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Governor

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Justice Lidia Stiglich
Chair, Nevada Sentencing Commission

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NEVADA SENTENCING COMMISSION

MINUTES FINAL

Date and Time: November 3, 2023, 9:00 AM

Location: VIRTUAL ONLY

MEMBERS PRESENT

Chairman Christopher DeRicco
Deputy Chief Aaron Evans
D.A. Mark Jackson
Deputy Director Troy Jordan
Dr. Jennifer Lanterman
Mr. John McCormick
Ms. Julia Murray
Mr. Jon Ponder
Director Beth Schmidt
Ms. Erica Souza-Llamas
Judge Bitu Yeager
Assemblywoman Venicia Considine
Assemblyman Brian Hibbetts
Senator Lisa Krasner
Vice Chair Christine Jones Brady
Chair Justice Lidia Stiglich

MEMBERS EXCUSED

Chief Michelle Bays
Dr. Shera Bradley
Ms. Suzanne Crawford
Director James Dzurenda
Ms. Evelyn Grosenick
Mr. Athar Haseebullah
D.A. Chris Hicks
Mr. Franklin Katschke
Senator Nicole Cannizzaro

STAFF

Executive Director, Jorja Powers
Deputy Director, Jenna Buonacorsi
Management Analyst II, Erasmo Cosio
Management Analyst I, Jose Sepulveda
Administrative Assistant III, Hunter Jones

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

Chair Justice Lidia Stiglich: All right. Thank you. I'll now call to order then the November 3, 2023, meeting of the Nevada Sentencing Commission. Good morning. It's good to see everybody again so soon, and welcome to those who are viewing the meeting on the Department of Sentencing Policy's YouTube channel. This is our third meeting of the 2023-2025 meeting cycle and I'll now ask Director Powers to take the roll.

Director Jorja Powers: Thank you, Chair.

(ROLL CALL IS CONDUCTED BY DIRECTOR POWERS; QUORUM IS MET)

2. Public Comment

Chair Stiglich: All right. Thank you. I will 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 comment. First, the public may do so in writing by emailing the Department of Sentencing Policy's email at sentencingpolicy@ndsp.nv.gov. Public comment received in writing will be provided to the Commission and be included by reference in the minutes of the meeting. Members of the public who wish to testify may do so by telephone. Due to time constraints public comment will be limited to two minutes. Any member of the public that exceeds the two-minute limit may submit the balance of their comments in writing to the Department of Sentencing Policy. At this time, I'm going to ask staff to manage and direct those who wish to testify by telephone. Ms. Jones?

Ms. Hunter Jones: 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. Caller with the last three digits 556 please slowly state and spell your first and last name for the record. You will have two minutes. Caller with the last three digits 556 please slowly state and spell your first and last name for the record. You will have two minutes. You may now begin.

Ms. Anne Marie Grant: Good morning, my name is Anne Marie Grant. I am here on behalf of the Advocates for the Inmates and the Innocent. I just want to remind, as a reminder at the Advisory Commission on the Administration of Justice, Ms. Brown -- who will be making public comment following me -- has been calling in and providing her recommendations to be considered to allow DNA to be contested after conviction at the inmate's own expense. That recommendation was accepted and became a bill and through the legislative process became law. There was discussion at the ACAJ and it was established at the time that it doesn't matter what method the recommendation is received by. If the recommendation is made via public comment, it is considered heard vetted, and the recommendation can be accepted by way of public comment. Thank you.

Ms. Jones: Thank you. Caller with the last three digits 411 please slowly state and spell your first and last name for the record. You will have two minutes. Caller with the last three digits 411 please slowly state and spell your first and last name for the record. You will have two minutes. You may now begin.

Senator Lisa Krasner: Hi. I am a member of the Sentencing Commission and I need the zoom link so that I can join the meeting. I've sent three emails and also called Hunter Jones and left messages. So, if someone could please send the zoom link to my senate email address I'd sure appreciate it. Thank you so much.

Director Powers: We will do that right now. Thank you, Senator.

Senator Krasner: Thank you. Bye-Bye.

Ms. Jones: Caller with the last three digits 037 please slowly state and spell your first and last name for the record. You will have two minutes. Caller with the last three digits 037 please slowly state and spell your first and last name for the record. You will have two minutes. You may now begin.

Tonja Brown: Advocates for the Inmates and the Innocent. Good morning, Chair Stiglich and members of the Sentencing Commission. We would like to bring our ideas and recommendations to the Sentencing Commission under agenda item eight. We have for some time been wanting to get legislation created and we believe with the most recent concerns being discussed by the members of the Nevada Pardons Board regarding NRS 213.085, it would be appropriate for us to bring our ideas and recommendations before this commission now. I want to just kind of refer to Mr. Sally Villaverde's Pardons and perhaps Chair Stiglich could discuss this under agenda item eight. We would like to see the following topics discussed and possible recommendations. For decades sentences have been imposed with life sentences without the possibility of parole and we would ask this committee to take another look at those sentences, and possibly change the sentencing based on research and evidence. We now know about the male brain developing and matures at the age of twenty-five years old. We would like to see that if a crime is committed before the age of twenty-one the sentence must provide with the possibility of parole. Right now, it's under eighteen. If it was the offender's first offense, putting a cap on a life sentence of twenty years. If a person did not commit the crime that led to the victim's death but was present, should have their sentence changed from a life without, to life with the possibility parole and is eligible for parole after ten years but no more than a maximum of twenty years, and also, possibly removing the death penalty and providing that. So, thank you very much.

Ms. Jones: Thank you, and it looks like we have no more people for public comment.

Chair Stiglich: All right. Thank you. Thank you, Hunter and we will now close that first period of public comment. I do now see Senator Krasner in person, in the flesh. So, thank you very much for logging on. Sorry for any disconnect there.

3. Approval of the Minutes of the Meeting of the Nevada Sentencing Commission held on October 13, 2023

Chair Stiglich: We'll move then on to agenda three. Members of the Commission have been provided copies of the minutes from the October 13, 2023, meeting. Are there any edits, comments, or corrections? Okay, hearing none and seeing no hands, I will now entertain a motion to approve the minutes from the October 13th meeting.

JOHN MCCORMICK MOVED TO APPROVE THE MINUTES OF THE OCTOBER 13, 2023, MEETING.
JUDGE BITA YEAGER SECONDED THE MOTION

MOTION PASSED

4. Report from NDSP Executive Director

Chair Stiglich: We'll now open agenda item number four, a report from the Department of Sentencing Policy Director. The Director is statutorily mandated to report to the Commission on sentencing and related issues regarding the function of the Department. We have her provide this report and update us on their recent activities at each regular meeting of the Nevada Sentencing Commission and I'll now turn this time over to Director Powers.

Director Powers: Thank you, Chair. As promised, I will try to keep this rather brief as this meeting so quickly followed the October meeting. I wanted to update you on the Department's Human Resources, the Management Analyst 3 position recruitment closed on Wednesday, and we will be reviewing the list of applicants and conducting interviews. We are very excited to bring this position on and increase our analysis abilities. In the same realm, I have appointed Jenna Buonacorsi as the NDSP Deputy Director. Some of you may remember her from earlier as she worked for us previously as a management analyst. She left for the private sector but missed criminal justice and all of us so much that she is now back. We are lucky to have her data analysis experience and you will be hearing from her later in the meeting.

I recently sent out calendar invitations to set up meetings with each commissioner to talk about vision, goals, and ideas for the future, and to answer any pressing questions. The Deputy Director and I will be in Las Vegas,

November 13th through 15th, and have set times in the north for November 16th, 17th, and 20th for these meetings. We have fifteen meetings currently booked and are looking forward to these. If you did not receive the email to schedule or you would like to set up a different time or you just have questions regarding this, please reach out to me. That concludes my report this morning. Thank you, Chair and Commissioners.

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

5. Presentation and Approval of the Statement of Cost Avoided Report

Chair Stiglich: Hearing none, we will close this agenda and turn then to agenda item that brings us here, agenda item number five, "Presentation and Approval of the Statement of Cost Avoided Report". You received this report with your packets. Director Powers will now share the report.

Director Powers: Thank you, Chair. The Nevada Sentencing Commission is required to measure outcomes resulting from the enactment of Assembly Bill 236 from the 2019 legislative session. This requirement includes a Statement of Costs Avoided by December 1st of each year and a Projected Amount of Cost Avoided Report by August 1st of each even-numbered year. I'm going to share the 2023 Statement of Cost Avoided Report on my screen.

I will walk through the report and then the Commission can discuss moving forward with any edits and/or approval. Nevada Revised Statute 176.01347 tasked the Sentencing Commission to develop a formula to calculate the amount of costs avoided by the State because of the enactment of AB 236 in 2019. The formula must include the annual projections of number of persons in facilities of Department of Corrections in 2018 and the actual number of incarcerated persons in NDOC each year. This report is submitted to the Governor and to the Interim Finance Committee via the Director of the Legislative Council Bureau. The first section of the report goes over the statutory requirement. The next section is a short summary of what came out of the Advisory Commission on the Administration of Justice prior to the enactment of AB 236. The ACAJ report identified that \$640 million would be avoided by 2028 if AB 236 were enacted. Four hundred and seventy million dollars of this cost were the avoidance of constructing a new facility, and remodeling, and retrofitting of existing facilities to accommodate the increased projected population. Taking out the projected construction costs for Corrections needed if the policies of AB 236 were not enacted, leaves \$170 million of other cost avoided from the original projections in the ACAJ report. Last year this Commission approved this revised methodology and the 2022 report, breaking down these \$170 million in other costs to \$21 million of costs avoided for each fiscal year. If the population remains below the original projections, this gives \$42 million per biennium that can be reinvested in programs and treatment that will reduce recidivism.

The methodology was adopted by the Commission prior to the August 2022 Projected Amount of Costs Avoided Report and uses the 2017 JFA prison population projections, the prison population projected if AB 236 were not enacted as shown in the 2019 ACAJ final report, the projected population of AB 236 was enacted as reported, and the current JFA prison population projections, along with, the actual NDOC prison population as of June 30th in each fiscal year. The table shows these numbers and allows us to look at the trends in population projections and current population. It shows that we are below those original projections if AB 236 were not enacted, which leads to avoidance of cost of correctional construction and other correctional costs.

We have added this last section of the report, "Reinvestment of Costs Avoided". Assembly Bill 236 in 2019 also created the Nevada Local Justice Reinvestment Coordinating Council within the Commission. The Council was created for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system. During the last legislative session AB 388 appropriated \$3 million to fund these grants. This appropriation for grant money to curb recidivism at the local level comes from the recommendations of this Commission and its mandated reporting regarding costs avoided. I will now turn the time back to the Commission for discussion of any edits and approval of the report.

Chair Stiglich: All right. Jennifer Lanterman, you have your hand up.

Dr. Jennifer Lanterman: Director Powers, I was wondering if you could help me understand why the cost avoided is constant year-over-year since fiscal year 2021, when the number of prisoners avoided or the reduction in the Department of Corrections population is continuing to decrease, right? So, the prisoners-avoided number is increasing which means the DOC population is decreasing and some of those costs avoided are contingent upon the actual number of offenders. So, the construction part of the budget, that's like a lump sum we're going to avoid, but the other portion of that is contingent upon the degree to which the Department of Corrections population is being reduced. So, ostensibly if the number of prisoners avoided increases, so there's variability there, there should be some variability in the costs avoided but it's a constant year-over-year. So, I was curious if you could explain to me why that number remains a constant.

Director Powers: That was how the methodology was approved by the Commission when we changed the way we were looking at it. One of the reasons is, and in the box on the report -- let me share again really quickly -- that explains what cost avoided actually are. So, they are actually hypothetical and variable, this was not real money because it was not ever budgeted, and it did not exist. Part of the issue with correctional costs is that trying to determine the marginal costs is very difficult. As when you run a prison unit, you still have the same electricity cost, you still have the same generally officer costs, and so, when we changed the methodology for this report, we just took the amount that the ACAJ said would be avoided and divided it by the years that existed. We have talked about changing the methodology again on this report and when our data analysis increases our ability to look at all of those things then we may change the way we are doing this, but at this point, this is what was approved last year by the Commission. So, I do understand the difficulty of that, and I don't know if maybe DOC would like to jump in here and explain the difficulty for calculating those costs. I think Deputy Director Wickham is here. Possibly?

NDOC Deputy Director Harold Wickham: Yes, good morning. I am here and I can just mirror what you said. The cost of running facilities with let's say, fifty to seventy-five percent of the population is basically the same as it would be to run a facility at one hundred percent. In the long run, there would be a reduction in food cost, and things like that, but ultimately, you know, a small percentage doesn't make a difference in the overall cost.

Dr. Lanterman: That might be true if the fluctuation in your population was small but we're talking about a fluctuation of a thousand people, right? So, at some point you hit a tipping point mathematically where that is not the case because you've got a reduction of food cost, you've got a reduction of water cost, you've got a reduction of program costs, you know? So, you've got a lot of reductions across the board. So, you're running a whole unit, but you're reduced by a thousand people, now you're running fewer units, right? You've got facilities that are not operational. So, I'm just kind of curious like the cost avoided are hypothetical and variable, right? But they're not variable here, they're constant year-over-year despite a reduction of a thousand prisoners. So, I think we probably really need to have a discussion about how this number is being calculated because it's not really based on what it sounds like. It's really based on the number of prisoners in the Department of Corrections' custody. There's this amount of money projected that we're going to reduce and we're just dividing it by years, that's not based on the number of prisoners in the Department of Corrections custody, at all.

Deputy Director Wickham: And again, the reduction in offenders is spread out across all of the prisons and facilities. So, it doesn't really reflect until the long run, it's hard to project exactly what that would be, but I think our statisticians in the long run could come up with something. But spreading out a thousand offenders across the entire State, it's hard to say, well okay, how do you reduce staff with ten offenders from each facility or one hundred offenders from each facility? Closing the facilities? At this point we're not closing a facility, so the electricity still has to go on, water still goes on, and it is variable, but I cannot determine exactly how much. Depends on how long somebody takes a shower, but again, we leave that for our fiscal analysis folks to deal with.

Director Powers: And you are correct because we're using the population, and I do see what you're saying. As far as programming, it is actually more expensive for them at this point to house the more violent and serious offenders and so, yes, this is a discussion that needs to be had within the Commission if we want to change methodology moving forward.

Chair Stiglich: Vice Chair Brady?

Vice Chair Christine Jones Brady: Thank you, Chair Stiglich. I had some of the same questions actually that member, Dr. Lanterman had, but one of the things that isn't clear from this is when it's just that sort of – I was just coming at it from a little bit of a different perspective – when you just see the same number over-year-over-year-over-year it almost just looks kind of made up or like magic. You know, when you're just sort of reading it in this report but there are a lot of fluctuations and I was actually thinking, wondering why it didn't decrease this year because I know that correctional officers received pay raises. I know that there are certain things that the population, like the amount spent per inmate varies too. As to the needs of specific inmate, some inmates may need to be in isolation or have special medical treatment and things like that. I don't know maybe we can have a discussion in the future that gives us sort of a clearer picture. Like, we want to know how much we'd be saving by SB 236, but I just don't know if that's a flat number. It's almost unfair to the picture as a whole, when we just have one number that doesn't seem to account for any of the complexities and cost increases that may happen year-over-year per inmate. So, we have maybe a thousand fewer inmates but the costs per inmate are more expensive for a variety of reasons. Food, I thought the cost of food was going up actually. The cost of, you know, energy is going up, that sort of thing. So, that was the first comment I had that was related to Dr. Lanterman's comment, but then the other one is a little, really a minor thing, but it's a little thing on the cost avoided, it says in the little box, it says in the middle, it says, "cost avoided refers to spending that will be unnecessary because of the decreases in prison population". I just don't know how if the word unnecessary is accurate because like I said before, even though we might be saving because we are reducing the prison population there may be other areas of the prison where that money needs to be spent. So, I don't know if it's unnecessary per prisoner, like you may have a person, like NDOC will increase services to people with mental health. So, that may actually up the cost, that kind of thing. That's all I have, thank you, Chair.

Chair Stiglich: All right, thank you. Mr. Jackson?

D.A. Mark Jackson: Thank you very much and hopefully I'll have a little bit of indulgence since I'm the newest member of the Sentencing Commission, but I think what I bring to the table is I served on the Advisory Commission for the Administration of Justice for ten years and I was one of four individuals in the State that led the opposition testimony to AB 236. So, I do have some comments and I'll try to actually formulate some of those into a question for Ms. Powers but following in line with what Professor Lanterman has said and also, Christine Jones Brady, I do have some concerns, but I wanted to make sure that there was a continuation of the record that those figures that are in the summary that came out of that ACAJ report during the 2019 session, those are very controversial figures. When that matter went before the ACAJ for approval of that final report, the vote was very, very close. It was very divided and so, one thing that I am going to propose is that we go back to that 2019 report. One of the exhibits that was submitted by Assemblyman Yeager during his presentation before the Senate Judiciary on May 31, 2019, was a three hundred- and sixty-five-page exhibit, and part of that was the ACAJ reports and recommendations, and on page thirty-seven of the ACAJ report it would be page three hundred and twenty-seven out of page three hundred and sixty-five on the exhibit, that is available on the Legislative website. This was the figure or the graph of the ACAJ recommendations that were projected to advert this percentage of growth which captures this number of, if nothing happened that the prison population would reach fifteen thousand and seventy-four inmates in 2028, and part of this was based upon what the population was in 2018, which is a requirement under that statute, which is the very beginning of the statutory requirement of this Statement of Costs Avoided under 176.01347 as we go back to 2018. The prison population then was thirteen thousand eight hundred and seventy-seven. What really strikes me is these are part of the arguments that the opposition brought up about, not only, this was hypothetical and based upon variables, but it was pure speculation and conjecture of trying to run ten years ahead and talk about what that prison population would be. During that session and the push was not only by Assemblyman Yeager, but others that were proponents of this Criminal Justice Reform that was wrapped up in AB 236, which has now been repeated in 2021 and the 2023 session, is that there is this cost savings to the State and a Statement of Cost Avoided and the way that costs avoided are defined in this report is very much different than actual cost savings, but if we have members of the legislature that are saying that we have all of these cost savings, because we have been asking for several years if this is all about a reinvestment of these dollars into the justice system for other types of programs, where are these particular dollars? So,

going back to that figure ten, on page thirty-seven of the ACAJ report that was the basis for the passage of AB 236 in 2019. I don't know if I can share the screen, but I would ask that this diagram be made part of our record, I will try to share the screen. Can you all see that? So, this was again the exhibit that was attached, if I go back one page, this is from NELIS and you can see the highlighted exhibits for Senate Judiciary for Friday, May 31, 2019, at 8:00 AM, AB 236 Justice Reinvestment Presentation, Assemblyman Steve Yeager. So, this was page three hundred and twenty-seven of the three hundred- and sixty-five-page exhibit. So, this is the x-axis, and this would be the number of inmates and then, the y-axis are the years. So, the projections at the time by CJI and in order to meet this particular number was that if we didn't do anything the prison population would be fifteen thousand and seventy-four in 2028. If we continued on the course then we'd be, excuse me, if without the 236 it would be fifteen thousand and seventy-four. With the passage of AB 236 then it would avert that and be a thousand different, but here's the reality, here we are today in 2023 and our prison population as of June 30th is ten thousand, four hundred and thirty-five. It's not even captured in this x-axis. We really need to be looking at what the actual cost savings are and there aren't any. If we look back at the total aggregate budgets for the Department of Corrections and I believe there's at least between ten to twenty separate budgets within the Department of Corrections but again, these are all available on the Legislative website of the approved budgets except for the latest one but if I go back in what the Nevada Department of Corrections' budget was in 2018, it was three hundred and thirty-nine million and eight hundred eighty-seven thousand and fifty-two. The budget increased nine thousand dollars in fiscal year 2019 to three hundred and forty-eight million – and I'm rounding that – it then increases \$25 million to \$373 million in 2020. It went up an additional \$10 million in 2021 to \$383 million. In 2022, an additional \$10 million to \$393 million and for 2023, the budget was \$400 million. I don't know what the budget is, and I know that Mr. Wickham can respond to that as to what the budget was for 2024 as well as 2025 but my point is that the budget of the Department of Corrections has increased over \$60 million since the passage of AB 236. There are no costs that are avoided, it's costing the State more even though our prison population has been reduced by 3,442 inmates between this projection by CJI in 2018 and what our current prison population is today. So, this goes beyond just hypotheticals and variables, and I think that we do and following what Professor Lanterman has talked about, let's talk about what some of these actual numbers will be. Which again, thanks for your indulgence, which gets me to some suggestions that I have, because we're still required by statute to at least approve something or we're not going to have a sufficient amount of time to really dig down. And one of the things that was a major issue that came up for the entire decade I sat on the ACAJ, is that we always dealt with speculation, conjecture, hypotheticals, variables, all that type of stuff, and what has been great since we have had the Department of Sentencing Policy, is we're getting real data. We have real information and that's so important for us to be making the best decisions about the future of the criminal justice system, which includes what type of inmates do we envision seeing in our prison for example, and focusing also, it's just as important to be looking at the community safety factors, but I want to make sure that any report we do submit is at least accurate. So, if we look at just that little box of "What Are Costs Avoided" and Christine Jones Brady commented on and questioned about the use of word unnecessary, and I want to even back up from that. Go to the very first sentence, "cost avoided are costs that an entity would have expended in the future". One, I would suggest that we strike the word would and it's either going to be may or could, and it's not would, that they "would have expended". Again, how can you talk about what you would have expended based upon hypotheticals and variables, speculation, and conjecture, and especially when the projections by CJI are so far off from even what had been a part of their final report. The next sentence, in the context of this report, "costs avoided refer to spending that will be unnecessary because of the decrease in the prison population". I have three problems with that, that "will" should be a "may". I also have the same concern as Christine Jones Brady about the use of the word "unnecessary" but the last part of that, "because of the decrease in the prison population", I don't believe that's accurate. This definition of cost avoided goes back to the very first paragraph of the summary. This is all based upon numbers that were projected by the CJI, that made it into their final report that was submitted to the Legislature in 2019 as to what their projected cost savings would be by AB 236, the measures within AB 236. So, that's all we're doing, is calculating this 21 million out over that number of years for this hypothetical variable of \$170 million of that total \$640 million. This isn't about a decrease in the prison population, that is currently at 10,435 as of June 30, 2023. So, I would recommend that, that second sentence read more along the lines about, in the context this report, costs avoided refer to spending that may result due to hypothetical projections as to future prison population. It's not about what our current population is. So, I would strike "because of the decrease in the prison population", and I would also like, under that

summary in that second paragraph, it's highlighted or in bold print that "twenty-one million due to the enactment of AB 236 since the last statement of cost avoided". I would suggest that we put a footnote there along the lines that even though the prison population has decreased by 3,442 inmates from the 13,877 in 2018 to the 10,435 as of June 30, 2023, since the enactment of AB 236, the budgets of the NDOC have continued to increase exponentially over each year over the last five years in excess of \$60 million. So, I think that this is very important for us to be looking at and even I believe that we can go beyond even the Statement of Costs Avoided and let's look at are there truly any cost savings associated with that and also, look at the other aspect of that about the impact on public safety, about people that have been released from prison due to the criminal justice reforms who have reoffended, and who have re-victimized, and have cost additional damage to victims and to communities for the prosecution of those offenses. So, again, thank you Justice Stiglich for your indulgence on that, I know it was long winded.

Chair Stiglich: All right. Thank you, Mr. Jackson. Ms. Brady, were you going to speak again? Your hand is up.

Vice Chair Jones Brady: You know, the only other thing I was going to say is – and I don't think it was clear from my point – with the growing costs that NDOC has experienced with correctional officers, with food, with fuel. I would anticipate that the savings would be exponentially more than what they're reporting, because if we still had those people in the prison, we would have had to build another prison. We would have had the increased cost still associated with all of those other prisoners. So, that is sort of kind of the flip side to what D.A. Jackson was saying. I agree that the costs are going up and I would be interested to know how much more those costs would be if those people were still incarcerated.

Chair Stiglich: Thank you. Dr. Lanterman?

Dr. Lanterman: So, one of the other parts of the past conversation about this cost avoided issue and how we measure it has been, we are required to report this but there is a broader more fundamental issue here, which is whether cost savings is actually an appropriate outcome to be focused on, as opposed to the goal of reducing the Department of Corrections population, where possible, where this does not compromise public safety or public health, right? Because you will reduce the Department of Corrections population in a couple of ways. One, you just reduce the number of people going in, so you've got alternative community-based supervision and programming, and then on the back end, you increase the people coming out, and you are going to do those one of two ways. Either you increase the number of people you release from prison who are the least likely to cause serious harm to other people, right? So, these are usually things like, people being convicted of property crimes, drug-related crimes only that did not involve any type of violence, public order offenses, things like that. In that case, you're going to need more investment in community-based programming related to parole and probation because those people have really a number of criminogenic needs that tend to be quite severe and are not reduced unless there's an evidence-based intervention addressing those issues, right? So, you let those people out. Which means the people you're keeping in prison are convicted of violent and sexual crimes, they are longer sentences, they're going to age in prison, and people who are aging in prison are aging at an accelerated rate, when they age at an accelerated rate, they are more expensive to care for. So, you're going to require ADA modifications to buildings, you're going to require additional medical care, you're going to require dietary modification, require more medication, right? So, they will cost more money that way. Conversely, if you decide to release the people who are the lowest risk of causing harm, it's the violent and sexual offenders actually. Which is beyond the political viability point, whether or not people can actually get on board with doing that, what happens is the people you keep in prison are at the highest risk of reoffending, that's the people who've been convicted of property crimes and the drug-related crimes and they need programming. So, you need to increase programming costs beyond what is typically available to the number of people who can access that programming in the Department of Corrections custody, right? They need more programming staff to actually expand the availability of evidence-based programming. So, you know I have a real concern about that 21 million being a constant because I don't think it's a cost related, it's not a cost avoided number; it's just this 170 million divided by "X" number of years, right? But we have to report about cost avoided but we need to have a broader conversation about if we're going to use evidence to make these decisions, then, we might very well need to be having a

conversation about not costs avoided but dollars reallocated and increased funding to do this properly if we do not want to see compromised public safety and public health.

Chair Stiglich: All right. Thank you, Dr. Lanterman. Other comments? Director Powers, were you able to capture Mr. Jackson's recommendations or redlines to the document?

Director Powers: Yes, Chair. I was. I have them all written down and I can make those edits.

Chair Stiglich: Okay. Why don't we maybe, if you can do something like that we can pull up. Here's the thing, obviously there's a larger conversation that needs to be had. There were some assumptions that went into the report because A, we have to do cost avoided, but they're not real dollars. So, if everything's static and then correctional officers get a raise you haven't you know, there's that, or again, if it's fifteen thousand and you have to build a building and you don't have to build a building. I mean some of this is always in the nether a little bit in terms of what we're trying to capture. I don't have the history with this commission or with the ACAJ, which I was a member, I think in 2014, for about a year and then, I haven't been on it. So, I am not privy to all of the determinations that went into either the legislation or the current way in which we approach this report and the goals of the Commission, but it would seem you know, costs avoided in terms of, it's not are we incarcerating, it's are we incarcerating the right people and if we're incarcerating the right people, what are we doing with them? How are we keeping people from recidivating and what is happening you know, with all those dollars? So, in terms of Mr. Jackson and Dr. Lanterman's comments, what do we think in terms of, A, the report right now, and then, B, having an agenda item, you know, putting this on the agenda and having a larger discussion about how we're going to try to capture these in a way that I think reflects you know, both the goal of the Commission and I guess, maybe we have to agree on what's the goal of the Commission and the spirit of what's happening right now. Mr. Wickham?

Deputy Director Wickham: Good morning, Chair, your honor. Just a couple of things, really quick. I would like to say that I appreciate everybody's comments so far, very good. We're taking notes as well. And I can say that you know, based on this being just after the legislation that was approved in July. I think there's a long way we can go with this, and we absolutely agree. We can come up with better methodologies as we test this through time because the offenders we're losing right now are our lowest custody and they're the cheapest to lose and we're still retaining the higher cost offenders which are on an average of about \$90 a day per offender. But I think in the long term we're going to take a good look at this with our economist, our system specialist, and we can look at it, and I'm sure we can find better methodologies. I think we're all on the right track and I certainly appreciate D.A. Jackson's comments and we will certainly take time to review that and see if we can come up with these better methodologies. I think this is something -- and to your credit, thank you -- this is something we absolutely need to look at in the future as what we can do to refine this to even better process and I thank Jorja and the Commission for all they're doing to, you know, hold us accountable to our spending dollars and what we're doing with the State's money. So, again, I just want to say thank you to everybody for their comments.

Chair Stiglich: All right. Thank you for those comments and even in that, you know Mr. Wickham mentioned it cost \$90 a day to incarcerate. So, if somebody gets out tomorrow, did they just save \$90? I mean, you know part of what we're doing is not going to be a costs avoided dollar capable I think of a figure in the same way in which, I think Mr. Jackson you're suggesting, but I'm not sure. I don't know if you talk to the Sheriff, they'll say it costs "X" dollars a day to incarcerate somebody. So, if they get ten more people, is there a bill for that much money? If two people get out, do they save that much money? I mean we're looking at projections and long term, and in terms of the projections that you showed of projecting 15,000 inmates, roughly, and at this time was expected to be like 13,000, we're down ten. So, did they get it wrong, or did we do better? You know, I don't know how to approach all those you know, how to harmonize all those things, but I do think that should be on the agenda for us to discuss in more depth when people have all the documents in front of them and we can do that. Any other comments this time on the report, or intentions on what we're going to do today? Director Powers, were you able to pop that into a red line, or no?

Director Powers: I believe some of it. Let me share my screen and we can add anything else as we go. Are you seeing the report at this point?

Chair Stiglich: Yes.

Director Powers: Okay. So, in the box I did catch the “may have expended in the future”, which I believe D.A. Jackson talked about “spending that may have been avoided because of changes in the prison population”, and then, I haven’t been able to redline the footnote he talked about, even though the decrease in 2018 projections, that I will add. I wasn’t sure if the wording of the budget increasing exponentially was something we wanted to put in there or just speak about later. I can take more suggestions at this point.

Chair Stiglich: Ms. Murray?

Ms. Julia Murray: I would just like some clarification. Is the intention here to vote on the report as it was submitted to us or to now just accept the non-moved for redlines of D.A. Jackson and vote on that potentially new document?

Chair Stiglich: Well, I think my intention was we have a document and Mr. Jackson’s proposing a couple edits and if I wanted people to be able to see what those edits are and then, if there’s a motion with the edits, we’ll hear the motion. We can discuss that further or if somebody says, “Hey, I want to move to approve the original report”, that’s fine too, but it’s hard for me when I have to see, I like to see what the words are and where they are going. So, I thought it would just be helpful. So, these are the proposals that Mr. Jackson had brought forward.

Ms. Murray: Okay, I just wanted to make sure we weren’t like just glossing over, abandoning where we were at and accepting what’s been proposed. What you are saying makes perfect sense to me. Thank you.

Chair Stiglich: All right. So, Ms. Powers, what was the other piece that Mr. Jackson was proposing?

Director Powers: A footnote regarding the increase in the DOC budget. D.A. Jackson, would you like to speak on that?

D.A. Jackson: Yes. What I was talking about is there on the summary in the second paragraph where it reads, “Using the formula developed, the Nevada Sentencing Commission calculated that Nevada has avoided 21 million due to the enactment of AB 236 since the last Statement of Costs Avoided”, I was talking about putting a footnote possibly there. It could be somewhere else in the document and what I was suggesting is to capture that, even though the prison population is decreased by three thousand four hundred and forty-two inmates from 2018 to June 30th of 2023 since the enactment of AB 236, that the budgets of the Nevada Department of Corrections increased \$60 million from 2018 through June 30th of 2023. And Justice Stiglich, since while she’s typing that up and I do appreciate the other comments of how to do this. As opposed to taking them all together, if as soon as Jorja gets done with this, I’d be prepared to make each one of these a motion standing on themselves. So, the very first one that she had up there in that box, “What Are Costs Avoided?” that would have removed the word would and replace it with the word may.

D.A. MARK JACKSON MOVES TO AMEND THE STATEMENT OF COSTS AVOIDED REPORT THAT HAS BEEN SUBMITTED BY REMOVING THE WORD WOULD AND REPLACING WITH THE WORD MAY AS SHOWN IN THE BOX “WHAT ARE COSTS AVOIDED?”

ASSEMBLYMAN BRIAN HIBBETTS SECONDS THE MOTION

Senator Krasner: I actually have a comment.

Chair Stiglich: Thank you, Senator. Yeah, you just have to speak up.

Senator Krasner: Okay, I am sorry; I was raising my hand. So, I appreciate everybody’s comments and taking this deep dive into this. However, Deputy Director Wickham expressed that he would like to take a look at this and get back to us. So, I’m wondering if maybe we should table any kind of motion or vote today and let Deputy Director Wickham take a look at things and then get back to us before our next meeting. I’m just

wondering, Deputy Director Wickham, would that be helpful to you and the Nevada Department of Corrections? Obviously, nobody wants to cut funding to NV DOC when the lights need to stay on and we need appropriate staffing and guards; that's for the safety of the guards and the prisoners. So, I'm just wondering if maybe that would be helpful to you, sir.

Director Powers: If I could here, just quickly. This is mandated to be submitted by December 1st. So, if we table and do not approve something, we will have to have another meeting prior to December 1st, just so everyone understands.

Deputy Director Wickham: I just want to thank Senator Krasner for your comment and also, I appreciate the ability to have some more time because we want to work with Sentencing Policy on this to ensure that we're doing things correctly, and efficiently, and saving the State as best as we can, but I also understand the necessity of getting the report done in a timely manner. I'm okay with this change from the, may have, that's not a significant thing for us at this point. So, I'm okay either way, whatever the Commission votes, I'm not a voting member so, I'll just say that.

Chair Stiglich: All right, thank you, Mr. Wickham. All right. In any event, is there any other comments, and again, as Senator Krasner identified, I can only see four of you because the screen is shared. So, if you want to talk, just start talking and then you're going to rise up to the top and we'll see who you are. So, is there anyone else who has any comments? All right, hearing none and seeing none, there is a motion by Mr. Jackson and a second by Assemblyman Hibbetts to accept the changes on the report on page one. Let's have a vote. Ms. Powers?

Director Powers: Would you like a role vote?

Chair Stiglich: Yes.

Ms. Erica Roth: Just to confirm, this is only for the changes on page one that are proposed?

Director Powers: Yes, but you won't have voting rights. So, I'm going to go ahead and move on.

D.A. Jackson: Yes, but it's only to the first part. I only took that very first one where it had said would have, and to may have, and even though we are seeing another highlighted, that was going to be my next motion because if someone had an issue with that, I didn't bring both of those in together. This is only on changing one word so far, and then I'll bring another motion to deal with the second part that's highlighted in that box.

Chair Stiglich: All right.

MOTION PASSED UNANIMOUSLY.

(ROLL CALL VOTE CONDUCTED BY DIRECTOR POWERS)

Chair Stiglich: Okay, so that first part in this report will be changed. As to the second part in that box, is there a motion? And this is the spending that may be avoided.

D.A. Jackson: The part that's highlighted, the second part that we see in there, that had read "spending that will be unnecessary" and myself and Christine Jones Brady had both talked about the use of the word unnecessary.

D.A. MARK JACKSON MOVES A MOTION TO REPLACE WILL BE UNNECESSARY TO MAY BE AVOIDED

DIRECTOR BETH SCHMIDT SECONDS THE MOTION

MOTION PASSED

Chair Stiglich: All right. That'll change will happen in the report and now, let's move down to the footnote that Mr. Jackson was recommending. Mr. Jackson, did you have a motion with respect to that?

D.A. Jackson: I do.

D.A. MARK JACKSON MOVES A MOTION TO AMEND THE DRAFT OF THE STATEMENT OF COSTS AVOIDED FOR OUR DECEMBER 2023 REPORT TO INCLUDE THE FOOTNOTE THAT READS EVEN THOUGH THE PRISON POPULATION HAS DECREASED BY THREE THOUSAND FOUR HUNDRED AND FORTY-TWO INMATES FROM 2018 TO JUNE 30, 2023, SINCE THE ENACTMENT OF AB 236 THE NDOC BUDGETS HAVE INCREASED IN THIS TIME PERIOD IN EXCESS OF SIXTY MILLION DOLLARS

DEPUTY CHIEF AARON EVANS SECONDS THE MOTION

Dr. Lanterman: Can we just clarify again what part of the report this is a footnote to?

D.A. Jackson: This would be a footnote in the summary on page one, the second paragraph, and we can all see where the twenty-one million is in bold font? At the end of that sentence, where it ends with Statement of Costs Avoided period, the footnote would go there.

Assemblywoman Venicia Considine: I just have a quick question. Above this, it says, "the Commission" under a statutory requirement, "the Commission is required to use the formula developed". So, that's the formula that's already been determined and developed and submitted based on that formula, using that formula developed. So, if that's what we're doing and we want to add a footnote to that, do we need to add some additional context as if we're using the formula that we are required to use, this is outside the formula. And I don't know if we need to add more context of yes, that has been a \$60 million amount that has gone up, even though our populations have gone down, but something as to, or this is something we will be looking into, or something to contextualize that, as opposed of you know, to just putting a number down that's outside of the formula we're required to use, and then, not adding any context to that.

Vice Chair Brady: That was going to be my comment, is exactly what she said, is to provide a little bit of context. I don't know if we're going to say that you know, the Commission will be or you know, meeting with NDOC, or the office of Sentencing Policy will be meeting with NDOC to determine increased costs, or you know, the meaning or the reasons for increased costs. But some context.

Chair Stiglich: Go ahead Vice Chair Brady. I didn't mean to cut you off.

Vice Chair Brady: No, that was sort of rambling at that point. I'm not exactly sure what to say because I think that the increased costs have to do with increased costs associated with living, with regulations, ADA, and with mental health. I mean we can't do all that in a footnote but if there is some succinct way we can contextualize it, I'm in agreement with that.

Chair Stiglich: Okay. I'm sorry, that it kind of stutters a little bit. I'll call on you next Ms. Murray. I'll just say, I mean, we do not have to add the footnote at all. You make a motion and there's a discussion and a vote. We can have costs avoided and the budget can still go up because those are totally two separate things. You know, the budget can go up \$400 million if they're going to retrofit to redo a thing and we could still have avoided a number of costs by dealing with the prison population. So, to me, they're apples and oranges, so I don't know that I would support the footnote but that's what the discussion is. So, we either put it in and as the Assemblywoman said, it may need a little context because I think they are to the mission here is, what costs are we avoiding? Not what costs necessarily is the prison choosing to incur or necessarily incurring, you know in other aspects of their mission. So, I'm not sure. Ms. Murray?

Ms. Murray: I'm glad you went first. You largely summarized my thoughts. Yeah, I just wanted to say that I will be in opposition of this footnote in its current format. I think that unnecessarily combining costs avoided with budgets is confusing. I think that it's also misleading, and I can see many ways in which that sentence would pull out and have large impact in other arenas as though it's some sort of authority or says something

more than what I think it really says. I would suggest that if that's an area that we want to explore, that prior to the 2024 report, that we place on the agenda a re-exploration of the items to be covered in the report and the methodologies used to do so, so that we can have meaningful discussion over those things. I think that this footnote actually could wield large weight in a lot of arenas by being misunderstood. So, I will be in opposition to it.

Chair Stiglich: All right. Thank you, Ms. Murray. Mr. Jackson?

D.A. Jackson: Thank you so much for those comments and I do appreciate those. I guess to add a little bit of context, the reason is twofold. One, under this particular statute NRS 176.01347 about submitting this Statement of Costs Avoided Report, the statute does read that the formula must include, comma, "without limitation", comma, "a comparison of". Then, it talks about the annual projections, as well as the actual numbers of persons and those are, but the issue is that what's happened based upon that ACAJ report that was submitted before the 2019 legislature, is that members of the legislature are holding up those numbers as if they are true, and they're not. They are projections, they are based upon hypotheticals, and what I am talking about is \$640 million and the \$470 million that is referred to in paragraph one of our summaries, and those come directly from that ACAJ report, but they're not using, the Legislature is not using the word costs avoided. They're saying these are cost savings and so, if they want to hold up a document and say this is proof of the cost savings, it would be nice if we had in the document-- because this all goes to the Department of Corrections-- that was what was reported to the legislature in that report in 2019. That was a big part of the presentation by Assemblyman Yeager and even at the time, Chief Justice Hardesty, and CJI. There has not been that actual cost savings, we've actually had an increase in that NDOC budget of \$60 million through June 30, 2023. So, this is before the increase in salaries for the state classified employees, and again, I'm not aware of what their budget is at this time. I'm trying to do a cut off of June 30, 2023. So, that is the basis behind my requests for that and if it's not included, it's made at least part of this record and I understand I can bring those up or we can include it in some other reports. So, with that I have no other comments before we go to a vote.

Chair Stiglich: All right. Thank you, Mr. Jackson. Does anyone else have any further comments before we go to a vote?

Director Powers: I just wanted to speak to Ms. Murray's point. One of the things we've talked about previously is taking budgeting out of projections and so that the state budget is not going to use only prison projections to decide what DOC's budget might be, what P&P's budget might be, and I think that's what Ms. Murray was saying. That if we put the budgeting wording in here that it's what we've been trying to move away from. Our department has been asked to do the prison projections, and looking forward, and so, that is one of the pieces we have really talked about is divorcing the state budget from actual projection numbers. Thank you.

Chair Stiglich: All right. Is there any further discussion on this item? Okay, hearing none, seeing none. Then we will go to a vote. All those in favor of accepting this footnote that we've been discussing and is the subject of this motion say aye. Opposed? Okay, Director Powers, we are going to turn to a roll call vote, please.

Vice Chair Brady: What footnote are we agreeing on? Do we have the language for the footnote? Or are we just voting for a footnote in general?

Director Powers: It is still on the screen I believe. "Even though the prison population has decreased by three thousand four hundred and forty-two inmates from 2018 to June 30, 2023. Since the enactment of AB 236 the NDOC budgets have increased in this time period in excess of \$60 million. The NSC will be reviewing the formula and methodology for this Statement of Costs Avoided moving forward".

Vice Chair Brady: No, as it is written. Not in general for a footnote.

(ROLL CALL VOTE CONDUCTED BY DIRECTOR POWERS)

MOTION FAILS.

Chair Stiglich: Then at this time, is there further discussion on the report, and that is with the amendments that we've already approved, and if there is further discussion, we'll take that now. If there's not further discussion, then I'll entertain a motion to approve the Statement of Cost Avoided as constituted today.

Mr. John McCormick: Would it be appropriate to have that second part of that footnote that says this group will be reexamining that formula going forward? Does that make anybody feel better or is that just sort of unnecessary language?

D.A. Jackson: As far as I am concerned, that second part would be unnecessary without the first part because it was to put it in context. So, thank you though, I appreciate it.

Chair Stiglich: And we are going to be discussing all these things going forward. All right, anything further on the Statement of Costs Avoided? And I'd entertain a motion.

JOHN MCCORMICK MOVES THE MOTION TO APPROVE THE STATEMENT OF COST AVOIDED WITH THE EDITS THE COMMISSION PREVIOUSLY APPROVED

DR. JENNIFER LANTERMAN SECONDS THE MOTION

MOTION PASSES

Chair Stiglich: All right. Thank you. You know, these are good discussions and we do need to address this going forward and that's the beauty of the Commission is, you know, making it better and figuring out how we can really fine-tune, you know, both mission and execution here.

6. Announcement of the Chair of the Nevada Local Justice Reinvestment Coordinating Council

Chair Stiglich: All right. Let's turn to item six. I'll now open agenda item six, "Announcement of the Chair of the Nevada Local Justice Reinvestment Coordinating Council." Pursuant to NRS 176.014 the Council shall advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of chapter 633, Statutes of the Nevada 2019 as they relate to local governments, identifying county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism, make recommendations to the Sentencing Commission regarding grants to local governments and nonprofit organizations from the state general fund, oversee the implementation of local grants, create performance measures to assess the effectiveness of grants, and identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding. The members are appointed by each county commission and the Chair of the Council is appointed by the Chair of the Commission. The Chair of the Council for the 2021-2023 meeting cycle has been Garrit Pruyt from Carson City. I'd like to thank him for his service. For the 2023-2025 meeting cycle I would like to introduce Nevada Local Justice Reinvestment Coordinating Council Chair, Denni Byrd, from Humboldt County. Ms. Byrd, would you like to say a few words? Are you on?

Chair Denni Byrd: Yes. Here I am. Can you hear me? My camera and stuff have been a bit wonky this morning.

Chair Stiglich: All set.

Chair Byrd: Yes. Thank you for this appointment. I've been part of the Council since it started and was Vice Chair for the last two years working very closely with Mr. Pruyt, and I see a lot of good things coming from this, and I look forward to us figuring out how to help the counties with the money that has been appropriated as we go through the grant process. So, thank you.

Chair Stiglich: All right. Thank you and thanks for your willingness to serve, very excited. All right. Are there any questions with respect to that agenda item? For comments? Mr. Jackson?

D.A. Jackson: I just want to know if I can get or if our members can get a copy what the total membership of that Coordinating Council. I'm not even sure who the representative is from Douglas County. That's why I'm asking.

Director Powers: Yes, absolutely. We can get a copy of the Council roster to you and all of the Commissioners. We will do that soon.

Chair Stiglich: All right. Anything further on this?

Ms. Murray: Congratulations Denni. I have had the experience of getting to sit with both former Chair Pruyt, as well as former Vice Chair now Chair Byrd on the Coordinating Council since day one as the Clark County representative. She has been instrumental in actually keeping the Coordinating Council moving as has former Chair Pruyt. It was little bit of a meandering loss for many as it was tough to sort of wrangle the goals and the target deadlines and to get things together, but as you all saw at the last meeting; the application packets that have gone out, the criteria that have been set forth for those applications, that was not easy work to put together and now Chairwoman Byrd had a huge hand in that. So, congratulations to you. Also, to D.A. Jackson, if you want to see that list immediately, it's on the Department of Sentencing Policy website, it's just one tab over from the Sentencing Commission and every county has the ability to submit their representatives pursuant to an application process appointed by the various County Commissions and you may or may not be correct about whether or not there even is a Douglas. Participation has been a huge issue on the Coordinating Council from a number of counties. If you haven't taken a look at it, you might want to because you may not have a representative on it.

Chair Stiglich: Thank you for your comments, Ms. Murray. Any other further comments on this item? All right. We'll close that then.

7. NDSP Data Report

Chair Stiglich: We'll turn to item seven the "NDSP Data Report". I'll hand it over to Director Powers.

Director Powers: Thank you, Chair. I'm actually going to hand it over to Deputy Director Buonacorsi. A lot of the newer members have not seen what data we have. She will zoom through a quick presentation. Deputy Director?

Ms. Jenna Buonacorsi: Good morning, Commission. Thank you for having me. I'm going to go ahead and share my screen with you all really quick. If you don't see a big screen that says NDSP Data Presentation, please let me know. But I'm very excited to be here with you all today and to be back at the Department of Sentencing Policy. Data has always been a really big passion of mine and there's no data that I'd rather work than my home state of Nevada in the important field of criminal justice. So, as the Director previously said, we have quite a few new members this cycle. So, I'll just be giving a really high-level overview of the Department of Corrections population over the last seven years. So, with that being said, we're first going to look at the admissions, releases, and total population trends and this data is going to be broken down by gender, felony category, and offense group based on the most serious offense on the booking the offender was serving during the respective time frame. As you can see here the total prison population has been trending down since 2017 and from 2017 to 2023 the population has decreased by twenty-four percent. Since the population was already trending down and due to the impact of COVID-19, we cannot assume that this decrease was due to AB 236 alone. Over the last seven years most of the prison population has been comprised of category A offenders, representing on average twenty-eight percent of the population and category B offenders at fifty-five percent. The remaining seventeen percent is comprised of eleven percent from category C, five percent from category D, and one percent from category E offenders. Upon review of the presentation this week there was an edit made to the title of this slide and the corresponding ones, changing the wording from felony group to offense group. The underlining data remains the same and the slides with the edits have been uploaded to our website. Over the last seven years violent offenses have represented the majority of the prison population at seventy percent, forty-seven percent --excuse me-- of the total. Followed by sex offenses at six percent, property at fourteen percent and other at ten percent, drug at

eight percent, and DUI at four percent. As you can see in this graph, admissions had a big drop starting in early 2020.

For that reason, the rest of this section of the presentation will compare trends and admissions, grouping the 2017 and 2019 average monthly admissions versus the 2020 through 2023 average monthly admissions. The average monthly admissions between the two time periods have decreased by twenty-six percent for males and forty-four percent for females. Category A has had little change, with an average of twenty-two admissions a month for 2017 to 2019 and an average of twenty-one admissions per month for 2020-2023. The average monthly admissions for category B offenders was two hundred and forty-two from 2017 to 2019 and one hundred and seventy-eight from 2020 to 2023. Also, upon review of the presentation there is an edit made to the title of this slide as in the corresponding ones, changing the wording from category C, D, and F to category C, D and E. The underlying data remains the same and slides with the edits have been uploaded to our website. The total admissions for all C, D, and E felonies averaged at two hundred and fifty a month for 2017 to 2019 and one hundred and sixty a month for 2020 to 2023. The average monthly admissions for sex offense group remained fairly consistent with an average of twenty admissions a month in 2017-2019 and twenty-two for 2020 through 2023. Violent offense group average one hundred and forty-seven monthly admissions in 2017-2019 and one hundred and twenty-three in 2020 through 2023. The average admissions for drug offenses were sixty-nine a month for 2017 through 2019 and forty-five for 2020-2023 and property offenses averaged at one hundred and seventy-five and one hundred and nine respectively. The average monthly admissions for DUI and other offenses did not have a significant time change between the two time periods as they went from sixteen to nineteen and fifty-seven to fifty-three, respectively.

As you can see in the total releases, there has been a slight decrease since 2020 for that reason for the remainder of the section we will also be comparing the average between the time period of 2017-2019 versus the average of 2020 through 2023 for releases. Overall, the average monthly releases have decreased by twenty-one percent between the two-time frames for males and thirty-six percent for females. Category A felony releases did not experience much change at an average of twenty-four releases in 2017-2019 and twenty-nine in 2020 through 2023. The average for category B felony releases was two hundred and fifty-eight in 2017-2019 and seventeen in 2020 through 2023. The total releases for all category C, D, and E felonies averaged together were two hundred and sixty-six a month for 2017-2019 and one hundred and forty-seven a month for 2020 through 2023. There was not a significant change in the number of offenders in the sex offense group released with an average of twenty-four in 2017-2019 and twenty-seven in 2020 through 2023. Violent offenses also did not see a drastic change with an average of one hundred and forty-five to an average of one hundred and thirty-eight. The drug offense group averaged one hundred releases per month in 2017 through 2019 and sixty releases per month in 2020 through 2023. The property offense group averaged one hundred and ninety-seven releases versus one hundred and twenty-three releases in 2020 through 2023. The DUI offenses from 2017 to 2019 had an average of twenty releases per month and from 2020 to 2023 an average of fifteen per month. Other offense category average went from sixty-three to fifty-six between the two time periods.

So, that concludes the majority of the data portion of the presentation. I hope you all found it helpful. We tried to go through it rather quick just to give a really high-level overview, but for those of you who are new members, if you do not know and would like to dive deeper into these numbers you can visit our website and use our interactive dashboards and look at them on your own. It's right over here under the Hub tab on sentencing.nv.gov and we have a few different ones and all of my data that I used in this presentation was sourced from these dashboards.

So, for looking forward for the Nevada Department of Sentencing Policy's data, the first is a project that is actually underway, we are updating our dashboards. So, I know I just showed you guys the link to where they are right now, but we are in the process of updating them. We've gotten some requests from users that we hope will make them more helpful. The first request was the ability to see total population, admissions, and releases all on the same page and ultimately, the same dashboards. It can get a bit clunky when you're shuffling through multiple dashboards to try to look at the same filtered information across the board and another request was one that allows users to apply multiple filters at once. For example, if you want to group together category A and B together, versus C, D, and E, that option will now exist in the new dashboards, but

you all are who are working with the dashboards the most and I want these to be as useful to you as possible. So, if you have any other suggestions besides the ones we mentioned, please let us know and we will be happy to try to implement them if we are able to. The second thing we have looking forward is that we hope to continue to dive deeper into NDOC and NPP data. We have a really strong relationship with both agencies that has allowed us to make some great progress and with continued partnership, we have planned to have more detailed data for you all very soon. Lastly, we have a few data reports that have come due to this last legislative session that we wanted to highlight. The first being, we will be working with Las Vegas Metro to help broaden our understanding of the impact of the changes to temporary revocations from AB 32. Also, as the subcommittee on misdemeanors gets up and running, we will begin to receive and analyze data regarding misdemeanors in Nevada and I know we all are really excited to learn more about that as a whole. Finally, we are working with the Attorney General's Office to gather past data for the report on murders and voluntary manslaughter, and we are beginning to develop new procedures for collecting this data moving forward. So, those are a few of the projects our team at NDSP is currently working on in regard to data. I want to thank you all for your time and open this up if you have any questions.

Chair Stiglich: Thank you for that report. That was excellent. Anyone have any questions on this? I do encourage new members to play around on the website, it's neat, and with the data that you can pull and compare is just amazing, and certainly, it gets better when we get input. So, see what works and see what doesn't or what you think could be better. All right with that we will then, hearing no questions or comments.

8. Discussion of Potential Topics and Dates for Future Meetings

Chair Stiglich: We'll turn to item number eight, the dates for the meetings for the rest of the year. Which are provided in the agenda. Our next meeting is December 15th and then we will meet on January 2024. Those two meetings will be virtual. Our staff's already working on more topics and items for discussion at future meetings. From this meeting, I think we've generated some items that we'll be putting on the agenda. Does anyone have anything at this time that they want to be considered for a future meeting? All right, hearing none. I'm sorry, Vice Chair Brady?

Vice Chair Brady: I'd like to add re-entry to the agenda, a discussion on re-entry if we could and maybe, I know that there used to be under Governor Sandoval a re-entry task force and I don't know who's doing that now, or if we're supposed to be doing that as a Sentencing Commission. So, I'd like to add that please.

Chair Stiglich: All right. Thank you, Vice Chair, we'll get that on. Anything else? Vice Chair, do you still have your hand up or no? Okay. You know, hearing anything else if you have, if inspiration strikes after the meeting or anything else comes to mind, you'd like to be considered for the agenda, please contact myself or Director Powers and we'll make sure we get that on the agenda and have the people that we need to have a meaningful discussion about it.

9. Public Comment

Chair Stiglich: All right. Then, we'll turn to item nine, public comment. I'll now 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. Those public comments are going to be limited to two minutes. Hunter, I do see that we have some. I'm going to ask staff to manage and direct those who wish to testify. It appears that we do have some public comment.

Ms. Jones: 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. Caller with the last three digits 037 please slowly state and spell your first and last name for the record. You will have two minutes. Caller with the last three digits 037 please slowly state and spell your first and last name for the record. You will have two minutes. You may now begin.

Ms. Tanja Brown: Thank you. Advocates for the Inmates and the Innocent. I just wanted to touch on what I mentioned previously. Regarding the recommendations we were asking for. We'd like to also make it retroactively. Thank you on that. Now for some of you, you don't know who I am and why I became an

advocate. So, I kind of want to do a brief introduction of who I am and why I became an advocate. My brother was wrongfully convicted for a crime back in 1988. Over the years through my own investigation and so on and so forth, I uncovered what happened in this case and I will just say that, just to make it short, in 2009 the Honorable Judge Brent Adams issued an order for the Washoe County District Attorney, Dick Gammick, to turn over the entire file in my brother's case. When the file was turned over, the handwritten notes of the prosecutor showing he defied a court order back from 1988 to turn over all the evidence. What was found in the file were the handwritten notes of the prosecutor, not only that, but there was also evidence that showed, that would have discredited the State's witnesses and through my own investigation, like I said, there was another suspect they knew about; they hid it, and I actually found this other suspect in 2011. He had information that only the perpetrator, the District Attorney, and the officers involved in the case would know. Now, back in 2018, the Washoe County District Attorney's representative during the ACAJ mentioned that they had a Conviction Integrity Committee. I applied for that in 2018. I received a letter from them and basically what they did was, they go online, they look...

Ms. Jones: You've reached two minutes. Please wrap it up.

Ms. Tanja Brown: Okay, I will. Thank you very much. Basically, this man spent time in prison, the real perpetrator was found two years after his death and I became an advocate, advocating for justice because of that and so, thank you very much and have a great day.

Chair Stiglich: Thank you, Ms. Brown. Do we have any other callers or any other public comment?

Ms. Jones: No, we do not, Chair. Thank you.

Chair Stiglich: All right. Thank you. That will conclude our second period of public comment.

10. Adjournment

Chair Stiglich: Okay well, thank you everybody. Thank you for adjourning on short notice or I'm sorry, convening on short notice this time. Thank you for all your thoughtful comments and your input here and of course, your willingness to serve. Thank you, staff and members of the Commission; I look forward to seeing you in December. I'm sorry, we're going to--in, yes December to--continue our efforts. Any thoughts you have in between, you know we're getting started and if there's anything--I don't know how to say it other than say--any big ideas that we have for this Commission or things we want to tackle, we need to get started on them. So, bring your thoughts, bring your ideas about how we can make it better and with that we will adjourn. Be kind and be kind to yourselves. See you at the next meeting. Be well.