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NEVADA SENTENCING COMMISSION

MINUTES DRAFT

Date and Time: May 26, 2023

Location: VIRTUAL ONLY

MEMBERS PRESENT

Chief Michelle Bays
Dr. Shera Bradley
Chairman Christopher DeRicco
Deputy Chief Aaron Evans
Judge Scott Freeman
Evelyn Grosenick
Athar Haseebullah
D.A. Chris Hicks
Judge Tierra Jones
Dr. Jennifer Lanterman
John McCormick
Kimberly Mull
Julia Murray
Director Christopher Sewell
Vice Chair Christine Jones Brady
Chair Justice Lidia Stiglich

MEMBERS EXCUSED

Senator Nicole Cannizzaro
Director James Dzurenda
Senator Pete Goicoechea
Jim Hoffman
Assemblyman David Orentlicher
Jon Ponder
Director Beth Schmidt

STAFF

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

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

Chair Chief Justice Lidia Stiglich: All right, thank you. I'll now call to order the May 26, 2023, meeting of the Nevada Sentencing Commission. Good morning. Sorry for the late start. Thank you for your attendance at this busy time during the legislative session. I also want to welcome those who are viewing the meeting on the Department of Sentencing Policy's YouTube channel. I'll 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 Stiglich: All right, thank you. I'll now open agenda item number 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 may do so in writing by emailing the Department of Sentencing Policy at sentencingpolicy@ndsp.nv.gov. Public comment received in writing will be provided to the Commission and may be included by reference in the minutes of the meeting. Members of the public who wish to testify may do so by telephone. Due to time constraints however, public comment will be limited to two minutes. Any member of the public that exceeds the two-minute time limit may submit the balance of your comments in writing to the Department of Sentencing Policy. At this time, I'll ask staff to manage and direct those who wish to testify by telephone. Mr. Sepulveda, do we have any takers?

Mr. Jose Sepulveda: Thank you, Chair. Members of the public who would like to testify by phone, press star nine to raise your hand. When it's your turn to speak, please slowly state and spell your first and last name. And we don't have any callers, Chair.

3. Approval of the Minutes of the Meeting of the Nevada Sentencing Commission held on March 31, 2023

Chair Stiglich: All right, thank you. I'll then close the first period of public comment and turn to item three. Members of the Commission have been provided copies of the minutes from the March 31, 2023, meeting. Are there any edits, comments, or corrections? All right, hearing none, I'll now entertain a motion to approve the minutes from the March 31, 2023, meeting.

JOHN MCCORMICK MOVED TO APPROVE THE MINUTES OF THE MARCH 31, 2023, MEETING

DR. JENNIFER LANTERMAN SECONDED THE MOTION

MOTION PASSED

Chair Stiglich: We'll now open agenda item four but, I want to note, Director when we get to when you complete your report, or we get to areas for questions, because of my technological constraints I cannot manage the speaker board because I can only see one person at a time. So, if you see people who have questions or whatnot, please feel free to interject and call on them.

4. Report from Executive Director

So, agenda item four is open, it's a report from our Director of the Department of Sentencing Policy. Today's report from the Director will be focused on an update of the legislative activities of the Department. The last meeting the Director provided a list of bills they were tracking, in this report she'll provide a more detailed update on some of the priority bills being tracked, there are other slides and I'll now turn the time to the Director.

Director Gonzalez: Thank you, Chair. All right, as the Chair mentioned, the slides have been provided with your materials. So, the main focus of my report will be to, again, as the Chair mentioned, to focus on a summary and update of the legislative activities specifically of our priority bills. Since we provided the materials to the Commission, there have been a lot of changes so I will make those notes as I go through

my slides, because as we all know the legislature moves very quickly. A lot can happen, especially as we're winding things down.

So, the first bill I wanted to provide an update on is AB 32. So, as you can see on the materials here, I provided a summary of the highlights of AB 32; this is the bill that was based on the recommendations that came out of this Commission. Where the bill creates intermediate jail sanctions and electronic monitoring sanctions for temporary revocations for both probation and parole. It revises the definition of technical violation for sex offenders, regarding the specific conditions about what's a technical violation and what's not. It changes the duties of the Director and slightly modified how certain members of the Commission are appointed. The bill hearings so far, the bill has been heard in both the Assembly Judiciary and Senate Judiciary, as you can see here. Since in the development of legislation we know things can change and since the bill was introduced and the bill has been heard, it has been amended and on the right side of your slide, you can see the summary of the changes and the highlights of the changes in the amendment. So, it continued to revise the definition of technical violation for sex offenders. When the bill was initially proposed, we had identified specific conditions that were technical versus non-technical and working with stakeholders, worked on revising those and limited it to two conditions of sex offenders of conditions that are specific to sex offenders that would be technical violations, making it very clear that the rest of those conditions are technical. There was an amendment to ask this Commission and our Department to collect data related to homelessness, specific for those inmates when they're released --those incarcerated persons when they're released--discharged specifically, but also on parole, what is their status of where they're going to live. That came out also out of that presentation we heard from the Homeless Alliance a few months ago. And so, she brought that amendment and we of course supported that in the bill. The amendment also provides for the confidentiality for data collection, which again came out of discussions of this commission regarding, making sure that our data is confidential, especially when we collect qualitative data. The amendment also authorizes the Coordinating Council to accept gifts and grants. So, the Coordinating Council as we know is required to provide grants to local programs and treatment to reduce recidivism. The statute provides that the funding for those must come from the General Fund. This authorization just allows the Coordinating Council to seek additional funding to then pass on those grants to local jurisdictions. Then another amendment that was submitted and approved and passed out was providing credit for time served for those waiting for a technical violation. As you can see and you can probably assume a lot of work was done with stakeholders to get to this point, and I think this a really exciting development for the Commission to see what recommendations the Commission was able to develop and then put forth as legislation. And since then, what happens to those recommendations as we continue to work with stakeholders and additional feedback. So really excited about this being legislation that, ideas here positive developed out of this Commission and moving forward. So, we'll continue to keep you updated but as you can see the status here that I have on the slide, is that it passed out of Assembly and was being worked and was actually has been work sessioned out of Senate Judiciary since then. It's currently waiting for the floor vote which would be the deadline is today for that.

The next bill I want to provide you with an update on is AB 388. So, AB 388 is sponsored by Speaker Yeager and it's a very short bill that provides an appropriation of three million dollars to the Nevada Local Justice Reinvestment Coordinating Council. In his presentation to the Assembly Judiciary Committee, Speaker Yeager referred to the reports approved and developed out of this commission in regard to recommendations for the Coordinating Council. Additionally, Chair Pruyt, Chair Garritt Pruyt from the Coordinating Council appeared with Speaker Yeager to present the bill along with members of the Council called in to support the bill. As you can see here the status right now is that it was heard in Assembly Judiciary and also heard in Assembly Ways and Means, it is currently still waiting in the Ways and Means Committee. There have been no amendments to this bill and as I mentioned it is pending. The status is pending for work session in Ways and Means on the Assembly side.

The next bill we want to update you on is SB 103. So, SB 103 started off as revising certain reports that were submitted by district attorneys to the Attorney General's office and was making a slight change to the information that was provided. Senator Scheible is the supporter of this bill, and she came to our agency and asked if it'd be possible to have those reports. Oh! I'm sorry, I'm summarizing the wrong bill. SB103 is a misdemeanor bill. I apologize, let me start over.

So, SB 103 requires the Sentencing Commission to study misdemeanors for an interim study and then submit a report to the 2025 Legislature. It also amends the Sentencing Commission duties and the Sentencing Commission membership. This bill was developed out of the Interim Judiciary Committee; it came out of an idea from the Fines and Fees Justice Center. They provided a presentation to the Interim Judiciary Committee, stating a need to study misdemeanors in the state looking for where there might be opportunities to revise and make some changes and be very intentional about what activities and acts are criminalized as misdemeanors. The Fines and Fees Justice Center approached us last summer and asked if this would be an appropriate place for that study. The duties of the Sentencing Commission currently are limited to studying felonies and gross misdemeanors. So, we advised them that in order to take this on we need to revise the duties of the Commission to not limit it to just felonies and gross misdemeanors. Additionally, we studied and worked with the Fines and Fees Justice Center to look at other states where they had done similar studies and looked for other stakeholders that we might need on the Commission to make sure we have all the perspectives represented on this. Since then, you can see that since the bill was introduced, we did have a hearing to the Senate Judiciary on February 13th and we presented that bill in partnership with the Fines and Fees Justice Center. We just made it clear that this was something that the Sentencing Commission could handle. So actually, since then, even though it says there aren't any amendments here, there have been. There was an amendment presented and the bill was actually just passed and work sessioned out of Senate Finance last night. What the amendment does is actually change the interim study to a subcommittee to study misdemeanors. So, what the amendment does now is within the Sentencing Commission creates this very specific subcommittee to study misdemeanors. In talking with stakeholders there's a lot of perspectives that need to be represented when studying misdemeanors because we're not just talking about the state level, we're talking about a lot at the local level. And different stakeholders wanted to make sure that all the perspectives were heard on this and as we thought about what that might look like, a subcommittee made more sense to handle this work. A subcommittee also provides sustainability because I believe that studying misdemeanors is not a one-off effort. Just as this Commission is studying felonies and other penalties over time, it makes sense that if the Commission is going to study misdemeanors, this should be a standing subcommittee that continues to collect and analyze data. The amendment also provided specific members who should be on the subcommittee, which would include someone who's an expert in misdemeanors and fines and fees, a city attorney, a defense attorney from local jurisdiction, along with court administrators. Additionally, what we had originally worked on changing the membership of the Commission to make sure, again, that we have all the voices represented is this bill adds a couple more members to the Commission. It adds a district attorney from the rural jurisdiction but also adds a public defender from a rural jurisdiction and then adds someone from the Central Repository to provide us that additional data, support, and analysis. And in statute right now our membership does not specifically provide for an academic or a professor and so, we proposed that they specifically provide someone who's appointed from either the University, UNR or UNLV. That way it's specific too, we have those specific perspectives represented on the Commission. Also, the subcommittee will be authorized to organize working groups and then the idea is the subcommittee will meet, have their working groups, and then bring reports back to the Commission on a regular basis. And the Commission will include findings from the subcommittee and the working groups in the comprehensive report that is submitted every year. The members of the subcommittee will also be appointed by the Chair. As you can see here this with the status we had here, and I mentioned the bill was just work sessioned yesterday out of Senate Finance.

So now onto SB 316 which is the bill I started talking about regarding the district attorney report. So again, the bill started out as making a minor change to data that was collected for these reports that are submitted by district attorneys, to the Attorney General. Senator Scheible came to us and asked if this is something we would be capable of doing. We said that this is something that our department could do and then work on developing a report that then could be submitted to this Commission and other entities, such as, the Interim Judiciary Committee. So, she submitted an amendment that would require this reporting to be submitted to our agency rather than to the Attorney General. Since then, the status has been updated on this bill, it is actually to enrollment and on its way to the Governor to be considered to be signed.

The last bill we want to provide an update on is SB 413. SB 413 proposes to change the current scheme of how incarcerated persons earn credit while at the Department of Corrections. Currently there's a very

complicated scheme of how credits are earned, and this bill proposes to change all of that to a percentage. We partnered with Senator Harris, who was looking to make some changes to the credit system, and we did some research for her and did some data analysis. What we did is we studied what percentage of a sentence someone serves before they are released to parole so they could determine what would be the best percentage. So, when she presented this bill to the Senate Judiciary, we presented the data we collected and analyzed to help her develop this recommendation. Our perspective is that this is a non-partisan issue, and I would not have our agency participate in something that was a partisan issue. So, we have been working on providing the data analysis for this and have found an opportunity where we are providing data. This is our intent to provide data to the stakeholders, the Commission, to the legislators, to truly develop data-driven recommendations for our criminal justice system. Initially the bill introduced a twenty-five percent adjustment to a sentence for someone who is incarcerated with the intent that the person would comply with their case plan. So, they have to work, they have to educate, they have to complete education and programming consistent with their case plan and as long as they do that, they will be eligible for parole. This is limited to those individuals who can earn credit off their minimums, so that is C's, D's and E's, felony category C's, D's and E's, who are in drug and property offense groups, those individuals can actually earn credit off of their minimum. So, this would provide, instead of the credits being applied in the complicated manner that they are, a very clear percentage would be what they are eligible for parole. They are just eligible for parole if they comply with their programming and then depending on what the Parole Board finding is, they could be released to parole. In further data analysis, we found that there's actually a range of percentages. There's no one percentage that was the majority of where these individuals were being released to parole. In additional data analysis and based on the decision for where to identify that, the amendment was proposed to change the percentage to 35 percent and that 35 percent would be applied for those who are eligible to get credits off their minimum and also credits off their max, which is consistent with the current credit scheme. So again, the idea was to instead of just having the credit scheme just have a percentage that everyone is eligible for as long as they have good behavior, and they comply with their case plan. That percentage can be adjusted if there are any sort of violations while they are incarcerated which is consistent with the existing scheme, so that percentage can be adjusted so to address those who are not ready to be released or still need additional opportunities for rehabilitation and for programming, that'll be how that is addressed instead of the credits that would be earned for completing such programs. So currently, that bill has been passed out of Senate Judiciary. It's been referred to Senate Finance and that is the last we've heard about the status of that bill.

Other legislative activities we've been tracking as we mentioned at our last meeting, tracking other bills related to sentencing, criminal justice policy, corrections, re-entry, and other agency administration. We administered our budget closing; obviously that is subject to everyone's approval at this point so when we have that final information, we can let you know how things landed for us. Additionally, as we mentioned with SB 413, we've conducted other data analysis upon requests by agencies, legislators, Governor's Office, and other stakeholders, and remind this Commission and anyone else who has any other questions we're happy to do that analysis. We can conduct and analyze any questions you may have about what's happening.

Unrelated to legislative activities, I want to provide a couple more updates in my directors' report. As you know, I sent out the registration information for the National Association of Sentencing Commissions Conference, we're very excited about that, and making a lot of progress. Our keynote speaker is going to be Senior Justice Hardesty, followed by a panel of a few Commission members here. We are going to have Aaron Evans from Parole and Probation, Athar Haseebullah from ACLU, Director Dzurenda from the Department of Corrections and Mark Jackson from Douglas County, who is a district attorney. We worked with Senior Justice Hardesty to develop that panel; we are really looking forward to that. Additionally, Dr. Lanterman and Christine Jones Brady will be helping with a breakout session during the conference as well. So, I really appreciate everyone's efforts on that.

The last thing I want to mention is, next month we are going to send out letters to your appointing authorities for your appointments. Everyone's appointments on this commission expires at the end of June and so to get ready to have everyone appointed by July 1st. We'll be sending out those letters, so keep an eye out for those because you will be hearing from your appointing authorities. As far as your interest, you are absolutely able to serve on the Commission again if that is what you and the appointing authority decide for

the Commission. So just keep that in mind and if you have any questions, please let us know about that. So, with that, that concludes my presentation, I know it was a lot with the legislative information. I'm happy to answer any questions with that. I wanted to provide as high-level summary as possible, but I'll turn the time back over to the Chair.

Chair Stiglich: All right, thank you Director for that excellent report and also, I am back live! So, I got this! Does anybody have any questions for the Director or her staff?

All right, well, hearing no questions, I'll now close that agenda item and we will open agenda item five, the report of criminal justice data. At our last meeting, Mr. Cosio presented a newly developed dashboard focused on prison admissions data, since then he has built a dashboard focused on prison release data. I'll now turn the time to Mr. Cosio to walk us through the new dashboard. Mr. Cosio?

5. Report on Criminal Justice Data

Mr. Erasmo Cosio: Okay, and good morning, Commission! This is Erasmo Cosio for the record. All right, so at our previous meeting, like you said, I presented data on NDOC admissions. I am here today to present to you our dashboard on NDOC releases. The purpose of this data is to show all NDOC releases from 2017 to present and to show some quick navigation tips just in case you all didn't see them last time. Now for a quick roadmap of what's to come in this presentation, the release data will have a total of ten pages. I will begin to breakdown the data, slice and dice if you will, by various ways, just to show you different ways you can look at the data. Each subsequent page will then provide you with different ways to analyze the releases data.

So please think of this dashboard and any dashboard that we create as a tool to help you make more data-driven decisions. I wanted to start off by showing you, for example, you can click up here on sort by the count and it's going to give you the highest occurring to the least occurring. Another example, you can click on, like I showed you last time, you can click on every single CAT and see what that does to the visual. For example, I just clicked on A's, you can see that there has been more A's released up to 2021 and then there is a decrease and it's gonna be interesting to see what happens by the end of the year. You can click on the B's and you can see there was an increase in releases up to 2019 and then it has been decreasing or we can click C's, you can see there was no fluctuation up to 2019 and then it has been decreasing. And then if we click on D releases, again with this one it has been decreasing over the years and it's going to be interesting to see what happens by the year to see what happens by the end of the year. And clicking on E's, category E felonies, so we have some fluctuation and some decreases. Something that I happened to notice, and I just thought it was interesting, for example, if we click on movement reason and we go down to inmate death. Okay, so these are all the deaths that have happened since 2017. You can see right here because I still have the sort on the count part, as you can see the majority of deaths are coming from violence and sex, you can see what is happening throughout the years, you can narrow it down or if you just want to toggle between male and female, you're able to do that as well. And so, with this page, and any page down here, is going to offer different points of view, it's going to offer you the broad view and a very detailed view.

So next up, we have releases by year and month. All right, so these will be the releases month after month. Again, we can do the sort on the count part, and we can see that property and violence have been the most occurring and again we can change up the years again. And you can see for example that property and violence switched depending on when I want to focus on. Make sure that no filters are applied. Okay, so some things to note here is that releases are down but total population is down too. Two drivers for the prison population are admissions and releases, so when they change so too does the prison population. More releases than admissions over time equals a lower prison population. More admissions than releases over time equals a higher prison population.

So now we have releases by felony category. So, for this one, for example just wanted to know what is going on with the drug offense group, you can go ahead and click on the drug offense groups and see how the CATs have changed over time with that offense group. Something to note on this page and all the following pages, we did take into consideration and made adjustments based on feedback from members, so we hope that the lines and colors throughout look more distinguishable.

So now we have releases by offense group, but this one if you happen to be curious and wondering what's going on with the D's. You can see on here looking at D's, property has been the highest occurring offense group among D's by a good amount. And if you happen to be wondering what is going on with the E's, drug was the highest occurring offense group among the releases.

So next up we have, all right, this is going to be the releases by previous imprisonment status, so we are talking about releases here. So, this was their imprisonment status while they were in prison. Of those individuals being released from prison, new commitments were the highest occurring releases followed with a large gap in between that, followed by probation violation with no new conviction being the second highest.

So next up we have our releases by imprisonment status. Okay so for this one you can see for example that parole and discharge were switching places back in early 2017. And then up to now parole has been the majority of the releases and discharge just kind of dropped down but then for example over here you can compare parole and mandatory parole. They were pretty far apart and now they are getting closer, and they have even switched up a couple of times in recent history. And on this one, for example, you can also change the age filter down by the age. Let's say you have been curious to what's going on with a certain age group, you can filter that down.

So next up we have releases by offense group and felony category. For this one if you happen to be curious or just happen to wonder about what's going with the A's. So, as you can see on here that I just filtered down by the A's, the majority of those A's are coming from our violence and sex offense. Or you just happen to be wondering what is going on with the E's. All right, so the majority of the people being released from the E offense group are coming from the drug offense, with some property in there but the majority are coming from drug as well.

All right, so now we have releases by felony category and offense group. Okay for this one for example, if you just happen to be wondering, maybe what's going on with the property offense. So, we can see on here that for property offense the majority are coming from B, C and D's. Maybe you are curious about what is going with the sex offense. Okay so from the sex offense, the majority of them are coming from A's and B's.

Well next up, we have releases by county of commitment and year. All right, with this one if you happen to be curious about your particular county, for example, we can click on Douglas. So, we can see some fluctuation going on between the years, we can go ahead and click up here on sort, so we can see what is going on with those releases. All right, so for example, if you wanted to compare that to like Washoe County, we can see there has been some fluctuation as well, not as much but you can see the individual county.

So now we have the releases by county of commitment and felony category. All right so for this one, if you happen to be curious to know what's going on in Clark County so the majority of those releases are coming from B's, A's are pretty low, and then after the B's it goes lower to C's, D's and E's. You want to know what is going on in a particular year compared to another year, you can. Or for example if you are wanting to know what's going on with Lander. So, with Lander being a smaller county it does have some different dynamics compared to a large county. So, we just have one A there, we got some B's, some C's, D's are pretty low but then the E's are the highest releases coming out of Lander.

So, a quick recap of this month's and last month's presentation, so the admissions data presented to you at our last meeting was on the individuals who were going into prison and the releases data that I present to you today is on individuals returning back into your communities.

All right, so thank you very much and that concludes my presentation on NDOC releases. If you have any questions or need any help navigating these tools, please don't hesitate to reach out and thank you.

Chair Stiglich: All right, thank you Mr. Cosio. Does anybody have any questions on that report? Ms. Lanterman?

Dr. Jennifer Lanterman: Mr. Cosio, are you able to speak to whether the decrease in releases for people with categories C, D, and E felonies is a function of reduced decisions by Parole Board to release or if it's a

function of reduced initial admissions for people with category C, D, and E felonies? Such that reduced people in, just translates to reduced people out.

Mr. Cosio: So, I feel like it's in both parts but for example, we do have less C's, D's and E's in the prison population and so because we do have less of them, there is going to be less people coming out, less people being released. An example, just like the admissions part so less C's, D's and E's going in is going to cause lower prison population for C's, D's and E's and eventually a lower amount of C's, D's, and E's coming out of prison. Hopefully, that answers part of your question.

Dr. Jennifer Lanterman: Yes, you know, I'm just curious about the underlying dynamics, right? So, is that a function of changes, like in the judiciary such fewer of them are being sentenced and that's fine or do we have a lower percentage or proportion of people with C, D, and E felony convictions who are being presented to the Parole Board and the Parole Board is deciding to release fewer of them? So that's really sort of the underlying question, so of course there might be fewer people with C, D, and E felony convictions being sentenced to Department of Corrections custody but I'm also curious about just trends with the Parole Board, if we're able to determine whether there are any changes there just so we sort know the full lay of the land.

Mr. Cosio: Yeah of course, so yeah, so this me speaking without knowing the full details and then I could dive a little deeper. But for example, I do believe that if less people are just being sentenced for those C's, D's and E's. And what is going on with the Parole Board, I don't believe it's them making a decision, I believe it's just the C's, D's and E's being a lower amount asking Parole Board because there is less of them.

Director Gonzalez: Mr. Cosio would you actually pull up and get the admissions dashboard ready and we can look at that right now to show. We could show what some of the trends right now. Just to throw that in.

And then I do agree that part of our analysis has been that AB 236 adjusted a lot of opportunities for alternatives to sentencing and different diversions. And then how the thresholds were changed also impacted those C's, D's, and E's in those offense groups and so I think it'll be interesting right now to pull up the admissions dashboard and we can look at some of that comparison, but that's part of our analysis too is that AB 236 impacted some of that.

Dr. Jennifer Lanterman: And I think that's important and it's certainly the case that reduced sentences to DOC custody is certainly going to impact that number. But I am curious about the full causal explanation for the reduced number of C, D, and E felony releases, right? So that decrease can be caused entirely by reduced admissions to DOC custody, or it could be caused by a number of factors and I'm just curious about the full picture there. If we are able to determine based on the available data full picture or are we only able to determine part of picture at this point with the data available to us.

Director Gonzalez: I think there's quite a bit of the picture that we'd be able to develop so we could take the admissions, we could take the releases, and what we could do is drill down further on those releases, their imprisonment and what their release reason was. So, we could look at those released to parole the C's, D's and E's and look at trends there. Then we could definitely look at that, we do have the data available to us on that and of course could also partner with Chairman DeRicco and his team if there is additional information, but we can start putting that together and let you know what we can piece together. Mr. Cosio, do you have anything you want to point out? Did you get the slide up?

Mr. Cosio: Yes, I did. All right, so, can you guys see my screen?

Chair Stiglich: Yeah, except the bar graph.

Mr. Cosio: Okay.

Director Gonzalez: Maybe isolate them one of them at a time, so maybe just start with the C's?

Mr. Cosio: Okay. Like for example here like you can see that less of them are coming in. Less and less C felony categories are coming in. And again, it's gonna be interesting how it plays out by the end of the year.

Same thing with the D's, just like with the C's it was a slight increase in 2020, sorry, 2022. We can see on here what's going with the E's in admissions.

Chair Stiglich: I think between now and the next meeting maybe just try to see if we can collate or connect up are these, as Ms. Lanterman pointed out, are our releases percentage wise significantly down more given the downward trend in admissions or is there something else going on. So, we have that data we can certainly look at that.

Dr. Bradley, then Mr. Hicks, and then Miss Brady.

Dr. Shera Bradley: Yeah, I was thinking along the same lines and was going to suggest that maybe we have one graph; a line graph that has admits and releases on the same graph. And then I think it would also be good to see it as a function of the overall population too. So, we can see like the percentage of, you know, discharges per population. I also wondered if we could have amount of time that people spent incarcerated at the time of their release? And then with all those other options you know looking at the category and age and all those kinds of things. Thank you.

Director Gonzalez: Yeah, we can do that.

Chair Stiglich: Mr. Hicks?

District Attorney Chris Hicks: Thank you. Kind of along the lines of what Dr. Bradley was just asking, my first question is would it be possible to collect on the C, D, and E's, I guess percentage that would reflect when they were released on their minimum sentence, meaning what percentage of their minimum sentence did they serve upon release? I know that data is out there because of the bill you talked about earlier Director Gonzalez. I think it'd be interesting to be able to look, if possible, at those C's, D's, and E's of what the percentages of the minimum sentences are.

My other question is, would it also be possible to collect in regard to parole data on all classes of felonies? How many times these inmates are appearing in front of the Parole Board before they're released? I think that would be very interesting data, especially broken down into each felony.

Director Gonzalez: Yeah, I believe we can definitely do the percentage of time served as you mentioned because we've done that for that bill so we can bring all of that before the Commission and we intend to keep tracking that no matter what happens with the bill, because I think that's very helpful information about how much time is being served before someone's being released to parole and we have it for all the felony categories as well. And then I believe and I'm gonna ask Ms. Powers, I believe we can do analysis of the appearances before the Parole Board.

Ms. Jorja Powers: Yes, we could, we have the ability to get that data.

Chair Stiglich: All right, thank you. Miss Brady?

Vice Chair Christine Jones Brady: Thank you Chair. Christine Jones Brady for the record. I think it would be good too, on that bill, to do a training for prosecutors throughout the state and maybe even judges on those time credits and how it's going to be applied and what they can be looking at because I think that how it's applied might make a difference to how people negotiate cases and how judges you know structure their sentences. The other comment I had was more of a question for the group, I find these dashboards to be super helpful and I've been using them in some of the memos I create for my boss on policy issues. I'll go to that dashboard and compile numbers and things, and I was curious if anyone else on the group started using dashboards. If so, in what way you guys have found that dashboard useful?

Chair Stiglich: Anyone? Any comments?

Chief Kirk Widmar: Chair, thank you. To your second question, even though this is my data that comes and feeds these dashboards, I use these dashboards on a daily basis. They are so user-friendly to use. When I get requests come in, to be able to take to direct folks to it, whether they're public information requests, whether there are other justice agency requests. The work that the team has done there with

Director Gonzalez makes it incredibly easy to manage and get quick answers, especially during session. Quick answers and turnarounds back out to those that request the data. So, I'm a big fan of the dashboards.

Chair Stiglich: Thank you, any other comments?

Director Gonzalez: I will just add about to your first comment Vice Chair. We've put together a guide for credits and I think it is necessary. Also, I guess to put Chief Widmar just on the spot, he doesn't have to say anything, but he's done some training, he's done an excellent job of explaining credits. I think you're right; I think we could partner together maybe do like a more organized tour of talking about credits to the stakeholders that you've mentioned. I know that they get requests every now and then and so combined with our guide and I think Chief Widmar's expertise, I agree it's necessary for everyone to understand. You know, wherever you're in the criminal justice system, if you're being sentenced or you're the one doing the sentencing or the charging for everyone to understand how that's actually being impacted. So yeah, thank you for that and absolutely we can talk more about other opportunities to educate everyone about the credit system.

Chair Stiglich: All right, any further comments on this item?

All right, it was a good discussion. We'll close this agenda item then and we'll turn to item six. Update on project to study parole violators. As we know Ms. Powers has been working on a project collecting qualitative and quantitative data from parole violators. At each meeting she presents her findings by focusing on a specific area or policy. I'll now turn the time over to her to present her most recent findings. Ms. Powers, you may proceed.

6. Update on Project to Study Parole Violators

Ms. Powers: Thank you Chair, good morning, Commission. I am happy to be back talking about the parole violator project, I have been able to continue speaking with people, last week I was in the South and again got to talk to people at Women's and High Desert, and this is great information that we're getting from this project.

So today I'm going to not share as much of everything I've learned but we're going to hone in on what is colloquially called gate money in prison, so, the release money that inmates get. So, as the Chair said the data we collect is qualitative and quantitative. So today, I am going to start with quotes that I've gotten regarding money and releasing from prison. I'll give you a chance to look at those.

So, again, you've heard me say what the released individuals have to say about their actual experiences is very important to be considered, regarding parole, release, re-entry to society. You'll notice that many times the gate money or the release money, the amount of funds people have when they leave prison are related to all the other needs that I often talk about during these presentations. So, housing, transportation, programming, they do have to pay for the different kinds of substance use programming or sex offender programming, they have to pay for those. So, when they don't have the money, they're not following their parole plan because they can't afford to take these classes. Medical and mental health treatment, even nutritional sustenance, everything needs money. So, what I have found is that we are paroling a set of individuals who are or even releases, paroling and releasing people who are wholly unprepared and unable to meet their own basic needs sometimes.

So, NRS 209.511 is the current statute regarding release funds. So, when an offender does not have their own money or they are indigent, the statute provides that the Director may furnish up to one hundred dollars based on economic need. So, in 1977 the NRS established an amount of money not to exceed fifty dollars that would be given to indigent inmates. In 1979, the fifty dollars was moved to a hundred dollars, and it also added that they could be given a set of suitable clothing and funds for transportation. In 1995, there was an addition that provided that those moneys given for release to indigent inmates and the transportation money would have to be repaid. So, that the inmates, the individuals sign a promissory note prior to leaving, that says that they will pay back the money. In practice, if you remember or you don't know, I worked for the Department of Corrections for 14 years in the classification section, so I was a case worker and then I held the chair that Mr. Widmar now holds as the Chief of Offender Management. The actual practice is twenty-five dollars, so if you're an indigent individual released from prison you will get twenty-five dollars on a debit

card to leave prison. The up to 100 dollars is used when they need to travel. So, twenty-five dollars for leaving and then twenty-five dollars per day if you are traveling a long distance. So, that is the practice currently. This represents all states and the release money by amount so it will show that there are thirteen states who do not provide release money and it goes all the way up to one state that provides three hundred dollars. With this map, this data was collected by American Radio Works for an article they did called *Hard Times: Life After Prison* and we took the information from there, that they collected and put it into this map so that you could see how it looks across America. So, a couple of the states I wanted to mention were, you'll note that Mississippi said zero, but they actually have it broken down to how long a person is in prison and that would determine how much money was given to them. And then, you'll notice that West Virginia says 300 dollars, however that is actually a trust, that is not State money, they get it the very first time that they release from incarceration and only that one time. So, what brought this to our attention at this time, is that there is actually legislation pending, Senate Bill 416, that provides for an increase in the money allowed to be given to people upon release so this bill talks about raising it to one hundred dollars so anybody who had less than one hundred dollars in their account when they left would have money added to one hundred dollars so that nobody left without one hundred dollars. This was sponsored by the Senate Commission on Judiciary. So, right now and this is just for indigent inmates, in 2022, seven hundred and ninety-eight individuals leaving prison received twenty thousand, one hundred and seventy-five dollars, all together twenty-five dollars at a time, each of the seven hundred and ninety-eight people received twenty-five dollars. So, say that the bill did pass, and everyone got one hundred dollars then that would make the total eighty thousand and twenty-five dollars, so it's not a huge amount of money to give them a little bit more as they leave. So, you have heard me say before in my presentations that as a caseworker one of the worst things I did was give someone twenty-five dollars and a pat on the back and send them out the door, expecting to somehow thrive and be able to sustain their life. In these interviews that I'm doing and as a caseworker I have found sometimes people intentionally recidivate, they intentionally come back to prison just to meet their basic needs, so they know they have food, shelter, and clothing at the end of the day. And that is unfortunate, I just think as a state that we can look at what we are doing, if we are granting people parole then we should be giving them the ability to meet their basic needs. And so, with that I will end and if you have any questions, I can answer them, possibly Chief Widmar can help.

Chair Stiglich: All right, thank you Ms. Powers. I had a couple questions, one, are people, well two questions, what's a long distance? And two, are people leaving with an ID?

Ms. Powers: It's actually twenty-five dollars a day, so it just depends on where they're going, if they're going to go home to Connecticut or go to you know Interstate Compact somewhere, for each day that they are traveling they will get twenty-five more dollars up to the one hundred. And I know that statute requires the now ID's, I would actually defer to Chief Widmar on that to see what is actually happening. Do you mind?

Chief Widmar: Not at all. So, we have a current process based on statute, that we, prior to release, try to secure a social security card, a birth certificate and that'll allow us to then generate a verified ID. We have two different types of ID's that we issue when they leave, we have a verified ID and an unverified ID. With the change in statute, they're able to take that verified ID and go to the DMV and with that you know work through the process of getting a legitimate state ID. But the change in statute allowed for us to be able to identify a verified or unverified based on that prior to release and so that's one or the other, majority of them were able to verify when they leave, I don't have an exact statistic for you but a majority of the offenders that go out are able to receive a verified ID, when they leave us. To the second part of the question, also in that Chair you will have, we generally try to plan when an offender is paroling to a region of the state that they are not currently housed, we use our internal bus system to get them to the jurisdiction to where they're going to release to, to try to mitigate Greyhound bus, flights, or things like that internally within the state. Upon discharge, if we discharge to the county of conviction and so that's the guide that we follow related to that.

Chair Stiglich: All right, thank you. Ms. Mull, you had a question?

Ms. Mull: Questions and comments, so many. So, I did the little like inflation calculator and back in 1979 up to a hundred was like four hundred and fifty today so it's mind-boggling how we expect that to equal the same, I mean of course you know even if we just would have done the difference between a hundred dollars

two years ago and today. Aside from IDs, are we helping these individuals like come out with already signed up for like at least like food stamps or other assistance because you know three years ago, I was on this Commission, and I was on food stamps and public welfare and all these other things and there were times where I didn't have twenty-five dollars in my account. And I didn't have a felony record and I didn't have these other barriers these individuals have, and I wouldn't have been able to pay for fines and fees and classes and all these others and still be able to survive. So just, you know hearing about some of these things you're saying, I just can't fathom trying to come out of a system, that then puts these expectations on me and then trying to survive on top of that and not going back into survival mode and reoffending because that's just how trauma works. Are we connecting individuals with other resources and other public assistance to help offset that lack of financial funds and assistance with things like you know, food stamps and medical care and things like that or is it just literally just the twenty-five dollars and the pat on the back?

Ms. Powers: Thank you for that question. I'll start and then I'll let other people chime in. Again, I've been out of the DOC for about a year and a half, but social services were coming in and they were doing their best to get people who were eligible signed up for Medicaid. I know when they go to check in at P&P, there are social service people there, who are there to help them apply for food stamps benefits and Medicaid and things like that. So yes, those things are happening. Again, it still doesn't help as much with the programming and the housing and I did want to mention here too that I'm not necessarily saying that we should you know, give them more money but that more resources should be available. That maybe places to live and those types of resources but again I'll defer to either Chief Widmar or Chief Evans to talk about what is available as they get out.

Deputy Chief Aaron Evans: I'll follow up on that. We do have a program for our indigent offenders when they cannot afford housing that we can pay for up to you know two weeks to four weeks for housing for them to get out. Each year we're budgeted two hundred and twenty-seven thousand dollars for those offenders, last year at the end of FY 23, if you are familiar with the state system work program, we moved money from one budget category to this indigent funding category because we had burned through two hundred and twenty-seven thousand dollars in seven months. The need does stop right, we try to help as many individuals as we can get out with that. So, we're always working on trying to increase that dollar amount. Of course, the cost of housing continues to increase so, whereas a couple of years ago we were averaging six hundred dollars per individual now it's up to seven hundred and fifteen. But in all honesty, it gets them two, three weeks and if you had a job day one of getting out and worked day one getting out you could maybe get your first paycheck in you know three, four weeks. So, we understand the struggle, but on top of the money Jorja was presenting on for just you know, when they don't have money on their books getting out. There is some help with housing, we do have social service workers in the office to help get them signed up for all that stuff but yeah there is a gap when they can't afford the treatment they need. Many providers work on a sliding scale but not all of them so lots of gaps to be filled still.

Chief Widmar: If I could add a little bit to that. One of things that we have found being successful is staff from Chief Evans, we have embedded P&P folks within our facilities that start to help the transition process especially for those going to P&P. In statute out of the 2019 session, we were required to get them enrolled in Medicaid within ninety days, those that are willing to, which Speaker Yeager spoke to this in a bill presentation this session and presented a stat of about seventy-four percent of the offenders getting out are enrolled so on day one when they leave that is activated and so at least Medicaid and services through Medicaid are available from day one of discharge and/or parole. But, like Chief Evans says there's significant gaps related to that warm handoff and the successful reintegration.

Chair Stiglich: Thank you, Dr. Lanterman?

Dr. Lanterman: This is actually going to speak to what Chief Widmar spoke about. I think it's great that there's that support can be coordinated for those who are subject to community supervision once they get to P&P but that's really, we already know that immediate two-week period subsequent to release from prison is a really high-risk period as a general matter. Re-entry is not like walking through a door, it's like coming back through the atmosphere once you've been into space. And it's really like so startling and stressful and everything comes at you at once and that's really nice that you get your first you know, meeting at parole and then they can start coordinating stuff for you, but you still have to live in all that time. You have to live in

that time it takes you to get you to parole, you have to live through the time that it takes for those things to become effective, which can be a couple weeks right? So, you know, you will immediately, you were just like, we were designed for survival, right? So, if you immediately don't have a place to live, you don't know where your next meal is coming from, you've got to go. I can't tell you how many times I've spoken to people, and they said yeah, I had all these appointments coordinated for me in case management, you know what I didn't have clean underwear and I'm not going to a meeting if I think I'm going to smell right? And that might happen because I don't think I have a stable place to live right? So we know that we are able to reduce a significant number of barriers to successful transition to the community if we have really robust in reach services and it sounds like some of that is happening with parole going into Department of Corrections but if we really want to significantly reduce the likelihood of this situation where people might sometimes intentionally do things that get them in trouble and get them revoked and go immediately back to jail and to prison. Then we really need to put this sort of robust in reach system in place so the basic needs of living are provided for and you're going to need more than two or three weeks.

And I understand that resources are tight, we've got demands from resources coming from all over the place but if the goal is to get people to not be, you know, frequent flyers, we don't want them to come back, right? Then you really have to ensure that people can live because they can't do all the higher order stuff, we want them to do in terms of positive behavioral change and adjustment to their community, if they're really wondering about the resources for daily living. So, I think one thing that we might want to consider is moving forward, how do we work to ensure a more comprehensive and robust in reach process so that service coordination at P&P when that happens, is really like a backstop, for like in the cases that for whatever reason something didn't happen with a person but it's rare, it's an anomaly, rather than having twenty-five percent of people who are coming out not having those resources coordinated. Make that really rare so that then reduces the reduces the pressure on those Social Services workers but also on P&P staff, right? If you've got somebody who's coming into your office and their basic needs are not met, they're already going to be in distress, they're going to be more difficult to work with, they're more likely to be non-compliant and that's a problem for everybody. Especially, you know, in the case of P&P if they are understaffed, it's going to be more challenging if you've got staff who are having to deal with larger caseloads who have clients are in distress, you know? Then that distresses the staff members and so there's this real kind of cascading consequences to not having robust comprehensive in reach services available to reduce these problems.

Chair Stiglich: Thank you Ms. Lanterman. Ms. Mull?

Ms. Mull: Kind of piggybacking off of that, when they hit parole and probation, are they given counseling resources or access to counseling, at all?

Deputy Chief Evans: Nothing is provided for no cost. I mean, we make referrals to as many different places. They can encourage them to find who will work on a sliding scale based on you know, indigency or income but there's nothing, there are no free services, generally. I know Mr. Ponder isn't on the call, but you know Hope for Prisoners provides all kinds of resources for them. That's limited to Las Vegas at this point, the rest of the state doesn't have those kinds of resources. So, maybe we ask Mr. Ponder exactly what he provides for people that come through his door and you know, what they get with that but not as like a universal statewide provided, you know process.

Ms. Mull: Yeah, so, we have like a large group of population of people that are coming out of a traumatic environment, no matter you know how they got there, that are then coming into because you know, the prison system is traumatic if you're in it, then coming into the quote-unquote real world, where we're expecting them to just be thrown in with twenty-five dollars and live and deal with whatever's happened to them, where they just came out of, plus anything that's happened before that, and process all of it. It's just a lot of trauma and processing for individuals who, most likely because of where they've been, probably aren't the best at processing trauma, which has probably led to a lot of life decisions, that's you know, led to where they've have been to begin with. For then for the state to expect them well if you need, you know, counseling, which you know, who doesn't, to then say well on top of all these other costs and fees you also need to, you know, pay for your own counseling and find it and get their resources yourself. It just seems like a lot to you know, expect on anybody to then want them to be a functioning member of society. Versus, hey you're coming out, we've got, you know, these other resources for you. Hey also here's your first, you

know, counseling session if you'd like to go to. Or here's a connection for counseling, you know? Or a group or something to go to, to help you, you know, process. Or you know, a peer-led group or something to help you process coming from the system you've been into the real world and help them take that dynamic from point A to point B and you know, and given steps to help them transition. It seems like that would be something the state would want to help steer them towards, if they're willing to do it, in order to, you know, help them with that transition, if possible.

Chair Stiglich: Thank you Ms. Mull. Also, any further comments on this item?

Well Ms. Powers, I've found these studies on parole violators to be illuminating every time and helpful and it certainly spurs interesting discussions here and kind of start, it's very though provoking, because as we end, you know, hopefully and mercifully one legislative session, then we have to start focusing on the next one and make new plans for you know, again, how we can, you know, people who go into prison can come out of prison better and then how they can land in society and be successful. And everybody here is committed to that mission because you know, we all want better outcomes for everybody. So, thank you for this project and for the discussions, that are ongoing.

Does anybody else have anything further on this item?

7. Presentation from HOPE for Prisoners

If not, within respect to item seven, that's a presentation from Hope for Prisoners. We'll take this item off the agenda. We'll put it back on at a time when Mr. Ponder can be present, to present on it. Although, he was name checked today for his good work. So, look forward to hearing from him in a future meeting.

8. Discussion of Potential Topics and Dates for Future Meetings

We'll turn to agenda item eight. Discussion for potential topics and dates for future meetings. The dates for the meetings for the rest of the year are provided in the agenda. Our next meeting is on June 30th. Our staff is already working on more topics and items for discussion at future meetings. Does anyone have anything that they'd like to be considered for a future meeting?

Ms. Murray?

Ms. Julia Murray: It's not an additional topic but when John is rescheduled to present on Hope for Prisoners, he may already be planning to do so but could you ask that he not just cover his prisoner re-entry program but also the local program that he now has housed out of the Clark County Detention Center. He's worked with the local law enforcement to establish a unit within a module within CCDC that I think some of the stakeholders from the other parts of the state would be really interested in hearing about. And it seems on the lower end of things that maybe it could be implemented statewide.

Chair Stiglich: Yes, will do. Thank you, Ms. Murray. Anyone else have any other, oh, I'm sorry Ms. Brady?

Vice Chair Christine Jones Brady: Thank you. Thank you, Chair Stiglich. Could we also include, like maybe a theme about the services that are provided in the north and in rural Nevada and maybe even talk about some of the challenges that the rural counties may face in regarding recidivism, re-entry, resources, that sort of thing?

Chair Stiglich: Thank you, yes, thank you Ms. Brady.

Anyone else have any items at this time?

Right, if you are so inspired in between now and the next meeting just reach out to Director Gonzalez or myself and forward any topics you would like to be included on the agenda.

9. Public Comment

So, I'll close item eight, I'll turn now to open the second period of public comment, just as we did during the first period. Those who wish to testify may do so by telephone.

Mr. Sepulveda, is there anyone on telephone?

Mr. Sepulveda: No, we have no one in the waiting room at the moment.

10. Adjournment

Chair Stiglich: Well, we will cut to the chase then and close our second period of public comment, since we are sans public and turn then to item ten, which is adjournment. I thank everyone, the staff, the members of the Commission and our presenters, these discussions are again they're thought provoking and helpful and everyday I'm so grateful for all the good work of all these commission members and in all your various pieces, that come together to do such good work for Nevadans.

All right, then hearing no further comments. Everyone, be kind to each other, be kind to yourselves, and if we don't meet until June 30th, be well and we'll see you on June 30th.

All right, thank you.

DRAFT