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Justice Lidia Stiglich
Chair, Nevada Sentencing Commission

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STATE OF NEVADA
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NEVADA SENTENCING COMMISSION
MINUTES

Date and Time: February 24, 2022

Location: VIRTUAL ONLY

MEMBERS PRESENT

John Arrascada
Chief Michelle Bays
Dr. Shera Bradley
Director Elisa Cafferata
Director Charles Daniels
Chairman Christopher DeRicco
D.A., Chris Hicks
Jim Hoffman
Judge Tierra Jones
Dr. Jennifer Lanterman
John McCormick
Kimberly Mull
Julia Murray
Jon Ponder
Holly Welborn
Assemblyman David Orentlicher
Assemblyman Tom Roberts
Senator Nicole Cannizzaro
Christine Jones-Brady – Vice Chair
Justice Lidia Stiglich – Chair

MEMBERS EXCUSED

Chuck Callaway
Judge Scott Freeman
Thomas Lawson
Senator Keith Pickard

STAFF

Executive Director, Victoria Gonzalez
Monica Chiazza, Business Professional Trainee
Jorja Powers, Manager of Policy Analysis
Jenna Buonacorsi, Management Analyst

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

Chair Stiglich: I will now call to order the February meeting of the Nevada Sentencing Commission. Good morning! It is good to see all of you. Welcome to those who are viewing the meeting on the Department of Sentencing Policy's YouTube channel. This is the third meeting of our 2021-2023 meeting cycle.

I would also like to welcome the newest member of our Commission, Dr. Shera Bradley. Dr. Elizabeth Neighbors recently retired, and we are sorry to see her go. We are very excited to have Dr. Bradley now. Dr. Bradley was appointed to fill the remainder of this meeting cycle, so welcome, Dr. Bradley.

I will now ask Director Gonzalez to take the roll.

Executive Director Victoria Gonzalez: Thank you, Chair.

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

2. Public Comment

Chair Justice Lidia Stiglich: Thank you. I will now open agenda item two, 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 comments.

First, members of the public may do so in writing by emailing the Department of Sentencing Policy at Sentencingpolicy@ndsp.nv.gov. Public comments received in writing will be provided to the Commission and be included by reference in the minutes of the meeting.

Members of the public who wish to testify may do so by telephone. Due to time constraints, public comment will be limited to two minutes. Any member of the public that exceeds the two-minute limit may submit your comments in writing to the Department of Sentencing Policy. At this time, I will ask staff to manage and direct those who wish to testify by telephone. Ms. Chiazza.

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

Chair, we have no callers that wish to testify.

Chair Stiglich: Thank you, I will close the first period of public comment.

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

Chair Stiglich: I will now open agenda item three, a report from our Director at the Department of Sentencing Policy. The Director is statutorily mandated to report to the Commission on sentencing and related issues related to the functions of the Department. We have her provide this report and update us on their recent activities at each regular meeting of the Nevada Sentencing Commission.

I will now turn the time over to Director Gonzalez to present her report. Director.

Director Gonzalez: Thank you, Chair. I also wanted to note that Mr. Arrascada, Director Daniels, and Assemblyman Orentlicher are present. I don't think I missed anybody. Thank you.

I have presentations included in your materials; I will share that as well.

Good morning, everybody; it's great to see you all. I wanted to provide some updates, we obviously have a lot to cover today, so I will go over what we are excited to report about now and then go into detail with the other items.

Most importantly, we are very excited to report that we are fully staffed. I want to introduce you to them by name and what their role is, and then you'll be able to hear from some of them throughout the meeting. Monica Chiazza is one of our management analysts, Lisa Arellano is our administrative assistant, Jorja Powers is our manager of policy analysis, and Jenna Buonacorsi is our other management analyst.

We are very excited. Based on our full agenda, how much we're able to do and now we have the staff in addition to what we were doing before and we're so excited to have them on the team.

In terms of budget building, I wanted to provide an update that the budget building process will begin soon. We will have more to present about this at the May meeting. The budget building kickoff is in March, and we'll be looking forward to learning more about what the expectations are during that process.

We'll have an update for this Commission at the May meeting. We are aware that the deadline, based on the statute for submitting our agency request budget, will be September 1, so that will be our primary deadline that we're working towards and keep this Commission updated on the progress and working up to that deadline.

For the Commission, as the Chair mentioned at the top of the meeting, Dr. Neighbors has retired, and we're grateful for her work and appreciate her contributions. We were able to collaborate with her in various ways, both during the meeting and offline from the meetings, and we look forward to working with Dr. Bradley and what she has to contribute and her expertise for this Commission. We want to also thank the Department of Health and Human Services for appointing that vacancy so quickly. I want to provide an update on the Coordinating Council, the Nevada Local Justice Reinvestment Coordinating Council, as was established by AB 236. We have our next meeting planned for March 9th, 2022.

When that agenda is posted, the information for watching that meeting will be available on our website.

We are working on a very rigorous plan to collect data from the counties. As we know, the data mandates for this Commission are to develop data-driven recommendations that go to the Coordinating Council, and it's one of the primary focuses that we've been working on to figure out how we can collect data from the counties. As we all know, we do not have a centralized data system for any of this information, so we have a plan to go from county to county, we have different inventories that were working on to collect information from them, and we will have more to report to this Commission at the May meeting in regard to our progress there. We are excited to get to know these systems, to understand how they track individuals and then how they're able to collect and aggregate data. We are also going to work with the Coordinating Council on collecting information and supporting documentation for a fiscal BDR. I will talk about this more in the next agenda item.

In regard to data, we have a lot of progress that we've been able to make. One of the statutory requirements related to this Commission is that the Nevada Department of Corrections and Division of Parole and Probation provide access to their systems.

Now that we have the proper staffing in place, we are working on setting up that access so that we can start viewing those systems to help us collect and aggregate the data that we are mandated to do so for this Commission. The status of that is our access to Parole and Probation should be up and running within the next week. Along with setting up that access, we are going to schedule sit-alongs so that our management analysts can learn from staff at those agencies how offenders are tracked and how data is collected and aggregated. We are still in the progress of working with the DOC to establish that access, but we had that conversation to get that going. We have a very exciting development in regard to a dashboard that we have developed using data we are currently collecting from the Department of Corrections. At this point, I'm going to turn the time over to Jenna Buonacorsi, and she will walk us through the dashboard.

Ms. Jenna Buonacorsi: Thank you, Director; good morning, everyone. I'm going to go ahead and share my screen with you real quick.

Today I get the pleasure of showing you our very first data dashboard that is available on our website. To find it, first, you're just going to go to sentencingpolicy.nv.gov. You can either click right here on The Hub or down here on The Hub (Data, Reports, etc.), and you'll see that we have this section right here called Data Dashboard.

The first one that we have available is NDOC Trends, and when you open that link, it will bring you to a Power BI dashboard. The really cool part about working with the Power BI dashboard is that they're super customizable to whatever specific information you're looking to find. For this example, right here, you can see we have month-end NDOC offender counts from 1990 all the way up until the end of the year 2021 by month.

You can go through and look at the specific events right here; you can also look by your population type, if you're interested in a specific gender or not, and if you want to look closer at a certain time frame. The other feature that is very helpful in here is you can sort by date or by amount. So right now, I currently have it sorted by offenders with the highest count, so you can see DOCs highest year in population was in 2016, and 2021 falls down here right in between 2002 and 2001.

The next section we have available is the month-end JFA projected populations versus the actual DOC population. Again here, super customizable with these filter options. You can see here that the DOCs actual population tended to be above the projected population up until July 2017, when the DOC population trended down from the JFAs population projections.

This next section shows you trends in total monthly NDOC admissions and releases; again, super customizable if you want to just look at admissions and releases over a certain time frame; this shows monthly sums, so however many offenders were admitted or released over a month period.

The next section of this report shows NDOC admissions by status and this report is going to be hopefully super helpful for you all with being able to look at specific counties of commitment. If you are interested in seeing maybe Clark County's offense breakdown of admission statuses over the last five years, that's what this would show you. On the lower right side of the screen, either drag the bar, or you can type in the exact years you'd like to look at. If you wanted to just see what 2019 admissions were for Clark County, you can do that right here.

The next section is going to bring us to the number of NDOC admissions per year across all imprisonment statuses. Again, here you can look at specific imprisonment statuses or a lump of them at once. So, for example, if you wanted to see how new commitments trended over the last five years, you can see that they have been trending down since 2018, with a slightly bigger jump here between 2019 and 2020.

You can also look at multiple groups of imprisonment status admission types so if you want to look at all parole violators, you would just select the certain ones that you were looking at and see how they trend or how maybe one specific parole violator type trends and how that's affecting the admissions and releases. Again, down here, you can sort it by year or by count if you're interested in seeing what your highest and lowest were.

Similarly to admissions, we have the same two graphs for releases. So again, you can look by county. If you're interested in what kind of offenders, what county they came from, and what their release statuses are, if they're releasing to parole or discharge or whatever it may be, and again you can customize the year right over.

Lastly is the number of total NDOC admissions per year. If you wanted to look at just discharges and how those have trended over the last five years.

If you wanted to look at the mandatory parole versus regular parole or both of them together, you can look at both of those. This is our very first published dashboard. We hope to have more available for you guys soon.

We're working to create more DOC dashboards as well dashboards from other agencies. We also provided if you go back onto the main page Sentencingpolicy.nv.gov this NDOC imprisonment status definition sheet which this will show you how DOC defines all of those admission status types for the releases and the admissions seen in these graphs. If you're curious what that imprisonment status is, to find out it's all clearly written out here for you. Thank you so much for your time, and with that, I'll hand it back over to Director Gonzalez.

Chair Stiglich: Director, you are on mute, but also, just briefly before you proceed, I called this item three, this is actually item four on the agenda, and we will return to item three, which is the approval of minutes after this section is done so thank you, Director.

Director Gonzalez: Thank you, Chair. Thank you, Jenna. We will take questions about everything at the end or at the discretion of the Chair, or we can stop now or at your discretion.

We are going to move forward with the rest of the report and take all the questions at the end, and then move forward as the Chair has directed. The other project that we wanted to talk about that will be coming before this Commission at the next meeting is a report that we are working on for the Structured Living Program at NDOC. This is also referred to as SLP. We had intended to present this information at this meeting, but due to Covid, we were not able to make our planned visits to Lovelock to go collect the information we needed. Monica Chiazza from our Department is taking the lead on that project, and I'll turn the time over to her to just give you an introduction about the project.

Ms. Chiazza: Thank you, Director, and thank you to the members of the Commission. On multiple occasions in 2021, NDSP had the privilege of touring the Structured Living Program at Lovelock Correctional Center. From the first visit, we were impressed with the unit as a whole and curious to know more about what makes SLP function so well.

We were delighted to see that SLP was open to all offenders even those serving a life sentence. During the tour, we were able to speak with a few of the lifers and got to know firsthand how much being a part of the program meant to them. Since then, NDSP has been in contact with the executive staff at Lovelock to gather information about the program's curriculum, recidivism data, and overall structure. NDSP is currently working on a report about the program as well as a short video highlighting the program and the experiences of the offenders while participating in SLP.

We look forward to presenting this information to you at the next Commission meeting in May. Thank you for your time.

Director Gonzalez: Thanks, Monica. Going back to one of our other ongoing projects that we are working on, something we are calling the re-entry summits. After our last meeting, based on some of the presentations we had in regard to re-entry, we received your requests from members of this Commission as well as stakeholders to look more into re-entry and to include costs and the policy analysis related to that. We discussed this with the Chair, and our staff is going to work with our Vice Chair, Vice Chair Brady, to put together what we're calling summits to discuss issues. I've already met with the Vice Chair, and we brainstormed some priorities that we're going to identify and put together a working document that will help guide those discussions and include relevant and interested stakeholders in those discussions.

We are going to reach out to the Commission, members of this Commission, specifically that we are aware of who would be interested in these summits. We will intend to present our work at future meetings based on what we were able to review and discuss at these summits. If you are interested in participating in these

summits, you can contact either myself or Vice Chair Brady. As I already said, we will also reach out to you individually for those that we believe might be interested, and we will let you know what some of our priority subjects are related to those summits so that you will know which ones you might be interested in participating in.

The last thing I wanted to share about one of our ongoing projects is what we are calling our multi-state analysis.

After our last meeting, we presented our fiscal report about how to analyze the cost of corrections and what we are working on to continue the ongoing approach that we are going to recommend to this Commission. We will present our second report about this at the May meeting. In the meantime, we conducted a multi-state comparison of the cost of corrections that will help inform how this Commission moves forward and analyze the costs in Nevada. I'm now going to turn the time over to Jorja Powers to present our findings so far in this regard with the multi-state analysis.

Jorja Powers: Good morning. Thank you, Director, and Commission. I am going to share my screen at this time. I'm going to present a brief overview of the U.S. prison population and corrections spending. There are many ways to look at and speak about corrections costs. While any given state is attuned to their own budget and needs. It may be helpful to see where Nevada ranks compared to other states. I will not linger long on the next three slides; however, they contain budgets.

Chair Stiglich: Ms. Powers, I'm sorry, I'm not sure you're sharing your screen.

Ms. Powers: Oh, is it not coming?

Chair Stiglich: Not with me, not sure.

Ms. Powers: Okay, one moment. All right, I apologize.

Dr. Shera Bradley: If you have two monitors you're working with, and you just hit swap view then we'll see the presentation view as opposed to your notes.

Ms. Powers: One moment, I apologize. All right now everyone can see it.

Vice Chair Christine Jones-Brady: Yes.

Ms. Powers: Okay, the data points we're looking at are the annual budget, prison population, state population, incarceration rate, and daily cost per inmate. The daily cost per inmate numbers were published by each State. The methodology used by the States was not researched for this project. States may use different approaches in determining this number. This information will be available in these slides if you would like to go back to them.

As you can see, Nevada weighs in very near center on many corrections topics. These positions are ranked low to high, one being the lowest population or rate and 50 the highest. Nevada is 24th of 50 in state population numbers. Twenty-fifth of 50 in prison population and a bit higher related to incarceration rates, at 30th. Moving on, Nevada is 22nd out of 50 states in the annual budget, which closely aligns with the state and prison population numbers. Nevada stands only 14th for cost per inmate. This is the daily cost per inmate number. The chart you see now shows the annual budget of all 50 states sorted by prison population. On your very left, you have North Dakota with 1,401 inmates with a budget of \$109.4 million. Texas is on the other end of the spectrum, with 121,128 inmates with three billion dollars for their budget. I will note that some states have their prison and community corrections combined into one department. Costs were broken up to the extent possible, but some budget numbers may include mingled administrative costs. You will see that Nevada, for this data set, had 10,895 offenders incarcerated with an annual budget of \$380.75 million.

Here are the State's daily costs per inmate sorted by prison population.

Again, you see that Nevada is there in the middle with the daily cost per inmate of \$69.29. The lowest was Mississippi which was \$42.83 per day, and Rhode Island has a daily cost of \$305.83.

Here are the annual budget and prison population data points, but for the 20 states, ten below and ten above closest to Nevada in prison population, the bars show the prison population, and the line will show their budget.

This slide shows the prison population and daily cost per inmate for those states with the comparable populations.

This shows the same data points but for Nevada's closest neighbors located in the west and southwest geographical regions of the United States. Again, the bar are prison population, and the line would be the annual budget.

Here are the prison population and daily costs per inmate shown for those states closest to Nevada geographically.

As far as marginal costs NDSP is developing recommendations regarding the use of marginal costs and fiscal impact analyses to help calculations better correspond to actual budget and resource allocation practices. State correctional spending does not boil down to a simple per offender calculation.

There is a scant correlation between the states with the highest per capita spending and the offender population.

There are many budgetary and policy decisions that feed these variations in state spending.

The quotes you see from the Vera Institute and the Bureau of Justice Assistance urged states to consider marginal costs when considering the true cost of policy change.

In this slide, on the left is a sampling of daily costs versus marginal costs, which were readily available for six states. This is a very important comparison as many policies and laws are enacted with the thought that money will be saved per offender at the daily cost rate.

Marginal cost in corrections is how much the total operating costs of an agency change when workload changes. NDSP will be doing a more in-depth review and report on this topic in the future. As you saw with the dashboard, we are beginning to compile Nevada's criminal justice data which will allow the State to make data-driven policy decisions.

The takeaways I'd like you to have are that Nevada is central to national trends in comparative data points, including spending statistics. NDSP is compiling criminal justice data that will allow Nevada to make data-driven policy decisions. The Nevada Department of Sentencing Policy is analyzing the use of correctional marginal costs versus daily costs per inmate in policy design. At this time, I will turn it back over to Chair Stiglich.

Chair Stiglich: Thank you for that report, Ms. Powers. Are there any questions for Ms. Powers, the Director, or staff?

Assemblyman Tom Roberts: I have a quick question; you ran through it pretty quick. You show a correlation, obviously California, Texas; you know, huge states with huge populations. Do you have a correlation or a slide or any data for your prison population compared to your general population, like a percent? Maybe you had it in there, and I apologize if it was, and I didn't see it.

Ms. Powers: On the slides in the beginning, the three, there is State population; I did not have a graph that showed that, but it is listed in the data provided.

Assemblyman Roberts: Okay, thank you, and that is going to be posted somewhere? Your slide.

Ms. Powers: Yes.

Assemblyman Tom Roberts: Thank you. Thank you, Chair.

Chair Stiglich: Thank you, I try to unmute, but my face is moving around this dashboard right now, so I have to find myself; it sounds existential, but nonetheless, I have a quick question, Ms. Powers, is there any analysis or data available that relates to cost spent per inmate and recidivism rates? Is there anything that ties those two things together?

Ms. Powers: There was not in this overview, but as I said, we are going to do a much more in-depth look at this and report at a later time.

Chair Stiglich: Thank you. Are there any other questions for the Director or their staff? Ms. Lanterman.

Dr. Lanterman: Thank you. I have a question for Ms. Buonacorsi about the data dashboard. There was a disaggregation for the status of individuals at the time of admission to the Department of Corrections. I think two meetings ago, we had a discussion about the categories of parole and probation violators without a new conviction, so these would be essentially revocations and admission to the Department of Corrections for technical violations only.

There was a discrepancy between the percentage of Department of Corrections admissions reported as violations without new convictions from Parole and Probation versus Department of Corrections, where that percentage was much lower for Parole and Probation than it was in the Department of Corrections data. It seemed to be a function of Parole and Probation reporting the data as what they knew on the front end was going on with the person, so they had a technical violation associated with the new charge. So they were saying that these were Parole and Probation violators that were going in essentially with no charge but with no new conviction, but they were considered like new offenses versus the Department of Corrections admitting them as probation or parole violators with no new convictions and they were remaining in the data for an extended period of time as having no new convictions despite the fact that there was a conviction subsequent to admission.

There was a delay in how the Department of Corrections was maintaining or updating their data. So my question is, with respect to the data dashboard, what data are you working with so it is reported in there? Are these the initial data that the Department of Corrections are dealing with? Do you know if data collection from the Department of Corrections has been modified to update the status of inmates faster, so we have a more accurate representation of who is in the Department of Corrections' custody, and why, so like sort of, what's going on with those admission status groups?

Ms. Buonacorsi: This data set does show offenders upon their initial admission and what their imprisonment status was, so like you had said, when DOC receives an offender, and if they have not yet had their hearing for their new conviction, they come in as a parole violator with no new conviction until DOC receives a JOC. Once they receive the JOC, then that offender's imprisonment status gets updated to a parole violator with a new conviction. So if this specific data set, we are looking at their initial conviction, DOC, we are in the works with them with creating another data set that we will be able to provide a more in-depth view of what's actually going on with admissions and releases and that will show more updated information as time goes on, so when their imprisonment status gets changed at a later date then that would be reflected in those data sets. We'll have more specific information about what exactly is happening in the admissions and releases. This is just the general when they very first walk through the doors at DOC, their imprisonment status they receive.

Dr. Lanterman: I have one follow-up question on what type of schedule are you receiving data to enter into this dashboard? Is it monthly, or is it quarterly? Because that helps us understand the lag in data status updates.

Ms. Buonacorsi: This specific dashboard is data we receive monthly from the Department of Corrections and comes from their 1.1 report that they produce. We are working to receive additional data sets with their team right now, and those will also be most likely received monthly. Maybe as we get the process streamlined, we can increase that to show more readily available data quicker, but for now, we are aiming for monthly updates of the data sets for the dashboards.

Dr. Lanterman: Thank you.

Director Gonzalez: Dr. Lanterman, to address your additional questions, we are trying to refine how we collect data, and so one of the things with us working on getting access to the systems will help us being able to reconcile some of these pieces. I will say the data we have here is aggregated.

What we're looking for in the future is to get offender level data which will help us get those additional pieces of information that we cannot get at the aggregation level. We are starting here, and then we will work our way up to offender level with those separate data sets that Jenna mentioned, and so that's a good point. We will clarify that too as we build the dashboards to clarify what's aggregated and what's offender level, so that will help us assess the data and realize how to reconcile all the different pieces that we are presenting.

Dr. Lanterman: Okay, thank you

Chair Stiglich: Thank you Dr. Lanterman, Mr. Hicks.

Mr. Hicks: Thank you, Chair Stiglich. I really don't have a question; I just have a comment. Having been on this Commission since it started, this is what we've been looking for, for four years, and I just really want to commend Victoria and her group. Truly we finally have incredibly valuable information to look at, and so I am so thrilled that they received the budget funding they deserve; and you can see we're just scratching the surface of what this group is capable of.

I mentioned, I think it was the last meeting or the meeting before, and I'll plant the seed again with the group. I think what we're seeing from this Department of Sentencing Policy really proves that we can have a Nevada-focused group that can do our studies for us. It's my position and will continue to be based on the performance we're seeing from Ms. Gonzalez and her group, that really, we sever ties with these outside agencies that are helping us, such as JFA and other groups, because we just don't need them. I think we are going to get conflicting information and what I'm seeing from Ms. Gonzalez in our own state is it's more information than I've seen in the last four years. I thank you for taking my comment. I just wanted to commend you guys for what you're doing. I can't wait to start going through the dashboard and really look at it. I've been waiting to do this for eight years. It is very exciting. Thank you for all your hard work.

Chair Stiglich: Thank you for your comments, Mr. Hicks, and I associate myself with all of those sentiments.

Assemblyman Orentlicher: Thank you, and I am delighted to see the kind of data we have. My question is about the marginal cost's calculation, whether that is based on actual numbers or ideal kinds of numbers. What I mean by that is if you're stretching your capacity so that you're adding new inmates and maybe your staffing ratios aren't ideal, your marginal costs is going to be lower than what it would be if you had adequate staffing. What calculation are we seeing, is it based on actual marginal costs, or is it adjusted by if we properly increased resources and staffing and whatever else? What the marginal cost should be..

Ms. Powers: Again, these are numbers that were readily available just for six states. The thought of marginal cost is looking at the overhead costs and that when you take an offender out of a prison or put an offender in a prison, using the daily cost is not an accurate depiction, and that you still have to have electricity and a building and those types of things. As I said about the daily costs, states use different numbers to get these costs, and when we do our more in-depth report about it, I'll be able to tell you which states use which numbers.

Assembly Orentlicher: Thank you.

Chair Stiglich: Thank you. Ms. Jones Brady.

Vice Chair Brady: Thank you. I would imagine that with time, maybe this next session, the costs may go up, especially as I'd be curious to see what other people thought, whether the cost will go up as we start to recommend or NDOC starts to implement more programs and services for the inmates or would those costs be carried by some other department. So that would be one curiosity I have, and I guess time will tell.

The other thing is I think there was an announcement made where some of the law enforcement within the state will be getting pay parity, so maybe getting some more a pay increase to try to attract more law enforcement into state service. I think that would include correctional officers at the prison, I would imagine, so I'd be interested if when NDOC gives their report if that is something that's on their radar.

Then the only question I had, is on the dashboard, how you can sort by counties? Then there is one category that is not available, is that the transient category? I know in Nevada, we sometimes have a lot of people who commit crimes as they're passing through, and I'm wondering if that's able to be captured? That was all I had; thank you, Chair.

Ms. Buonacorsi: Thanks, Vice Chair; great question, the county of commit variable comes directly from the JOC, the Judgement of Conviction. That is saying that is the county that is committing that offender for said crime, not necessarily where that offender is originally from; it's where their crime was committed and the sentencing court. The Not Available option is due to the fact that the Department of Corrections has safe-keeper offenders that they hold on to, and so in that definition list, there's a clear definition of all the different types of safe-keepers that they hold. Those safe-keepers are not in NDOC custody necessarily for Nevada felony conviction; sometimes, they are short terms that are being held there. It's on a relationship with the jail because the offender can't be held at a county jail for some reason and they are awaiting trial, or if the safe-keeper from an out of state under an agreement, so for that, there is no county available and so that's why when you look under that Not Available option alone, you'll just see the pie chart is just full of safe-keepers.

Chair Stiglich: Ms. Brady, are we good? Okay. Thank you. Ms. Mull.

Ms. Mull: Thank you, Chair. What's going on in Rhode Island? Do we have or can we get information? There is such a giant gap or disparity between Mississippi and Rhode Island. They're spending ten times the about of money. The first one's like crazy because they're so tiny, like what is happening. It's such a big difference. Is there a way we can get information or data? Are they doing something that is working? There has to be a reason they're spending that much money. Do they have a secret we need to know? What is going on? What are they using that money for? Is it cutting down recidivism, and is it giving better life outcomes for people that are coming out of the system there? I am just really curious now about Rhode Island and would like to know if we have more information. It's just such a huge difference between them and the lowest amount per daily. I just wanted to throw that out there to see if we can get some more information, or if there's just across the board that there's a way we can get more data about what these daily numbers are, how much they are spending per day and what that really looks like because there has to be a difference in what they are actually providing for those daily costs per inmate versus what they're actually getting out of that for each state. Thank you.

Chair Stiglich: Thank you, Ms. Mull. I would just comment on the data piece, how important it is to assess the efficacy of what we're doing and where we are putting dollars. Just an example that comes to mind is the second JD prison re-entry program that had worked with NDOC and looked at 2014 specialty court discharges. Three years post-discharge from prison, 92 percent of the people who participated in that program did not recidivate. And it's that hard data that we can connect up to these, to some of these programs and figure out where to direct smart dollars and how to really help people and help us all have better outcomes, so I'm interested certainly in what other people are doing with their money and is that

connected to better outcomes? Marrying that recidivism data is key; I think in terms of what are we doing, it is not spending money; it's spending it right and spending it smart and spending it in a way that actually helps people. Just a brief comment there. Ms. Mull, are we good? All right.

Chairman Chris DeRicco: Good morning. I wanted to follow up on Dr. Lanterman's comments with regard to the definitions that are provided here in the parole violators. I really believe that one of the things that might need to be captured in here as well, because we have the mandatory parole violator with no new conviction, mandatory parole violator with new conviction the same for discretionary regular parole violators no new conviction or with a new conviction. I would like to see on here something with regard to these parole violators pending a new conviction at intake because that is predominantly, I think what we see is an individual under supervision will go out and if they commit a new crime and they come back into NDOC custody that crime has not yet been adjudicated, but it's out there and pending. I think that it's very important to capture to know truly at intake what was the reason. Otherwise, we're just showing those statistics as nothing happened, and that's not actually true or the case. I would like to request from Ms. Buonacorsi and NDOC if there is a way to capture that could ultimately change through the process to now one of a new conviction or no new conviction after adjudication has taken place on that. I bring that up as a suggestion.

The only other thing that I am also looking through the definitions page, which I believe would be very important to capture, is absconders. We don't have anything in here; we have a number of people granted, I'll just speak for the Parole Board, parole supervision that might take off after a month of supervision be in the wind for a year, they might get pulled over for traffic offense a year later and get found, and they would go down as no new conviction in that category but yet they have absconded and actively avoiding that supervision period for a long period of time and I think that would be another area that should be taken in to account with regard to these statistics as well. That's all I have. Thank you.

Chair Stiglich: Thank you. Ms. Welborn

Holly Welborn: Thank you, Chair. Thank you for this amazing data, it's data that we have been looking for, for a long time, and I think there are always ways to zero in and build upon it and make it better. My question is whether or not we have a similar chart or could have a similar chart that shows us prison population by offense?

Ms. Buonacorsi: Thank you for the question. That is what we are currently working on with the Department of Corrections. There is just a lot; we have to build that specific data poll to capture all those specific offense information. That's something we are actively working on with the Department of Corrections, and that will be something that hopefully we have done by the May meeting, for sure, if not sooner. That will show a more in-depth view of the specific offense-related information upon those admissions and releases based on their most serious offense across that booking. That information is coming in our work with NDOC.

Ms. Welborn: Okay, so it will based most serious offense, so I just want to bring up the question that comes up especially from our Mr. Hicks, from some of our folk that work law enforcement is also seeing that data to match multiple offenses. People do quite often ask to see that, so are you trying to look at that as well?

Ms. Buonacorsi: Yes, with developing dashboards and pulling the data for that, we will be very specific with what each dashboard is exactly showing. Our hope is to eventually also have a dashboard that shows all of the active offenses in DOC at the moment. It will be kind of two-part because when we are showing just specific down to an offender when we are talking about offender, more so demographics in the data end, it's having one correlated offense, and that's what be using the most serious for will correlate better in terms of when we're talking about counts, but then we will have another hopeful dashboard that we will be working on with DOC that will show just greater view of all offense types and what's happening in the

Department of Corrections as a whole for offenders. On the specific offender level, we're hoping to be able to integrate something that will tell you the count of offenses that that offender has, so how many might be relating to one specific offense in the aggregated since. You will be able to see how many offenses that offender has total across their current booking, so if they are in on multiple or just one.

Ms. Welborn: Thank you

Chair Stiglich: Okay, thank you, Ms. Welborn. Are there any other questions on this agenda item or comments? Ms. Cafferata.

Director Elisa Cafferata: I have been looking everywhere to see where the raised hand thing is, and I can't find it on my setup; sorry about that.

Just a couple of quick notes, not necessarily questions; if we are going to publish the multi-state analysis of prison populations and corrections spending, I think we need somewhere a footnote or asterisk saying the way we collected this information. The way I look at things like this, I double-check a couple of the calculations; I looked at California's annual budget and divided it by their prison population. It doesn't come out to be \$283 daily cost per inmate. I heard the explanation that that's not, we didn't do the calculation that way; we collected information a different way. If you do Nevada's, which would be sort of the logical calculation, our daily cost comes out to \$95 a day. We just need to put a footnote on how we got to those numbers, that our math isn't wrong but that it was a collection of publicly available data or something along those lines, so people are like, what is this. That was my only comment, thanks.

Chair Stiglich: Thank you, Director. Any other virtual or otherwise hands raised?

All right, so we'll close this agenda item, but I will say through your questions, your comments, your criticisms, and your suggestions that we are going to keep improving. I think it is a really exciting platform and will be helpful. Thank you

I am going to close agenda item four before we return to agenda item three. If we can get the passcode in addition to the meeting ID so that we can announce it and people who are watching on YouTube can access our site, that would be great. Do we have that?

Director Gonzalez: Yes, Chair, I apologize; we had some technical difficulties with that. The code, which we will give it again later before the second period of public comments for those to get ready. The passcode is 847312. Again, the passcode to call in and make public comment, the passcode is 847312, and the phone number and the meeting ID is on the agenda.

Chair Stiglich: Thank you, Director, and Director Cafferata, on the hand-raising function; I feel your concern. I am hanging on by a thread here technologically; you're fine. I saw you on the screen, and anybody, if you don't get the hand raised or we missed you, just speak up, and we will make sure that we get it directed to you.

To return to Item three.

3. Approval of the Minutes of the Meetings of the Nevada Sentencing Commission held on September 3, 2021, and November 9, 2021

Chair Stiglich: To return to item three, briefly, approval of the minutes of the meetings of the Nevada Sentencing Commission held on September 3rd, 2021, and November 9th, 2021. This is on for discussion and possible action. Those materials were distributed, and people had a chance to review them. Are there any comments or corrections?

Ms. Murray: Victoria, I contacted Monica regarding an attendance issue but it's minor in nature.

Director Gonzalez: Thank you, we will make that correction.

Chair Stiglich: All right, thank you. Anything further?

MR. JOHN ARRASCADA MOVED TO APPROVE THE MINUTES OF BOTH THE SEPTEMBER 3, 2021, AND THE NOVEMBER 9, 2021, MEETINGS

MS JULIA MURRAY SECONDED THE MOTION

MOTION PASSED UNANIMOUSLY

5. Proposed Recommendations for Bill Draft Requests Submitted by the Nevada Department of Sentencing Policy and the Nevada Sentencing Commission

Chair Stiglich: Now we will return, and I will open agenda item five, "Proposed Recommendations for Bill Draft Requests Submitted by the Nevada Department of Sentencing Policy and Nevada Sentencing Commission." Through the bills submitted by the Governor, we will submit a policy BDR and a fiscal BDR to the Governor's Office to be considered for the BDRs submitted to the Legislature. The BDRs are submitted by the agencies during the agency budget building process and due as follows: the policy BDR will be due in late May and the fiscal BDR is due September 1st. We will know the due date of the policy BDR after the budget kickoff in March.

The items presented in this agenda item and agenda item six are items for this Commission to consider to be included in our BDRs. Included in your materials is a document listing the first set of items for us to consider. The document is titled, "Recommendations for Policy and Fiscal BDR Submitted by NDSP and NSC.

I will turn the time over to the Director Gonzalez to present these items and then we will discuss and decide which items to recommend for the BDR. Director Gonzalez.

Director Gonzalez: Thank you Chair. As the Chair mentioned this is included in your meeting materials. I am not going to share the screen at this point but the document looks like this and has the title that the Chair mentioned the Recommendations for the Policy and Fiscal BDR. The Sentencing Commission and the Department of Sentencing Policy have mandates concerning collecting and aggregating criminal justice data to develop policy recommendations for sentencing and corrections. We know this generally is our mandate and what guides us in all of our duties and activities. The Department has existed since 2019. We have been working to identify changes to our statutes that will provide accessibility to data and reinforce our infrastructure that will promote sustainability to ensure the long-term success of the Commission and the Department and truly promote data-driven recommendations. As we have discussed, we do not have a centralized criminal justice data system in this state to serve the goals we are supposed to be pursuing. As my tenure in this position ongoing, my vision that I've developed to address this issue is to build to have this Department function as that centralized data base or what we're calling a hub to collect and aggregate data. I think of this as being analogous to how the Central Repository for Criminal History works where it collects information from agencies directly and then aggregates the data and information for the state, which then they need to submit to the FBI. My vision for the type of data collection that we will do is similar to that, where we would collect information from multiple criminal justice data systems and agencies and then aggregate and analyze the data we collect. An example of this, what I reported about earlier, that we are looking to setting up our access to the systems at Department of Corrections and Parole and Probation along with the work we are doing with the Coordinating Council to get to know every single criminal justice data system in this State, county by county. I share this as context for where these recommendations came from and how we came up with these ideas. My vision is that these recommendations would advance this vision and ensure our sustainability when it comes to developing these data-driven recommendations.

Recommendation #1

The first recommendation, recommendation number one, as provided in your materials would be for us to gain access to the criminal history repository. Access to data from DOC and P&P is helpful but only provides a limited picture of what is happening in the criminal justice system. This is already represented in the questions we received for the dashboard that we have right now; that is an aggregation of data. We have mentioned that we're working on getting offender-level data but that would only be offender-level data at DOC. Similar to P&P, when we have that access, we would only have offender-level data to that is provided by P&P. Being able to give the information from the Criminal History Repository would provide us another piece to be able put picture together that will help analyze what is happening in the criminal justice system and then bring these recommendations to this Commission. The language you see in your materials proposed is modeled from what the Sentencing Commission in Illinois did to expand their access to data and enhance their ability to provide data to make recommendations. They pursued a similar change to their statutes to gain access to their criminal history repository analogous to ours. We have a strong partnership with our sister agency in Illinois. The Sentencing Policy Advisory Council and look to them as far as ideas and how we can continue to improve what we're doing. We have had preliminary discussions with our partners at the Central Repository and are working on addressing the initial feedback that has been provided in regard to how we gain access. You can see the proposed language here would add data analysis and research done to the type of administration of criminal justice activities again this comes from the exact language they used in Illinois to advance a recommendation like this and then we would add on the Nevada Sentencing Commission to the definition of agency of criminal justice which would authorize this access to the Central Repository.

Recommendation #2

The second recommendation in our efforts to continue to advance the sustainability and the longevity of the data-driven purpose that drives this Department, that drives the Commission, would be to revise the duties of the Executive Director to be more data-focused. Currently, the qualifications of the Executive Director, as they are provided in the statute, only require that person to be an attorney, licensed to practice law in the State. Luckily, my skill set, my experience, and my grit has made me a strong candidate for establishing and running this Department. However, due to the rigor of the data requirements in the statute, I do recommend that the qualifications of the Director be amended so that they be data and policy-focused. I believe this will ensure the sustainability of our new Department and the Commission.

After many of us may move on, we will know that those qualifications will ensure that the Department and Commission will be in the right hands to continue to advance the mandates of the Commission and Department. I would want to mention about the legal input that provides the Department in terms of analyzing policy; State agencies are required to use their DAGs regarding legal interpretation and representation. So requiring the Director to be an attorney does not specifically advance those mandates as we have legal sources that we are supposed to go to in those terms. I just wanted to explain that in terms of what the vision is for this Department, where I see us going, and what the resources are available to better allocate and use resources that are provided to an agency. You can see the language we've got here would require the Director to have an advanced degree and have a specific number of years of experience in criminal justice data and also administration, also to be able to administer a very small Department like this.

Recommendation #3

Recommendation three would be to continue again to ensure that this Commission has input from those who are experienced in criminal justice data and advance the mandates as I've previously discussed. This recommendation expands the membership of the Commission by adding a representative from the Central Repository.

I have talked to our partners at the Central Repository regarding this recommendation, and they are in strong support of this recommendation.

Recommendation #4

Recommendation four is going to be specific to the fiscal BDR, which is submitted with our budget on September 1. As explained in your meeting materials, the Coordinating Council is required to make grants to counties for programs and treatment, which will reduce recidivism. The funding for these grants is to come from savings identified from the costs avoided.

In our previous meeting, this Commission found that due to the enactment of AB 236 in 2020 and COVID, we were not able to identify the costs avoided. This does not mean that the need for administering grants and funding programs and treatment goes away; it does not mean that the policies driving AB 236 go away to look to reinvest into systems that will reduce recidivism. This recommendation will request an upfront investment to kick off justice reinvestment as when it was intended by AB 236. The amount of this appropriation will be identified based on information we gather from the Coordinating Council at future meetings. We will have a more concrete amount to request for the appropriation to present to this Commission at the May meeting for your approval.

The approval today for this recommendation would be for us to continue our work with the Coordinating Council to develop the amount that would be appropriate to request for this upfront investment in justice reinvestment.

On the last page of your materials is a table to keep track of the recommendations that we have identified that summarizes them, and it has the numbers. The priority is to advance as many policy recommendations as this Commission wishes because we don't know the May deadline yet and if it will coincide with the May deadline for the policy BDR. With that, I will turn the time over to the Chair to guide us in our discussion and questions regarding these recommendations and the Commission's review of the approval of these.

Chair Stiglich: Thank you, Director. What questions do we have?

John McCormick: Thank you, Chair. I would suggest, rather than specifically iterating the qualifications of the potential Executive Director in the statute like that, that we instead say something to the effect there in 176.0123; The Executive Director of the Department must be appointed by the Governor from a list of three qualified persons recommended by the Sentencing Commission because then that would confer on the Commission, sort of the authority to establish what is qualification rather than having it that explicitly laid out in statute and I think as we begin to expand the office that would make more sense. My thought would then be to just eliminate subsection 4c, that requires the director to be a licensed attorney.

Chair Stiglich: Thank you, Mr. McCormick, great suggestions. Mr. Hoffman.

Mr. Hoffman: I have a question about recommendation three, about a seat on the Commission for the Criminal History Repository. I am wondering if you could expand on what value you think that would add because it seems to me like the point of the Commission is sentencing policy, and I don't see them as having a lot of input or control over like sentencing and corrections and things like that so if you could expand on that rationale, I'd appreciate it. Thank you.

Director Gonzalez: Yes, my first thought about adding this member is it would be a great companion to having access to the Central Repository. The Central Repository, from my work with them, they have been doing this longer than we have, as far as what it means to collect data from all entities. They have had to experience many challenges as far as; how do you get data from different judges and different law enforcement based on the county they are in. I think in terms of data collection, that's where their expertise comes in. It can come into how to provide input in regard to what are the best practices, what are some methodologies to improve our data collection aggregation. My second rationale for this recommendation is with the dissolution of the Advisory Commission on the Administration of Justice in the Legislature, that was a

sister commission of ours who also worked with criminal justice and did different analyses, they had the Central Repository representative on their Commission, and now that they don't exist, I thought this, for the most part, there's a lot of overlap between our membership as you guys know and our members that were members of this Commission and of ACAJ and so, this was the only place where there wasn't any overlap and I thought made a lot of sense. My third rationale is that it's possible that as the duties and the oversight of this Commission expands in terms of criminal justice data, I could see the possibility of doing more oversight with all areas of criminal justice data, not just criminal history. Having that representative from RCCD or the Central Repository would provide that stakeholder and that input, for do we need oversight or support for that, because it's still criminal justice data and absolutely within our statutory mandate of what we are looking to do. It's purely from an expertise perspective, and again another partner, which we already are working with on a regular basis and we're just continuing to advance the sustainability, I think for what type of input this Commission needs when it comes to collecting and aggregating criminal justice data.

Chair Stiglich: All right, thank you Mr. Hoffman. Director Cafferata

Director Cafferata: Thanks for the help on the technical side. I had two comments, one on recommendation two, similar to the comments that have been raised. I hear regularly from other agencies about the super challenges of hiring folks and so if you specifically put in the statute that you are requiring a graduate degree you are really limiting your pool and that may or may not be required. I would say that would be a recommend having a graduate degree and or five years' experience and then making sure we have, if we are leaving this in, making sure we have something about an equivalent combination of experience and other unicorn qualities. Sometimes at the State we want to have the very best and then we end up where we're going to have no one ever apply. That was my comment on that.

On recommendation three, I know we've spoken about, there's only two Directors that have to be on this Commission and that's Department of Corrections and the Director of DETR and I'm really not the right person. If we could have my, the language around DETR the same as the language the Division of Public and Behavioral Health, where we just have a member who is a representative of the agency, because then I could appoint someone who is closer our re-entry work force training programs, which I think is why we're here. If someone has legislative history that is another reason, we're on, that's fine but that might be the appropriate person, or our data person might be the right person. I don't think I'm the right one, so a little flexibility would be great. Thanks.

Chair Stiglich: Thank you, Director. Vice Chair Brady.

Vice Chair Brady: Thank you, Chair. The question I have with regard to this Central Repository, I've had some conversations with them in general, not related to NCIC and other data across the state; I'm wondering if their title Central Repository doesn't quite encapsulate everything they do. Maybe it would be worth it for them to come to this group and give a presentation about what they do and the various kinds of data they maintain. Just a recommendation that was all thank you, Chair.

Chair Stiglich: Thank you. Any other comments or suggestions? Director, did you get all that feedback?

Director Gonzalez: Yes, I have it all.

Chair Stiglich: Assemblyman Orentlicher.

Assemblyman Orentlicher: Thank you, I agree that we should change what is in the recommendation about the qualifications that either change must to something that's useful or just take it out entirely that makes sense to me. If we're going to put in any specificity in, I'm just not sure this is the only one we should mention as a relevant qualification, and I guess we have administrative experience, data experience, I can see other backgrounds might be relevant so if we're going to list things that might be taken into account, I think we'd expand into people who have a background in policy issues, criminal justice policy issues, or sentencing more specifically.

Director Gonzalez: If I could Chair, I could comment on both of those, both Mr. McCormick's comment and the Assemblyman's comment about the qualifications; that's a great plan, I appreciate Director Cafferata's comment as well. You're right, I know we have talked before, the Chair and I have talked about perfection being an enemy of the good here. We were looking for this perfect list of qualifications, and I can see how that would limit us. My idea right now, is where we were at with thinking about that qualification for the attorney is also limiting. If I were to make a recommendation as an adjustment based on the comments, it would be to recommend what Mr. McCormick mentioned in taking out the attorney. We could put language in that would be that the Commission, when it gets into the hiring process, develops a qualification at the time and when it comes to recruitment. Per qualifications identified by the Commission, which I think would make sense based on the needs of the Commission. We don't have to put that language in either. That would be one way if there was any guidance needed, but either way, the Commission would need to figure out what do we want to put in this job posting, what are we looking for, and that makes sense to me, the flexibility especially if the staff evolves as well. You may find that; we have very strong analysts right now, and the time could come when maybe you have entry-level analysts, and so you need a different type of leader.

I just want to comment that I think that makes sense and would still encapsulate what we're trying to recommend to this Commission. Those are my comments about what's been discussed in terms of that.

Chair Stiglich: Thank you, Director. I share Director Cafferata's comments about the need for flexibility. Anyone who's tried to hire here in the state or propose these knows you have to have that flexibility: (A): to address specific needs, but (B): to just a recognition of the available workforce and what's preferred as opposed to what's required, sometimes could be helpful. Then to Director Cafferata's point about her not being the right person, I always think you are the right person, Director Cafferata.

But yes, perhaps additional language about or designee, you know with the understanding that the Director is going, look, when you do these Commissions the reason people get named is because you want people who actually have authority to come to these meetings and make decisions, so it doesn't become a meeting of let me get back and ask somebody else and things actually get done, but certainly to Director Cafferata's point, her ability within that large umbrella that she manages to direct the right person at the right time to come, I think makes sense, or at least it makes sense to me.

Any other comments or questions about these recommendations so far?

Director Cafferata: I guess I would ask Director Gonzalez what you're looking for today? With the exception of maybe more information about the Central Repository sounds like folks are pretty supportive of moving forward, so maybe the direction today is to move forward to see an updated version but that we're all supportive of you moving forward. Is that what you need, or what you are looking for from us, given all the feedback?

Director Gonzalez: Yes, as much as this Commission is ready to move forward with is what we would appreciate. Based on what we have right now, it would be possible to say to approve the recommendations per the changing of the language to recommendation two and the language that we talked about for recommendation three. That could be mentioned in the motion if the Commission is ready. If the Commission is not ready with all of them, approve those that you are ready to approve, and then we will let you know if we end up in a time crunch with that policy BDR deadline. That would be the main issue. If the recommendations were generally approved, we could craft language that's consistent with that, and then we can send that out to the Commission to make sure it is consistent with what the motion is if we run up against that deadline before the May meeting.

Mr. McCormick: In that case, I would move that we approve Recommendation #1, Recommendation #2 pursuant to the discussion at the meeting, and then as the group indicated they wanted to get some more

information and maybe do a little more background on the inclusion of the Repository so we would ask to ask staff to do that as well, as far as Recommendation #3. Then to go forward with recommendation #4.

Chair Stiglich: Thank you, Mr. McCormick. Is there a second to that motion?

Mr. Hoffman: I second that.

MR. JOHN MCCORMICK MOVED TO APPROVE

- RECOMMENDATIONS ONE AND FOUR AS WRITTEN,
- RECOMMENDATION TWO, APPROVE AFTER UPDATING THE WORDING PURSUANT TO THE DISCUSSION DURING THIS MEETING
- RECOMMENDATION THREE, ON HOLD UNTIL FURTHER INFORMATION IS OBTAINED

MR. JIM HOFFMAN SECONDED THE MOTION

MOTIONS PASSED UNANIMOUSLY

Chair Stiglich: Thank you. We will now close this agenda item.

6. Provisions Related to Supervision and Recommendations for Possible Future Legislation

Chair Stiglich: I will now open agenda item six, “Presentation on Implementation of Assembly Bill No. 236 (2019) as it Relates to Certain Provisions Related to Supervision and Recommendations for Possible Future Legislation.” As we know, Assembly Bill 236 from the 2019 legislative session was the justice reinvestment bill for Nevada, which enacted sweeping criminal justice reform aimed at slowing the growth of the prison population and reducing recidivism while maintaining public safety. This Commission is tasked with tracking and measuring the outcomes of AB 236 or, in other words, ensuring the reforms are accomplishing what they were intended to do.

Last session, this Commission collaborated with agencies, stakeholders, legislators, and the Advisory Commission on the Administration of Justice, ACAJ, to propose recommendations for a clean-up bill of AB 236. Those recommendations led to Assembly Bill No. 393, which was successfully passed and enacted.

The Director informed me that our staff has been working with agencies to evaluate the ongoing implementation of AB 236. The collaboration between our staff and the criminal justice agencies tasked with implementation has led to the identification of issues and recommendations to advance the policies in AB 236 and improve the intended outcomes.

Director Gonzalez and representatives from the Nevada Department of Corrections, the Division of Parole and Probation, and the Parole Board will present some of these issues and recommendations. After their presentation, the Commission will discuss the issues and recommendations and decide which recommendations to move forward and which need more vetting. The recommendations approved will be included with the recommendations approved in the last agenda item and be included in the BDR submitted by the Commission and the Department.

For your reference, the document titled “Recommendations for Proposed Legislation Concerning Implementation of AB 236” has been included in your meeting materials and will guide our discussion.

Director Gonzalez, I will now turn the time over to you and the agencies. Thank you.

Director Gonzalez: Thank you Chair. Thank you, Justice Stiglich. As the Chair explained, our effort in tracking and assessing the outcomes resulting from the enactment of AB 236, has led to strong partnerships and collaborations with the criminal justice agencies in this state. This has provided the opportunity for this Department and the Commission to provided ongoing assistance in the implementation of AB 236. I see

this as being an ongoing effort for us in this and other areas where the Commission makes recommendations regarding sentencing and corrections policies.

In developing these recommendations, it started with our meetings we held with individual agencies. We would often discuss the implementation of AB 236 and we realized that getting all the agencies together to discuss these issues would help better identify issues, troubleshoot challenges, and brainstorm solutions. Not as individual agencies but as a group. All the agencies met a couple times, which we refer to as an agency summit, we have met over the last few months. Through these group meetings, we developed and agreed on recommendations to enhance implementation, advance policies, and improve outcomes. We intend to continue these group meetings for our ongoing collaboration efforts to improve criminal justice in this state.

The items listed in your materials are not the only items discussed, but items we prioritized for this meeting. We will bring other issues to this Commission as they are developed.

The recommendations presented here are stated here as policy recommendations. If approved by this Commission, the agencies will collaborate during the coming months to craft language that would carry out the policy.

I will start with the first set of recommendations under Temporary Revocations as is provided in your meeting materials. The first item listed is related to these temporary revocations. We reviewed the report that led to the enactment of AB 236 to provide a starting point for the discussion of each of these issues. These stated policies are specific to each reform and the intended outcome.

The policies we have listed here specific to temporary revocations, as they were developed in the report that led to AB 236 was to improve the efficiency and effectiveness of community supervision, reduce returns to prison for technical violations, limit period of incarceration resulting from chronic and serious technical violations rather than revoke for the remainder of a sentence and expand the use of swift, certain, and proportional sanctions. As noted in your materials, these recommendations regarding temporary revocations are only applicable to parolees. It is likely that there could be recommended changes to apply to probationers as well, but we have not completed our research and analysis of that aspect of temporary revocations.

As codified from AB 236, a temporary revocation is ordered where a parolee has been found to have committed one or more technical violations of parole. If the Parole Board makes such a finding, the Board is authorized to continue parole or order a term of imprisonment as follows:

Referring to the chart in your materials, the term of imprisonment ordered for a temporary revocation is not more than 30 days for the first temporary revocation, 90 days for the second, up to 180 days for the third, and upon a finding of a fourth, fully revoked and impose the remainder of the sentence.

NDOC and NPP have worked very hard to implement this change and we are going to continue to analyze the data related to this issue and the graduated sanctions that are to be exhausted before seeking a temporary revocation, but there is a practical challenge that may limit the successful implementation of these temporary revocations as they are applicable to parolees.

I am referring to the chart on page two of your materials that illustrates how a parolee who is alleged to have committed a technical violation is processed in this state. By statute, such a parolee must be returned to NDOC. You can see here; we have an alleged parole violator and a technical violation they are taken into custody. They are then temporarily housed in a jail, after being housed in the jail they are transferred to DOC where they are processed upon intake. While they are waiting their revocation hearing, they are housed in an NDOC facility until that revocation hearing. If the parole violator is temporarily revoked, they will serve that time ordered for the applicable temporary revocation in an NDOC facility. As that time comes to expire for the temporary revocation, they are prepared for release through DOC they are processed for

release. If you have alleged parole violators who return back from multiple technical violations for facing a temporary revocation, they will be processed at intake and released each time if they are to return.

Before I move on to the recommendations, I will direct your attention to our data dashboard. Using our data dashboard, if I go to admission status, which we have talked about previously with the dashboard, I'll address those challenges there. If I were to isolate the parole violators with no new convictions and I'll comment on this data after we take a look at it. We can see that from 2020 to 2021 there has been an increase in this admission imprisonment status. I am going to talk more about how actually interpret this data, but I wanted to show you how helpful the dashboard can be when we're just trying to look at some of this information initially. I could also include the other violators with no new convictions when we're talking about parolees specifically. If I were just to isolate the mandatory paroles, those have gone down, it is the parole violators here with no new convictions that have increased far as the admissions status is concerned.

What I want to make sure we comment here on about this data is we can see that the admissions in this specific category are up. We are going to analyze this further as we previously discussed, we need to get offender level data in this regard. I want to emphasize that this was an area that AB 236 in the report that led up to this was specifically trying to decrease, as based on this recommendation.

I want to emphasize too that as we talked about that category, includes many individuals. It does not include just those who are facing a technical, temporary revocation. It is very important that when we analyze that data we don't jump to that conclusion, just that when we go back to the original report the intent was to reduce those types of admissions. We are going to gather more data about who is sitting there for a technical violation, what is their length of stay and what are we looking at in terms of are there returns coming back from that.

The preliminary data that we did request from the Department of Corrections regarding the temporary revocations since AB 236 when into effect July 1, we can tell you that 640 offenders have received their first temporary revocation since July 1, 2020. Eighty seven offenders have received their second temporary revocation and seven have received their third. We will track these numbers over time and request additional information to analyze trends in this area.

On page three is where you can see the recommendations we have developed that are consistent with the AB 236 policies and would advance those policies and improve outcomes. The first recommendation would be to eliminate the first temporary revocation which orders up to 30 days by the Parole Board and instead provide the Division of Parole and Probation would have the authority to order what we are calling a flash incarceration. You can see that this would advance AB 236 policies by improving the efficiencies and effectiveness of community supervision, reduce return to prison for technical violation, reduce recidivism to an NDOC facility, and focus prison resources on serious and violent offenders. This shorter time will also most likely reduce recidivism because serving 48 hours. to ten days will be less disruptive to the lifestyle of the offender, rather than having to be processed through an NDOC facility and serving the 30 days. They would be less likely to lose their job and their housing. This would also remove the involvement of the Parole Board, and this essentially incorporates the first temporary revocation into the graduated sanctions.

The graduated sanctions are established to provide approaches to how to more effectively supervise and this is consistent with the policy that is behind that and would still be part of that overall scheme when it comes with supervision.

The second recommendation is an alternative to the first recommendation. If the priority is to keep the 30 days, one idea would be that rather than have them be processed through DOC they could serve this time over time in jail or on residential confinement, again, per the discretion and supervision of the Division of Parole and Probation without the involvement of the Parole Board.

I will next move on to the recommendations that are related to the technical violations. Again, what we did here is we identified the stated policies in the report that led to AB 236 that the policy that would be carried out by technical violations.

We've also provided the definition of technical violation as it was codified here. A technical violation is an alleged violation of parole or probation that does not constitute absconding or termination from a specialty court program and is not a commission of any of these crimes.

In our discussions, the agencies identified areas that if changed would continue to advance the policies of AB 236. As you can see the definition of technical violation does not exclude the violation of conditions for sex offenders. I will note that Louisiana passed a similar justice reinvestment bill, and that statute explicitly exempts sex offenders from technical violations.

The other issue identified is that the definition does not exclude an offender whose conditions order participation in certain treatment programs where serving the penalty for a temporary revocation would be less than having to finish the program.

The recommendations identified here would exempt these situations from the definition of technical violation which you can see on page four of your materials.

The next issue that we identified is addressing changes related to the definition of absconding. Similar to the issue discussed above, absconding does not exempt certain offenders who may put themselves or the public at risk if the Division of Parole and Probation must wait 60 days before considering the offender an absconder. One of our recommendations would exempt those offenders from this definition.

The other recommendations are designed to advance the policies of AB 236 generally. Strictly defining absconding does not provide the Division with discretion to ensure the sanctions that will change offender behavior are swift, certain, and proportional. This overlying policy is very important to AB 236, and I think important to the sustainability of what the policies that we're trying to implement here in Nevada.

What we have here is if the definition provided what we call a path to absconding, this would lead to supervision that is tailored to the offender and would improve outcomes and ensure public safety. A path to absconding would be consistent with the approach used for graduated sanctions used to supervise offenders. We have a couple of possibilities here with that definition for absconding. If the path to absconding is not something that is of interest to this Commission or interest to what we think would advance the policies of AB 236, it's possible that just reducing the number of days that is provided in the definition of absconding would help continue to provide consistent sanctions for offenders on supervision and that swift, certain, proportional application of sanctions.

The last recommendation is purely clean-up language. As the Chair mentioned, last session this Commission helped develop AB 393, the AB 236 clean-up bill from the 2021 session. The proposed language is provided here, and the goal is ensuring the statutes that govern probation and parole, respectively are consistent.

Then last, is not so much a recommendation but just something to guide our agency during the legislative session. As more reform is proposed, it will be important to evaluate the resources and ensure that as offenders are moved through the criminal justice system, the appropriate resources are allocated to agencies to continue to reduce recidivism while ensuring public safety. Specific to AB 236 where we see this, is one of the policies behind AB 236 is just slow the prison population, slow the growth of the prison population and provide more opportunities for re-entry. One of the things we want to point out, that when it comes to thinking about criminal justice reform, and if the policy behind the reform is to reduce incarceration, very often those individuals will be then moved to supervision. We want to make sure that when it comes to making those types of recommendations that DOC is provided the resources it needs to prepare those individuals for re-entry as well as P&P receives the resources that needs to increase its ability

to supervise and provide the support the offenders need while they are on supervision. With that I'd be happy to answer any questions. We also have representatives from our agency summits who were there with us when we were developing these recommendations and we'd happy to answer those questions. If this Commission has an appetite to move forward with these recommendations as they are stated or amended, we would be looking for that here as well or those areas where this Commission would like to see research and more analysis and more input from the agencies.

Chair Stiglich: Thank you, Director. I have a quick question. On page two of the materials, you document a process, and I love a process because it is important. My concern is that there's any number of potential kinks in the hose, and that is, you have a process, but there is no time component here, and so all these graduated sanctions and those things can be derailed if temporarily housing a parole violator in jail becomes a two-week process or three-week process and then once you get to the prison, how soon do you get your hearing? Without a temporal component, it can become problematic because then those sanctions can be tacked upon without credit, or frankly, it just takes too long. Some of those are practical problems given the geography that we deal with in the location of the facilities, but I'm just curious what are the thoughts on how to approach that?

Director Gonzalez: Yes, I had not considered putting time constraints in there. This is where I want to make sure I am correct. I believe it is Chairman DeRicco or someone from P&P could correct me on this.

I believe that in statute, what's required is after someone returns to DOC, that hearing must happen within 60 days.

I think that is the only time that governs this process. That is the only time that I am aware of that would govern this. That would be something we could consider in looking at where to put more time and, I guess, benchmarks in there to process these individuals. Is that correct?

Chairman DeRicco: That is correct, so once an individual returns to the Department of Corrections, with regard to a violation, statutorily, they're to be seen within 60 days.

So, I think Justice Stiglich on this, the chart that is put together here, it does a good job detailing the process to get someone through the system for violation and also shows what NDOC all the amount of work they have to do just for these 30-day temporary revocations. They've got an incredible amount of work to do, as if that individual has been sitting in that institution for years and was getting ready to release. What we're looking at here on this is to, for instance, I know you are talking about time on that front end, with this recommendation would ultimately, they would not get to the prison on this temporary revocation, for this 30 days and it allows the Division of Parole and Probation to use something else, this flash incarceration that might be in the graduated sanctions matrix that might be they've gotten to point where they need a weekend in jail. Right away, they could put them in for that weekend in jail and have them released thereafter. It's kind of like, removing the 30-day temporary revo and allowing them to do that more in the counties or the community, which it might be as Ms. Gonzalez spoke about, swift, and certain sanctions right there and then, and then let's get out and let's start and try to get you back on track again. I think it will reduce the time incarcerated a great deal for these first-time temporary revocations.

Chair Stiglich: Thank you. Mr. Hicks.

Mr. Hicks: Thank you. Just a quick question, maybe Chairman DeRicco or Director Gonzalez could answer. Do we know generally what the time frame is from when someone gets booked in the jail, how long they are there until they get moved to the Department of Corrections where that process starts?

Chairman DeRicco: I don't have any statistics on the timeframe. It kind of depends somewhat on what that may look like, though. I'll try to provide a little bit of an explanation if you have an individual who was, and I'll only speak for the parolees instead of the probationers, if you have an individual who is arrested on a technical violation, not pending any new crimes or anything else out there, once a retake warrant has been

signed and delivered they will get to the institution fairly quickly, and the hearing would be held within that 60-day period. If an individual is pending new charges, it is possible that they could be there a little bit longer before they end up in NDOC custody. Ultimately for absconders, the best way to say it is if there're new charges, it could be longer but sometimes those individuals in the counties actually want to have those individuals back to NDOC custody as soon as possible because state's dime versus county dime, so-to-speak, it would, moving forward or somehow in the system I think would be smarter and you bring this up to kind of lead me into this is that it would be great to have these, new crimes adjudicated and these individuals stay in the counties on pending any new charges until such time the offenses were dismissed, convicted and then move them to NDOC custody for that final revocation hearing on pending new crimes. I think that it would be phenomenal if we could get to that point. Plus, they'd have more and better access to counsel right there in their own communities where the crime occurred versus I've transported you an hour away from Clark County to High Desert State Prison and make things a little bit more difficult. Little side tangent there, but there is no real timeframe, it is going to depend on new charges, or no new charges have a big impact on that.

Mr. Hicks: For the purposes of your tangent there, I agree with that because I know it's very inefficient for my prosecutors, for example, who are trying to juggle a new charge and a parole violation. Sometimes they've been moved to an NDOC facility, and that might be something worth exploring more. The only other point I wanted to make, that's kind of the basis for my question, and I am not saying I disagree with the recommendation, but I think you have to consider the jail population and so a problem we have in Washoe, I'm sure there's a similar problem in Clark, our jail population is hitting its ceiling. Our prison population, as we've all seen, is dramatically lower. Our jail populations are dramatically higher, which was a concern all along with AB 236. I worry about county's ability to take on more burden of housing inmates. I just throw that out there, I know that some of our representatives from county law enforcement could probably give more insight to that, but I just wanted to throw that out there.

Chair Stiglich: Thank you, Mr. Hicks. I think, for me, that comment is, you just don't want people to languish. You want them to get where they're supposed to go or get seen and get heard quicker so you can lower all the sanctions but if they're sitting there for a week and there's not a mechanism, especially when they don't have a new charge. When they have a new charge at least they are getting brought to court. When they don't have a new charge, they're kind of in this ephemeral space in the jail so are we making sure people, when is P&P notified. How soon after that arrest does P&P make the contact, or those kinds of things resolve. They're just concerns that kind of jump out to me from having worked in a district court where I always marveled at how long it takes to get a case across the street from Justice court to District court. They're just things about again in the hose not having kinks and making sure people are getting timely adjudicated especially in light of the concept that, if it's not a swift sanction then it's not going to have a desired effect. Mr. Arrascada.

John Arrascada: Yes, thank you. I actually, believe it or not, echo a lot of Mr. Hicks' concerns. I think it might be important for this entire group if we had some data that showed from the time on a technical violation when an alleged parole violator is taken into custody until they have their hearing to be told they are going to serve 30 days. Our experience is that the parole violator picked up on a technical violation by the time they have their hearing; they've already done 45 or 50 days before they're told oh, you have to do 30 for your violation. Regarding, and Mr. DeRicco, I think, is nodding his head in confirmation with that.

I think that it is important for this entire Board to see the length of time it's taking. I agree with Mr. Hicks that the burden that is being placed upon our local jails, and I throw out unless this is a comment of ignorance and they've been done away with, is that I know, at least in Reno, that the Department of Prisons has, the people allowed to be released on prolonged work release perhaps that's the place they could go for their flash incarceration as opposed to clogging up the jails then it remains a Department of Corrections' issue as opposed to becoming a county issue of upholding someone on that time, and I noticed in the recommendations with spending weekends. If they're adding a work-release prison facility, they are allowed

to do their work and maintain their jobs but also suffer the consequences for their technical violations, and it would be prompt. Those are just a couple of suggestions that I had.

Chair Stiglich: Thank you, Mr. Arrascada. Dr. Bradley.

Dr Shera Bradley: Thank you. It's a big learning curve, so I'm trying to look some things up as we go. I have not read in its entirety the bill you all are referring to but looked at pieces of it. I am asking questions that everybody else already knows the answer to or figured out enough; my apologies. I looked up the statute for technical violations, and it doesn't say anything specific except what it's not, from what I could tell. I wondered if we have any data on what those violations tend to be. What has been attempted before the parole officer files for violation? I'm sure that is going to be individualized depending on lots of factors, but I wondered if we had data on that. I also wondered if you have any data on what the typical conditions of parole are and how many people are on parole or referred to a counseling program or drug. I guess where I am going with this, and some of my other questions had to do with what kind of assessment is being done. Is there assessment being done in a formal way to determine what the need is and then what the intervention would be for those things? Because what I'm wondering is, depending on what these violations are, there could be some different sanctions or some different interventions, coming from a mental health point of view, that could be included instead of reincarceration especially given all the things you all are saying about how long it takes to get them back up to the prison system.

Lots of questions; I don't know if there are any answers to those things.

Chair Stiglich: When anybody finds that it's not a rhetorical question and you have an answer, suggestion, or comment, just throw it out there, and we will try to inform these conversations as it goes. Dr. Bradley, I don't have that answer, those are all good questions, and obviously, we need to be figuring that out. Ms. Mull.

Kimberly Mull: Thank you, Chair. Well, to piggyback off that, I know Victoria, you mentioned not including sexual violence within this, but my question really pertains to domestic violence and trafficking because a lot of times, our abusers, when they get out, will contact us and then we're told that that's a technical violation and they will have to contact us multiple times before we can finally get something done. Then it's, well, it's just a technical violation, a technical violation. Then after the third, fourth, fifth time, oh then now something is going to be done about it, or now they'll have to answer for it, or something like that. It takes multiple times to even get something done in the first place under that category. Hearing that technical violation word, for me, is a little triggering because I'm going, well, it takes multiple times for victims here in Nevada being accosted by their abusers to even get something done in the first place under that category. I am a little hesitant to know when it comes to domestic violence and trafficking victims what this would look like and how that would work, especially if I am all about helping offenders get second chances and everything, but I also want to make sure that the consequences are adequate to defer victims from being further harmed. I just want to know more about that aspect of it and make sure that if we need to recategorize some things that are being classified as technical violations for victims or if we need to look at that as a whole or what needs to be done there.

Chairman DeRiccio: Justice Stiglich, I think I can answer Ms. Mull's question there. So, according to NRS 213.1519, just so you know, battery, which constitutes domestic violence, is not a technical violation; neither any crime of violence is defined by NRS 200.408 that is even punishable as a misdemeanor, harassment or stalking, or aggravated stalking is not a technical violation nor is a violation of a temporary or extended order of protection, so that you know with regard to parole violations, so none of those are considered technical violations.

Ms. Mull: Okay, but what as far, like no contact or because victims in Nevada are told all the time when their abusers contact them that it's a technical violation, I mean, this is a regular occurrence. What is that

falling under, then? I don't know what it's being classified then as, but it's a regular occurrence that we are being told here whenever they're being reached out to by their abusers that it's a technical violation.

Chairman DeRicco: Also, under that same statute, violation of a stay-away order involving a natural person who's the victim of the crime for which the parolee is supervised is also not a technical violation.

Chair Stiglich: I guess Ms. Mull maybe the characterization by the person contacting you, how they feel about it; I don't want the person contacting me, but unless they are ordered in some fashion not to if they are ordered not to have contact be it through EPO, stay-away order, then that is not a technical violation, it's very serious. If there's no existing order, it's not a violation, period. Am I right on that, Mr. DeRicco?

Chairman DeRicco: You are correct there, as it is written right now as part of AB 236. We would need that in order to, at a violation hearing, to have that in order to prove the guilt on that violation.

Vice Chair Brady: I think with Marsy's law, I think this underscores why it's important to have the victims there at sentencing and their ability to ask for things like no-contact orders as part of the probation and hopefully that it carries over, maybe them available at the parole hearing too, to say we don't want contact. Those kinds of orders or if it's not an order, it can still be, if it's by the Parole Board, it's still considered an order, but those kinds of no victim contacts can be put, or those requests can be made at sentencing and then at parole hearings.

Director Gonzalez: Chair, we have Captain Evans here from P&P, so specific to Ms. Mull's questions about the supervision piece of this, he has offered to provide some input on this as well.

Chair Stiglich: Wonderful.

Captain Aaron Evans: There were a few things there, Ms. Mull, you started off with; it was the sex offender aspect of it, not including them in the technical violations, and I know Chairman DeRicco, and I have spoken in cases in the past where there's activities sort of related to victims, a recent case where a sex offender had friend requested them on social media and had newspaper clippings about their victim and those things don't fall into this technical category.

That's why that proposal was there to kind of exclude the sex offenders from the technical group. Because it is not the commission of a new crime, it doesn't rise to the level of violation of a protection order violation. That's where it started, and then Chairman DeRicco kind of answered the rest of the questions.

On some of these supervision-specific questions, I'm here to answer those in lieu of our Chief today.

Chair Stiglich: Thank you. Ms. Mull, are you good for the moment? Okay, I didn't know if you had anything further. Assemblyman Roberts.

Assemblyman Roberts: Thank you, Madam Chair. Really my comments were that of Mr. Hicks. Until we have some data, I would really like to see some data on what kind of impact this would have on local jails. I would be open to the idea that if they have additional charges that need to be adjudicated in the courts, then maybe not send them off to prison, but we still don't have a clear picture of what that looks like. I would really like to see that. I wouldn't be amicable to just on a technical violation alone and housing them in the county jail versus the state facility, just because at my time at Metro, we struggled with jail population, and even if we put as many people on house arrest as we could, sometimes we had to put, we would get to the point where it was uncomfortable overcrowding, people on cots and things like that and to add to that, we really need to get the input from those folks before I would consider supporting it.

Director Gonzalez: Chair, if I could comment, because I wanted to look back to your comments, something about that to D.A. Hicks and Mr. Arrascada, I would say that is absolutely something we want to take into consideration; we talked about this early with AB 236, the idea of moving resources, we don't just want to shift resources and put it on somebody else. My thought and I will appreciate input from our

partners here from our agency discussions. If you guys have anything to add, my take on this recommendation is a great way to reduce that pressure on everybody. Currently, parolees still have to sit at jail while they're waiting for transportation to DOC. This approach with the first temporary revocation by changing that 48 hours to ten days would actually reduce the time they would be sitting there anyway waiting to be transported to DOC. My hope is by taking this approach, we are going to reduce the time they would have been sitting in jail anyway, waiting to be transported to DOC, and it won't put extra pressure on counties when it comes to housing these individuals.

That's what I would say from a policy perspective that what we are trying to do would be to address all those concerns. In our efforts to collect data from the counties, one of the number one things we want to be able to ask is, how many people do you have sitting there waiting for outcomes of supervision procedural challenges. We will get the data on that. The other thing I wanted to add too is the data I presented about those individuals who have already received their first, second, and third temporary revocations; we are going to use that list to evaluate their length of stay. We will have that length of stay to help us figure out from when we're aware that either they were picked up or they were moved, how do we figure out how much time they are sitting there. My hope is, I see Chairman DeRicco nodding, so I will throw it to him, and Captain Evans, my take on this is it would reduce an individual sitting there across the board both at the jails currently as it exists right now and then the time, they are spending back at DOC waiting for the outcome.

Chairman DeRicco: I will respond to Assemblyman Roberts's question, and I can kind of break it down how we believe this will actually will reduce like Ms. Gonzalez just said. If we use an example, let's say the Division of Parole and Probation, on February 1st, arrested a parolee for technical violations and placed them in custody as they can do. After that point in time, what they would need to create a violation report, get that submitted through their chain of command and send it to their process, which ultimately would have to come over to the Parole Board, have to review the alleged violation report and determine whether or not to sign that retake warrant, then get that warrant back to the Division of Parole and Probation who then, in turn, gets that back to the jail before such time they can be moved into the prison facility. What we are trying to look at is a way to, instead of that, let's go back to this February 1 date. An individual gets arrested for technical violations, and they are going to be housed there, potentially for 48 hours and out. I can tell you the process from that original February 1 arrest date to the time the violation report is generated, from the time it gets over to the Parole Board, to the time it gets back to the jail facility, to the time it takes NDOC for the transport to happened to get to the prison, is much longer than we are proposing here where Parole and Probation will be able to, this individual is in violation, I'm going to put use this flash incarceration to put him in for 48 hours, a week, whatever that may be, depending on the violation and then back out. I hope that provides a little bit better explanation; it will actually reduce that time incarcerated. Unless they're pending new charges, then that's out of the mix. These are for those technical violations only.

Assemblyman Roberts: To reiterate, if somebody places somebody in jail for 48 hours, they'll sit there longer based on red tape that is done behind the scenes to get it to the Board, and they get the reports done and everything else, so you are saying, they would sit and wait, then go to the State, then they would be released under the current system?

Chairman DeRicco: Under the current system right now?

Assemblyman Roberts: If you do a technical violation right now with no other additional charges and let's, say your intention was only to place them in jail for 48 hours, I don't know if you can do that now.

Chairman DeRicco: It's not our intention to place them in jail for 48 hours; we're not even involved in the process here as of yet. If we use this February 1 arrest date again and that individual and if they have no new charges, that process is going to still be the same. They are arrested, they are going to have to create the violation report, get it through their chain of command until it eventually comes to us to review to see if we would resign that retake warrant, if so, then it goes back down the chain, back to the Division of Parole and Probation, it would be lodged with the county jail that detainer there and they would ultimately move to

the prison. Once they are there at the prison, statutorily, we have to see that individual within 60 days. As you can see, people that would be in, that were already in the week before, the week before we have to get them set on the agenda, we hear them and go.

That process could take; they could be sitting in the county jail, let's say, maybe two weeks' time already, maybe three; I don't have any stats on that; I have no idea how long they are sitting on the front end before they get to the institution with no new charges. They could be sitting for two or three weeks, and then they would be scheduled again, possibly a month after they get into the prison facility. So now you might be talking about seven weeks under this new process, that's what we're talking about, you do something, and it is allegedly a violation, is to give that authority to the Division of Parole and Probation to say, maybe, if you had two positive drug tests in the last week, I am just arbitrarily throwing something out there. We need to do something to sober up or do something, we are going to put you in jail for 48 hours, and after that, we are going to try and get you set up and back and going. A sanction is a part of their system, no Board involvement at all in this. They wouldn't even come back to us. It's essentially looking to remove that 30-day temporary revocation that right now the Board oversees and makes that determination. Shifting that, giving it to the Parole and Probation Department to allow them to impose these swift and certain sanctions as a part of their graduated sanctions matrix is what we're looking to do. It will reduce that time incarcerated for technical violators a great deal.

Assemblyman Roberts: I appreciate the explanation, but I am still concerned on the impact on local jails. In a pre-sentencing hearing, we would hear all the time somebody would be sentenced, and we would have to wait on the State to do the homework before we could send them to the state prison. Sometimes that was up to 60 days. We've reduced that dramatically since then, but what happens in the county jail when you are trying to control your population, who's at risk and who's it not, and whom you can put on house arrest? It becomes a point you hold people because of the State mandates that you can't get rid of, right? I'd be concerned about the impact of that. I would really like to see that data; otherwise, I can't support it.

Chairman DeRiccio: One last thing on that Assemblyman, I think if you look at the recommendations at least, that was presented by the Department of Sentencing Policy, for example, serving 48 hours to ten days in jail. I can tell you those recommendations there would considerably reduce that time. You're going to 30 days, 90 days, and 180 days; it's a swift and certain sanction to try and change that behavior moving forward.

Assemblyman Roberts: Okay, thank you.

Chair Stiglich: Thank you. Mr. Hoffman.

Mr. Hoffman: I have two things I want to say. The first is in response to the concerns that have been expressed about local jails with the temporary revocations. An important part of that is in the recommendation; it doesn't just talk about putting people in jail; it talks about putting people on home confinement.

I think that's going to be a way to avoid that jail overcrowding. I don't know if it would maybe help us lodge the concerns of District Attorney Hicks and Assemblyman Roberts if the Department could come up with some kind of cost estimates. Ask the counties how much it costs to put someone in jail versus how much it costs to put someone on home confinement. That could maybe address that concern. The second point I had was in relation to the issue of the recommendation of sex offenders and violating their conditions of supervision, whether or not that should be a technical violation. I think it's important; there are a lot of conditions that sex offenders have to do as part of their parole. Some of those are more serious than others and are more like directly linked to the offense. It might make sense to separate those out. Because, if it's like, somebody was convicted of a crime involving children, and now they are hanging out in the playground, that's a very serious violation.

Then it's also a violation of their parole for them to drink alcohol ever. I think that may be more of a technical violation, less directly linked to re-offense or recidivism or whatever. With regard to recommendation three, I think it might make more sense to break it out, narrow down sort of, which of those statutory things should be technical violations and which shouldn't. I think more granularities there might help. Those are my comments. Thank you.

Chair Stiglich: Thank you, Mr. Hoffman. Vice Chair Brady.

Vice Chair Brady: Thank you. I am thinking Julie and John probably have some ideas that I'm thinking of. The truth of the matter is this; it is an added burden; it seems from what everybody is saying at the county level to the county jails; at the same time, I would be interested to know from NDOC and P&P, do they have the facilities and the community support where there could be alternative or transitional housing in which they can place these technical violators, for example, one technical violation is no housing. How do you solve no housing with home confinement? That may be one, the alcohol; if they are relapsing with alcohol, maybe they need drug treatment. Are there enough drug treatment beds? I am wondering if this recommendation needs to also come with a request to the Legislature for some monies to the State to NDOC for added transitional housing if they need added transitional housing or added day centers, or other kinds of collaborations with nonprofits in the community. I just don't know that we can get around the housing and the money that's needed to house people who are often impoverished.

I know the home confinements; I would be interested too to see what the cost difference is between a day in jail and a home confinement. I remember from my days in the Public Defender's office if that cost is passed on to the parolee who may be indigent that they can't afford the scam unit, and all that, that tends to have some pretty expensive upfront costs. My underlying question would be, does this need to correspond with an ask to the Legislature for monies for additional transitional housing or other collaborations with nonprofits in the various areas.

Director Daniels: I appreciate the comments, and I understand the need, but one of the other issues we just need to keep in mind is that not only do we really lack resources, whether it be staffing, bed space, and so on. The idea is that they have already been released from custody, and we don't maintain that type of housing. We are really legitimately trying to push people out of the system but to reincarcerate, understanding the need for housing would, in my opinion, be a little bit more detrimental if that burden were placed on us. Thank you.

Chair Stiglich: Thank you, Vice Chair. Mr. Ponder

Jon Ponder: I want to start by saying I want to thank Chairman DeRicco for clarifying and giving a complete explanation of this new process. I want to give you a scenario of why it is I will be in full support of this new process. If someone comes home from prison, and that person has gotten up on their feet. A condition of parole is not too high and goes out and gets high; the warrant gets issued to bring them back in on this technical violation, for that person to go into the county and do that whole process and get back up to High Desert and go back before the Board, 60, 70 days later, obviously that person has just gotten the rug snatched out from under their feet. They lost their job, housing, so forth, and so on, if we can just think about the way the costs of what that is. If there was a way that this 48-hour process for them to be taken into the detention center with the county or as Mr. Hoffman has brought up, going on the home confinement, if you look at the Clark County Detention Center, and I am sure Assemblyman Roberts will attest to this, they're always looking for ways to depopulate the jail. Depop, the jail, get people out on home confinement, but they are going to be there for 48 hours and then to come out and to leave that in the hands of P&P to make that decision, and then P&P would ensure that that there are wraparound services for the individual once they get released, I think that would 100 percent be the way that we should consider going.

Chair Stiglich: Thank you, Mr. Ponder. Ms. Murray, you are up next. I want to throw in that I talked about the hose and the kinks in the hose, and we are talking about a lot of kinks. One thing I think really has to be considered in terms of identifying where you put money.

P&P needs more bodies. You want to supervise people in the community; you need people for them to touch and have that relationship and have that access.

When we work around that reality that we don't have enough people to supervise a population in a helpful way, we don't bring the Legislature at least one of the primary problems that need fixing.

One example is in sentencings with pre-sentence reports; P&P didn't have enough writers doesn't have enough bodies, so instead of requiring those reports to get turned around in 30 days, courts continue sentencing 90 days. They're like, well, they don't have the bodies, but then it doesn't get fixed because it just creates a triage situation, so I think here, it's good to brainstorm to identify what are some of the issues. One of the issues I see certainly is that there are the bodies needed to take bodies out of incarceration, have them in the community in a healthy and safe way, for a positive way for them as well. Just an observation that I have.

Ms. Murray: Thank you, Chair. On the reduction related to the technical violations, it sounds a little bit we're going to the extreme end of who's being held in custody, and I just like to back and point out that what they're proposing the change to be on is the absolute lowest level of the first-time technical violator. These are our people that we should be most concerned about setting a path for success with. It was the entire intention behind these types of modifications at the last Legislature.

If these individuals are coming into custody and they're sitting in excess of weeks, months going on nearing a two-month window, they're being so severely set back that that cost is not only increasing to the life of the individual but also to the county jail system and also to the state prison population. What we are basically doing is pulling them out, derailing any amount of setup that has been created, holding them for too long in county, bringing them to the prison, where when they are going to get out because it is the statutory construct of the current law when they get out, they're all the way back and behind where they were when they were out one week to eight weeks prior. The discussion taking place regarding there being a cost increase on the county or the prison by a reduction in the amount of time that someone needs to be processed through seems a bit incongruent to me. It doesn't seem to actually match what's being proposed here. It seems quite the opposite it seems that it would create a cost reduction. I do recognize that the county jails are saturated; they are full all the time.

Mr. Ponder's correct, and Mr. Roberts will concur like there is always an interest from the county jail mentality of how do we create a bed? Because it is a constant influx coming in through booking for any variety of reasons.

If we put a deadline on when someone has to be out, or we give an alternative mechanism such as home confinement, you're really giving the county jail system another option to look at.

To that end, I think a lot of the concerns and questions are raised really would apply more directly to later offenders in the parole system. It doesn't really match what's being proposed in a reduction on your first technical violator.

If peoples' minds are going to the extreme, I just wanted to highlight that point because it wasn't matching or adding up for me.

The second thing I wanted to briefly address was the concerns raised regarding making sex offenders who are on sex offender parole excluded from technical violations, and I think this is really dangerous ground to go into.

There is already a full chapter on how we treat people who have been convicted of sex offenses in the NRS; we have sexual registration laws, we have lifetime supervision laws, and there are direct criminal consequences for the violations of those laws. The fact that someone who is on parole happens to also be on a sexual offense parole, making them registerable and all of that, doesn't mean they can't violate an otherwise technical aspect of parole. I apologize; I forgot who it was when somebody raised the technical violation, someone, for example, drinking when they have a no-alcohol clause, if you are drinking when you have a no-alcohol clause, it shouldn't matter if you're on parole for a residential burglary or a possession of a stolen vehicle or a sexually motivated coercion. It should be addressed for what it is and where it fits. I think by just blanketly pulling anyone who's on parole for a sex offense out of the scheme that has been created, you are sort of saying that every, even a minor technical violation, a non-report, an alcohol violation, any of these things is different when it is that individual.

There're already laws that say what is different when it is a violation by that individual. We would actually be creating a problem with a conflict of laws and what's already there in the registration laws—just sort of some thoughts from someone with a lot of direct client contact.

Chair Stiglich: Thank you, Ms. Murray. Dr. Lanterman is up next, and just to let everyone know, at 11:30, so in about ten minutes, we will take a short break. I am sure people need to stretch their legs. Dr. Lanterman.

Dr. Lanterman: Thank you, Chair. I think there are a couple of things going on here that we need to think about in the context of policy recommendations. This flash incarceration model they go by a variety of names; they're typically something like two-to-three-day detentions. Our graduated sanctions they're known to reduce non-compliance issues, especially with clients who are living with substance use disorder. As associated with significant reductions in subsequent substance use so desistance from substance use, improved compliance with community supervision conditions, and associated with the reduced likelihood of reoffending. If you are interested in learning more about how that works, Hope in Hawaii is sort of considered the model program for that, so you could Google that; you can find all sorts of stuff about it on the internet. From that perspective, this policy is entirely consistent with sort of the focus of the long-term goals of this Sentencing Commission.

There are two other things to think about here; with the focus on home confinement, home confinement can be really useful for some people. It is also considered desirable when you're thinking about capacity issues in detention facilities or jails. Often when people are having compliance issues, particularly if they are living with substance use disorder. Home is sometimes the source of the problem. You've got issues in the home, sometimes interpersonal dynamics in the home that are the stressor for relapse to substance use. Home confinement might be desirable for an institutional management perspective is not always useful if the goal is reducing the relapse to substance use. It is a useful tool, but I think it needs to be one option available to whoever the ultimate decision-maker will be.

Before we go ahead with any type of policy recommendation, I think it might be useful to work with all of the jails to conduct impact assessments. What you can do is think about a trend; I would recommend not just looking at the last two years because Covid has impacted the way we respond to people who are justice-involved and non-compliant with conditions. Probably going back a five-year period, so you integrate some pre-pandemic data, and you get an idea in each county what is the community supervision population with which you are working that falls into this technical violation category and what's that going to mean at any given time in terms of the number of people you might have to temporarily hold in area jails throughout the State.

Typically, you have some seasonal pattern there, so you could even account for that, and that will help you understand what the impact would be on your jails, if jails could actually reasonably accommodate this or if they can't accommodate that. They are going to need some additional resources to do that. Then you can integrate that into the recommendation so that you have a more robust viable plan moving forward that

addresses the twin goals of reducing relapse to substance use and associated subsequent recidivism while also not creating knock-on effects area institutions that might hold those populations.

Chair Stiglich: Thank you, Doctor. Ms. Mull.

Ms. Mull: Thank you, Chair. I'm really trying not to beat a dead horse, I promise. The comments about how if someone has sexually assaulted a child and we find child pornography, that's, of course, a bad technical violation, but if someone has assaulted an adult and they have a drink, then that shouldn't be as a bad technical violation. D.A. Hicks is here, so, my rapist in Reno, the excuse for raping me was the fact that he had been drinking, so he thought I wanted it.

Drugs and alcohol are the number one excuse and the reason why quote-unquote rapists use as their excuse. To say that those are minor technical violations, or those shouldn't be something held accountable, or that shouldn't be as big a deal, is infuriating. Not just to me but just to survivors as a whole, I guarantee you. If there is a precedent for why that category has been separated from other categories with other states or that there is a reason why that offenders in that category are held to a different standard. There are reasons, and there are statistics, and there are numbers for that with things like that. If you would like more information on sexual violence in correlating with just recidivism or with things like drugs and alcohol, I am happy to find you information and send it to you. But to just categorize it as something minor or to not understand the gravity of that category of victimization is something that I hope people would reconsider or re-look at. Thank you.

Chair Stiglich: Thank you, Ms. Mull. Assemblyman Roberts.

Assemblyman Roberts: Thank you, Madam Chair, for the second bite of the apple. I just wanted to say, the more we talk about it, the more I can see that it's going to be actually a less impact, it seems like to county jail, just like to see as was previously recommended, some kind of impact statement on what it would be and if it's actually beneficial, I like the flexibility to give P&P the options to do those things and not put somebody in some written in stone thing that actually puts them in jail for much longer than it was actually intended. I like that aspect of it; I would really just like to see what it's actually going to do and look like and impact city jails and county jails in case they need more resources, or the State needs to pick up the tab or something else. I just wanted to say that. Not really a question. Thank you..

Chair Stiglich: Thank you for your comments. Ms. Murray, I think you tried to jump in in response to Ms. Mull.

Ms. Murray: Very briefly, yes, I appreciate that. I just wanted to clarify when I gave my thoughts before, Ms. Mull, so there's no misunderstanding. I wanted to make sure that you understood what I was referring to when I was using a word like a minor technical violation or referring to a registration requirement. I was strictly referring to the way it is viewed in the eyes of the NRS as it currently stands. I know that a lot of these things have larger social implications, of course, where the terminology, if pulled from that legal context, could sound extraordinarily harsh or insensitive. That was absolutely not my intention whatsoever. My point was in clarifying between the way the law has drawn distinctions of particular types of behaviors. I just wanted that clear so that there was no misunderstanding as to what I was trying to say.

Ms. Mull: I understand that, but I was actually addressing Mr. Hoffman previously. But you're good.

Director Gonzalez: If I could, just when it comes to that, depending on where we land on that recommendation, there are two ways to approach that if we want to address this issue at all. As it's been discussed, there is a very rigorous statutory scheme that governs sex offenders.

One way to ensure that we're not having incidences, as Ms. Mull talked about earlier in her earlier comment, where we're trying to make sure that individuals who are being governed by conditions for their sex offenses aren't just being found to have technical violations where maybe the different type of supervision, we could exempt just those conditions, or we can exempt sex offenders as a whole.

The proposal here is just the conditions.

The idea would be just to make sure there is no overlap between all those conditions that govern sex offenders in that statutory scheme we are talking about, is not included as a technical violation. Those other technical violations could be involved. However, because of that statutory scheme that governs sex offenders, that may take care of some of these issues which we could look into further about the analysis of where that overlap is.

Our biggest issue that we identified is, there has been these statutes are running into each other a little bit. If we can figure out what the intent is and what everybody is hoping to accomplish with the policies, we can make sure to address that; through that and there are a lot of ways we can address these concerns.

Just so you know, I appreciate this discussion because it is helping us vet this issue further, and those would be some of my initial responses to address that specific issue about different ways to address it.

You can look just at the conditions or individuals who are being supervised under those conditions. That's a distinction that we can figure out as we vet this issue further.

Chair Stiglich: Thank you, Director, and Ms. Mull. It's about 11:31; I would like to take a break now. Is ten minutes good enough for everybody? If you want more, don't lie. Don't go, that's fine if you need 15, say 15. All right, we will go with ten, so we'll pick up at 11:45, and we will pick up with Mr. DeRicco and Mr. Ponder, who are in the queue. Thank you, take a break, do what you need to do, and I am enjoying this robust and important conversation. Thank you.

Chair Stiglich: All right, it's 11:45, and if everybody's ready, we'll turn back on and return to our discussion. Mr. DeRicco.

Chairman DeRicco: Thank you, Justice Stiglich. A couple of follow-ups, and now I don't recall exactly who had the comments earlier.

With regard to the technical violators, and we were discussing about specifically sex offenders, it was brought up earlier that certainly, an individual that is being supervised of a sex offense could in and of themselves commit a technical violation that we shouldn't want to rubber stamp them just because they're sex offender they could never commit a technical violation. I wanted just to add upon, we had this discussion with Ms. Gonzalez and others previously, and it would be more along the lines, I think what we were discussing potentially to fix this would be anybody who might have the additional sex offender conditions that must be imposed statutorily that those might be the ones to look at, for instance, one of those conditions is not to have contact with the person under the age of 18. We certainly wouldn't want anybody that had the additional sex offender conditions out there and grooming other individuals or spending time alone with minors or at the park or inappropriate touching or fraternizing or anything like that nature which in and of itself may not be a crime, hanging out at the movie theater may be a crime but these grooming type things that anything we could do to prevent anything potentially happening down the road. It's more along the lines; if they had specific sex offender conditions, those might be the ones to exclude from technical violators. That's all I have. Thank you.

Chair Stiglich: Thank you, Mr. DeRicco. Mr. Ponder.

Mr. Ponder: Thank you. You know, the more and more I am thinking about it, with the new process that we talked about with partnering with the jails. There may be a great opportunity for us to spread that here in the south throughout the Valley because we do have the Clark County Detention Center downtown, we have the North Valley Complex that is out by Nellis Airforce Base, we've got the City of Las Vegas, the City in Henderson, and the City of North Las Vegas, so if we are looking at like a 48 hour period of time, I think we should look at bringing those facilities onboard in addition to the home confinement opportunities and doing those assessments to make sure that that home is a healthy place for them to be able to be into.

Chair Stiglich: Are there any further questions or comments? Director Gonzalez.

Director Gonzalez: Yes, Captain Evans looks like he has one more comment, and then I will address it.

Chair Stiglich: Oh, I'm sorry, I did see you pop up; please proceed.

Captain Evans: I was making some notes, and I just wanted to make sure everybody's aware, with the suggestion of flash incarceration; this is going to be on the high end of our matrix for responding to violations, right? If we're going to use this to replace a temporary revocation, which is, let me back up. The Division has to exhaust all of our sanctions before we recommend a revocation.

The first time somebody gets caught drinking or using drugs, we are not seeking revocation; we are applying graduated sanctions, whether that's increased reporting, increased drug testing, increased counseling, all these things. We're not looking at a temporary revocation until we have exhausted all those sanctions. If they're applicable, if somebody is experiencing homelessness and living in a camp somewhere, I can't necessarily put them on house arrest, but I can use all the other sanctions at my disposal. I want that conception to be out there, and it's not like we are going to be putting flash incarcerations every time we catch somebody drinking a beer; we're taking them to jail. That's not what we're looking here for. This is in replacing that first temporary revocation. It's going to be a very high level on the matrix.

Currently, the Division really doesn't have any statutory authority to use jail as a sanction. If we are taking somebody to jail, we are taking them to jail with the intent of returning them to the court or board for violations. This flash incarceration will give the Division that statutory authority. The timing of what we talked about very early on, and I think Mr. Roberts got kind of swayed towards the end, for parolees, 'NRS 213.1511 also provides them that they have to have a preliminary hearing with us before we even can take them back to the Parole Board. That hearing has to occur within 15 days. As reality would have it, with the way the Division is staffed currently, we're needing all that time to get our ducks in a row, get those reports approved, get them up the chain, down the chain, and have that hearing for that parolee.

What that means is, that hearing is usually scheduled on the 15th day after arrest. We go to the parolee and say, these are the violations that we are charging you with, these are what we are going to send to the court or Board, and we go from there. Like Chairman DeRicco said earlier, we think that a flash incarceration of handling, you know, we have almost exhausted all our sanctions, now we're going to put you in jail for, one to ten days or whatever we determine, is going to be shorter than that period of the inquiry that their entitled to of the 15 days, plus all the extra time it's going to take to get them transported to a state facility. We are not naive to the fact that's it going to increase the burden potentially on counties having to hold NDOC inmates or parolees rather. In the long run, getting those people on a shorter-term, not disrupting their re-entry, they're not losing jobs and housing, we think we'll shorten things in the long term. The main thing is, this is another arrow in our quiver of potential sanctions that we don't currently

have, this flash incarceration. Similar to residential confinement, the Division doesn't have a statutory authority to just put somebody on res-con, house arrest, whatever you want to call it. We have to request it to the Board; we have to request it to the court to be able to put somebody on house arrest. With that comes administrative processes that take all kinds of time and paperwork. If they are truly a threat, they may be sitting in custody until we get that approval to put them on house arrest, so giving us the authority to do that, again, is another step towards reducing the people in the jails, and these are going to be at the high end of our matrix, if I have it to share, it is going to be for our most severe technical violations for our, probably moderate and higher-level risk offenders. I just wanted to make that clear, just to add a little context to how we kind of envision using this type of sanction. Thank you.

Chair Stiglich: Thank you, Captain. Director.

Director Gonzalez: Yes, thank you, Chair. At this point in the discussion, just like how we did with the last recommendations, I wanted to let this Commission know what we need from you right now. Based on this discussion, it's exactly what this Commission is supposed to be doing. As these issues come up, it's vetting this and having the discussion to figure out what more do we need, and what needs to be figured out so we can make an official recommendation.

Based on this discussion, I think it would make sense, depending on how this Commission feels, unless it feels really strong on moving forward with any of these, that we're just at the beginning part of this discussion.

We mentioned that there's the deadline that we have for our BDR, but we do have other options that we've discussed a little bit offline, which I appreciate the input from our members and also ideas that we were working towards. I have two additional options so that we can properly vet this issue and decide where this Commission would like to land.

If we don't want to try and get this in before our May deadline, which if it's not appropriate, we don't want to rush anything.

We have options to partner with the Interim Judiciary Committee, which the Chair and I will be working with them as well, they are going to earmark a special meeting just to talk about issues that this Commission is vetting, and we will be meeting again in May before Interim Judiciary Committee.

Also, as an option is, if we have properly vetted this idea and we have the supporting data, I think it would be possible for us to pursue this through a committee bill as well through either Judiciary Committee when session is underway. We may also be able to find some legislators who have been involved with these policies in the past who may want to use this as their BDR.

Just so we have time, and just, so no one feels like they're under pressure. I know we don't, but I just want you to know we have a lot of options for this, and I think this is exactly what this Commission is equipped and is doing, fulfilling its mandate.

What we can do, like I said, unless there is anything on this recommendation sheet you would like to move forward with today, we can put a hold on all of these, and we will do our work and due diligence to meet with the Commission members, get more data, vet more of these ideas, and come back in May. We can continue the discussion, and we will also meet with the agencies as well and come back in May and keep the discussion going and figure out if we can have a recommendation at that point.

Chair Stiglich: Thank you. Mr. Hoffman, you had your hand up, your virtual hand. Do you still want to make a comment?

Mr. Hoffman: I was just going to say we haven't even talked at all about the absconding stuff, but if we're putting a pin on it, then I think we can have that discussion at a later date.

Chair Stiglich: Okay, but if you have comments about it that gives us something to work on in the interim, instead of kind of pushing the conversation, there may be specific issues you raise or concerns that other people have. Let's at least get them on the table even if we can resolve them today, but that way that's going to inform how we move forward and make the next meeting on this issue more productive.

Mr. Hoffman: That makes sense, thank you. My comment was going to be; I know in the recommendations it talks about how a tighter definition of absconding might help prevent people from offending further.

I would be really interested in what the data shows about that. What are other states doing with their definitions of absconding? Does it prevent recidivism, would it not really have any effect? I would just like to know more about that kind of data before we move forward on that.

Director Gonzalez: I could comment on that right now. I think the absconding definition is very interesting. We can present this at the next meeting as we continue to explore this issue. What's interesting is we do have a state survey, it's not every state, but I think we have about ten or 15 states in there to survey how they address this. It is all over the board. In some states, their courts have court rules that they've issued to guide absconding, and in some, it's a general policy within the agency that's in charge of supervision. There are some statutes in place in some states; there is no one way to address absconding when it comes to do we put it in statute, do we have a policy that guides it, do we have some other entity that provides oversight to update it and regulate on an ongoing basis. We can present that information in May. I agree, one of my questions, too, when we were exploring this issue was what kind of data would be relevant, and that's the only thing I think would be relevant right now. We will be doing that additional data analysis for those who are back at the Department of Corrections, so specific for parolees who've been returned with no new conviction. In our additional analysis of that, we'll be able to tell you how many absconders are there.

I'm not quite sure that will inform the general policy when it comes to what kind of policy are we looking for behind absconding. My take on this, I will be curious to see if there's anything from the agencies that their take on it. My take on the absconding issue is it's definitely a general policy question. This was something that was implemented in AB 236. As we see how it plays out. I think the question is going to be, is this the type of policy that we want to advance? We can look at other states and see what they do, but from my perspective, I want to say this is definitely like a policy decision on what's important to this state when it comes to absconding, but of course, in our discussion about this issue, I look forward to hearing what questions you have, and we can see if we can find some data to address those.

Chair Stiglich: Just to throw in a thought that I have to Mr. Hoffman's questions and just absconding in general. Absconding matters: people have to participate, have to connect, and be willing to be supervised when they're in the community; it's going to go to their long-term success in the community. I love to pull data; I'll give you a quick example. In specialty courts, Washoe ran a recidivism study and a success study, and we do data; we love data. We did a study about people who bench warranted once they went to specialty court. Even if they had one bench warrant, of all the people in specialty court who had just one bench warrant, there were zero graduates. Those people who had missed just one court appearance did not graduate from the program because absconding or not participating matters. I know it is easy to lump

absconding as no harm, no foul, or no big deal, but it does, at least in my view, it's something that is important because you have to be willing and capable of being supervised to grow and be responsible in all aspects of your involvement in the community. Just one anecdote, sorry. Ms. Welborn.

Ms. Welborn: Director, may I make a suggestion for this group. Having served with several of you and for some of the new folks, this unruly busy crowd of people. I think it might be helpful to impose a deadline on us to provide you with written feedback with our comments, questions, and suggested changes for everything you have proposed today. Since we are running up against the clock here, I think that would be really helpful for your Department. I would hate to miss out on the BDR deadline, especially on the initial issue we discussed.

I think that if we can get to a point where we are in agreement on these policies, that will help with the success of these changes during the Legislature. I just wanted to offer that out; that's helpful for us to know when's the best time to get that so we can try to have some of those behind-the-scenes conversations before the May meeting, so it is as productive as possible.

Chair Stiglich: Thank you, Ms. Welborn. Are there any further questions at this time? No, seeing none up. Director Gonzalez, how do you propose we proceed? What are you looking for on this item?

Director Gonzalez: If there is anything that the Commission would like to move forward right now, as written in the document, we could absolutely take a motion on that right now. I would say we do have time to continue to vet this issue. I think Ms. Welborn's recommendation to have offline conversations if needed would assist. At this time, if the Commission is comfortable, you could generally approve a recommendation, and we can work on language that then we'd circulate. I would say, based on the discussion, I don't know if we are there yet to have enough guidance from this Commission to give us language. My question for the Commission is there an appetite for something you feel really strongly about today? Otherwise, I think we could put this off until May, and, in the meantime, we can gather more information to have the offline conversations and then work towards that recommendation.

The other thing we can do is if we really pushed for that May date, we could move up the scheduled date we have right now. I will know on March 9th what the deadline is for that policy BDR. As soon as I have that date, I can reach out to the Chair, and then we can reschedule our May meeting to move up the date if needed to be in advance of that so we can get ahead of our BDR deadline and actually have this from our perspective. Then also partner with the Interim Judiciary Committee as well so we make sure we have both of those options open as we are developing all of these recommendations. I would say that's what we can do. We can say we're going to continue to vet this and be aware that the May meeting date may change so that we can have it done, if that's our priority is to get it on our BDR, but then also Justice Stiglich and I will continue our meetings with the Interim Judiciary Committee and keep those options too.

Chair Stiglich: Okay, does that sound like a plan to everybody, or does anybody have a different plan?

Assemblyman Roberts: Confirmation Madam Chair, we approve a recommendation for them to move forward. Would they come with language for final approval?

Chair Stiglich: Sorry, I was frozen out for a second. Am I back?

Assemblyman Roberts: Clarifying question, if we were to move forward today to approve the recommendation for them to go to work. They would come back with some language and some of the data that we requested, and then we would vote on the final language?

Director Gonzalez: If I may, Chair, you don't even have to approve anything right now if you don't want to. This is all pending. We can move forward as is, and then we can formalize more recommendations. I would say if you wanted to vote on this now, you can, but we will move forward and continue to vet this for the Commission.

Assemblyman Roberts: Thank you.

Chair Stiglich: All right then. That's it; unless there is anything further, we'll close this agenda item.

7. AB 241 Sentence Credit Guide

Director Gonzalez: All right, Justice Stiglich, I believe you threw it to me; your connection is still a little sketchy. Should I just go ahead and go?

Chair Stiglich: All right, I think I'm back. I'm not sure where we cut out. I got about four Zoom crash notices; I haven't touched anything. User error is always a possibility, but I am innocent at this time. I am going to open agenda item seven. If some of you heard me opening agenda item seven, I am sorry that we will be going over it again. I am going open it.

Chair Stiglich: Agenda item 7, "Overview of Assembly Bill No. 241 from the 2021 Legislative Session and Impact on Prison Sentences." AB 241 provides additional credits for offenders during a pandemic while housed at NDOC. Our staff created a guide to explain the legislation and how the credits are applied.

This guide is included in your meeting materials and is titled "AB 241 Sentence Credit Guide." Staff is working on a comprehensive guide to explain all sentencing credits as they apply to offenders at NDOC, and this will be presented at the May meeting. These guides will be one of the things we can offer as we fulfill our mandate to be a sentencing resource for the state. Director Gonzalez, I'm going to turn the time over to you to present the guide..

Director Gonzalez: Thank you, Justice Stiglich. As the Chair mentioned, the guide is included in your materials. It is the guide that has the tables on it like this. It's two pages. The Department was involved with Assembly Bill 241 early in the legislative process. During the 2021 legislative session, we collaborated with the sponsor, agencies, and other stakeholders to provide analysis of the impacts if the bill were to be enacted. Additionally, we submitted an amendment which required a report of those who received credits be submitted to us. The report is also submitted to other entities.

As the bill was enacted, we noticed there were questions about implementation and realized it would be helpful to develop a resource guide for explaining the bill and its application. Many of you are familiar with questions and confusion that arise when it comes to an understanding of how sentence credits are earned and applied. We hope that a guide like this will help everyone navigate credits, and then this can be used as a resource when developing future legislation.

The opening paragraph of the guide explains AB 241. I will go ahead and read it. NRS provides for an offender housed in an institution or facility of the Nevada Department of Corrections (NDOC) to earn certain credits to reduce his or her sentence of imprisonment. Assembly Bill No. 241 from 2021 allows for an additional credit of five days for each month served by an offender who is incarcerated in an institution or facility of DOC during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect. AB 241 also: (1) limits such credits an offender may earn to not more than 60 days of credit for any state of emergency; and (2) requires the credits to be applied retroactively to the beginning of the pandemic as declared by the Governor. Among our casual conversation, we refer to this as the Covid Credit Bill, but it would apply anytime a state of emergency is ordered where there is a pandemic similar to what we are experiencing with Covid.

You can see here, until the Governor declares the state of emergency ended or the offender reaches the 60 credits max, the application of 241 credits is still active for eligible offenders.

The next section of the guide show credits applied before the AB 241 credits. This chart mirrors the program used to calculate sentence credit at DOC. If an offender were to go to a caseworker to ask about credits, this is very similar to what the offender would see. Not an exact replication, but similar. The sentence date is provided, the max term, the days owed, and the projected expiration. The system used by DOC projects credits for the offender. It assumes a best-case scenario that all credits will be earned. We will explain this more in May, but generally, an offender can earn credits that are referred to as flat, stat, work, and merit.

When trying to understand how credits are calculated, I recommend focusing on the days owed. As projected credits get adjusted, focusing on the days owed will help you understand if credits have been accurately applied.

Using our example offender that we have represented here in the guide, this offender was sentenced to three years and owed 1,096 days. With the projected credits, the projected expiration date is July 6th, 2021. This is before AB 241 goes into effect. To simplify this explanation, we do not address the parole eligibility date, and we will address this in the guide presented in May.

On the second page, we can see what happens to the example offender as the AB 241 credits are applied. The projected expiration date moves to June 6th, 2021. The bill required that the credits be applied retroactively. The example offender earned the maximum allowable credits, which is 60. The way that credits are applied, the five days was applied for each month served until the maximum was reached. The credits are applied one month at a time. If we look at March, at the beginning of the month, the offender owed 976 days. Here the flat, stat, work, and merit credits were applied in addition to the five credits from AB 241. At the end of March, the offender owes 910 days. Before AB 241, the offender owed 915 days. Under AB 241, the offender begins April owing fewer days than before AB 241. All the allowable credits are applied, plus AB 241. At the end of April, the offender owed 845 days; before AB 241, the offender owed 855 days. As the month's pass, you can see that by the end of May 2021, before AB 241, the offender owed 69 days, but after AB 241, in the same month, the offender only owed nine days.

This is how you can see that the max 60 days was credited under AB 241 were applied.

With the application of other credits, the sentence expires before you can use all of your projected credits. Which we have noted in the section where AB 241 is applied, you can see where those projected credits that were not earned have been ghosted out.

We requested additional data when the report was submitted to us. The report that was submitted to us provides the list of offenders who received credits.

We requested additional data. For your information, we can tell you that 147,779 AB 241 credits have been applied to 14,917 offenders; of those offenders, 9,726 have received the maximum credits.

We are going to present a comprehensive guide at the May meeting. I want to let this Commission know we have also been asked by the Interim Judiciary Committee to make a similar presentation to hopefully navigate everyone through credits at the Interim Judiciary Committee meeting in June.

Again, one of the things I want to emphasize is that it's projected credits are used to identify how they are applied, then when we're looking at what happens when adjustments are made, going back, and looking at those credits that are ghosted out, that the projected credits that were not earned will help navigate how everything is applied when adjustments are made as you go along with each month and credits are applied. With that, I will turn the time back over to the Chair.

Chair Stiglich: Thank you, Director. What questions does the Commission have for the Director? Okay, well-done, Director, crystal clear. It's interesting to see the sentencing credits, at least for me personally, were always quite a mystery. In other jurisdictions, their sentencing scheme is such that when somebody is sentenced, you can pretty much tell them, if you're sentenced today, you have been in this long, you are getting out on March 3rd, whatever, insert date. It's a very easy thing to do, and I know that a lot of lawyers struggle with trying to navigate how to do it, so your guide is helpful, and I'm sure the credits are it's fair and appreciated.

Does anyone else have any comments about this agenda item? I'm sorry, Ms. Welborn, I see your hand, then Vice Chair.

Ms. Welborn: I just will quickly say I can talk a little bit more about the background and intent of this piece of legislation. We worked very closely with Assemblywoman Gonzalez on the bill. The intent of the bill was to get people caught up on credits that they were losing while they were unable to participate in programming that was halted as a result of the pandemic. One of the reasons why this report has been issued; we're incredibly grateful because it helps both me and the public and the people who worked very hard on that piece of legislation understand how these are accrued and calculated. It does appear that the intent of the bill was, we are not realizing fully the intent of the bill was to make up that time, but we are really only making up like a quarter of that time. I am really looking forward to the May meeting and exploring those questions and asking what changes and tweaks we can make in the law because we don't know how long we're going to be in this pandemic if there are going to be further lockdowns and an inability for people to participate in programming. I am incredibly grateful that you are taking this task on. Thank you.

Director Gonzalez: If I may comment, Chair.

I appreciate that Ms. Welborn.

We've also worked very closely with Assemblywoman Gonzalez on this. You know how we were involved during session and trying to provide the analysis of the impact. I think trying to gather data about this was going to help inform the issue further.

Exactly our intent was what you touched on is, something like this, when it comes to developing future legislation, if it is something someone is trying to pursue, they could look at this and realize, okay, this is how it works, what do we want to accomplish? What I would appreciate as we move forward, I've offered this to the legislators and, of course, the stakeholders, as these ideas come forward, really trying to identify what is your ultimate goal.

Depending on the goal may not be through addressing credits. When we have this more in-depth discussion, you are going to see there are a lot of things that can limit based on statute. Even if you were to address certain issues through credits might not accomplish the thing you want, but I think one of the things this Commission and our Department can offer is that explanation of how things work, so you can understand, okay, if we did this, this is what we get. What's interesting to see here, like you say, if the credits were meant to address a potential lack of opportunity to earn credits in a situation, you'd actually see where those credits are earned. I will note just right now, which we will get into in May, is those flat credits are a good example; those aren't going anywhere. Those are credits that are earned day for day of what you're serving. When we do our additional presentation in May, we're going to explain how the merit credits are applied, and so again, if there is intended legislation to address those credits, here is how it's going to look, and here's how you earn them. I think that earning versus trying to compare the projections of how they're identified will help again get to the intent of the legislation, and when we talk about this more, we're going to address that parole eligibility date as well because there are a few dates we are looking at. We are looking at not only their expiration but when are they eligible for parole. We can see, as the Chair also mentioned too, that compared to other states' schemes, we do have a very complicated approach to this.

Because of our statutory, what's there in statutes, and how do we actually make all this happen. I am really hoping that what we have here is a way to clarify that which you have already suggested. Our intent, too, would be when we talk in May, we will have data.

We would like to have some more data too about showing, if the intent was to address those that were not able to earn work credits, can we figure out how many people that applied to, and did we actually address that need if that was the intent. Our approach is to provide that analysis of what is your intended policy, what was the outcome and navigating the statutory scheme, are you getting what you want. I appreciate those comments and just wanted to echo some of that of what we'll present more of. I think this is a great area, too, where we can explain what is happening, and then the more data we have will help everyone understand what's actually happening when it comes to the application of credits.

Chair Stiglich: Thank you Director. Vice Chair Brady.

Vice Chair Brady: Thank you, Chair. One thing I would ask for the Executive Director, the Attorney General's office, the Post-Conviction Division has been working with the courts and NDOC on the implementation of this, and there has been maybe some confusion with its implementation, and one of the complaints from a court, I think down in the 8th JD was that, once this was applied, it seemed to according to the judge and maybe the prosecutor from that jurisdiction, it seemed that it took off more time than what the judge wanted it to take off, so there was some confusion as to how it's applied. If you would also, could you connect with NDOC and I forget, there's a specific Department in NDOC, and maybe the Director could let us know who that is, but also the Chief of our post-conviction unit who actually ends up doing a lot of these time credit corrections when they arise in court.

Director Gonzalez: Thank you for that. We have a very strong partnership. It would be the Offender Management Division, along with the other Deputy Directors as needed, that we work with. We have developed a lot of what we do, getting input from the Department to say, hey, does this track with how you see things. When it comes to these other issues, it's going to be important to look at and be able to distinguish what kind of credits are we talking about if you are talking about credits provided at sentencing versus what's being applied and then how everything's being calculated. We may end up in a discussion about infrastructure at that point as well, like what are the systems that are there. It would also help us with data that need to be and what changes can we make to help that as well. Absolutely I appreciate that, and that's another great partnership when we can bring all of these individuals together to vet this issue.

Chair Stiglich: Any further questions or comments on this item. All right, we will close that agenda item.

8. Update on Subawards

Chair Stiglich: I will now open agenda item number eight, Update on Subawards.

The Bureau of Justice Assistance (BJA) provides an opportunity for states that have passed Justice Reinvestment legislation to apply for funds to support the implementation of the policies. Through BJA, any agency involved in implementing AB 236 is eligible to apply for subaward funding. Agencies can use these funds to help offset initial implementation costs and support sustainability. BJA originally made a total of \$350,000 available to Nevada, but CJI was able to secure additional funds totaling \$428,000.

The Sentencing Commission reviewed applications from agencies for these funds and approved applications from the following:

- Commission on Peace Officers Standards and Training
- Nevada Department of Corrections
- Nevada Department of Sentencing Policy

- Nevada Division of Parole and Probation
- Nevada Division of Public and Behavioral Health
- Washoe County District Attorney's Office

After receiving approval from the Sentencing Commission, CJI submitted an application to BJA with the projects proposed by those agencies, which BJA approved. The \$428,000 in subaward funding came from two pots of federal dollars, the first part of the funding was supposed to be expended by September 2020; the second part was to be expended by September 2021. CJI was able to articulate to BJA that spending down the subawards has been difficult for certain agencies largely because of challenges due to the pandemic. Because of this, CJI secured extensions so that all agencies now have until the end of September 2022 to spend down the funding.

Representatives from each of the agencies who received subawards are here to provide an update on their respective spending of the award, plans for spending the remainder of the subaward, if applicable, and benefits received from the subaward.

Let's start with the Department of Corrections. Chris Franklin from the NDOC is here to provide the update. Mr. Franklin, please proceed.

Chris Franklin: Good afternoon, Chair Stiglich, Vice Chair Brady, and other Commission members. Appreciate you being here today. You stole most of my thunder, Chair, you have like three-quarters of what I wrote down here, but that's all right.

At least we are on the same page.

We were provided through CJI, and this Commission initially two awards, totaling \$231,825. These were subawards. The first one was \$162,054 out of the Federal 15 Justice Reinvestment Initiative State-Level Technical Assistant Grant, which expired initially in 2020. Then we received \$69,771 out of the fiscal year '18 Justice Reinvestment Initiative State-Level Training and Technical Assistance Grant. Once those awards were received, CJI and the NDOC had formalized our contract between the two agencies and have it approved through each of the multiple system levels within the State of Nevada. Anybody who works in the State of Nevada knows how that system works with approval through GFO, BOE, and IFC. This contract was not approved by all parties until mid-January 2021. At that point, the first grant had been extended to 2021, the fiscal year 2015 grant.

Unfortunately, that would only give us about eight months remaining in that award to execute all of our deliverables.

At that point, we had to submit a revised budget to this Commission with a revised budget so that we could meet the new deadline of September 2021, which was approved. Unfortunately, again, that takes the process through several different levels of approval. We finally got approval to be utilizing the funding in June of 2021 through CJI. We still had to wait for our final revised contract to be approved. We started executing our deliverables in September 2021, right before the initial grant expired. In that grant portion, we were able to expend \$12,305.54 prior to its expiration.

Then we moved on to the 2019 grant.

At which point, we have currently spent \$21,050.64 either currently expended or have encumbered that amount.

This, unfortunately, because of the circumstances and the approvals extension approvals of both the 2015 and 2019 grant, only allowed us initially to hire one of the three positions of the AA2 positions because of the 2015 grant expired. That was the largest chunk of the funding utilizing the 2019 grant to fund three positions; there was not enough money in that, so we chose to go with the AA2. So far, she provides

findings to us weekly, reporting on concerns and process improvement. We've utilized this position to function and focus on re-entry, the re-entry component, since it's really only one person. She's been able to find ways of streamlining the process in re-entry, whether it's with applications final records system, and helping the team create and validate their internal process so that it functions more appropriately. Once this new contract is approved, because we have to have a new contract because the funding amounts are extended, then we will be able to hire a quality assurance specialist and a program officer who will focus on updating our end-user manuals and quality assurance manager manual as well as mapping out a plan for the future. As most people know, grants are usually in three different phases that we look at. We look at the planning phase, we look at the implementation phase, and we look at the sustainability phase of the grant. We know how important this infrastructure is to the NDOC and how it's something that we need, and we have actually submitted a proposal on a couple of different options for us to create these positions as permanent positions within the Department, and hopefully, we can get that through budgeting and get those positions approved.

Once we hire them through contracting, we won't waste time training them, having them start these jobs, fixing these problems, and then having to say goodbye to them; we will be able to transition them into permanent positions within the Department. We also want to take this opportunity to thank some of our partnering agencies for their continued collaboration. Some of which, at the very beginning of this at the application process back in April 2020, allowed us to utilize what funding they may have been allocated because they knew the workload we had to do on this end of it, so we'd like to thank them for their continued support, their continuing collaboration and there's quarterly communication. We speak and have our meetings every three months. Executive Director Gonzalez, we really appreciate you and everything you bring to the team. Chairman DeRicco and his team over at the Parole Board. Chief Lawson and his team at NPP and then, of course, the folks over at CJI, Abby Strait and Valerie Meade, who, I don't know how they got the BJA to walk back their policy on extensions to give us an extra almost year, an extra nine months, but we're exceptionally grateful for them. It will definitely allow us to execute much more of the grant than we would have had we only been able to execute the remainder of the 2019 grant. This concludes my update, and I stand ready for any questions the Commission may have.

Chair Stiglich: Thank you for that update and great work. Does anybody have any questions for Mr. Franklin? All right, seeing none, thank you again, Mr. Franklin.

I will now turn the time over to the Division of Parole and Probation, who received two subawards. First, we will hear from Captain Carrao. Am I saying that correctly?

Lieutenant Rosales: I will be speaking on Captain Carrao's subaward.

Chair Stiglich: I was going to call you Sergeant but it's Lieutenant. Please proceed.

Lieutenant Rosales: Lieutenant Rosales for the Department of Parole and Probation, for Captain Carrao, her subaward was \$18,600. That request was to provide charging adapters for our laptops so that our officers could be mobile, so our current laptops could be taken in the field and not lose their battery power. Those chargers were received and issued out back in March of 2021, so the full amount of that grant was received and paid and reimbursed. It has been a substantial help for our officers with ensuring that they are more mobile and more able to conduct all of their work out in the field. That was for 300 chargers statewide.

Chair Stiglich: Excellent. Thank you.

Does anybody have any questions for Lieutenant? Okay, seeing none, thank you again. I will move to the update from POST. Director Sherlock was not able to attend the meeting today, so our Director Gonzalez will provide the update.

Lieutenant Rosales: Did you want an update on our second award?

Chair Stiglich: Yes, please.

Lieutenant Rosales: The second subaward that we were granted was \$36,730.88.

That was two parts, the \$36,000 was for an NRAS master class which we completed last summer with our both northern and southern commands. We gained from that class four NRAS master instructors as well as seven additional instructors statewide. So, for master instructors, they are able to create additional instructors down the line.

What this class allows us to do is become self-sufficient with our NRAS assessment system so that we don't have to continuously reach out to the University of Cincinnati to keep training our staff. We now have the ability to create more NRAS instructors statewide for the Department of Public Safety. We have four masters statewide, that's two in the north, two in the south, and then we additionally created seven more NRAS instructors to include Parole and Probation, a couple for the Nevada Department of Corrections, and then we trained additional end-users across that board, NDOC, Parole and Probation, as well as Hope for Prisoners. The remaining amount, the \$730.88, was geared for enhancements to our current NRAS system. Our staff was able to complete that without incurring overtime. We still have the \$730.88 remaining for that piece.

Chair Stiglich: Is that all the money, just two awards, now you're done?

Lieutenant Rosales: Yes, then we are looking at the \$730 to potentially use that for our training materials for those NRAS classes.

Chair Stiglich: That's all exciting. I do have a question for you with respect to your trainers. Do you provide any training for courts, for attorneys, for anyone outside of that, or at least share those materials, your training materials? To try to teach other people how NRAS works.

Lieutenant Rosales: Yes, in our last, through that batch of training, we actually had individuals that worked for Hope for Prisoners as those end users that could come in and at least obtain the training, so they understand where the risk assessments are coming from and the different stages that we use each assessment.

Chair Stiglich: All right, does anybody else have any other questions for Lieutenant? Mr. Ponder.

Jon Ponder: I don't have any questions, but I do have a comment. I just wanted to say thank you very much for allowing my staff to participate in that training. They found it tremendously, tremendously beneficial. I just wanted to say thank you.

Lieutenant Rosales: You're welcome, sir.

Chair Stiglich: All right, if there are no other questions, then we'll turn to an update regarding the POST subaward, Director Gonzalez.

Director Gonzalez: Thank you, Justice Stiglich.

The update I got from Director Sherlock is that they were unable to spend all of their funds because part of that was allotted for travel, and due to the travel restriction, they were not to travel. They have been able to work with CJI, and so they're looking to expend the rest of their funds as well. They're going to be looking to enhance what they've already done, which he has provided an update on what they did. They were able to contract with an expert who's able to create a policy procedure and process for the grant program that's established under AB 236. They established relationships with other agencies across the state for the purpose of establishing mental health response teams.

They've established a peer review group to assess grant applications and identify training related to mental health response teams. They were very grateful for the subaward, he said that they would not have been able to do a lot of this, but for the subaward, they are hoping to look for other opportunities to find funding to make sure that the program is sustainable and will live on. He appreciates the support from what their staff

was able to do, what the contract individuals have been able to provide for them, and just wanted to emphasize that they absolutely got the worth of the money that they were provided and look to being able to spend the remainder of that, with that extension that CJI was able to secure.

Chair Stiglich: Thank you for that report, Director. Does anybody have any questions regarding POSTs subaward update? All right, thank you again Director and hearing none, we will now hear from Jennifer Noble from the Washoe County District Attorney's office.

Jennifer Noble: Thank you Chair Stiglich and good afternoon to you and Vice Chair Jones Brady and Director Gonzalez and everyone on the Commission. Thanks for having me here today. I might have gone a little overboard, but we have actually been able to spend a lot of our grant funds. So, I have prepared a short PowerPoint presentation to explain what we've been up to in the context of this CJI award. I'm going to try to share my screen if you can bear with me. I'm almost there, I promise.

Am I sharing successfully?

Chair Stiglich: Yes

Jennifer Noble: Perfect. In the context of our grant, we were given \$47,500 total, we've spent \$41,591 so far, and we did get an extension until September 2022 as well. With that money, we were able to hire Hunter Lenz. Ms. Lenz has a master's degree in criminal justice, and she was able to assist with a lot of the work that I'm going to talk to you about today.

Unfortunately, she couldn't be here because, having anticipated the grant ending earlier, she had the audacity to get another job which we're very happy for her. Most of what I'll be talking about here today was done by her because I was in the legislative session for most of the time we are talking about here.

The objectives for our grant, as approved by CJI, were to train prosecutors regarding substantive changes to criminal justice statutes, conform our case management system to reflect all the changes that AB 236 made to our criminal justice statutes, and identify data points related to implementation, and methods really of collecting that data so that maybe we could start to study recidivism, offense rates, and diversion outcomes ultimately.

Just to give you an idea of the timeline, which I know you all are familiar with, but the effective date of the legislation coincided or pretty closely with the onset of the pandemic.

This presented a unique challenge in terms of meeting our implementation goals, but through the grant, we were able to think of some creative ways around not being able to be with our staff and do trainings which was one of our first objectives. In terms of training resources for our attorneys, when the Governor declared a state of emergency, we decided we were going to have to do everything via remote training, and we decided to put together a training we could share with prosecutors across the state. It included written materials and video lectures broken down by subject area.

They were taught in five modules by senior prosecutors in the Washoe County's District Attorney's office.

The training included changes to diversion, controlled substances and habitual criminal enhancement changes, parole and probation, burglary, home invasion, theft offenses, and a retroactivity analysis.

Again, we were able to share those prosecutors across Nevada.

We also were able to make some resources for in-court and perhaps out-of-court negotiations, quick reference guides for our prosecutors summarizing the major changes by the legislation. I know this is too tiny for you to read, but this is just one example of some of the stuff we were able to provide our folks.

Moving on to the case management system, as you know, AB 236 created new offenses. It also changed some offense categories and penalties and repealed some offenses.

This is one of the most labor-intensive parts of the implementation. With a lot of data entry and a lot of cross-checking, we had to identify all of the Nevada offense codes that were obsolete and make sure the new codes were properly entered. Additionally, the language for our auto-populated documents needed to be updated to make sure it was accurate with the new penalties and new elements so that our charging documents, our guilty plea memorandum, etcetera, all had the appropriate language and information in there.

We also wanted to figure out methods on how to gauge AB 236's changes or how it was impacting our community over time. We realized this is going to be a long process, but we wanted to start figuring out how we might do it. In looking at the legislation, we were determined that we wanted to study three major areas. Theft offenses, like embezzlement, larceny, and other property offenses. Drug crimes such as trafficking and possession. And burglary, which had previously been categorized as one crime, but it was now broken down into several different crimes such as residential burglary, motor vehicle burglary, burglary of a business, etcetera. We set out to develop a mechanism that would give us an idea of just how the frequency of these offenses might be affected over time, pre and post-implementation of AB 236.

This proved really tough to be a really much more challenging task than we anticipated. We went down a lot of dead-end roads.

Simply relying on our own case management system didn't work because the Washoe County DA's office just prosecutes violations of the NRS and County code but not Muni codes that are often used by the Sparks and Reno Police Departments. Additionally, the Northern Nevada Regional Intelligence Center system we're keeping these kinds of records was at its end of life just before AB 236 passed, so they transitioned from the Uniform Crime Reporting System or UCR to the National Incidence Reporting System, or NIBRS. The UCR system, the old system, was really limited in terms of the type of offenses that could be tracked. It was an FBI-based system that only had 30 offense categories. So, it didn't capture a lot of offenses that fell outside those general categories.

In contrast, NIBRS has 70 categories; it tracks all three major Northern Nevada criminal justice agencies. Rather than the Sparks Police Department, the Reno Police Department, and the Washoe County Sheriff's Office giving us what they had in terms of stats, which we tried to do originally, and it wasn't working very well, we decided that NIBRS was the best way to go because all of the agencies now have their information in there, it is more of a one-stop shop.

One problem, though without an obvious solution, is that UCRs limitations mean that data prior to 2019 only represents a fraction of offenses, so the ability to compare pre-236 crime rates or offense rates or arrests to post-implementation era rates is really limited. All three major agencies in Northern Nevada started entering their data in NIBRS in August of 2019. They were still getting familiarity with the system for a bit, so the official reporting started in November of 2019. Information between August and November of that year should be subject to greater scrutiny; it may be less reliable.

Ms. Lenz and I identified a number of NOC codes, about 60 NOC codes representing the three major areas of criminal law affected by AB 236, like I just mentioned, drugs, theft, and burglary. With the assistance of NRIC, reports were run based on those offense codes, which included arrests from RPD, SPD, and Washoe County Sheriff's Office.

In terms of methodology, we did exclude crimes committed at the jail because they would be less reflective of crimes committed in the community or arrests occurring in the community. For example, a lot of those incidents would involve contraband or paraphernalia that are just found on an arrestee during the intake process and not really necessarily a reflection of what's going on for your average person out in the community.

Additionally, we excluded arrests being pursuant to a warrant because a lot of those are going to be for failure to comply or failure to appear, or they might be for an offense where a warrant was issued some time ago, but the arrest is occurring long after the actual incident.

This slide is a representation of arrests occurring between August of 2019 to December of 2021 for the crimes of burglary, drugs, and theft, those crimes. Including a lot of NOC codes related to those general areas.

It's interesting to compare crimes in a particular month, year to year; for example, we have home burglaries or breaking and entering cases.

They are down in August 2020 by over 50 percent compared to August 2019, and that could be for a lot of reasons. It might be because people were staying at home more, other factors were at play, and there's a much less drastic difference, for example, between theft offenses in August 2019 and August 2020. Drug offenses stayed pretty static between August 2019 and 2020, with a dip in August 2021 from 355 to 284.

This next chart compares the offenses pre and post-implementation era, and again, we see a dip in home burglary from 716 pre-implementation to 402 post-implementation eras. Again, that pre-implementation era spans about 11 months of fairly reliable data that we were able to draw upon versus five months post-implementation because the time period that we were able to run stats on ended December; I believe 31st of 2021. Drug offenses still appear to be pretty static; larceny and theft are down about nine percent in the months post-implementation, so that may be a trend we continue to see.

This slide compares burglary arrests from 11 months pre-236 era, which is again August 2019 to July 2020 to five months post-236 enactment, July 2020 to December 2021. On the left side of your screen, you have the NOC codes that were most frequently run or entered during that era by the Northern Nevada Regional Intelligence Center. On the right, you have the new NOC codes and the most frequently used NOC codes, burglary of a business first offense, burglary of a motor vehicle first offense, and residential burglary first offense.

In that 11-month pre-236 era, we have about 562 burglary arrests in the five months post-enactment though it's about 285 burglary arrests. It will be interesting to see how the numbers shake out when we are able to compare 11 months to 11 months.

This is a comparison of the most frequently used drug offense NOC codes pre and post-implementation. For pre-implementation, we have the crimes of possession of a controlled substance under four grams, trafficking four to fourteen grams, and trafficking 28 grams or more. Those, of course, have been changed, and we have new offenses. On the right-hand side, we have the post-legislation NOC codes that were most frequently entered into NIBRS, and that was PCS 14 grams or less, PCS for sale for schedule 1 or 2 drug, and PCS 42 grams or more. In the pre-implementation era, in those 11 months, we had about 1,700 arrests, and post-implementation, in five months, we've had about 1,700 arrests.

This is a comparison using the top theft-related NOC codes used pre and post-implementation. On the left, you've got the old crimes or former crimes of possession of stolen property, \$650 or less in value. Possession of a stolen motor vehicle, \$3,500 or less, and grand larceny, \$3,500 or less.

On the right hand, we have post-236 crimes or offenses, grand larceny first offense, possession of stolen property, and grand larceny \$500 to \$1,200 in value. For our pre-implementation era, there were 344 of these theft-type offenses; again, that's in the 11-month period. Post-implementation 266 for that five-month period.

Looking at all of this, obviously, these are very short periods of time that we've been able to look at, and it's way too early to draw any concrete conclusions about what the criminal justice reform enacted by Assembly Bill 236 is doing in terms of arrests rates or offense rates.

Additionally, because we had Covid-19 coinciding pretty much with the legislation's effective date, we don't know what that might do in terms of the frequency of certain crimes. In reading some of the scholarship, there seem to be a lot of different schools of thought. Some folks think that the stay-at-home orders caused a reduction in crime, while others, of course, point to the economic stress that might influence people's motivation to commit certain crimes.

My recommendation and our recommendation is that in order to effectively study AB 236's effects statewide, we need a group of law enforcement representatives and analysts familiar with the practices of their individual jurisdictions and data gathering methods in those jurisdictions to work together so that we can establish data points that can be effectively studied throughout the State. I've started a dialog with Director Callaway over at Metro and the data folks over there. They are very amenable to getting together to work out which data points lend themselves to study across jurisdictions. For example, although in these numbers I presented here to you today, we used NOC codes to generate them. NOC codes may not be the best way to go about this statewide because Las Vegas and other areas may be using city codes and other types of violations when they are tracking certain offenses, especially the misdemeanor level.

That concludes my presentation, and I certainly appreciate your time today. Thank you for your patience with me.

Chair Stiglich: Thank you for your presentation, just excellent work. Does anybody have any questions for Ms. Noble? All right, I don't see any hands; seeing none, we'll move to the update from our own staff at the Department of Sentencing Policy. I will note that Director Gonzalez and Dr. Bradley are working on gathering the information for the subaward that was granted to the Division of Behavioral Health, so this update will be provided at a future meeting. Ms. Gonzalez.

Director Gonzalez: Thank you, Justice Stiglich. Our Department received a subaward of \$45,208. We received this back when, as we talked about, for the use from November 2020 to March 2021. During that time was when the State was experiencing budget shortfalls due to the pandemic, and agencies were required to make significant cuts to what we had. We were not able to hire for a couple of our positions for several months. We really appreciate the opportunity for the subaward that \$45,000 helped us offset those budget cuts we had to make so we could bring on staff. We did bring on staff with those funds. Because of the use of those funds, we were able to help and assist this Commission in completing the statutorily required reports. We were able to complete our first data collection. We developed data templates, we were able to meet with agencies, and actually, advance a lot of our initial data collection attempts that we're required to meet by statute. That really helped us get some work done during the time when we're trying to just get up and running along with just trying to get through the pandemic. We do have a remaining amount of \$5,000, and with this extension, which we appreciate CJI was able to secure for us along with the other agencies, we're going to use that in the next budget cycle to help us offset additional costs related to meeting those AB 236 mandates.

Whether it is through staffing or getting a contractor, the things we're going to be able to use that \$5,000 for will help us meet any sort of budgetary shortfalls to help us continue to meet the statutory mandates of AB 236. That concludes my remarks, and happy to hear any input or see what else you need and then when we come back closer to the end of the year, we will be able to tell you how we were able to use the remainder of those funds.

Chair Stiglich: Does anybody have any questions for Director Gonzalez? Okay, seeing no more questions or discussion I want to thank you all for being here and the updates you provided. Please plan on attending our meeting in November to provide a final update on spending down your subawards and the benefits you received from those awards. This time we'll close this agenda item.

9. Discussion of Potential Topics and Dates for Future Meetings

Chair Stiglich: I will now open agenda item nine. The dates for the meetings for the rest of the year are provided in the agenda. Our next meeting will be May 25th, and then we will meet on August 15th and November 4th. Staff is working to facilitate in-person meetings for May 25th and August 15th so pay close attention to instructions for attending those meetings. Currently, staff is working to have those meetings held using the meeting rooms and resources at the Legislative Counsel Bureau in Carson City and Las Vegas. Of course, these are subject to change, depending on circumstances on the ground, but details will be forthcoming as we get closer to those meetings.

I think as Director Gonzalez had at least alluded to with respect to the May meeting, we may be tinkering with that to make sure we're facilitating our goals on our BDRs. Our staff is already working on more topics and items for discussion at future meetings, but does anyone here have anything to be considered that they'd like to be considered for a future meeting at this time? All right, think on it and if you come up with anything in between, please send us an email or direct some queries or information to Director Gonzalez. If you can think of anything you'd like to be considered for an agenda for a future meeting, get in contact with us, and we'd love to put it on and move it forward.

10. Public Comment

Chair Stiglich: At this time, I can open the second period of public comment. Just as we did during the first period of public comment, those who wish to testify may do so by telephone. Due to time constraints, public comment will be limited to two minutes. Any member of the public that exceeds the two-minute limit you may submit your testimony in writing to the Department of Sentencing Policy at SentencingPolicy@ndsp.nv.gov. The code for the call ins 847312.

At this time, I will ask staff to manage and direct those who wish to testify. Ms. Chiazza.

Ms. Chiazza: Thank you, Chair. Members of the public who would like to testify by phone, press star nine to raise your hand, and just to also repeat, the code is 847312. When it is your turn to speak, please slowly state and spell your first and last name.

Caller with the last three digits 725, please slowly state and spell your first and last name for the record. You have two minutes—caller with the last three digits of 725. Please slowly state and spell your first and last name for the record. You have two minutes. You may begin.

Nick Shepack: Good Morning Director Gonzalez and Commissioners. I am the Nevada State Deputy Director of the Fines and Fees Justice Center. An essential part of our work is addressing fees in the prison system that negatively impacts incarcerated individuals and their families. For months we have been hearing from families that inmate store prices have been on the rise, causing significant financial hardship. We have also heard about the devastating impacts of medical copays on the health of our incarcerated population. This morning the Nevada Independent published an article titled "Audit: Nevada prisons overcharging at inmate store, paying excessive overtime." We are in the process of reviewing the audit, but what is immediately clear is the fact that the price of basic goods, such as hygiene products and supplemental food, have risen as much as 40 percent resulting in a ten-million-dollar profit for NDOC, and that Nevada charges a medical copay that is more than double the national rates. Nevada is one of the only states that made no changes to its medical copay during the pandemic. The prison policy institute found that a two-dollar to five-dollar copay for someone making prison labor wages is equivalent to a \$200-to-\$500 medical visit fee for a free person. The families of the incarcerated should never be a profit center for the state. The issues raised by this audit must be addressed, and the Fines and Fees Justice Center looks forward to working with this body and the Legislature to ensure that robust safeguards are put in place to protect the families of the incarcerated. Thank you for your time.

Ms. Chiazza: Thank you. The caller with the last three digits 151, please slowly state and spell your first and last name for the record. You have two minutes—caller with the last three digits of 151. Please slowly state and spell your first and last name. You have two minutes. You may begin now.

Denise Bolanos: Good afternoon, Director Gonzalez, and Commissioners. I am an activist with Return Strong. My husband was wrongfully convicted 11 years ago and is currently incarcerated in NDOC.

I joined Return Strong to learn more about the prison system in this state and see how I can help make everyday life within the walls of NDOC better for my husband while we fight this conviction.

It's disheartening but not at all surprising to learn from the Nevada Independent that an audit conducted recently shows that NDOC has profited ten million dollars between June of 2019 and June of 2021, specifically on the sales made in the inmate store. My first fight with Return Strong was when NDOC was taking upwards of 80 percent of all deposits made on inmate accounts, which they used primarily for buying necessities from the store like deodorant, laundry soap, and shampoo, among other things.

To now find out not only were they are taking this exorbitant amount but also making a profit of 40 percent on the funds that we as a one-income household struggle so hard to be able to afford is infuriating. We've been calling for transparency and accountability from NDOC since the beginning and not only pertaining to how they handle the financial aspects of their organization but also on numerous other issues like the handling of Covid, medical neglect, and many others. This audit only further verifies that independent investigation into NDOC is needed and a warranted and that they are not just coming from quote-unquote family members complaining they can't get in or from quote-unquote offenders complaining that they can't get services because there's a real substantiated concern that their abuse of power is not only financial and the thousands of people housed in NDOC are first and foremost human beings and that in and of itself merits the issue being looked into. Thank you.

Ms. Chiazza: Thank you. Caller with the last three digits 826, Please slowly state and spell your first and last name for the record. You will have two minutes. Caller with the last three digits of 826. Please slowly state and spell your first and last name. You have two minutes. You may begin now.

Ayanna Simmons-Oglesby: Good morning. Thank you for your time. I am here on behalf of Return Strong, our families, and our incarcerated members, in response to the article in the Nevada Independent this morning. We understand the focus on the connection between what is happening in the prison and the in-depth information that we share and the need for data to legitimize that. For years incarcerated people and their families have complained about the ridiculous high prices of store and commissary in comparison to neighboring states with the same vendors. Return Strong has been calling for three things from NDOC: communication, transparency, and of course, accountability.

This audit reinforces the fact that oversight is needed. Everything that came up in this audit is something that Return Strong has brought up over the past year and a half. Repeatedly asking the Board of Prison Commissioners and the Governor for a seat at the table to have actual conversations regarding concerns and have been repeatedly brushed off because we didn't have data. Unfortunately, we don't have the resources or access to get that data, but this is yet another example that our stories are true and shining a light on areas and issues that need oversight within the criminal legal system by those of us that are directly impacted. We appreciate the work that the Sentencing Commission does and would like to make sure that you know we are always welcome to help and share our experiences, stories, and those of our over 1,750 members to support those of you creating the policies. I would like to reiterate just last night; I spent \$130 on 19 items for my husband with Keefe and the Nevada Department of Corrections food program. It's preposterous. As I close, I would like to remind all that is listening, we are Nevada Strong, and we are battle born, and we have a moral obligation to take care of other Nevadans. Thank you for your time.

Ms. Chiazza: Thank you. Chair, we have no more callers that wish to testify at this time.

Chair Stiglich: Thank you. That concludes our second period of public comment.

11. Adjournment

Chair Stiglich: It's time to adjourn. Great work everyone. I want to thank staff, members of the Commission, and our presenters. I think we've accomplished a lot today. I look forward seeing you in May to continue our efforts. Be kind to each other and be kind to yourselves.

This meeting is now adjourned. Be well.