sentencing Policy was created to support the work of this Commission. AB 236 required the Sentencing Commission track and assess outcomes resulting from the enactment of legislation and submit a biannual report and also required NDOC and NPP and the Central repository for Nevada Records of Criminal History to report data to the Sentencing Commission, required this commission to track and assess any cost avoided by the enactment of AB 236 and make recommendations for reinvestment. It also created the Nevada Local Justice Reinvestment Coordinating Council to advise the Sentencing Commission on matters related to AB 236 as they relate to local governments and require the council to identify county level programming and treatment needs for individuals involved in the justice system to reduce recidivism and make recommendations to the Sentencing Commission regarding grants to local governments and non-profit organizations from the State General Fund. Director Gonzalez, can I pass to you for an update from NDSP.

**Director Gonzalez:** I will keep my comments relatively brief because I think this meeting is evidence of the status of our implementation of AB 236. The ability for CJI to use the dashboards for your data reporting and the fact that probably most of the reports that came before me mentioned our partnerships and collaborations from the very beginning. So, I just wanted to comment as I was preparing my comments though I did reflect on where this all started and I was thinking about what Deputy Director Williams just mentioned that first meeting we had where it was, I mean I can't remember how many people were at that table at NDOC going over those metrics with CJI staff and getting us off on the right foot and I really appreciate that and look how far we've come, it's really exciting. So, as we know the Commission has complied with the statutory duty of measuring those costs avoided and submitting those reports. We are really on track to collecting that correctional data and our next meeting we'll be able to have a lot of those metrics in order to measure the AB 236 outcomes and help the Commission comply with its statutory duty related to those, we're absolutely on track for that. As was mentioned before, was that we're working with Parole and Probation with the data they can report, and we'll stay updated on the implementation of their new system 2.0 which we're really excited about. Then of course the Coordinating Council is up and running and working on their recommendations which this commission heard today and so looking forward to our



ongoing collaboration and partnerships that we've been able to establish and this commission complying with the efforts related to measuring the outcomes of AB 236.

**Ms. Strait:** Thank you, as Director just said I feel like one of the great outcomes here of this is that this commission is meeting the requirements of legislation right, you have released reports as required by AB 236. Department of Sentencing Policy has been working with the state agencies to collect metrics and assess cost avoided and report that information and local council has been established in this meeting.

**Ms. Meade:** So finally, we'd like to review next steps. So, what are kind of the remaining pieces to work on and where to go from here. Along with the next steps mentioned by agencies during their updates there are some other continuing pieces that agencies are doing to get through to that full implementation that we mentioned earlier. Regular communication between agencies in both formal and informal settings, this communication has been helpful as agencies have worked to implement AB 236 as it has allowed them to communicate about barriers and problem-solve quickly. Ongoing interagency communication will be essential as agencies continue their work and continuing deepening their relationships with other CJ partners. Oversight from this body so oversight and data tracking from this body and NDSP is also essential to make sure things are on the right track and help course correct if they're not, and if the body believes that some data trends aren't going in the right direction, it's also a chance to assess if other changes are needed for things to work as they should. With the data infrastructure the NDSP and agencies are creating as a result of AB 236, this will allow Nevada to continue to use your own data to make data driven decisions which was already discussed in and linked in this meeting. Finally, we're working with agencies that we have ongoing work with to support a plan for sustainability after our technical assistance ends at the end of next month. As a reminder, implementation happens in stages moving all the way to full implementation which is the doing it well and business as usual piece can take years even without major barriers like a global pandemic, at minimum 2 to 4 years. So, its normal for implementation to take a while, it's normal for barriers to come up along the way. Implementation can be tricky; many of you mentioned today of change is hard. When we discuss change it's really easy to talk about the ending and the new beginning and too often we approach change by discussing these two points only, however there is this middle that we like to call the messy middle in making a change. Within the messy middle, it's only by getting comfortable in this messy middle that sustainable change occurs. Change is not going to be easy, it's emotional; things will go wrong. By sticking out the messy middle, the new beginning will happen and be a better result. It's normal for this middle part to take a while and for agencies to be at different places in their implementation journey. The messy middle can also be a chance to assess what's going well, what isn't, what needs to change, and what still needs to be done. With that we'll turn it over to questions.

**Chair Stiglich:** Thank you, Ms. Strait and Ms. Meade for that excellent and thorough report. Does anybody have any questions? All right, Mr. Callaway.

**Mr. Callaway:** Thank you Chair. Just a quick comment and I know I've been Mr. negative today it seems like but I'm going to do it one more time. You know I've made my point about AB 236 on numerous occasions over the interim, during these meetings and you know I just want to make one quick point in the fact that we receive these presentations and you know a picture is painted that we're achieving these goals or we're on track to achieve these goals and that great things are coming from this and I'd just like to point to one of these goals in particular. I could talk about all of them but I won't. Let's take number 2 the improvement to community supervision. Recently on Friday August 12, at Interim Joint Judiciary Committee meeting there was a presentation done by the Department of Parole and Probation and a document was submitted that states that their office currently has 73 vacancies out of 312 sworn positions which leaves them with 239 sworn officers supervising about 20,508 offenders. We've seen in addition that the graduated sanctions that were created by AB 236 provide people these multiple bites of the apple that I spoke about before any action is taken to hold them accountable and another case in point is on page 43 of AB 236, the definition that was created of the absconding where it was brought before this body I think in one of our last meetings about the requirement to wait a continuous 60 days before action can be taken against an offender who absconds who basically just doesn't show up, disappears off the grid. They can run around for

60 days or 20 days and come back and then go another 20 days as long as it's not 60 days continuously they can be off the radar gone, their victim in fear or not knowing where they're at or what's going on and no action can be taken until that 60 days occurs. A reliable source from Parole and Probation, a very reliable source told me that currently P and P has approximately 2700 active warrants for absconders and another 600 offenders in the queue that they're waiting to try to get warrants on for absconding once they meet that 60-day criteria. So, in addition we see in this report talk about you know one of the goals of AB 236 was to focus on more violent and serious offenders, but yet at the same time we make it more difficult to charge and hold accountable habitual criminals by making that statute more difficult for those folks to be given the enhancement for habitual criminal so I mean I guess as we move forward this last flow chart that was in the presentation talks about the messy middle and we're definitely in the messy middle, in my opinion, from a law enforcement perspective and I think that as we identify these areas that in my opinion we're not meeting the goals and in fact we're failing in the goals and it's having a negative impact on public safety and it's also impacting victims which ironically again we do not see in these goals I don't see anything about victims in these goals. My opinion is that we need to take a hard look at this moving forward and see what needs to be rolled back versus pushed forward and those are my comments.

**Chair Stiglich:** Thank you, are there any other question or comments from the committee, commissioners? All right, hearing none we'll close this agenda item thank you again for that presentation.

#### **10. Update on the Structure Living Program at Lovelock Correctional Center**

**Chair Stiglich:** I'll now open agenda item number 10, presentation on Structure Living Program at the Lovelock Correctional Center. As you know our staff's been dedicated to visiting every NDOC facility. We want to thank the Director and his staff for being so collaborative and sharing the work that you do. Specifically, we're told about the that our experience that our staff had when they visited the Lovelock Correctional Center and they observed the Structured Living Program or SLP in action. I've observed this program myself and I'm very impressed with the work that they do at Lovelock. Our staff was so impressed with what they observed they wanted to share that experience with our commission, our other stakeholders, and the public. I'll now turn this time over to Jorja Powers from our NDSP staff to tell us more about SLP.

**Ms. Powers:** Thank you, Chair and Commission. The Structure Living Program or SLP is an NDOC program housed at Lovelock Correctional Center. Our staff has visited LCC several times and we were impressed with the differences in the living areas, attitudes, and atmosphere of the SLP unit compared with other areas. We had the opportunity to speak with participants and staff. Their stories and commitment to the program intrigued us. We have 120 pages of participants written experience of the program and its personal benefits. A few excerpts of those letters and other SLP information is available in today's meeting packet including recidivism data for the 2017 cohort of SLP and other programming. We have prepared a video to give you a peek into the world of SLP.

All right, thank you, I hope you enjoyed that. We will be presenting other NDOC programming in the future and I'll turn it back to the Chair.

**Chair Stiglich:** All right thank you Ms. Powers. Are there any questions regarding that presentation? All right that was excellent and what a program to be proud of.

#### **11. Discussion of Potential Topics and Dates for Future Meetings**

**Chair Stiglich:** I will now open agenda item 11, discussion of potential topics and dates for future meetings. The dates for the meetings for the rest of the year are provided on the agenda. Our next regularly scheduled meeting will be on November 4, 2022. Our staff is already working on more topics and items for discussion at future meetings, but does anyone have anything right now that they'd like to be considered for a future meeting? None in Carson, anyone in Las Vegas? All right, thank you if you think of anything that you'd like to be considered for an agenda for a future meeting please contact myself or the Director.

#### **12. Public Comment**

**Chair Stiglich:** I'll now open the second period of public comment. If there's any public comment either here in Carson City or Las Vegas please make your way to the table. We limit public comment to three minutes per speaker. We'll be timing up here and when you get close to your three minutes I'll ask you to wrap up. Let us please start here in Carson City is there any public comment? Seeing none to Las Vegas is there any public comment in Las Vegas? All right looks like there's no public there either but all right, seeing that we'll close our second period of public comment.

### **13. Adjournment**

**Chair Stiglich:** I want to say great work everyone today. I'm still figuring out the buttons and the timing, so I apologize about the lost lunch but thank you for your efforts and all your great work, thank you to staff, the members of the commission, and our presenters. I think we've accomplished a lot today I'm looking forward to seeing you all again in November to continue our efforts. This meeting is now adjourned thank you.

