

Recommendations for Policy and Fiscal BDR Submitted by NDSP and NSC

To fulfill their statutory mandates and to be sustainable entities which collect, aggregate, and analyze criminal justice data, the Nevada Sentencing Commission (NSC) and the Nevada Department of Sentencing Policy (NDSP) need access to various criminal justice data systems and an infrastructure with staff experienced in data collection and analysis.

The recommendations below are presented to the NSC, and if approved, will be included in the either the policy bill draft request (BDR) or the fiscal BDR submitted by the NDSP and NSC.

ACCESS TO CRIMINAL HISTORY REPOSITORY

This recommendation allows the NSC to have access to the central repository of criminal history. As Nevada does not have one centralized system, the NSC needs ongoing access to all criminal justice systems where data can be analyzed and compared to data collected from other systems such as the Nevada Department of Corrections (NDOC) and the Nevada Division of Parole and Probation (NPP). Having access to the central repository will provide information to create a full analytic picture of the criminal justice system and allow for complete data analysis to provide effective policy recommendations.

To gain access, the definitions applicable to being provided access to the central repository must be revised as follows:

Recommendation #1

- Revise NRS 179A.020 to include activities of the Nevada Sentencing Commission

NRS 179A.020 “Administration of criminal justice” defined. “Administration of criminal justice” means detection, apprehension, detention, release pending trial or after trial, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders, and includes criminal identification activities , *data analysis and research done by the Nevada Sentencing Commission* and the collection, storage and dissemination of records of criminal history.

- Revise NRS 179A.030 to include the Nevada Sentencing Commission

“Agency of criminal justice” means:

1. Any court; and
2. Any governmental agency or subunit of any governmental agency which performs a function in the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its budget to a function in the administration of criminal justice, including, without limitation, a local law enforcement agency, the Nevada Highway Patrol, the Division of Parole and Probation of the Department of Public Safety ~~and~~ , the Department of Corrections ~~and~~ *and the Nevada Sentencing Commission.*

REVISE THE DUTIES OF THE EXECUTIVE DIRECTOR

The duties of the Executive Director require the experience and expertise of being able to collect and analyze criminal justice data from various sources. Currently, the only qualification required is that the Executive Director be an attorney licensed to practice law in this State. To ensure the sustainability of an agency that is focused on the collection and aggregation of data, this recommendation removes that qualification and adds qualifications consistent with being able to administer an agency and lead the efforts in collecting and analyzing criminal justice data.

Recommendation #2

- Revise NRS 176.01323
 1. The Department of Sentencing Policy is hereby created.
 2. The Executive Director of the Department must be appointed by the Governor from a list of three persons recommended by the Sentencing Commission.
 3. *To be appointed as the Executive Director, a person must:*
 - (a) Have a graduate degree from an accredited college or university;*
 - (b) Have had at least 5 years' experience in criminal justice data, of which at least 3 years were in a responsible administrative position; and*
 - (c) Be knowledgeable in some or all of the following:*
 - (1) Research techniques;*
 - (2) Information sources;*
 - (3) Strategic planning;*
 - (4) Program and personnel management;*
 - (5) Writing and communication techniques;*
 - (6) Governmental organizations and functions; and*
 - (7) Budgeting.*
 4. The Executive Director:
 - (a) Is in the unclassified service of this State;
 - (b) Serves at the pleasure of the Sentencing Commission, except that the Executive Director may only be removed upon a finding by the Sentencing Commission that his or her performance is unsatisfactory; *and*
 - (c) ~~Must be an attorney licensed to practice law in this State; and~~
 - ~~(d)~~ Shall devote his or her entire time and attention to the duties of his or her office and shall not engage in any other gainful employment or occupation.

~~[4.]~~ 5. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of NRS 176.0131 to 176.014, inclusive.

ADD A REPRESENTATIVE FROM THE CENTRAL REPOSITORY TO THE NEVADA SENTENCING COMMISSION

To ensure the NSC has a representative who can provide necessary insight and expertise regarding the collection and aggregation of criminal justice data in this State, this recommendation revises the membership of the Nevada Sentencing Commission to include a representative from the Central Repository.

Recommendation #3

- Revise NRS 176.0133
 1. The Nevada Sentencing Commission is hereby created within the Department. The Sentencing Commission consists of:
 - (a) One member appointed by the Governor;
 - (b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;
 - (c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;
 - (d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;
 - (e) The Director of the Department of Corrections;
 - (f) One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;
 - (g) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;
 - (h) One member who is a representative of the Office of the Clark County Public Defender, appointed by the head of the Office of the Clark County Public Defender;
 - (i) One member who is a representative of the Office of the Washoe County Public Defender, appointed by the head of the Office of the Washoe County Public Defender;
 - (j) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;
 - (k) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

- (l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;
- (m) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;
- (n) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;
- (o) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;
- (p) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;
- (q) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;
- (r) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;
- (s) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;
- (t) The Director of the Department of Employment, Training and Rehabilitation; **[and]**
- (u) *One member who is a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Governor; and*
- (v) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission.

FISCAL BDR

The NSC is statutorily required to make recommendations for the reinvestment of costs avoided resulting from the enactment of Assembly Bill No. 236 from the 2019 Legislative Session (AB 236). The NSC is required to prioritize providing financial support to programs and services that address behavioral health needs of person involved in the criminal justice system in order to reduce recidivism, including the Nevada Local Justice Reinvestment Coordinating Council (NLJRCC) for the purpose of making grants to counties for programs and treatment to reduce recidivism.

Recommendation #4

Because AB 236 only went into effect July 1, 2020, and because the ability to calculate costs has been impacted by the Covid-19 pandemic's effect on the prison population, this recommendation requests an upfront appropriation to the NLJRCC so that it can fulfill its statutory mandate to provide grants to reduce recidivism and advance the efforts of justice reinvestment in this State.

NSC RECOMMENDATIONS

NEXT STEP: Decide which recommendations are ready to move forward as a formal recommendation for a BDR. Status for each recommendation could be:

- Approved OR
- Not approved

The policy BDR must be submitted in May and the fiscal BDR or request for an appropriation must be submitted by September 1.

#	Recommendation	Status
POLICY BDR		
1	Revise NRS 179A.020 and 179A.030 to provide NSC access to central repository	
2	Revise the duties of the Executive Director in NRS 176.01323	
3	Revise NRS 176.0133 to add a representative from the Central Repository	
FISCAL BDR		
4	Request appropriation to the Nevada Local Justice Reinvestment Coordinating Council	