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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
APPROVED MINUTES

Date and Time: April 20, 2022

Location: VIRTUAL ONLY

MEMBERS PRESENT

John Arrascada
Chief Michelle Bays
Director Elisa Cafferata
Chuck Callaway
Director Charles Daniels
Chairman Christopher DeRicco
Judge Scott Freeman
Jim Hoffman
Dr. Jennifer Lanterman
John McCormick
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

Dr. Shera Bradley
D.A., Chris Hicks
Judge Tierra Jones
Kimberly Mull
Senator Pete Goicoechea

STAFF

Executive Director, Victoria Gonzalez
Monica Chiazza, Business Professional Trainee
Jorja Powers, Manager of Policy Analysis
Lisa Arellano, Administrative Assistant

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

Chair Justice Lidia Stiglich: I will now call to order the April meeting of the Nevada Sentencing Commission. It's good to see all of your faces, and welcome to those who are viewing the meeting on the Department of Sentencing Policy's YouTube channel. This is the fourth meeting of our 2021-2023 meeting cycle.

I will now ask Director Gonzalez to take the roll.

Executive Director Victoria Gonzalez: Thank you, Chair.

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

2. Public Comment

Chair Justice Lidia Stiglich: 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 meeting minutes.

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 additional 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. We will give it just a minute.

Chair, we have no callers who wish to testify.

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

3. Approval of the Minutes of the Meetings of the Nevada Sentencing Commission held on February 24, 2022.

Moving on to agenda item three. Members of the Commission have been provided copies of the minutes from the February 24, 2022, meeting. Are there any edits, comments, or corrections?

All right, hearing none, I will now entertain a motion to approve the minutes from the February 24, 2022, meeting.

JOHN MCCORMICK MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 24, 2022, MEETING

HOLLY WELBORN SECONDED THE MOTION

MOTION PASSED UNANIMOUSLY

4. Presentation to Evaluate the Impact of the COVID-19 Pandemic on Nevada's Criminal Justice System.

Chair Stiglich: I will now open agenda item four, a presentation from CJI evaluating the impacts of the COVID-19 pandemic on Nevada's criminal justice system. The Crime and Justice Institute, or CJI, was asked by the Governor, the leadership of the Legislature, and the Chief Justice of the Nevada Supreme Court to evaluate the impacts of the COVID-19 pandemic on the criminal justice system in our State and

evaluate the impacts to the projections of policies enacted in AB 236 from the 2019 Legislative Session. I know that many of you, myself included, have met with the staff from CJI during the last several months as they have conducted their research for this project.

A few weeks ago, CJI published the first of two reports regarding their findings. The report also includes recommendations. Staff from CJI is here to present this report, the recommendations, and field questions from this Commission.

I will now turn the time over to CJI.

Quentin Weld: Thank you so much, Chair Stiglich and Director Gonzalez. Good morning members of the Sentencing Commission; as always, we really wish we could be doing this in person, particularly jealous of Doctor Lanterman's background, which is the view that we miss, but, for now, laptops will have to do.

My name is Quentin Weld. I am a senior policy specialist in CJI, and I will be joined today by Carrie Chapman, a senior data and policy specialist, who will be presenting the bulk of the slides today. A couple of initial notes before we get started, the presentation we will give today is a distilled version of the report that CJI submitted to the State in early March that Justice Stiglich mentioned, that was the main deliverable for the project. That report can be found on the CJI website along with the summary of the recommendations it contains, and if anyone needs a link to that report, I am sure it's readily available. It's much more detailed than these slides, and it includes a lot of supporting research, examples from around the country of states that used many of the policies recommended, and additional material. This presentation does include something that the report does not, which is projections for the prison population going forward in future years so, there is a whole section dedicated to that that my colleague Carrie Chapman will be presenting. We have just under 60 slides, so for efficiency's sake, I'd ask that you hold questions until the end.

We are happy to field as many as this group has.

Here's what we will cover today. I will give a quick description of how this project came about, then Carrie will be going through what you are most interested in, which is the data findings and the prison population projections. Then I will close this out with a summary of some of the policy recommendations that are contained in the report. Most are familiar with this by now, but for the benefit of the new members, here is how the project started. CJI was invited to the State just over a year ago and asked to evaluate the general impact of the pandemic on the criminal justice system and the specific impact of the pandemic on the prison population. To our knowledge, Nevada is the only State that undertook an independent study of this breadth and deserves a lot of credit for that.

A quick description of the phases that were involved in this project, the first was data analysis; as a result of the collaboration with many state agencies and county agencies, CJI was provided with many data sets that formed the basis of the charts and graphs you will see in a moment. A huge thank you is required, as always, to the hard-working data staff at all of those agencies who endured our many requests for data as well as many follow-up questions to ensure the accuracy of these data findings. The next part is the system assessment, where we basically just talked to as many folks as we could in the State. It was really humbling to speak with so many hard-working criminal justice professionals. During this project, our entire team has been continually struck by the professionalism, tenacity, and care that was shown throughout the State by practitioners responding to the unprecedented challenges created by the pandemic.

While there are definitely policy recommendations for change in this report, many Nevadans, including many on this Commission, were responsible for keeping the justice system functioning during a very challenging time. Following those two phases, the data and the system assessments, CJI developed a report and the policy recommendations that were delivered in March. With that, I will turn it over to Carrie to present the national context and the data.

Carrie Chapman: Good morning and thank you, Quentin. Before diving into the specific findings of our analysis, we first wanted to present a brief snapshot of Nevada within a larger national context to better understand where Nevada sits both in its COVID trajectory and its justice-involved population. When thinking about the severity of COVID's impacts, a host of metrics can be applied, including positivity rates and hospitalizations. The map displayed here depicts one such metric, COVID-19 case rates from January 2021 through April 2022. As you can see here, Nevada's rate of positive cases hovers near the median of its neighboring states at about 23,000 cases per 100,000. Higher than both Oregon and California but lower than Idaho, Utah, and Arizona. Looking at another metric, death rates, Nevada's death rate of 340 people per 100,000 is consistent with the national trend during this time.

However, if we look at its neighboring states, including California, Oregon, Idaho, Utah, and Arizona, only Arizona surpasses Nevada's rate of COVID-19 deaths. After looking at COVID-19 metrics in the community, we looked at them in Nevada's criminal justice system. Before diving into those slides, we wanted to give you all a picture of the relative size of Nevada's system compared to other states to help us understand these metrics and give context to the challenges of mitigation. As of 2019, Nevada had a correctional population which includes state and federal prisons, jails, and community supervision of just under 44,000 adults. Relative to its neighboring states, Nevada's correctional population is among the smallest, with only Utah having fewer individuals in its adult correctional system.

We similarly looked at the rate of correctional supervision. Distinct from its correctional population size Nevada's rate of correctional supervision is in the middle, following Utah and California to have the fourth-highest rate of justice-involved adults. With respect to COVID cases in prison systems, Nevada was also somewhere in the middle in its positivity rates. Between March of 2020 and June 2021, more than 4,500 incarcerated individuals were reported as having tested positive for COVID-19, for a transmission rate of close to 37 percent.

While the number of deaths from COVID-19 is substantially lower than the number of positive cases.

Nevada's COVID death rate among its incarcerated population outpaced all of its neighboring states and had the third-highest death rate of incarcerated populations across 45 states nationally.

Important to any discussion of the criminal justice system is an understanding of crime rates. As such, we also examined crime trends in Nevada relative to the national average. I would note that these data were most recently available through 2020, so they don't capture changes in crime that may have occurred during the pandemic, but they are important to illustrate trends as they existed across the country over the last decade.

Over the last 20 years, the country has experienced a decline in property crime rates. Despite some early increases, Nevada also decreased its property crime rate. By 2020, Nevada outpaced the national rate for the first time since 2011.

While Nevada's violent crime rate has historically been higher than the national average; its decline in violent crime, particularly in the last five years, is notable given that the national rate increased during this time. By 2020, Nevada's crime rate was the closest to the national average as it ever has been in the last two decades.

The last type of crime trend we considered was the rate of homicide. We specifically looked at homicide rates in response to general COVID-19 crime trends across the nation that saw an increase in this crime type.

Despite a slight increase in its homicide rate beginning in 2019, Nevada's rate of homicide remains lower than the national average, at a rate of 5.7 homicides per 100,000 individuals.

Now that we've covered some background about how COVID-19 impacted Nevada and its criminal justice system generally, we are going to take a deeper dive into the key areas of the system. The following section of this presentation reviews the main takeaways from our quantitative analysis. Before we start, I'd

like to quickly define what is meant when we refer to the time period during COVID-19. As you can see from this table, data were collected from six different agencies and reference consistent but not always identical time frames. The time period defined as during COVID-19 is necessarily somewhat arbitrary due to the fact that in many respects, the pandemic is not over.

For the purposes of comparison, the March to December 2020 period was chosen both because many data sets analyzed cut off at December 2020 and because stakeholders reported the greatest systemic effects of the pandemic during the March to December 2020 period.

As such, the 2021 data cover more accurately describes a different and more recent stage of the pandemic as opposed to a post-pandemic period. For organizational clarity, the quantitative findings will summarize each system component separately, beginning with findings from the courts, followed by jails, corrections, parole, and community supervision.

In the courts, this slide presents the number of felony filings by offense type before and during COVID for both district and justice courts. The dark blue columns capture the time period before COVID, while the light blue summarizes the number of felony filings during the pandemic. As you can see from these graphs, the number of felony filings in district and justice courts overwhelmingly declined during COVID. More than that, the felony filings that did occur shifted to focus on more serious offenses, especially person-based offenses.

Taking a look specifically at Nevada's largest judicial district, we saw similar trends. When we looked at their district court data, we saw a similar pattern reflecting both an overall decline in the number of felony filings as well as showing a larger proportion of felony filings focused on person-based offenses. In the qualitative part of this presentation, you will hear from my colleague Quentin about the factors that may be responsible for this shift.

The second significant takeaway from our analysis of the court data is that we saw caseload ages increase. What we see here is that relative to 2019, the number of felony cases in district court, with more than one year between the filing and disposition dates, increased nearly 80 percent by 2020. We likewise conducted a separate analysis of the eighth judicial district's data, which indicated a similar trend, such that the patterns presented here are reflective of the State as a whole. Lastly, this trend was also reflected in justice courts. Another way to assess an increase in the time it takes to process a case is to look at the number of pending cases. AOC data showed increased pending caseloads in justice courts, with over 7,800 pending cases by June 2020, compared to just over 5,000 in June 2019.

This increase signals a similar growth in the amount of time it takes to complete a case. When taken together, these data highlight, at least in a general sense, the primary effects of COVID on the judicial system in Nevada, being first fewer felony filings and a shift to more person cases, and second an increase in time to process a case. Both of these findings are consistent with national trends.

The next component we analyzed involved jail admissions and releases. These data were provided by the Clark County Detention Center, which you all know is the largest jail facility in the State, and, as such, is a good proxy for statewide trends. Additional interviews with stakeholders during the system assessment indicated that the patterns in Clark County were similar to those experienced across the State.

This slide presents the number of admissions to CCDC between January 2019 and May 2021. You'll note that admissions were increasing for several months in early 2019 before beginning a slow decline that rapidly increased with the onset of COVID in February 2020. The average monthly number of jail admissions during COVID-19, was 22 percent lower than before COVID, with over 850 fewer jail admissions each month. Admissions were at their lowest in April of that year but have since increased such that by May of 2021, the number of admissions was nearly identical to those two years prior.

When we look at releases, we see a graph that closely follows admissions; there was an increase in the number of releases in the year prior to COVID, but a substantial decline during the earliest months of the

pandemic, particularly February to June of 2020. Since that time, the number of releases has steadily increased to near pre-pandemic levels.

The next system component we took a closer look at was corrections. As similar to our analysis of the Clark County Detention Center, we began our look into NDOC with trends and admissions. As this graph indicates, monthly admissions were fairly consistent in the year prior to COVID and noticed the sharpest decline in the early months of the pandemic, while there were subsequent periods of spikes and declines; overall, by October of 2021, NDOC admissions continued to decline relative to pre-pandemic trends.

Not only did admissions decline in general, but they overwhelmingly declined regardless of admission type. New commitments and admissions for parole violations experienced the largest rate of decrease, although you will note that individuals who violated probation for a new conviction did experience some growth in their admission rates during COVID.

Despite a decrease in prison admissions during the pandemic, the proportion of individuals admitted to NDOC with the documented prior mental health treatment increased.

Although the increase is slight, rising just about two percentage points, it is notable that there was an increase in prevalence while the number of admissions overall dramatically decreased.

Although the quantitative data cannot illuminate the specific reason for this change, findings from the qualitative system assessment indicate that possible reasons may include absconding from specialty courts, decreased opportunities for diversion to these courts, and limited intake or transfer availability to special housing units.

Releases from NDOC also decreased during the pandemic. To some extent, it would be reasonable to experience a decline in releases, especially if fewer individuals are being admitted to prison. However, what we see here suggests that the rate of decrease in admissions and releases is not always consistent. For example, if we consider the most recent data point available, October 2021, and compare it to the same months two years prior, so October 2019, we see 43 percent fewer individuals admitted to NDOC.

Alternatively, we see a 33 percent decline in releases using these same points in time. This suggests that releases have not always kept pace with the decreasing admission rates. It's an important finding just given that many states that responded to COVID-19 by increasing the number of releases through a variety of different mechanisms.

To explore this further, we took a closer look at the types of releases that did occur. This slide captures those release categories, which include discretionary parole, institutional discharge, mandatory parole, and death. You can see that declines occurred in all release categories except for death. However, we should also note that as a share of all release types, releases to discretionary parole increased from 49 percent of all releases in January 2019 to 52 percent by October of 2021.

Finally, in our analysis of NDOC, we took a look at length of stay and found that the median length of stay increased by more than 17 percent. From a median of about 13 months in 2019 to more than 14 months during the pandemic, up to 16 months by 2021.

This is a trend that is also consistent with national patterns, and in the qualitative section of this presentation, you will hear the findings that may have contributed to this with respect to length of stay increases.

Diving further into that question about releases from prison, we looked specifically at data from the Parole Board. The inability to meet in person significantly impacted the work of the Parole Board.

You can see that clearly on this graph with a sharp decline in hearings at the onset of the pandemic. During the months they were unable to meet, the Board reviewed its eligibility lists and granted parole to some individuals who could be released without an in-person hearing, and that accounts for the spike visible on

this graph. It's important to highlight that despite an overall decline in hearings, the parole grant rate remained consistent to pre-pandemic rates. This means that despite fewer hearings, the Board was granting parole more frequently during the pandemic. To reiterate that previous point we see here, the comparison of discretionary parole grant rates between 2020 and the early part of 2021, while a decrease in the number of parole hearings is on par with the national trends during the pandemic maintaining consistent grant rates set Nevada apart.

Lastly, the other variable we looked at that changed during the pandemic with respect to parole was the frequency of no-action hearings. When in-person hearings were suspended, no action was the primary decision for candidates who required an in-person hearing due to the nature of their case.

As a result, we see here that during that period, no-action hearings increased over 90 percent. The primary reason cited was public meeting canceled due to COVID-19 emergency declaration. However, it is also important to note that this increase in no-action hearings also continued into 2021, despite the resumption of in-person hearings.

Last but not least, we looked at changes to the population on community supervision. We were not able to get data from NPP directly, so this information is pulled from both the survey conducted by NPP staff and data from other state agencies about the supervision population. The first key finding with respect to the community supervision population is the number of individuals on parole supervision increased during the pandemic. Prior to COVID, the size of the parole population was fairly consistent until we see a notable jump during the summer of 2020, which likely reflects the similar spike that we saw in parole hearings when they resumed around that time. Following that initial increase, the population leveled out until, by late 2021, it was closer to its pre-pandemic size.

Another potential contributing factor to this steadily increasing parole population is that the number of parole violation hearings decreased markedly during COVID.

Following a high of 96 violation hearings in October 2019, for those on discretionary parole, there is a drastic reduction in the number of hearings. The lowest of which occurred in April 2020, which saw only 14 violation hearings for those on discretionary parole. The number of violation hearings has slowly ticked up from that point but are still substantially lower than in the pre-pandemic months.

Although the number of parole violation hearings decreased, the percentage of those hearings that resulted in a revocation increased by close to 15 percentage points from 2019 to 2021. While the data could not illuminate a specific reason for this, it may be that the limited hearings focused on individuals who committed more serious violations, which would increase the likelihood of revocation.

With these data in mind, we proceeded to generate prison population projections in light of COVID as well as the passage of AB 236.

As you can see here, with the policy changes enacted under AB 236 together with the impacts of COVID on correctional populations, there was an interest in determining the extent to which these two events may impact the trajectory of NDOC's population over the next decade.

Because COVID introduced so much uncertainty, policies and practices across the country shifted.

Some intended to be temporary, others perhaps more long-term, basing projections on a pre-pandemic population would not accurately capture the new paths that COVID may have established.

This graph depicts what those projections would look like should they be based exclusively on a population whose data ended in 2019. As you can see, a projection calculated in this way anticipates correctional growth to exceed 15,000 people by 2029.

An alternative then is to see what projections would look like if the diminished correctional population we saw at the height of COVID were to remain indefinitely moving forward.

If that trajectory held, we would expect a much smaller population, just over 10,000 individuals, by 2029. However, given that we have already seen some growth in the prison population over the last several months, basing projections off of the lowest population estimates from COVID is equally as problematic as not taking the pandemic into account, as we saw on the last slide. Those considerations then led us to a projections estimate that conservatively lands in the middle of those two endpoints. These do not ignore the pandemic's impacts on decreasing the size of the prison population. But they also do not presume that the smallest population size experienced during COVID would be sustained moving forward. Instead, we expect a gradual return that we'll see some growth in the size of the NDOC population over the next ten years to a total projection population of roughly 13,400 individuals. With that, I'd like to pass the mic back to Quentin to discuss some of the key findings of the qualitative assessment.

Mr. Weld: Thank you, Carrie. If we could hold on to this title slide for a second, I would appreciate it. The last slides we'll present are just some, not all, of the recommendations that were made in the report; in contrast to some of CJJ's prior work in Nevada, which was intentionally resulted in legislation, this project did not, we were asked to make recommendations following it and we did. Many of them come from folks that we interviewed during the system assessment process, strong feelings that folks had when we talked to them, as well as recommendations supported by national research and best practices. The goals of the recommendations were to expand upon positive practices that were adopted in Nevada and other jurisdictions in response to the pandemic to fortify the system against future large-scale crises, to reduce the density of prison and jail environments, to mitigate the spread of viruses, and ensure safety in the corrections population, and lastly, to prioritize cooperation and coordination between the various components of the public safety, public health, and justice systems. The first recommendation slide here covers courts, and one of the primary concerns of state leaders articulated to us when this project began was the idea that pandemic-related slowdowns would exacerbate the already problematic backlog of serious felony cases in Nevada's busiest courts. We did see some indication of that backlog in the data. As we saw, case ages increase substantially.

However, courts were generally able to keep up with their dockets; that is, achieve more dispositions than filings, which was a very good sign and allowed them to sort of continue operating efficiently during the pandemic. Moreover, in the busiest courts, in Clark County and Washoe County, the chief judges developed methods to keep their dockets moving, including expedited trial dockets and more settlement conferences to try and resolve cases before trial. Essentially, one of the recommendations is to just keep doing that. Those expedited trial dockets have had good results, as have the settlement conferences. To not only do those in Clark and Washoe but to expand where needed to other rural counties who could benefit from them, and those additional efficiencies. I will say that we elected not to discuss or recommend in detail a change to Nevada speedy trial laws. But it is worth noting that they are among the least strong in the country in that there is not too much of a statutory ticking clock on serious cases once a defendant has initially waived speedy trial rights.

In other states, you can't have that waiver be permanent, and there is more momentum, if you will, to resolve cases that doesn't necessarily exist in Nevada. So that's kind of an aside, but something that we would probably recommend as well is taking a look at those speedy trial laws and making them a little stricter. Another big court finding we made, of course, was the massive shift to remote hearings. Judges and litigants talked in detail about how those went. They're, of course, absolutely necessary to allow courts to continue functioning and, for the most part, were handled really well. A variety of concerns were expressed to us about the quality of those hearings and how sometimes some of the communication that would naturally happen between a defendant, for example, and his defense attorney or a prosecutor and a victim might not be able to happen in the remote setting and to really ensure that that it is and to really also give defendants a right, where appropriate to an in-person hearing, which might be there for a fact-finding hearing or trial or something like that. Other jurisdictions did develop specific new rules around remote hearings and the kinds of rights that folks should be afforded, litigants should be afforded. That is something we recommend to define those more particularly going forward to make that as fair as possible. Lastly, to expand rural access to court proceedings. We heard that given court closures, it was particularly

tough for folks to make it to court if they were far away from a court in rural places, given those challenges, so expanding that rural infrastructure for courts definitely would be beneficial.

This happened all over the country that law enforcement reported sort of contractions in what they were able to enforce during the early months of the pandemic, and there was a real focus on serious offenses as if there should be and that will also take place in the courts. We recommend that law enforcement agencies continue to prioritize the use of resources for individuals who commit serious or violent crimes. There is significant research indicating that pretrial detention for lower-level offenders actually causes more harm than good with respect to long-term criminal justice outcomes. We also heard from both sitting and retired Nevada Sheriffs that some of those measures have seemed to work and not create adverse public safety results once they are implemented, in terms of reducing the execution, for example, of traffic warrants and not necessarily detaining for such a thing. But using court reminders and summonses instead, and that has had a positive result, both in Nevada and nationwide.

Moving into the corrections route, really, a lot of programming in prisons went away during the pandemic, and probably more than could have. It was a real challenge, of course, to continue the in-person programming that required folks to come from outside of prisons to inside to teach and work with inmates. There was just an expression of frustration with that; both by prison staff and inmates of sort of the problems that it causes, there's a lot less to look forward to, a lot less than to keep morale up among both of those populations. Whatever can be done to transition to a remote framework or a packet-based framework, or some way to keep those positive interactions moving in the corrections context during the pandemic is great. Nevada did try and do some of that and did succeed in some of that packet-based programming. But to expand it and continue it, is I think, a big necessity, for the next time something like this might happen.

Another thing that reduction in programming did, of course, is removed sentencing credits. Folks that would have been eligible for a reduction in their sentences due to that programming did not receive those credits. That was probably a contributing factor to the longer lengths of stay that Nevada saw during the pandemic. There are other factors for sure. The population as a whole was made up of more serious offenders. That would lead to longer incarceration times. But the absence of those credits was noted repeatedly by folks around the system. In terms of recommendations here, as I mentioned, continuing to expand the development of our remote or packet-based programming and continuing to pursue legislation to prevent the removal of those credits, for reasons that are outside the inmates' control when programming is absent due to a public health crisis.

One thing that my colleague noted earlier is that releases from prison declined during the pandemic in Nevada for all release types. Many other jurisdictions, including Montana, Colorado, and Minnesota, saw positive public safety outcomes from policies that increased prisoner releases in response to COVID. These included declines in rearresting, the incarceration rates of releasees, and those departments tracked specifically those folks who were released during the pandemic to test them and study them. The recommendation here is to expand statutory release mechanisms available to the NDOC. In some ways, I think the NDOC's hands were tied in terms of the folks they could release, and that's due to the relative narrowness of their statutory release mechanisms. For example, the residential confinement, medically release, geriatric release, and temporary furlough statutes, there are a lot of really big limiting factors in those statutes. One that comes to mind is, I think, the exclusion from eligibility of folks who have multiple felony convictions; of course, a lot of these inmates do have multiple, sometimes multiple nonviolent felony convictions and for such a thing to exclude from those releases is probably an inefficiency, that if they were expanded a little more, that would give a lot more flexibility to the NDOC in a time of crisis, like you all saw in 2020. Also, executive action is something that can get around that kind of statutory limitation; sometimes, a lot of states did use those executive actions to facilitate more releases.

These are specific to the Parole Board. Nevada's Parole Board grant rates remain consistent during the pandemic. Of course, there was a smaller number of overall hearings, as you've heard from Carrie earlier, and an increase of cases receiving no action designation due in large part to a lot of the logistical difficulties

of actually holding hearings during COVID and during those couple of years. But the recommendations here would be to expand the Parole Board's ability to safely release incarcerated people, both generally and in the event of future public health crises, by adding emergency and public health factors to parole consideration. There's nothing in statute now that really allows the Parole Board to consider those things when someone is up for parole, and it would make sense to add those factors. With regard to no action hearings, there is currently a process in place by which if a defendant receives a no action result, there's a significant delay in when they can be heard again. There is a process I'm sure Chairman DeRicco can tell the Commission more about by which a person can be heard later in the month if a no-action result happens. But sometimes, if that doesn't happen, there will be a wait of a matter of months following that. That is in part required by policy and statute, and certainly not fully the fault of the Parole Board. But it's definitely worth trying to create a little bit more alacrity for those no actions to ensure that those folks get out in a reasonable time.

This slide is related to community supervision. There was a lot of staffing issues with NPP, and it was very hard to maintain their normal practices and keep up their normal staff during the pandemic. But they did a great job transitioning to a more remote supervision model that focused interventions and sanctions on individuals who posed a significant public safety risk. Partly reflecting the shifted focus, violation hearings held by the Board decreased since April 2020. Of the violation hearings since then, a higher share were violations for more serious offenses, for example, violent versus drug offenses.

Interestingly, a lot of the changes that NPP went through are in line with national best practices for probation and parole, to really focus resources on those most serious and violent offenders and really try and limit the incarceration to those folks and for people with violations related to substance abuse, to employ graduated sanctions and supportive services to those folks to really try and rehabilitate them as opposed to reincarcerate them in cost to the State. Those would be the recommendations in the NPP realm, and there's a lot more detail that was in the report.

One thing that we generally heard quite a lot of is that behavioral health services really retracted during the pandemic sort of across the board in most aspects of the criminal justice system. At the same time, there was perhaps understandably an increase in the incidence of such issues. You saw that on a slide from Carrie as a somewhat moderate increase, but then also, we heard, just through our many interviews, that there was significant difficulties with this, both within the custody population and in the released population. We heard from service providers, those that were still active, a lot of them had to shutter during the pandemic, but those release service providers that were still active that there was a concern that recidivism rates might go up in the future, due in part to the really the more adversely impacted mindset of folks leaving prison and sort of, the more difficulty there was in getting the services. As mitigation and treatment of COVID was prioritized, some of those services went away. It really should be a priority of the system to get those back up and running and funded where possible. Some of the recommendations here, and there is more detail in the report, is to preserve and expand NDOC programming and telehealth opportunities, as mentioned earlier, hire more NDOC caseworkers; that was something in speaking to NDOC staff that the ratio of caseworkers to inmates was really high, sometimes hundreds per person. That is a role, which I think working in conjunction with NPP staff who used to be in the prisons more, and I think by the necessity of COVID left the prisons, but more NPP staff in prisons working with caseworkers with inmates on release plans would go a long way to help a lot of this and simply adding more caseworkers will probably help as well. We are certainly aware that making recommendations of just hiring more folks or spending more money that's easy to say and tough to do. But still, we thought it worth emphasizing areas where the money would be very well spent in terms of future public safety returns.

That is all we have for today. We're happy to answer as many questions as you have now as possible. This is essentially the final deliverable of this project. With that said, we feel an obligation to get you guys as much research and information as you might want on these findings. Please don't hesitate to reach out to either of us. If there's something you heard in the presentation or something you read in the report that

you would like more information on it, we would really be happy to follow up with you even though the project is technically over. With that, thank you all for your attention, and we'd love to take questions.

Chair Stiglich: All right. Well, Mr. Weld, Dr. Chapman, thank you for your extraordinary efforts; your report is thorough, and it's informative. Before I turn it over to questions, I just note that obviously, Dr. Chapman and Mr. Weld are here for CJI to take questions. We also have representatives from NDOC, the Parole Board, and I think P&P, at least somewhere in this virtual audience. At this time, I will turn it over for questions, Ms. Welborn.

Holly Welborn: Thank you, Justice, and thank you to the CJI team, who always do an incredible job collecting this information and talking to all of the stakeholders. We are grateful for all of the work that you've done in this State. I had a question about, going back to your recommendation about changing some statutory language and changing some of the limiting factors that exclude people from release. I was curious about whether or not, in your analysis, you took a look at the parole risk assessment tool and how that might have impacted release at all. And if there were any recommendations for changes there.

Mr. Weld: We're aware of the tool. In terms of exactly what it measures and who might be excluded because of the tool, that's not a level of detail that we achieved, just frankly. It was more looking at the statutory exclusions and thinking of ways that those could be expanded. But at the tool level, I'm sure there are changes to be made. It's just not a level of detail we achieved.

Chair Stiglich: Thank you, Ms. Welborn, does that answer your question? Or do you have additional questions?

Ms. Welborn: That does, thank you.

Chair Stiglich: Okay, I'll keep going through the queue. But at any time, if an agency representative has a response to a question directed to CJI, please just jump in verbally because, for instance, I see the NDOC Directors Conference Room has their hand up, their virtual hand up. I don't know if that's related to this question or not, but with respect to that, jump in. If not, I'll turn to Jim Hoffman. Mr. Hoffman.

Jim Hoffman: Thank you, Justice, and thank you to CJI also. My question is about the parole hearings; there was a sharp drop off in the middle of the pandemic, and then it hasn't really recovered. My question is, why is that happening? Is it a staffing issue? Is it a technology issue? What could the Legislature do to help get the number of hearings back to where it was?

Mr. Weld: Actually, we could answer that. But if Chairman DeRicco wants to answer, that also would be great. I think a lot of it has to do with the fact that the population is lower. And there are probably fewer inmates to release. But there are other factors, and I would turn it to you Chairman DeRicco if you're okay with that.

Chairman Christopher DeRicco: Yeah, I'm fine with that. Along the lines of that question, the Parole Board is unable to hear any cases until individuals are eligible and have met the minimal custodial periods. So once those individuals have done that, the NDOC is the timekeeper. They notify the Parole Board of who is eligible to be heard for a hearing. At that time, we hear each and every case that is eligible. So I can tell you during this time period that's going on, it's not like the Parole Board isn't hearing; we're hearing whoever we're told is eligible for a hearing. During the period of time of COVID, when state offices were closed to the public and our hearings are open, I can tell you that during that period, which was approximately mid-March through May of 2020, our staff made sure to continue to hand review each and every file that we had in there to see who could be granted parole in absentia. Statutorily we cannot deny parole without a hearing, but we can grant it without a hearing. We did so, and we hand went through all of those cases that appeared on an eligibility list and granted to those individuals that appeared appropriate to grant. But because we cannot deny without hearing, those cases had to be put off. And they were subsequently heard between the months of; I believe it was August, September, and early October.

Jim Hoffman: Thank you. It sounds to me like the problem isn't so much with you guys; it's upstream. It's like they were saying about the losing of credits for good time or programming or whatever.

Chairman DeRicco: Well, what I can answer for that is every hearing or everybody that appears on the eligibility list that we're told is eligible for parole, we take care of and hear with the exception of that slight time period through March of 20, but we still got a great deal of those out, but the ones that may not have looked like such good candidates, we deferred those and then reheard those in the coming months.

Jim Hoffman: Thank you.

Chairman DeRicco: Welcome.

Chair Stiglich: Thank you, Chair. Thank you, Mr. Hoffman. Mr. Arrascada.

John Arrascada: Yes, thank you. Thank you for the presentation. Quentin, I have just one question I actually put in the question queues also, so to speak. The crime rate statistics graphs that you provided for the State and also, Clark County, is it possible to provide similar graphs from CJI regarding Washoe County and its crime rates?

Mr. Weld: Thank you, Mr. Arrascada. It looks like Officer Bays put jurisdiction-level crime stats at least in the chat, which is one part of your answer. We did not have jail data from Washoe County and given the focus of the project really on prison populations and how those might change, the decision was made that the CCDC was such a big part of those, those future changes that it was, most of our jails work was really limited to Clark. I think it just wasn't available, frankly, the Washoe jail-level data. We relied on interviews with folks there. Sheriff Balaam, Chief Justice Freeman, and others to discuss the trends there. So the data that we had is really what you see in the report. There's not that additional jurisdiction-level unless you see it is for Clark and some others.

John Arrascada: Okay. Thank you.

Chair Stiglich: Thank you, gentlemen. Turn over to the Director's Conference Room.

Deputy Director Brian Williams: How you doing this is Deputy Director Williams over programs with NDOC. I just had a little bit of concern as the verbiage that was used in one of the findings on recommendation number three as it states most NDOC programming completely ceased for over a year during the pandemic. When I run the credits that were given for 2019, 2020, and 2021, it is definitely different than what you're perceiving here in the findings report. Our substance abuse pretty much kept going throughout the entire pandemic. Our mental health, it slowed down due to staffing and the outbreaks that we had throughout the State. They focused on the seriously mentally ill, and then our education department did distant learning and educational packets throughout the State to the inmate population. When you say that it completely ceased for over a year, that's not true. I believe the documentation of the merit credits that we awarded throughout 19, 20, 21 will also reflect that as well.

Mr. Weld: We appreciate that, Director Williams, and thank you for that information. I think that there was a lot of variance between facilities and between the type of programming. I think that we are really referring to the period of lockdown and really the height of the pandemic in the summer of 2020. With regard to the distance learning, we did hear that that was tried and not necessarily worked a lot of the times when it was attempted to be implemented. But absolutely with the substance abuse, I think some of the existing programs that were used in specific facilities on certain blocks, some of the inmates that were already in those programs could continue because they were folks inside the facility doing it with them anything that required someone coming from outside that facility, which was much harder. With respect to those substance abuse programs, we heard from the folks that ran those programs that there was, it was really hard to get new folks in those. There was, for a variety of reasons given, quarantine and movement, it was really inmates who had already been in those programs that could continue to take them. We do appreciate that there were efforts made to continue a lot of the programming, and we're happy to say that. It was just

that there was a time where at least we were told that much of it contracted, and it was difficulty in some places getting back to the normal levels.

Deputy Director Williams: We have one more question, Dr. Minev.

Dr. Michael Minev: This is Dr. Michael Minev, Medical Director of the NDOC. I had some questions about how the death rates were calculated; we see that in your reports, there was a graph showing there was 4.7 deaths per 1,000 inmates. What I can tell you is that we have 49 confirmed COVID deaths out of our entire population of offenders. Because the offender population is constantly variable, it's difficult for us to calculate what that would be per 1,000. I'd just like to clarify how you were able to get that number of 4.7 deaths per 1,000?

Dr. Chapman: Thank you for that question. That was that's a very important one. I apologize that I don't have a specific available to it at the moment, but if you'll give me just a minute to review the report and just confirm the sources. I certainly don't want to misspeak to any of that. I will get back to you in just a moment. I can write it in the chat, or we could revisit this question depending on what format is most appropriate.

Chair Stiglich: Dr. Chapman, when you find it, why don't you just chime in.

Dr. Chapman: Okay, thank you very much.

Chair Stiglich: Back to the Director's Conference Room. Are there further comments or questions?

Deputy Director Williams: Not at this time. Director, do you have anything to add?

Director Charles Daniels: No, I just want to stand by for the information used to calculate the deaths and the percentages because those numbers are not reflective of anything close to what we have. And we've had individuals call and reference a report to which we can't even figure out, even if we don't agree with the methodology, we can't even figure out how you got here. Because our numbers are substantially lower based on our percentage, per you name the per than what is recorded. We only had 49 for the entire epidemic. That was roughly about a two-and-a-half-year period. For us to have the third-highest rate in the US. I would really just love to figure out exactly where that came from. I will refute that all day.

Chair Stiglich: Good, Mr. Weld.

Mr. Weld: Briefly to that, I think that those death rates came both from the data that was received from NDOC, as well as, I believe, the Marshall Project, which did an examination of deaths and prisons across the country. We're absolutely happy, Directors, to get you all of that data after this call. I will say that our primary data specialist for this project is not on the call today. She is unfortunately out at the moment, so Carrie has graciously agreed to fill in; some of those details might not be as readily at hand, but we are absolutely committed to presenting the correct information, and that point, in particular, I know was checked. And I know came both from NDOC data and from the Marshall Project's findings. We're happy to look at that and make any changes to it that might be necessary based on your responses and work with you on that.

Director Daniels: Thank you very much. I appreciate that. I look forward to having that discussion on the methodology, as well as the percentages, as well as the total numbers. I was here for the entire scope of the pandemic, as well as our Medical Director, Dr. Michael Minev, and we just can't seem to put this to bed. And it's unfortunate because somebody would infer or be easy to infer that our numbers were out of control, our procedures, and our isolation and quarantine were ineffective when in fact, they were actually very good. Thank you, I look forward to that conversation.

Chair Stiglich: Thank you, Director, we'll turn now to Mr. Callaway.

Chuck Callaway: Thank you, Chair. Thanks to CJI for making this data available to us and going back to my time not only on this body but on the Advisory Commission, I've had the opportunity to wade through a

lot of materials provided by CJI over the years. I've literally got four pages of notes on this report. I'm working mainly off the report rather than the presentation. I'll make my comments. I got more comments than questions, but I'll make my comments as brief as possible.

First of all, I think that to shed a law enforcement light or point of view perspective on this; there were some comments made in the report and some conclusions drawn that I don't necessarily believe show the whole picture. For example, as everyone knows, during the pandemic, law enforcement is considered essential personnel. Our people were out there daily handling calls for service; we were interacting with people, and the report kind of alludes that law enforcement reduced contact with the public, which was not the case. There were more people at home that had the luxury of working from home or being at home. In that regard, we had essentially less contact with people. But it was not a choice made by law enforcement that we were not going to enforce certain laws or that we were going to tailor our responses because of the pandemic. Certainly, Metro, we've had a policy in place for years that low-level offenses, an arrest, must be approved by a supervisor. We haven't been making misdemeanor arrests unless it's warranted and approved by a supervisor long before the pandemic occurred. When you take a cursory look at these things, I think the term serious crime is used throughout the report. It alludes to a definition of what that is. But I would throw this out; in the report, I did not see any mention whatsoever of quality of life issues. The report seems to be focused on jail population, prison population, ways to reduce that population, and the monetary benefits of that. But I didn't see any conversation about quality of life until we got to page 49; I believe it was, of the report, where it talks about quality of life for inmates, but not quality of life of our public or our citizens. To give this one example, if you had your catalytic converter stolen off of your car, which was at a 657 percent increase in catalytic converter thefts over the last year or so, you had your catalytic converter stolen off your car in the middle of the night, and it's going to cost you \$3,000 to fix that, and you can't get to work in your vehicle and combine that with the cost of gas and inflation, to me, that's pretty serious. Even though if we catch you with that catalytic converter in your possession, and you tell us you stole it, it's a misdemeanor crime under Assembly Bill 236, which changed the threshold up to \$1,200. The average catalytic converter is worth about \$800 in straight value. That's just one example, I believe, of how we might interpret serious crime different based on who's experiencing it, and certainly, murder and violent crime and a crime against a person is serious. But let's not forget that some of these lesser offenses may have very serious consequences to the community.

The other area that I believe is left out of this report is changes in behavior. During the pandemic, obviously, we had the issues of social unrest and civil unrest, but also, we noticed a change in behavior, especially when the lockdown was finally lifted. We had a study that was done on our convention center area command, which is the Strip, and we looked at, I believe it was 61 offenders that had committed violent crimes on the Strip. Of those 61 offenders, the average stay in jail for them when they were arrested was about two and a half days, and they were back out on the street. Some of those offenders, I believe it was 34 percent of them, committed a second offense before the report that was done was actually completed. I don't believe that this report adequately reflects some of the behaviors for whatever reason, whether it was a frustration over the lockdown, whether it was anger at the criminal justice system or law enforcement; whatever the reason may be, this report doesn't look at how that impacted the criminal justice system. It was occurring simultaneously with the pandemic. Another area is the supervision aspects, the electronic monitoring house arrest, which is touched on in this report, and some recommendations are made that should be expanded. We've seen an increase in absconding here in Clark County, and just to put this in perspective, as of yesterday, when I got these statistics from the jail, we have 873 people on house arrest in Clark County, are on electronic monitoring, and 59 of those folks are murderers that are in their house with an ankle bracelet on being monitored. We have 55 that are attempted murders, we have 244 that have committed a sex crime that are at home being monitored electronically. The report states that Parole & Probation had a resource issue and had a difficult time keeping track of folks and that remote check-in was done and that this was very beneficial for their resource issues. However, how did that play in with absconding? Then there's no mention in the report of what happened to the folks that absconded, were they captured, were they charged with another crime? Under AB 236, we're seeing the situation where

previously, if the judge told you, you're on probation, you're on parole, don't do XYZ, or you're going to go back to prison or jail. And you chose to do XYZ; you went back to prison or jail now. With the graduated sanctions of AB 236; you have multiple bites of the apple before that happens. Ultimately, as in your report shows, I don't have the page in front of me, but I believe it was 70 some percent of the admissions were re-offenses, people that were on supervision that re-offended. That's another area that I think we could dig deeper into. I'm uncomfortable with a recommendation that should be expanded in the benefit of public safety.

When we talk about limiting custodial rest, there was a bill last legislative session AB 440; I have great concerns for some of the reasons I've already stated about reducing law enforcement's ability to do their job and restricting their ability to make arrest for misdemeanor situations. Sometimes, the only way to prevent further violence or prevent something from escalating is, unfortunately to make an arrest. If you have someone who's trespassing in a business, harassing customers refusing to leave, and an officer doesn't have the ability to handle that situation because statutorily they can't make an arrest, that's an issue, and then things escalate and then we have more violent crime numbers.

Another area that was discussed in the report was the need to expedite cases and talking about filing. I'm curious to how the filings, the reduction in filings, except for more serious offenses, how that compares to arrests and how were cases that were handled, such as plea bargains or dismissal. What did that look like? Were cases dismissed, to try to reduce the backlog and clear up the docket to help with the system because of the impacts of COVID? How did that play into those decisions? I'm curious about that.

Also, in the presentation, it said that releasing individuals from prison and the report already shows that Nevada's prison population is currently below projections and below our neighboring states, with the exception of Utah. But there's a recommendation that the way I read this is, that we should release more people from prison, and we talked about Colorado, Minnesota, and Montana, how great it's been for public safety there to release more individuals from prison. However, when I looked at the FBI statistics, 17 percent increase in Minnesota violent crime 11 percent increase in Colorado a violent crime; this is a 2020 FBI statistic, 16 percent increase in violent crime in Montana, where Nevada in 2020 had a minus six percent increase. I don't know that we want to adopt what Minnesota, Montana, and those other states are doing by releasing more inmates at the benefit of public safety; that doesn't add up to me.

Finally, I noticed some other small things in the report that didn't seem correct. There was mentioned that one of the reasons for the backlog was prosecutors waiting for state lab results. We don't have a state lab in Nevada; we have the Washoe County lab, which is a designated state lab for entering information into CODIS. But we also have the Clark County lab; we don't have a state lab; there was some discussion last legislative session about creating a state lab. I'll stop there; I've got many, many more comments on this report. I'm also curious why your presentation only shows seven recommendations when the report has 12. One of the recommendations in the report that was concerning to me was creating this body that has oversight and authority over the entire criminal justice system. When we have elected Judges, we have elected District Attorneys, we have an elected Attorney General, we have an elected Sheriff in the counties. What would this group that now has oversight over the entire criminal justice system, what would that look like? How would those individuals be chosen? What would be their background? To me, there's an immense amount of further discussion that would need to be placed on that. The only other thing I'll say, for right now, it's not a big deal. But just make a note, you spell my name wrong in the report as well. Thank you, Chair. That's all I have.

Mr. Weld: Thank you, Director Callaway, and for that, we definitely apologize because we should know that by now, that "o" versus "a" difference.

I'll just respond to a couple of things. One thing you mentioned at the end about the public safety results of increased release at other departments of correction is a really important point to make. Yeah, violent crime went up across the country, I think in most states, and the public safety results that I was referring to was a specifically looking at the cohort that was released. Finding no adverse public safety results there. I'm not

familiar with that Minnesota violent crime increase, although I certainly don't doubt it, Director. What I was referring to was: that they're tracking those folks specifically released and noting that those low-level offenders did not re-offend.

Another thing I thought it was important to acknowledge was in no way were we saying that police officers weren't enforcing the law. I think the way it was communicated to us was just maybe slight changes in the discretion they were exercising in terms of [inaudible] in terms of dispositions that prosecutors might seek. That was really the result of what we were trying to note as opposed to any not following a law of any kind. There is, of course, more in your comments.

The last thing that I wanted to mention was the oversight body. There are, of course, there do exist oversight bodies in Nevada of criminal justice agencies, but not necessarily one with too much power to make recommendations to how things maybe should be done. That's in contrast to a lot of other states. So in terms of the specific structure of that, that's not detailed in the report, but it is something that Nevada might be lacking as compared to other states, but for now, I will be quiet and let more folks ask questions.

Chair Stiglich: Thank you, Mr. Weld, thank you, Mr. Callaway. One thing, I have a queue, so I've been sending it out. One thing before we jump back in the queue, I want to just kind of remind and kind of reframe here a little bit. This is all about looking forward, and we look back just to kind of inform maybe what we were doing and how that goes into what we might do in the future. Because I know from everybody I see on the screen, that during COVID, everybody was doing the best that they could, courts, police, humans, in trying to get through it. I would venture to say, that if we all did COVID, again, which we may, it could happen again, we would all do it better.

We would do it better because of what we were able to accomplish during the first go-round. We can turn on that spigot. We can go virtual with more ease. We can try to make sure programming is in place and less hiccups.

I just want to say that to the extent that anyone feels as if there's an indictment or a slight here, these are this agency's observations and data and I want to just build on that. We take what's good; we tinker with what worked or didn't work. I just, all in all, think it's really positive. I'm really proud of the work that Nevadans did to get through this.

Let's just kind of reframe or just think about how if it happens again, or when it happens again, how will we do it? How will we do it better? What tools do we need to put in the toolbox for all of us to help create better outcomes and move forward? I just wanted to throw that in, Chair's privilege, and now, I will turn it over to Ms. Noble.

Jennifer Noble: Thank you. Good morning, and I want to thank both of the presenters for the time they took to put together this report and this presentation. I have two categories of questions. One relates to crime rates and sort of data behind those. The second one has to do with one of the recommendations regarding Nevada's trial laws, or at least as I understood it.

Looking at slides 14 and 15 of the presentation. There's discussion of crime rates and general trends. I wanted to ask for both the property crimes and the violent crimes or crimes against the person rather, that we see in those slides, what type of sources or what type of numbers are you pulling from? I'll try to clarify that question by asking, is this arrests? Convictions? Incarcerations? Victim reports? Where did those numbers come from?

Dr. Chapman: Yes, thank you for that question. These are reported crimes from reporting agencies that were captured out of the FBI's Uniform Crime Reporting System, so these are compiled from 1979. The most current year we have available, I believe, is 2019. These data are sort of often lagged, and so they get reported by state agencies, and so this is actually capturing reported crimes. There are different tables or statistics available that speak in-depth to arrest rates, incarceration rates, and those types of things.

Ms. Noble: Thank you, Ms. Chapman. And so, talking about UCR, the Uniform Crime Reporting System, it's my understanding that that only has 30 offense categories, which doesn't capture all the different types of offenses in Nevada. Do you have an idea of how that may have affected those numbers?

Dr. Chapman: That's another great follow-up question. It is true that the categories that get reported to the UCR are limited; that is my understanding. In part to help standardize the types of data that are comparable across states because each state's categories of crime look a little bit different. These categories, particularly around property crime and violent crime, to some extent, are necessarily limited in order to be as apples to apples as we can across different jurisdictions. You would be correct that if there are categories that are outside of that scope, specific to Nevada, that those wouldn't be reflected in the national data.

Ms. Noble: All right, thank you. What I'm getting at, and I know that trying to capture, at least from my perspective, crime statistics is extremely challenging.

I worked on a grant project recently where it was pretty difficult. When I'm looking, and I'm comparing these numbers in these trends to data that we have from other sources within our State; for example, I believe that the Nevada crime statistics, which is available online at nevadacrimestats.nevada.org, we see a jump from 2020 to 2021, with property crimes in my county, Washoe County, and that website reports that as a 14 percent increase. I have a little bit of, and I won't say heartburn but, concern about the accuracy of this data. Because I know it is really difficult to figure out where you're going to pull it from, and depending on how you pull it, the numbers can be very different.

In Washoe County, our crime rates, our property crime rates, and our violent crime rates are up significantly.

I just want to make sure when we're looking at these recommendations that we're relying on data, where we all know what we're talking about and what the source is.

That's more of a comment, and I don't know if you have anything in response to that, Ms. Chapman?

Dr. Chapman: Yeah, thank you. I think that's actually a very important observation to recognize.

I would just say that the National Crime rates that we were referencing, so those that speak to Nevada relative to the national trends that came from the UCR, were actually only used for this presentation to sort of situate what Nevada looks like as a whole relative, again, to those apples of apple's type comparison with the rest of the country. To sort of document trends in crime, they weren't used to inform the subsequent recommendations. Those were primarily driven from the system assessment that relied on the expertise of and engagement with stakeholders, although they were supplemented by agency data.

The inclusion of this was really just to help, position, or otherwise contextualize the State within a different context. Your point is certainly noted that we would expect to see variation across a state that has so many diverse counties, jurisdictions, local populations, and specific pockets of crime that may be more prevalent in one community than another.

This doesn't drill down into that level of nuance. I think you're absolutely correct that that's important to understand. Just for the room to consider that it really was done with a limited intention to just sort of situate Nevada more broadly, but not to inform the subsequent policy recommendations.

Ms. Noble: Thank you. I would just suggest that perhaps looking at future data; you might consider looking at the NIBRS system in Nevada, which has 70 offense categories. It may help track within Nevada, in terms of what we're doing and how crime is being affected in different jurisdictions. The offense categories, being more broad might be more informative for our State.

I would just move on to my second question, which is more abbreviated. That has to do with the trial laws. I believe there was a suggestion that Nevada's speedy trial laws once someone waives their, I guess, statutory right to a speedy trial. I think that's what the presenter meant.

They are, quote, less strict than in other states. I was wondering, are you talking about the statutory laws of other states? The case law of other states? Could you give me an example of what states you're talking about? Thank you so much.

Mr. Weld: Sure thing. I think both, I think the statutory speedy trial laws and other states as well as specific case law that has defined a period in a given state. The Supreme Court case that's on point, I think, gives something like 18 months, beyond which it's sort of presumed the trial has taken too long. That's the US Supreme Court, which is supposed to apply to all states. Some states have codified that, 18 months to try cases in 18 months. Some courts, some states have made shorter presumptive timelines, like in Massachusetts, it's 12 months. As a former prosecutor there, that was very hard to meet. I was constantly writing memos of how there was inevitable delays that would make that timeline too fast. Nevada really wants that statutory right to speedy trial is waived, as it often is early in Nevada trials because of various delays that might benefit the defendant early, early on.

That in most other states, it still sticks around, and there's still sort of a ticking clock for when a case needs to be disposed. So honestly, Prosecutor Noble, I think if you look at most other states, you would find, I give Massachusetts an example because it's in my mind at the moment, but in terms of other specifics, I would pick any on Lexis, and you probably find it, quicker timelines.

Ms. Noble: Thank you. Are you talking about the Nevada Supreme Court cases that discussed the different factors? I mean, we have a presumptive, okay, this is too long versus looking at different factors of weighing in favor of or against a finding that the rights have been violated. Are there any specific cases in Nevada that you are thinking about when we're talking about this?

Mr. Weld: So absolutely, there are a lot of cases that define what factors might contribute to undue delay because, of course, defendants have appeal delays, and the courts said whether something is too long or too short, for sure.

I think it's a matter of maybe also, of courts, following those cases more closely instead of having it be; you wait until the delay has happened to appeal to the Supreme Court or an appeals court to challenge it. That there's something on the front end, that there's a more clearly delineated timeline, either in statute or court rule, as opposed to just the case law, which can, of course, resolves cases, once they're appealed, they can be a little trickier to use as an impetus to try cases quicker.

Ms. Noble: Okay, so just to follow up on that, so are you talking about like, for example, some sort of pre-trial relief, some sort of pre-trial, non-statutory procedural vehicle that would allow a defendant to challenge the time that it's taking for them to get their trial?

Mr. Weld: Honestly, what I was really referring to was either a statute or court rule, and courts do it in different ways, where there is a specific amount of time outlined. That is, that's non-waivable, that it's certainly if delays attributed to the defendant are there, that they be excluded from any kind of calculation. But, that there is something in statute that says a strong presumption that a case should be resolved within 18 months or maybe two years at the very far end of what states have done. Just having that explicitly in statute, a period of time in statute, I think, tends to have a good effect on how fast cases are tried. In addition to all of the case law you mentioned about the various factors which are permissible or not permissible in terms of causing delays.

Ms. Noble: Okay. How might that type of restriction affect victims in Nevada?

Mr. Weld: Delays can be problematic for all parties. Trying a case too fast can be problematic for all parties. It's really hard to find the right rule to make sure that victims aren't adversely impacted by a timeline, that defendants aren't, that courts aren't. You're absolutely right that there's a lot of different things to keep in mind when a state is crafting that kind of timeline.

I think a victim, in my experience, gets frustrated if a case lasts too long and it goes on for four or five years. Sure, it might mean the guy is in jail, but it also means justice is delayed for that person. I think there's a

benefit for victims as well to having that a little clearer in statute. I'm sorry to be spending too much time on this because it really isn't an official thing in the report because it's not so pandemic-related.

But I appreciate the questions, nonetheless.

Ms. Noble: Thank you so much. I appreciate your time, Mr. Weld.

Chair Stiglich: Thank you. Ms. Bays.

Chief Michelle Bays: Thank you for the opportunity, and so I don't want to belabor this. I do want to echo what Director Callaway and Chief Deputy Noble mentioned about some of the concerns. Specifically, Director Callaway talked about the quality of life and property crimes.

In the report, there is a reference to the national trends for property crimes. I do want to point out that between 20 and 21, it's readily available statistic from Nevada show that there's an increase of eleven and a half percent.

Where all this is trending, and how it correlates to everything that's being proposed here, I understand that those are things that we need to look at.

Just a few points about this report, I wanted to just bring it up to look at the section on the filings.

Talking about that section, would those have had an effect from people out of custody? In other words, the filing itself was not necessarily tied to that arrest time when you increase your number of people who are either out on recognizance, which is a significant number, or people who were out after arrest, and filing to court for significant trials after that. So, wouldn't that effect alter what your data findings were? So that was one thing that I was questioning about that section because you have these narrow timeframes that you're presenting that on.

Mr. Weld I can try and take that, Carrie. It's a really good question as to what is meant by filing in those data sets. My understanding, and again, this is something that Dr. Buchanan would have the fully correct perspective on but is that it means when the case is filed in court, it doesn't refer to the arrest. It's not the jail booking; it's when that misdemeanor or felony charge is initiated in front of a clerk or a judge. I don't know if that helps.

Chief Bays: It does. It just, and that was my question, is you're looking at these narrow timeframes and taking, you know, I guess from that, that there's maybe a decrease or an increase and in that particular level of time, necessarily, and I don't know how valid that would be when looking at an overall picture if you're looking at narrow timeframes, and you're having something that [inaudible] with that, which would be an increases of arrests a delay in that [inaudible].

Mr. Weld: It's a good point. By necessity, we had to define certain timeframes for comparison's sake, and I think chose March to December to really represent the heart of the pandemic here. I think, in many cases, the person actually needs to be charged in court within a set amount of days after they're arrested. I don't think there would be too much lag in terms of what the data showed. We're happy to look into that more.

My understanding is, if someone was arrested, say in that March to December period, their case filing should show up in this data. If they're held pre-trial or released pre-trial, the lag is probably accounted for, but we're happy to look into that more, Chief.

Chief Bays: Another question I had was about one of the recommendations regarding release and the specific outcomes not having a detrimental effect to criminal justice for Montana, Minnesota; I forgot what the other state was, so was there no ability to look at that specifically for Nevada?

Mr. Weld: Sadly no, I know that what was tried to look at specific outcomes for releases during the pandemic. I think it was just a result of the NDOC data that we had; the difficulty of matching that to

individual defendants would be really worth doing, as I'm sure you folks all believe. It's just not a level of detail that our data sets that we received were able to give.

Chief Bays: Do you know what they use as far as like their the research that was conducted and that I don't know if that would be something you could share, like the actual study or the report or how they designed that, to see maybe that'd be something that we can look at to adopt here to do.

Mr. Weld: Absolutely. There's citations to some but not all of those studies in the report. Chief, I'll send them to you, and also, perhaps they can be available online through Director Gonzalez and her staff to just also have; but we can send you the documentation and the studies that those other states did if that would help.

Chief Bays: I did also have a question about what was discussed regarding the COVID death rate in custody. I didn't see anything in the report that indicated what the overall Nevada population was per 1000. That's what it was noted. And how that compared to that, but I know that that might also depend on a recalculation if there are some corrections.

Mr. Weld: The slides with maps on them. I think one of them was, might have been death rate in the general population.

I think you're right that it wasn't necessarily a comparable cohort; it might not be per 1,000, but I think one of those map slides early in the deck was trying to define what the deaths were like in the general population as well.

Chief Bays: I do want to echo the concerns about public safety that Director Callaway and Chief Deputy Noble brought up; we are seeing significant increases in our community here in Washoe for property crimes, for violent crimes, murder, so that is a trend that we're seeing. It is concerning. I understand that everything that we're looking at does have connections, whether they're correlations, the more that we can do, I think, to scope out what is truly happening in Nevada and look at statistics and look at data, comparably, between what we got here and what's available; maybe there's more that we need to do to try and really define it for our State. I know we're looking very seriously at policy recommendations. We make a lot of those, so the more we can base that on what we have here, and that this Commission's work that would be a benefit.

And then just one more point, it wasn't in the report, but the projections that you had in your slides. If I understand that correctly, you were taking those projections, you were looking at the trends that were seen during the COVID period—and then looking beyond that to try and project out to prison population. Do I have that right? And then come to a middle ground with that?

Dr. Chapman: Yes, if I understand what you're asking correctly, it was a combination of using population data that would have ended in 2019 to establish one set of projections, a second set would have looked at the population endpoint as it existed in 2021—so capturing the impact of COVID, recognizing that neither one of those endpoints would be really a true, accurate capture.

Landing instead on someplace in the middle that would project the population out, as it would have existed say in the pre-COVID years, and also taking into account some of the impacts that we've seen from the pandemic.

Chief Bays: Were those pre-COVID years back to I think 2017, when those numbers we're starting to see a trend down significantly, was that factored in?

Dr. Chapman: Yes, this would have been the ten years prior.

Chief Bays: Okay, so those numbers were trending significantly down, but your projections are still now up?

Dr. Chapman: They would be tempered on the way up over the next ten years. Yes.

Chief Bays: Tempered?

Dr. Chapman: Sorry, meaning that they're not going to fully increase to the extent that we would have seen if we were using the prison population as it sort of evolved through 2019. It's not going to be that much of an increase. The middle ground that we sort of landed on actually estimates a comparable population of about 13,000 individuals by 2029.

Chief Bays: Is that taking any consideration what you feel the impacts from COVID are? I guess I'm not really understanding how you see a significant trend down for a number of years and now, what is it that is the fact that is now creating this upward trend? I don't; I would need to see a lot, I guess, more information on that to understand where that turnaround is. We've had significant legislation. That is just puzzling to me; where that comes from?

Dr. Chapman: Yes, that's something I know we've got a lot here in other fits on the questions as well, that I'm happy to follow up with you about, and maybe we can distill some of those trends and sort of further clarify why we would anticipate a slight growth on the up years.

Mr. Weld: If it's helpful, I think the graph you're referring to is on slide 44. The fact that if we were just basing things on how they were in 2019, we would still expect even though the population was going down in those years for a variety of factors, some policy changes, maybe some of the impacts of AB 236.

Prison populations generally slightly go up over time, and that's what slide 44, I think, illustrates is, that due to population growth, various other things, that is what the data suggests the prison population would do if you're only looking at 2019. As Carrie said, we looked at how things were in the height of the pandemic which, of course, would not be an accurate projection because that's not going to stay precisely the same as it was in the height of the pandemic.

Finding a middle ground between that 2019 reality of the slow incline and the 2021 reality of the sharp decline is how we arrived at those that final projection, which is that final projection slide. It's worth noting, I think, too, that JFA, an organization that has appeared before this body, and done a lot of projection for the State. Their prison population projection was very in line with this, which we were very happy to see. We were worried that these projections would not align with Dr. Austin and his organizations. But they're very similar. If you noticed that, and I just thought that was worth mentioning.

Chief Bays: Well, now, I think I'm a little bit more confused because when I'm looking at our own dashboard, it shows from August 2017 a significant decline in the population. That's contrary to the statement that she just made about prison populations and populations that always go up.

That assumption, so yeah, I would definitely need to see more information on that because that is contrary to what the facts are.

Mr. Weld: We can absolutely follow up on that, for sure, Chief.

Chief Bays: Thank you.

Chair Stiglich: All right, thank you. Vice Chair Jones Brady.

Vice Chair Christine Jones Brady Thank you, Chair Stiglich. I want to thank you for putting this report together and taking the time to answer our questions. I appreciate the work that you've done. One of the reasons why I think we wanted to see this data is because we are trying to parse out the impact of AB 236 from the impact of COVID-19. I'm wondering if by looking at, you know, having looked at this little deeper dive of COVID-19 impact if we're able to say that there in some respects, AB 236 may be having an impact on reducing the population, prison population, and also in providing alternatives to incarceration. The reason why I asked whether or not it kind of this looks like maybe at the end of the day, AB 236 still had a positive impact, is that one of your slides said that we are the releases did not increase, but admissions did. Which from that I took away that if the admissions did not, that if the admissions, releases did not increase

admissions. I thought it said admissions, admissions decreased. Did I get that right? And if admissions decreased, does that mean that Nevada did a better job at alternatives to incarceration? And maybe if releases did not increase, is that because the people who were in prison were of the more violent offenders? That would be a question I would have. Either you can answer me later offline, or if you have the answer now, that would be great.

Mr. Weld: That's a great question, Attorney General, Jones Brady. I think that's it's a big part of why the releases went down is the more serious population at the time. I think it's not the whole story, and we go into that a little bit more in footnote 38 in the report that discusses how the natural population decline that happened in the NDOC, for reasons I'll get into in a moment, is not the only reason for the reduced releases, and the reduced releases were also due to affirmative policy choices not to do that, and the removal of credits and, and some other things. I think it's part, but not all, of the story of the reduced releases, is the more serious nature of the population. Concerning your question on AB 236, that's something we just didn't put in the presentation today just because of the length, but there is a section of that in the report as well. We asked a whole bunch of folks about the various things that were included in that bill and how they were going on the ground in Nevada. A lot of it was really proceeding as conceived and implemented by all the smart folks on the ACAJ, many of whom are on this call. The sentencing changes to the threshold mentioned earlier by Director Callaway, as well as some of the drug offenses, probably did lead to some of those reduced populations. My understanding is even before that bill passed, departments and courts were already sort of treating some of those offenses in a different way in terms of the amount of prison time that they were receiving. In addition to some of the eligibility requirements for diversion and other kinds of pretrial results, the expansion of those could have had a positive effect and probably did on some of the prison admissions. There were some aspects of AB 236 that folks reported weren't going as well or as smoothly. I think specifically, the revocation caps for folks on community supervision when they committed a technical violation, the amount of time they could return to prison in the event of such a violation. There were still some completely understandable challenges for courts trying to figure that out. I think even clarifications that have been made or need to be made to AB 236, on that score. For the most part, it was implemented really well during the pandemic, despite the real challenge of a lot of those changes going into effect in July of 2020, when the pandemic was underway, with maybe that exception of the revocations piece, which I think the State is still working out, and but I don't know if that answered all your questions or not?

Vice Chair Jones Brady No, it did. We're very concerned with the safety of the community. Some of the factors that contribute to a safe community include things like housing, access to health care, access to employment, and did you look at any of those factors to determine whether or not people were able to, I mean, our housing costs have gone up so tremendously in Nevada. I'm wondering if that has been if you are able to determine whether the cost of housing has been a barrier to releasing people or keeping people out of incarceration.

Mr. Weld: The absence of transitional housing and the release context was repeatedly referenced to us as something that would be really troubling and tough and needs to be; there needs to be more of it for the released population from the NDOC. In terms of cost of living and cost of housing in the State, I don't think that was something that we had data on or looked at. I just want to quickly say in response to Chief Bays' question about why it was the prison population was going up, I think the projections they were taking into account a one percent growth in Nevada's general population. That's why that yellow line is going up marginally overtime in that projection, and I think that the projections concluded that a lot of the reasons for the decline that a lot of which I just mentioned, and Attorney Jones Brady just mentioned, had already...

Vice Chair Jones Brady: Assistant

Mr. Weld: Yes, Assistant Attorney General Jones Brady had mentioned had already happened; there were some of the changes to AB 236. That would explain the slow decline and slow incline in the yellow line, but of course, we're happy to discuss it more.

Vice Chair Jones Brady: We've talked in on this Commission before about the transient nature of often of people who come and commit crimes in Nevada. I'm also wondering if the fact that perhaps we had fewer people coming to Nevada or traveling through Nevada from other states also contributed to that decrease during COVID?

Mr. Weld: Absolutely, it definitely did for the crime rates, for the admissions, for everything. Vegas was not what it usually was for those several months; it returned to what it was later. It's a great point and very important context for all those changes for sure.

Vice Chair Jones Brady: The other point I wanted to ask you about is you mentioned that people, because of the reduced programming or ability to participate in programming during the height of the COVID and the lockdowns that people lost credit, you know, by not being able to participate, they lost credit. I believe with AB 241, they passed a bill, the Legislature passed a bill that granted people additional credits. Did you? Was that not enough? Or did that compensate for the programming that people were unable to do during the lockdowns?

Mr. Weld: There were definitely big legislative steps taken to address that, and that's why I think we phrased the language as continue to pursue those remedies to the credits. I think maybe it wasn't everything that could have been done to particularly ensure that in future times of pandemic or crisis if programming goes away, that it not be a basis for lengthening sentences. I think other states did that to make it pretty clear that that wouldn't happen. And that was, I think, a suggestion in the report of a way to improve those program and credit laws. But you're right; there was a significant step taken with that bill.

Vice Chair Jones Brady: And then the last comment I had is, I would also like to see and I don't know if you guys are going to, you know, reconcile the numbers of deaths in NDOC because I was surprised when I saw your numbers and that it indicated Nevada was amongst the highest states in death rates. That was a surprise to me and wasn't consistent with the information I was, have been, you know, received on the ground. I would be interested in that as well. And, whether or not those deaths were, there was sort of an intimation that those deaths were COVID, related. Were there other reasons like, you know, an aging population? Or different reasons? Or are you saying that those deaths were COVID-related?

And then that's my last question.

Thank you.

Maura McNamara: I think that is a really great question, and we are actively kind of looking into that methodology. I think part of the issue and what we've seen across the nation, particularly with death rates in the calculation, it's kind of the, both the issues with time period in reporting and different agencies reporting things at different times.

That might be a factor into why that there might be a discrepancy between the numbers because, as it's been discussed here, we looked at a very limited time period. That is obviously going to exacerbate a rate if it's a certain period of time. In general, it's been something that has been discussed about access to kind of deaths, death data from Departments of Corrections across the nation, not specific to Nevada as a whole, because of that question, you know, whether the death was particularly related to COVID-19 or were there other factors? I know a lot of different agencies are struggling to both figure out how to report that information and the method of reporting that information. It's very common in terms of across the nation to be struggling with trying to rectify the source of that death and the making sure it's being reported accurately.

It's something that we are definitely going to talk to NDOC about and get to the bottom with..

Dr. Chapman: Yes, if I might just jump in Maura, briefly, just to add on that, just to confirm the two primary sources of data that were referenced when speaking about COVID death rates among the incarcerated population were the Marshall Project and also the COVID Prison Project from the CDC. They do acknowledge also, and I apologize that this was not made clear, the small number of deaths among the

incarcerated population that are attributable to COVID, Deputy Director Williams, I believe you stated 49. We have similar numbers referenced there as well. If there are discrepancies about the actual rate or to Maura's observation, the point in time in which that was calculated that may not reflect Nevada's incarcerated population accurately, we certainly want to make that correction.

And again, I apologize that I can't speak in more detail to some of the methodological decisions. As Quentin mentioned, I stepped in to help our colleague, Dr. Buchanan; who was not able to join us today, so I'm about 48 hours into learning this project. And so happy to follow up and get you the correct information, but just wanted to speak a little bit more, in the meantime, so thank you.

Chair Stiglich: Thank you. Turn to the Director's Office, please.

Dr. Minev: Hi, this is Michael Minev, Medical Director for the Nevada Department of Corrections. I just wanted to further this discussion in regards to the death rate calculation.

In reference to the report on page 19, which shows the graph stating that the death rates in our incarcerated population was 4.7 per 1,000, and at the bottom of the page, it references the COVID Prison Project, dated March 31, 2021. If you go to that website and look up that data on the COVID Prison Project, and you look up the sources for the data, the reference is a COVID Prison Project.

I think the assertion that this data is accurate or vetted from any reputable sources I think is incorrect; it's untrue; if you have the project, it's referencing themselves for data, that makes me question this data. In addition, the individuals, the incarcerated individuals that had passed away from COVID many of them did have underlying medical conditions. I just wanted to point that out to the Committee and everyone else about the, what I see as a discrepancy with those numbers.

In addition, on page 29, there is a statement that reads, "In many cases, incarcerated individuals would be charged fees for their vaccination." That's categorically untrue. We have never charged any of our offenders for any vaccinations, including the COVID-19 vaccination. There has never been enough; there's never been a time where we have charged any of our offenders for any vaccinations, whether that's been a COVID-19 vaccination, hepatitis-A, hepatitis-B, etcetera. That's just categorically not true.

Deputy Director Williams: I'd also like to chime in because I had questions regarding as it relates to the credits and inmates that inmates receive and exactly who within NDOC you guys are speaking with to gather that information?

Only each department has a Deputy Director that oversees it, and I'm talking to my different departments to find out who spoke to them.

How did they get this information?

Why is it this way? They're sharing with me that no one from CJI spoke to them. Our Offender Management Division is the department that normally has all of our data, and their staff there were rarely contacted as it relates to that information.

I just wonder whom you guys are speaking to within our NDOC to get your information?

Mr. Weld: Thanks, Director. We spoke to many NDOC staff, including OMD, right at the start; Chris Franklin, the Projects and Programs employee as well gave us a lot of that information in terms of the credits themselves. The system is so complicated, as was told to us many times by OMD, that it was hard to get specific data sets from them on credit calculations.

In terms of the credits being taken away, there was broad agreement from most that we talked to, that there was that absence, that lengthening of sentences that did occur from the absence of programming. That wasn't debated or disputed by the folks that we talked to. The sentencing credits did necessarily go away as a result of the absence of programming in many cases. Those are some of the names of whom we talked to in terms of OMD and Deputy Director Franklin.

Director Daniels: Thank you very much. This is Director Daniels, specific to the credits given for the amount for the inmates who were still, who are currently working or were in a program or an education, if in the event, they had to stop due to COVID, at the end of the year, I made every single one of those inmates all who did not receive the credits. We knew that it was not the inmate's fault that we had to slow things down. We went back retroactively and provided each of those inmates with the credits that they did not earn. That needs to be reflected in the report because the numbers and the credits are damning, yet they got the credit. If you have otherwise been employed, and otherwise in good standing, or otherwise, we're going to school, you receive the maximum amount of credit we can give you.

Mr. Weld: Director, that's wonderful to hear that those retroactive steps were taken, and that's fantastic. I think that part of the recommendation might be, since you are doing that, anyway, to put that in statute to ensure that those credits aren't taken away in future similar situations. I thank you very much for that additional information.

Chair Stiglich: If I can briefly clarify, that relates to people who were already programming when there was a hiatus. People who were new coming into the system or because of COVID could not start programming in that way. They were not eligible to receive credits. Is that right?

Deputy Director Williams: That would be correct.

Chair Stiglich: All right. Thank you. All right, Ms. Lanterman.

Dr. Jennifer Lanterman: Thank you, Chair Stiglich. I'd like to follow up on the concerns about violent crime rates in Nevada and other states. Unfortunately, violent crime rates, especially homicide rates, have increased throughout the United States during COVID. This trend is not unique to states that reduce their prison or jail populations during COVID. To my knowledge, neither Nevada nor any other state has conclusively identified a causal relationship between reduction of institutional populations and subsequent increase in violent crime rates, they could be independent phenomena. To determine whether or not there's simply a correlation, so things seeming to happen in close temporal proximity, or there's a causal relationship, what you would have to do is identify every person who was arrested for a new violent crime or crime against a person during this period of COVID, then look at their record to determine whether or not they were released from custody or were intentionally kept out of a facility during COVID. It is doable, but it is labor-intensive. That's how you would figure it out.

Additionally, with respect to increases in property crime rates in specific jurisdictions, it is likely when we decarcerate people who have been convicted of what we consider comparatively less serious crimes, so typically property crimes, relative to say any type of crimes against persons, we expect some increase in property crimes, that's not unusual. That is a function of the fact that as crimes become less serious, they become more common.

They're typically what we would refer to as high base rate offenses; property crimes just tend to be committed more than things like serious, violent crime. So it is a problem, and we need to think about what are some potential, viable solutions to those issues, but it's not unexpected that we would observe some increase in property crime if we were to engage in a decarceration process in this case, driven by the desire to reduce the spread of COVID. It is an issue, but it is not unexpected.

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

Jim Hoffman Thank you. I just wanted to speak a little bit about AB 241 and the issue with the credits.

From my perspective, the issue is that the way credits work, inmates get up to 10 days per month for working or programming. They weren't able to do that during the pandemic. The Legislature passed AB 241, but what that did was it gave people five days per month, not the ten that they had been getting, and AB 241 also capped it at a total of 60 days of credits for the entire duration of the public emergency. That's a year's worth, basically. That's better than nothing, and I really appreciate what the Deputy Director from NDOC said about going back and adjusting the credits manually.

Again, I think that's better than not doing anything. But from my perspective, AB 241 is still, it's not actually making people whole, right?

It's making them more whole than they would have been, and what the Deputy Director said, that's making people more whole than they would have been. People are still losing the opportunity to do these things through no fault of their own. I believe that's a problem that we should be trying to address. Thanks.

Chair Stiglich: All right, thank you, Mr. Hoffman. Ms. Welborn.

Holly Welborn: Thank you, Chair. I just want to say ditto to what Mr. Hoffman just said, that we did work together, we worked with folks from the NDOC, and I think we worked well in collaboration with each other on 241, but I think we all knew at that time that it wasn't addressing the full problem. We weren't making people whole. I don't think that anything in the report is putting the DOC in a light that's stating that, a problem existed that wasn't there.

There was a problem that was there, and we identified it, and even with those, additional credits that had been added, the intent has not been realized once we go through the credit allocation process. Director Gonzalez was very clear about that in her presentation and has done a phenomenal job of trying to explain the very complex credit allocation process to us.

I don't think that it's, I think it's a problem that we all realize is there and exists, and we're trying our best to have families have a little bit more sense on an expected release date for their loved one. That's the goal and objective there. I just wanted to comment on that. I've sat on some iteration of this Commission for six and a half years. We hear the same monologues about data and data tracking and all these other things, and we have CJI come in and give, incredible resources and analyzing the very scattered data and record-keeping that we have in the State of Nevada, and that's something, recommendations that I made for COVID-19 Relief dollars was to, support, data keeping and having some, streamlined statewide mechanism for tracking criminal legal system data. That way, we're not in this constant, fight amongst each other about what the data says and what the data means. Certainly, entities have the right and should defend your agency when a report comes out that shows you in a less than favorable light, but the facts remain, there are 49 people who have died. I want to know how we can prevent that in the future to Justice Stiglich's point. That is what we are suggesting and analyzing; how do we prevent this in the future if we are faced with the same situation?

We've all, I think most of us, if not all of us, have had the chance to meet with Director Gonzalez to understand her vision for her Department. Her vision for how the Department of Sentencing Policy can help assist us in the future in analyzing our existing data systems.

The way that we maintain and track data and how to utilize that to inform policy in the future. I would appreciate it if, before this meeting concludes that Victoria Gonzalez could sort of share that vision with this group and what her plans are for the future. Thank you.

Chair Stiglich: Thank you, Ms. Welborn. Director Gonzales, I think Ms. Welborn called on you.

Director Gonzalez: Challenge accepted. Thank you, Holly. Yes, I appreciate that. I appreciate this Commission very much in our relationship. There are a lot of challenges here with the data and what I have said to many of you, and I think I said to our partners at CJI is what they have set us on this path, both with the report and recommendations that were developed back in 2018 and 2019. A report like this is, it shows us something that we had not done before in Nevada in terms of collecting data, analyzing it, putting it together, and identifying policies that would help our State, and what I've really appreciated is being able to take those resources and then use that to for our agency to then let's take this and run with it.

I think this is actually a great example of where we could do that as well. I will say, and I think CJI will appreciate this, the challenges of the data, and I'm very aware of that, so we are sharing that. What we're looking to do is identify where those gaps are, collect and work with each agency at their level of data, and

then work on that and then meet you where you're at, and then figure out how can we connect all that with what we have.

My long-term vision for us is that our agency and this Commission could function as a repository for criminal justice data; I would say to try and unify all this data is probably nearly impossible for a myriad of reasons.

It could happen if we had a bottomless bucket of money and I think if we were able to change some of these infrastructures; it would have to be from the bottom up. But I think for us, it's not impossible. It's something we can do. My vision is for us to work with every single agency, every single entity, and look for those opportunities to expand the resources that we have to just collect data from one person at a time, basically.

We're starting with the DOC. They do have data that we're able to collect in different ways and partner with them. Then we can house that data here and then connect it to other pieces. We're working with P&P as they continue to update their system. We're working with; how can we take their existing data and connect that to the data we have from DOC. We work with the Central Repository as far as a vision of what does this look like if we collect data from every court, from every law enforcement agency, from anyone who will give us data? How can we connect it? From there, we can take something like this and truly develop recommendations that will be Nevada-driven, Nevada-focused, and will be able to be evaluated over time. If a recommendation comes out of this Commission that has been developed with the data vision that I have and where we can get that information, then we can go back and revisit it. This Commission can evaluate how it's going.

That is where I see us going, and I think the potential for this agency is we just have to embrace that model for collecting all that data being the repository, being the hub for the data. Then we can connect it, and I absolutely believe that's possible. I think you see us starting to do that with the data we have already and the recommendations we talked about at our last meeting and what we're going to follow up on next time. I just see us like really on the right track here, and taking something like this and being able to run with it even more and use that as a model for how do we collect even more data? How do we connect more data for this State to really develop these data-driven recommendations?

Chair Stiglich: Thank you, Director. Well, Mr. Weld, Dr. Chapman, Ms. McNamara, and your whole team at CJJ, I want to thank you; both for appearing here today and going through it and just all the effort you put in bringing this report to fruition. Are there any other questions on this agenda item before we move forward? All right, hearing none. Really, thank you.

Again, please tell your team how grateful we are for all their assistance. Mr. Weld, thank you so much.

Mr. Weld: We have to say thank you again to this body and everyone we spoke to. This project was really a basic team effort. Thank you again.

Chair Stiglich: All right. Hearing no further questions, I'll close this agenda item.

5. Discussion of Potential Topics and Dates for Future Meetings

Chair Stiglich: I'll now open agenda item five. The meeting agenda lists the meeting dates for the remainder of the year. The meeting dates for the rest of this year are provided in the agenda as well. Our next meeting will be in person Monday, May 9th, and then we'll meet again in person on Monday, August 15th, and the last meeting of 2022 will be a virtual meeting on Friday, November 4th. The meetings on May 9th and August 15th are scheduled in meeting rooms at the Legislative Council Bureau or LCB. As the meetings get closer, NDSP staff will send out an email requesting an RSVP and indication if you'll be attending in Las Vegas or Carson City. Please keep an eye on your email, and as always, staff is available to help with any questions or concerns you may have. Additionally, I'll note that the May 9th meeting is shaping up to be a very full agenda. Please plan for a full meeting on that day. Does anybody have any items they'd like to be considered for future meetings?

All right. I don't see any hands. If you think of anything you'd like to be considered for an agenda item. For one of these future meetings, please contact myself or Director Gonzalez.

6. Public Comment

Chair Stiglich: I'll now open the second period of public comment.

Agenda item six, 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 a two-minute limit may submit the balance of your testimony in writing to the Department of Sentencing Policy at sentencingpolicy@ndsp.nv.gov. At this time, I will ask Ms. Chiazza to manage and direct those who wish to testify.

Director Gonzalez: Monica, you're muted.

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. We'll just give it a quick sec.

Chair, we have no callers who wish to testify.

Chair Stiglich: All right. Thank you, Ms. Chiazza. That concludes our second period of public comment.

7. Adjournment

Chair Stiglich: Item seven adjournment.

Great work, everyone. I want to thank staff, the members of the Commission and our presenters. We've accomplished a lot today. These are interesting conversations. And you know, it's all about moving forward, together. I look forward to seeing you all in person on Monday, May 9th, to continue these efforts. In the interim, please again reach out to the Director and her staff with any comments, data, anything you want to put forward; let's get it to the right place so we can all be better and do better. This meeting is now adjourned. Be well, be safe, and be kind to yourselves. Take Care.