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**STATE OF NEVADA**  
**DEPARTMENT OF SENTENCING POLICY**

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**NEVADA SENTENCING COMMISSION**

**MINUTES DRAFT**

**Date and Time:** December 13, 2022, 9:00 AM

**Location:** VIRTUAL ONLY

**MEMBERS PRESENT**

Chief Michelle Bays  
Dr. Shera Bradley  
Chairman Christopher DeRicco  
Judge Scott Freeman  
Acting Director William Gittere  
Jim Hoffman  
Judge Tierra Jones  
Dr. Jennifer Lanterman  
John McCormick  
Kimberly Mull  
Julia Murray  
Jon Ponder  
Assemblyman David Orentlicher  
Vice Chair Christine Jones Brady

**MEMBERS EXCUSED**

John Arrascada  
Director Elisa Cafferata  
Athar Haseebullah  
D.A Chris Hicks  
Senator Nicole Cannizzaro  
Senator Pete Goicoechea  
Assemblyman Tom Roberts  
Justice Lidia Stiglich Chair

**STAFF**

Victoria Gonzalez, Executive Director  
Erasmus Cosio, Management Analyst II  
Jorja Powers, Manager of Policy Analysis  
Jose Sepulveda, Administrative Assistant  
Connie Liu, Management Analyst I

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

**Vice Chair Christine Jones Brady:** Good morning, I'd like to -- with agenda item 1, call to order -- I now call to order the December 13, 2022, meeting of the Nevada Sentencing Commission. It's good to see all of you and also welcome all of those who are viewing the meeting on the Department of Sentencing Policy's YouTube channel. I will now ask Director Gonzalez to take the roll.

**Director Victoria Gonzalez:** Thank you Vice Chair Brady.

(ROLL CALL IS CONDUCTED BY DIRECTOR GONZALEZ; QUOROM IS MET)

**2. Public Comment**

**Vice Chair Brady:** I will now open the public comment. This is 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 members of the public may do so in writing by email to the Department of Sentencing Policy at [SentencingPolicy@NDSP.nv.gov](mailto: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 the time constraints public comment will be limited to 2 minutes; any member of the public that exceeds the 2-minute limit may submit your comments in writing to the Department of Sentencing Policy, any comments that you are unable to complete on the phone. At this time, I will ask staff to manage and direct those who wish to testify by telephone, Mr. Sepulveda.

**Mr. Jose Sepulveda:** Thank you Vice Chair. Members of the public who would like to testify by phone press star 9 or raise your hand. When it's your turn to speak please slowly state and spell your first and last name. Chair, we don't have any callers right now.

**3. Approval of Minutes of the Meeting of the Nevada Sentencing Commission held on November 4, 2022.**

**Vice Chair Brady:** We're going to skip this agenda item. We will review and approve the minutes from the November 4, 2022, meeting at our next meeting. So, closing out agenda item number 3 and moving on to agenda item number 4.

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

**Vice Chair Brady:** A report from our Director at the Department of Sentencing Policy. At each meeting the Director provides us an update on the recent activities of the Department and other matters related to the Commission. It looks like we are also going to get an update on Justice Courts[sic]. I now turn the time over to Director Gonzalez to present her report.

**Director Gonzalez:** Thank you Vice Chair. So, on the second slide first I wanted to provide you some updates about the Commission. We currently have two vacancies. Chief Natasha Koch of Nevada Division of Parole and Probation retired, and we wanted to thank her for her service and then also Chuck Callaway from Las Vegas Metro has retired. So that has created two vacancies on our commission; those positions right now are being represented by a designated person, Beth Schmidt from Las Vegas Metro and Major Aaron Evans from the Division of Parole and Probation. They are working on their official appointments. We're going to be working with appointing authorities to get their appointments in place, so we wanted to thank them for also being here today and they will be representing their entities; they just won't be able to vote. As we discussed last time, we are going to shift into having more frequent meetings, but they will be shorter. The next meeting will be in February a few weeks after session begins. The meetings are listed in the agenda and as mentioned we will keep the length of the meetings to no more than three hours but will shoot for two to two and a half hours for each meeting. During session the meetings will be each month with

the last meeting of the 21-23 meeting cycle in June. We plan on that meeting in June being a quick 90 minutes to wrap up the meeting cycle. Related to that, appointments for the 2021-2023 meeting cycle end on July 31. In June we will start reaching out to the appointing authorities to solicit appointments and as you all know, you can all be reappointed. The first meeting of the next meeting cycle will be in August.

On the next slide I will provide the first part of the update about Justice Counts. As you know the Joint Interim Standing Committee issued a letter of support for Justice Counts and that letter was sent out to various criminal justice stakeholders including our commission. As a reminder the seven criminal justice sectors that we will collect data from are listed here. In order to participate in Justice Counts an agency will submit an opt-in form and then we will schedule an orientation to get the agency started on how they will submit their data. The orientations include me and my staff and members of the Justice Counts team. Here is a list of those who are participating by criminal justice sector. In the defense sector, the Washoe Public Defender has opted in and we have their orientation scheduled for January. Also, it looks like the Department of Indigent Defense Services will be opting in and providing the data that they collect. Under law enforcement, the Washoe County Sheriff submitted an opt in form which also included opting in to the jail sector and we are still trying to coordinate an orientation day. Under law enforcement I also wanted to note that we are looking into how we can use existing NIBRS data to submit several of the metrics requested by Justice Counts on behalf of law enforcement agencies. When we held our informational summit a few months ago, the question was raised regarding how we could use data that already exists that is already used for submitting for NIBRS. We met with a law enforcement agency who showed us how the submission of this data works and then we met with the Records, Communications, and Compliance Division who showed us the data that is available. We are going to keep reviewing the data and then work with Justice Counts on how best to take the data from NIBRS and upload it to Justice Counts but we think this will be a viable option for collecting and submitting the data which means we don't need as many metrics from each law enforcement agency who opts in. As you can see the Nevada Department of Corrections has opted in and we've already completed their orientation. We are working to schedule our next meeting with them in January to take the next steps. This is the same for the Nevada Division of Parole and Probation. They opted in, and we completed their orientation, and the next step of their onboarding will also take place in January. We really want to thank our partners who have opted in and those who we've already met with.

I also wanted to mention we got an update from the Justice Counts team about the tier 2 metrics. As we've discussed, the tier 1 metrics are the current metrics that we're collecting and tier 2 will be the next level of metrics that can be collected. The Justice Counts team has worked on finalizing those and the next stage for those will be soliciting public comment through their mechanism for gathering feedback. When we have those dates set up, we will send that out to the Commission so that you can participate in the public comment aspect of responding to those tier 2 metrics and provide your feedback, which they are really looking forward to as it helps them refine and figure out what's the best way to set up those metrics for collecting data. Finally on the next slide, I want to share some ideas we have about how the Commission can proceed with the upcoming session. This will be our second session since we were established in 2019 and I have been exploring recommendations for how this commission can track and participate in the legislative process. I know there are a lot of positions and ideas shared during bill hearings. Many if not most of the members of our commission are very active during session but as a public body it might make sense to bring everyone together to review proposed legislation. Additionally, our staff can present data analysis we put together in response to some of that legislation. And of course, we can get timely feedback from this commission on what you would like us to track and research. This would be the plan for those meetings during session, review legislation, data, and hear more presentations towards the reentry and recidivism project that we proposed last meeting. Then we would invite other ideas or focus areas that the Commission would like us to work on during session. The last thing I will point out is that the recommendations developed and approved by this commission to be submitted as a BDR are now a bill. This is Assembly Bill number 32. The recommendations were those related to technical violations and the various changes recommended for the position of the Executive Director and the membership. We are

already brainstorming any amendments that may be appropriate for this bill. If the Commission has any ideas for amendments we will be able to develop those during our meetings that take place during session. This concludes my report and I'm ready for any questions or comments related to these items, Vice Chair Brady.

**Vice Chair Brady:** Thank you for that report Director Gonzalez. Are there any questions for the Director or her staff?

**Vice Chair Brady:** Okay, yes, Chief Deputy Public Defender Julia Murray.

**Ms. Murray:** Hi, thank you for the presentation; as always you know it's great to hear an update and hear everything in a condensed fashion. It certainly makes it clear that a lot has been going on and it keeps it all good and fresh in our minds, so thank you for putting this together. I did have a somewhat of a question somewhat of a concern regarding Assembly Bill 32. When we met on May 9<sup>th</sup> it was a very lengthy, very contentious meeting of this Commission, and at that meeting there were a number of votes held given the various recommendations and some passed and some failed and some were amended so far that I think some of us got lost in the mix of it all. I saw Assembly Bill 32 for the first-time last Thursday. Someone sent it to me asking whether or not I had seen it. I reviewed it and I was caught pretty off guard upon reviewing it because my recollection of how things went at the May 9 meeting regarding the temporary revocations and the quote unquote abilities to dip was very different than what I saw reflected in AB 32. I did go back and review the minutes and to not belabor the point, just to sort of highlight where the concern is focused so that we can maybe come with a solution. On page 43 of the May 9 minutes there was an original motion made by Commissioner Hicks to pass the language as proposed in the recommendations regarding temporary revocations. That motion failed; there were then subsequent motions that take place beginning on page 44 of the minutes and exceeding almost through about page 47 and what ultimately happens is that we pass the motion to adopt conceptual language, formulate a small working group to develop the language to be reflected from our discussion, and to also refer the minutes and the current proposals to the LCB so that they could come up with language that would realize the intent of the discussions we were having on the 9<sup>th</sup>. So, when I reviewed AB 32 as it currently sits, I was very surprised to see that the language regarding temporary revocations was identical to that which was proposed at the May 9 meeting which failed when it went to a vote. So I guess my first question would be, did any of those steps and recommendations that did in fact pass take place? Were the minutes sent to the LCB to continue to develop the language, was a small working group ever formed, and if so how do we come out with the exact same thing that failed that's now being put forward as you know the endorsement of all us. And then I guess after receiving those answers, I potentially, and I would like to weigh in on the feasibility of this request, I would potentially like to make a motion to refer those May 9 minutes specifically on this topic back to the LCB with a second request that our thoughts and our discussion be reincorporated to be reflected in the language because the language that's here failed and so that's kind of where I'm coming from on this. There are a couple other minor issues but that was the primary concern that I had.

**Director Gonzalez:** Okay thank you so much, and we can come back to your other questions too. I think it'd be worth exploring and discussing. So, I just want to make sure I got all of your questions so that I address them. So I just want to make sure. So, you just want to know about -- the first part of your first question about the steps -- I wrote down steps recommended to take place, so could you just clarify that question.

**Ms. Murray:** What had passed at the May 9 meeting was that we had passed the idea of either formulating a small working group to develop the language that would reflect the discussion that had taken place or to send, and I think what ultimately passes is this latter, it was to send the minutes and the current recommendation that had been formulated to the LCB to allow them to draft language that would reflect the discussion that had taken place. I believe that came, that it was an amendment to a motion made by Commissioner Arrascada and I believe it came from Commissioner Cafferata and ultimately that is my recollection and my belief having reviewed the minutes of what ultimately passed.

**Director Gonzalez:** Okay perfect so that's good I had the pieces about the working group and what was sent to LCB. So, remind me if I missed any of the pieces, so perfect. So, I really appreciate your questions and I think it shows like how a little bit messy the process can be for trying to get a recommendation and a BDR put together. So, I will say first of all, to address the working group piece, is our commission does not have statutory authority to form a working group or any sort of subcommittees. I'm working on, maybe working on looking for an opportunity to get an amendment for us to do that because it's come up before in previous meetings and I'd have to look at those minutes again to see if I did address that issue at the meeting I might have neglected too, so yeah. So that would be why that wasn't actually part of the motion the way I recollected because you're right that motion got very, it got messy about trying to keep track of what was approved, and so because I knew we didn't have the statutory authority I didn't think of it as part of the motion and so the way that I thought of the motion overall was and I remember you're right I remember Holly Welborn and a couple other people bringing up the idea of like not worrying about the language but worrying about the concept, right, of proposing that. So, you're right conceptually there were those bullet points that said, that did include a jail incarceration and electronic monitoring so that was in the conceptual amendment, and then there was an idea for the proposed language. So, what was sent over to LCB because at the time the BDR was due, we did not have the minutes, so I sent the PowerPoint presentation over with a separate document that identified here is the conceptual amendment. What's tricky about what you're bringing up about how to, there wasn't a consensus on all those other issues that were addressed and so because the Commission approved a conceptual amendment all LCB had were those bullet points. So I can see why that language was then used because they went conceptually and then looked at the PowerPoint and I did reference the meeting and I meant that as like a form of the minutes almost like video minutes to review what was discussed, but I think we could look at the minutes -- together I think it's a good idea -- to review because the problem is I remember all those different issues that were brought up just none of them were in the consensus of what the commission approved. So conceptually it would be tricky about how to get some of those other pieces in. So, I just want to make sure I addressed your question about what was submitted to LCB and what we have now. Does that answer that part of your question.

**Ms. Murray:** It does but it created a follow-up, I apologize. I guess the crux of my concern is that the language that's now being put out as endorsed by the Sentencing Commission point blank failed at a vote. So that brings as a problem to me to have a going forward in that fashion. I think that we were all in agreement that we thought something more needed to be considered and drafted at that point which is why the idea of sending it on to the LCB with additional information being the minutes so that they could go through the argument and kind of parse out what the intent was as an agreeable solution to everybody. So, I guess my follow-up becomes one, are we as commissioner's privy to the document that was sent so that we can see if we feel it properly reflected the intent that we were discussing sending forward. And then as a separate question, as I think many of us did believe that the minutes were being sent forward and that they would be reviewed, is there still time and an opportunity to do that?

**Director Gonzalez:** The first part of your question I'd have to look at that because I think that's a great question about the confidentiality between the agency, I see us all as being one and so I don't see a problem with that but I would want to make sure that anything, because you are the Commission is a public body, we have to be careful about what the commission reviews not in a public meeting versus what was confidentially sent to LCB. I guess I would hope that there is a trust and a confidence in what I'm telling you what we submitted and that maybe we can work through like that and see what could have been done differently. I'll say first what's tricky here is the concept was that was the bullet point, right? A conceptual amendment was the motion. I think we could have explored more what exactly is that in that conceptual amendment or sorry conceptual proposal, right conceptual idea, for a BDR because the bullet points is what would be submitted. So that's what I would say; it just gets tricky and I remember part of that being the discussion that's the dilemma when we start looking at language and we start trying to figure out the language versus just the idea. So, I will say that that's tricky when it comes to concept versus when

someone proposes language and whether or not LCB looked at the concept and thought the language might adopt that. So again, I'm going to get to the other issues that were discussed were not approved by a majority of the Commission was my take. So, first of all would like to hear maybe what you would like addressed because now we could talk as a commission and now really explore those deeper once we see the language because I think that was the problem at the commission right? Was we didn't have the language; we couldn't parse it out. Now that we have language, we see what it looks like; we have all the pieces so now this is opportunity for us to parse it out. So the next step would be I would recommend and for this commission would be now let's hash this out, now that we have this here, what are the issues and then does the Commission as a majority approve because then what we would do is submit an amendment. Then what I would do is I would be able to take that amendment to the hearing and say the Commission by a majority approved these changes because conceptually the bill does capture those bullet points, that's why I would like to hear more of what you would like to see because it does apply the jail incarcerations right as the flash incarcerations and it does have the electronic monitoring. The recommendation was let LCB figure out how to put that in. I guess it kind of looks like how what was proposed but I guess there were some parts I thought looked a little different, but I could see how it didn't incorporate some of the things you were talking about, so I know I'm kind of talking for a minute, so...

**Ms. Murray:** No, I appreciate it. I was going to say at least on the portion regarding the temporary revocations, it's word for word what was failed in the motion which is what raised my most like obvious concern on the front end. I mean it is word for word with no changes not even a punctuation change. So I guess that's kind of the real heart of where my concerns come from. I'll be done after this; I promise guys. My only remaining question would be when and how would these discussions regarding an amendment take place because we are very much on the clock at this stage?

**Director Gonzalez:** If this is what we need to do I'm happy to do. We could talk about some of it now. That's why I'm saying if there's something if you would like to discuss it now we could start exploring it then I could start understanding what the issues are and then we can figure that out. I agree because I think this bill will be one of the earlier hearings, so I guess I just want to understand too because I hear you on the language does look similar, it's also consistent with the conceptual because to me that was a dilemma with that discussion right was getting bogged down in the language and I'd have to look again what the issues were with the language versus the conceptual. So, I guess if your issue because I mean the LCB received the slide presentation as reference and the document submitted to LCB was said use the slide presentation as reference, but the submission, the document, there was a memo that I put out that says here's the concept do this, this, and this, use the slides as a reference right and the meeting as a reference. I guess I want to get to the substance versus the motion because I hear that you're concerned about the motion that was denied or that failed but it's still consistent with the conceptual and that's where that motion's tricky right. The fact that the motion that approved the BDR was like we could approve the concept but not this language, I have no influence over LCB and so I guess I would like to get it; what is your, is their a concern with the substance of what's there as well, like both?

**Ms. Murray:** Yes, I do have concerns regarding the substance of how the temporary revocations were presented I think that the language suggests that you should be doing dips, or these flash incarcerations and I think that it suggests that they come in a certain format which we talked about at length at the May 9 meeting. The fact that as it was currently written it was almost a push in a particular direction. I am not prepared today because I didn't actually believe it was appropriate for today to go through with you know sort of match to match this is kind of where I think what was submitted is being not in full compliance with what was happening at that May 9 meeting. So, I don't want to say something and then later have a moment to dig a little deeper and be like ugh I shouldn't have put it out there that way because it's really not what I meant but as I said I only saw this for the first time on Thursday evening when somebody else reached out to me about it so, a member of the public.

**Director Gonzalez:** So, I just want to be sure, so you are thinking that something was out of compliance?

**Ms. Murray:** I am, in regards to the temporary revocations, yes. I know that there's, I have reached out to a couple other members of the Commission, and I do know that there are others that share that view potentially not as strongly as I do but there are others that share that view on the revocation's aspect.

**Vice Chair Brady:** So, we're having a February meeting, this is a question maybe for commission members to comment on. Do we think we want to have a separate meeting like to have this BDR distributed to all of the commissioners for their review and then have a meeting to talk about that BDR just a meeting on that because it sounds like that might take a while. Is that something, does anyone have a comment on whether or not that would be something they'd want to do and before we move on Jim Hoffman, do you have a comment on this issue or a new issue?

**Mr. Jim Hoffman:** It's on this issue. I just wanted to echo the concerns that Ms. Murray is raising. Also Ms. Jones Brady I think that's a good suggestion. I think this is definitely deserving of discussion maybe when we've all had more of a chance to go through it, that's how I feel thank you.

**Ms. Kimberly Mull:** I understand how LCB is inundated right now with having the write you know bills; that's just what they're doing and so a lot of times they copy paste things and make things as quickly as they can and there's nothing against them but that's just how it is, but did we get, normally with the BDR you put in the BDR they, LCB will then draft the bill and then seek input before they actually put it down as okay now this is AB 32 and put it on the record so it's public and now we have to amend things. Did we get a chance to review that BDR language before it became public because it seems like that's maybe some of the issue is okay there was a disconnect somehow somewhere of the language that we okayed or didn't okay got put into this but there's normally another step in here where with LCB, we have a chance to review it before it becomes public and before it goes on the record of, hey this is something we've done or started out with. So did we get a chance to review that bill before or review the BDR language before it was put actually into the system as a bill would be my first question. The second comment of we have to meet before February in order to do this because being that this is AB 32 and it's a state-appointed commission bill, it's probably going to be one of the first things heard because it's going to be viewed as something kind of easy peasy. So, before the first reading gets out there like we're going to need to have some ducks in the row or have a talk with the chair of that committee and be like hey we need you to you know hold off on reviewing this. So, we have to have one of two of those things happen.

**Assemblyman Orentlicher:** Yeah so my view would be if this were my bill I would not send it back to LCB, I would develop an amendment to bring to committee when it's being heard. So, I would recommend that Julia and others who have concerns to create a redline version of the bill and that we meet in January before session to hopefully approve a redline version that we can then, when this is scheduled, have you know we would go say to the committee, here's our substitute conceptual amendment our redline version. I think Kimberly is right. It's worth checking with the new chair of Assembly Judiciary to see if that makes sense with her, but I think that that would seem to be the most efficient way to update this.

**Vice Chair Brady:** Director Gonzalez are those suggestions feasible and allowable under the rules for this commission?

**Director Gonzalez:** Yeah we cannot send the bill back. We're at the point we can't send it back. The only way to change it would be through an amendment. So, it would require meeting. I agree that the hearing would happen very quickly and so we would need to meet. It's possible we might have to meet more than once in January I think to explore some of these issues.

**Vice Chair Brady:** So then in terms of a point of order, should we take a motion on whether we want to meet in January on just this BDR, would that be appropriate?

**Mr. John McCormick:** Do we have a quorum now?

**Vice Chair Brady:** Yes, I believe we do unless someone got off.

**Director Gonzalez:** I don't know, if the Commission wants to, yes if that's what the Commission wishes.

**Vice Chair Brady:** Well, I'd like to make a motion that we meet sometime in January on a date to be specified to discuss this BDR.

**Ms. Murray:** I would second that motion, and I would make a friendly amendment that the motion be distributed to the members of the Commission prior to because I don't believe that everyone has seen it.

**Director Gonzalez:** I'm sorry could you clarify the motion that was just proposed here.

**Ms. Murray:** I thought you meant me clarify, I apologize. I was asking that prior to whatever meeting gets scheduled if this passes if we amend and add to the motion that this be distributed formally to all the members of the Commission so that we don't run into an issue were anyone says that they weren't properly having access to the document beforehand.

**Director Gonzalez:** I'm sorry, the bill?

**Vice Chair Brady:** So, the motion would be to have a meeting in January to discuss AB 32 and that AB 32 be distributed to the Commission prior to that January meeting. Any discussion on the motion? All right, doesn't sound like there's any discussion on the motion.

**Ms. Michelle Bays:** Chair could I just ask a quick question? So at that meeting that we're proposing is that the intent then to try and come to some sort of a consensus to make amendments or changes to what's been submitted and just I guess a thought on that, is that is correct Victoria's right, we did not agree on information on a lot of the points so I don't know if that would be likely to happen. Certainly welcome the discussion but I was just kind of a little bit confused of what we're trying to either accomplish because conceptually and I have not seen the documents but I understand what Director Gonzalez has explained but it's just really just the conceptual and then of course what was also mentioned about bills change, amendments take place, they don't end up at the end exactly how it started. So that was just my question, what we are trying to accomplish.

**Assemblyman Orentlicher:** I think it would be essential for us to come out of the January meeting having approved a red line version and so I think it's important for people who have suggestions for change to prepare those in advance of the meeting so that we have a document that we can, a revised document to work from. If it's just a discussion of the current document, I'm afraid we won't have something we can forward on. So yes I think it's critical to have a redline version or two or three, I mean I don't know the answer to whether there, how many reasonable alternatives to what we have but I think we should clearly have at least one redline version to discuss and come out of the January meeting having approved a redline version that can go to committee.

**Vice Chair Brady:** Just to Chief Bays' comment about are we likely to reach a consensus and if we're not my question to the Director would be, this bill is something that would be, if not everyone on the Commission agrees would we just vote on it for a majority or how does that work?

**Director Gonzalez:** Sorry, so the question was if people didn't agree?

**Vice Chair Brady:** Yeah, so to Chief Bays' point that if we're not likely, if the Commission is not likely to agree let's say on a redline version, then what?

**Director Gonzalez:** Then I think there's a couple directions we could go. So, a comment and I just want to make sure I guess I'll have an admission here I'm not the expert on the rules here. So, we have a motion on the table, is it okay for us to keep having this discussion does anybody know?

**Vice Chair Brady:** Yeah we're okay people are discussing it and then when people are done discussing it then we can vote on it.



**Director Gonzalez:** I just wanted to make sure. So, I think that's an excellent point and I think what Ms. Murray has brought up is one of the challenges and I think one of the amazing benefits of this commission is we have so many views and with the value of this commission is we get the views from all perspectives. One of the questions is, are there areas where the Commission should be working towards being able to agree on issues and then trying to work towards and sometimes we just might not be able to. I think us going through this BDR process is a good example of maybe the challenges of that, right? How do we capture all these views and then put them into a BDR? And one of the things I don't want is to drive the conversation and this commission in a way that's not productive and not actually getting us to exploring the policies that I think this commission is built to do. I think we're here to explore the issues and maybe one of the things that our commission isn't built to do is to have a consensus for a bill. So, I really appreciate being able to bring issues to the Commission, we can explore them and then I think maybe one of the things, and so I guess with the bill is if we were able to come to a consensus. I think going through this process now I wonder, I guess a recommendation to consider would be since it would be so difficult to get everyone to agree and to actually have confidence and faith in the process and in what we're trying to do, we could propose an amendment to take that piece out. Because if the Commission agrees that we can't agree and this bill is supposed to represent an agreement of the Commission and the way it came out does not do that, that would be the way I think to address that. Because it's there now and it does have the Sentencing Policy on it and it does have an agreement of what looked like could be an agreement on the concept, but I think when we get into, that could be one part of it. The other thing is this bill does represent, it was submitted on behalf of our agency right and so it's our agency bill. So, from there we can have the different perspectives presented at the hearing and maybe it's not a commission consensus right, and then moving forward maybe when it comes to our BDR it'll be just a different type of approach. I know that's kind of all over the place but maybe as a direction of where we could go so that we can make sure everybody's voices are heard and represented and it makes sense that that couldn't be in the bill it has to maybe in some other kind of document. So, my question would be back to the Commission about what would you like us to do because what would you like to see and how would you like to move forward in a way that you're comfortable with having the Commission represented? So, if you don't agree then we need to propose an amendment or direct me to take action that will help represent the Commission appropriately. So, I hope that answers the question, maybe gives the Commission some other ideas and direction about where we could go.

**Vice Chair Brady:** Yes, thank you Director Gonzalez. Are there any other comments as to whether or not a meeting to at least discuss the bill and possible red line amendments would be useful anyone else have a comment on that before we vote? Assemblyman Orentlicher?

**Assemblyman Orentlicher:** Yeah I'm ready to vote. I think we should have the meeting, but I guess I'm a little confused about the interaction between the Department and this commission because this was of course the Department's proposal and so one way to interpret what I've heard is to say, unless we have a consensus to change the Departments proposal, the Departments proposal will stand or we could take the view that if a majority of the Commission wants to make a change, that should be sufficient to change so I'm not clear on exactly how our role interacts with the Departments proposal.

**Director Gonzalez:** I thought that what I submitted was acting on behalf of the Commission and based on the approval of a conceptual amendment. So, because we're new, right, this is all new for all of us. I would say and we were just talking about this this morning with my staff, I don't know if there's another entity kind of like ours. Where there's a policy agency, an agency is supposed to collect data and work on policy and then you have a public body that's supposed to explore the policy too. As I just mentioned one of the things that we've learned is we have amazing perspectives on this commission, but they're not necessarily built to arrive to a consensus on some really specific types of issues. I think the Commission can on other issues but maybe not certain issues. So, I will say that, that based on what I understood the motion to be and the documents I had available, and I thought I explained everything to LCB, I will say I thought I was acting on behalf of the Commission and that was always my intent. I do think there are some things where we can, the agency will do things independently but ultimately I serve at the pleasure of you. My position does and so I'll

just say that. I thought that's what I'd put together, I thought that's what the bill represented. There were a lot of diverse views I wasn't quite sure how to put in to the BDR and relying on you to help incorporate what we should do next and what we're going to do in the future. I think we've learned a lot about this process here and that's what I look forward to doing. So I will say that, I guess in a nutshell, I serve at the pleasure of the Commission.

**Assemblyman Orentlicher:** Thank you, if I could ask a follow-up question. Then if the purpose of this bill is to reflect the will of the Commission then it'd be great if, we clearly don't have a consensus document now that is absolutely clear. So, I think yes let's try a revised version. It would be great if we could get to a consensus, but in the end if we can't seems to me then all we can do if we're going to put forth a bill is to follow the majority because if we can't get a consensus then we have nope. So, I think it seems we, as I said in our next meeting, try to find a consensus if absent consensus, take a majority vote, and submit the majority view.

**Vice Chair Brady:** Any other comments? Ms. Murray?

**Ms. Murray:** Yes, thank you. I just want to say, one, I certainly support the motion that's on the floor right now. I think even just ferreting out some of this discussion will be helpful to all of us moving forward no matter what outcome it has on the particular BDR that's sitting on the table right now with the Commission. Then also I just wanted to clarify where I was coming from to begin this entire discussion. I don't think anything sinister happened here. I don't believe that anyone went and said like I want to go try to like assert some other agenda here whatsoever; I don't believe that at all. I actually think what happened here is it was such a contentious day, it was such a long day, the motions got very confusing that day, and moving forward I would recommend that we as a body try to address these types of issues in smaller chunks and over a longer period of time so that we produce more reflective documents. Also, I would just like it to be very clear that in no way in bringing this up did I want to suggest that the Department intentionally went and did anything whatsoever. I think that the only way that this could have possibly come out to be reflective of that meeting would have been to have the minutes, which I think is what many of us thought we were voting to provide to the LCB. So honestly I don't know how anyone would have come up with a different outcome absent actually reading that whole discussion from that day, so I just wanted that out there in case anyone thought I was going any other direction with that, I'm absolutely not and if at the end of the whole thing the vote is that everybody's in support of this, then fine. It's just that that was not my recollection of that meeting nor was it my rereading of the minutes from that day.

**Vice Chair Brady:** All right, thank you.

CHRISTINE JONES BRADY MOVED TO TO HAVE A MEETING IN JANUARY TO DISCUSS AB 32, POTENTIAL AMENDMENTS, AND FOR THE DIRECTOR TO DISTRIBUTE BILL IN ADVANCEOF THE MEETING

JULIA MURRAY SECONDED THE MOTION

MOTION PASSED

## 5. Report on Criminal Justice Data

**Vice Chair Brady:** For agenda item five Report on Criminal Justice Data, I will now open the agenda item however it looks like we are going to need to put this agenda item off to our February meeting and I will turn the time over to the Director to explain.

**Director Gonzalez:** Thank you, Vice Chair Brady. I have an apology for the Commission; I'm so sorry our management analyst has the flu and as many of you know, this is definitely going around in some spaces. So, we worked very hard to see if he could power through; it is just not the right thing and so I apologize. We

will move this item forward as Vice Chair Brady said to the February meeting. I want to thank everybody we worked really hard to get those slides out to you in advance so you had time to review them and I'm sure you did and I apologize that your work won't get rewarded today but just so you know what we will do is we'll flush out that data a little bit so you saw that we did some comparison between just 2017, 2021, and 2022; so we're going to flesh that out so you have a true historical analysis. We'll have everything from 2017, 2018, 2019 each year so we can look at all of those trends. It'll be all the same data points. We also found some additional data metrics that we're really excited to share with you, and we were going to give them to you verbally and so now we'll be able to prepare slides in time for those, so you really have time to pour over that information. So again, we will have those to you and work to have them to you about a week in advance of the meeting so that you have time to review them and again I want to apologize that we weren't able to present that today but we'll get our staff like healthy and ready to go for the February meeting and give you a full data presentation with all the information, so thank you.

**Vice Chair Brady:** Thank you Director Gonzalez. I'll now close agenda item five.

**6. Presentation and Approval of the Comprehensive Report Required Pursuant to NRS. 176.0134**

**Vice Chair Brady:** I will open agenda item six Presentation and Approval of the Comprehensive Report Required Pursuant to NRS 176.0134. Every odd numbered year we need to submit a comprehensive report. This report is due January 15, 2023. Our staff have been working on the report and has a draft to present to us for our edits. Staff is also going to be looking for an approval of a version of the report to be submitted. I will now turn the time over to Director Gonzalez.

**Director Gonzalez:** Thank you Vice Chair Brady. In advance of this meeting, we provided the Commission with our draft. Just as we talked about with the BDR and the bill there are many approaches to take with a report like this. Trying to navigate how to represent the data, the different discussions, and the different views represented on the Commission. The approach I took here was to include some information that had been presented at previous meetings and some of the major data findings. One of the things I'm hoping for too because one of the concerns that was raised at the last meeting was maybe you didn't have enough time to review some of the data discussion and so I have included some of that here in the report, if the commission feels that it's appropriate to include in a report like this and so I will walk through some of the documents about and then we'll circle back to see what feedback you have. So there's an introduction section as you can see on the first page with a brief history and some previous reports I've elaborated on.

Okay so here's the introduction section, just a brief history. In some reports, I provided more elaborate history of the Department and the Commission, but I figure over time we don't need to go into much detail. There is a summary of the statutory mandate for this report; it's quite comprehensive for the comprehensive report and so because we're still in our early stages even though three years in we're not going to be able to meet all of these items, but I think it's a good reminder where our goals are for what we want to someday include in the report, so I have that here as a reference. Specifically any recommendations from the Sentencing Commission and then of course like legislation if there is any and then the Commission is statutorily required to measure outcomes of AB 236. The next two pages, I included the memberships, so because the comprehensive report is submitted every other year and may sometimes overlap with meeting cycles, there may be different memberships based on the meeting cycle that were included. So here you can see the membership from the previous meeting cycle, and then we have the membership for the current meeting cycle including those members who had served with us previously and have since resigned for various reasons. Then we have a note here about what the meeting cycle appointment or what your appointment cycle is for the meeting. I have a small org chart for our staff and then our mission statement that we recently revised and updated. Then there's a summary on page 4 of just the dates that the Commission actually met for each year and then the next page has a summary, a very high-level summary, the different types of presentations that we heard. So, I highlighted here that we were able to publish the dashboard, we had that Covid presentation from the Crime and Justice Institute, we had the presentation we

gave about sentence credits, and then we provided updates regarding AB 236, again, in coordination with the Crime and Justice Institute, and then updates about what the Coordinating Council did in getting them up and going.

So, the next thing I highlighted in the report was one thing I'm very proud of is our criminal justice data advances. We've been able to provide things that no one has ever been able to do before which is what I was hoping we could do and so we now have this regular data set we're getting from the Nevada Department of Corrections. What I have here which we're going to hopefully have this to show you next time is we just recently worked with the Division of Parole and Probation to establish their monthly data set they'll be able to provide to us and so we're going to be working on a dashboard of that data and will be able to provide additional analysis. So, I highlight the data dashboard that we're able to publish here. As you know, we've set up the monthly data dispatches that we send out and we post these on our websites and we send them to our listserv so that everyone can stay up to date on what's happening with the prison population and any discoveries we may have noticed. I provide here a summary of where we're at with Justice Counts; that's another accomplishment for the year and what we're hoping to make some progress with that. So, one of the statutory requirements for the Commission is to measure outcomes from AB 236. As we presented last time, we still are a little bit limited in the data because we've just barely started getting the regular data that we need. So, what we discussed last time is maybe looking towards the goals of justice reinvestment initiative to guide how to analyze the data and we just started with are our prison resources being focused on serious and violent offenders. So that's been just the limited scope of the AB 236 analysis and so this is where if there's additional feedback that the Commission would like included we could do that, and I think very similar to the discussion we just had about the bill and the BDR this would be an opportunity for us to provide that right. So in response to these presentations, different members of the Commission had concerns or questions or brought up this issue so it becomes more of a policy brief about here are the different perspectives of each analysis but we can explore this and see what the Commission is comfortable with and what direction you would like us to go.

So the next few pages take the data we presented last time in the context of are prison resources focused on serious and violent offenders and summarizes that and summarizes our findings from last time in analyzing the trends in just the total population. The data we were going to present today was related to admissions and releases and because we weren't able to present the today it will not be included in the comprehensive report but when we make that presentation in February we'll be able to include that in a future report of the Commission or maybe even a separate report if you like to measure some AB 236 outcomes. Our findings showed from the prison population the majority of the prison population is category A or B based on the scope of serious and violent we presented. I just incorporated some of the visuals that we presented last time and some of the high-level findings we had. Another one was the highest occurring offense group among category A and B is violence, and so I have the data here to represent that. Then we have that analysis we presented to the Commission regarding the new commitments who have zero priors. So, one of the questions we received in the past was concerning the criminal history of those who have been admitted to prison even if they don't have any prior felonies what is there additional criminal history look like, and so we provided our findings here related to that, but even among those new commitments with zero priors the majority of those are also serious and violent when it comes to their criminal history that is not related to a felony. Then of course we know that the prison population is quite low right now for our state and so we put in just some information regarding that as a finding. Then based on the conclusion that we brought to this commission, our finding was the majority of the prison population resources are focused on serious and violent offenders and again this is an area where we talked about a little bit last time and then anything that the Commission would like us to include here, this would be a great place for me to get some of that feedback and make sure it's part of the discussion.

Pursuant to our statutory requirements for the report including recommendations. And as we just talked about, the Commission did approve parts of recommendations to improve what I refer to as implementation of AB 236. Again, this could be another area, I mean we're going to meet in January, but I could work on

reviewing those minutes and incorporating some of that discussion here as well so it's on the record. Then of course the recommendation to fund, to request an appropriation for the Coordinating Council based on those costs avoided to provide the Coordinating Council with the funding it needs to fund grants that will reduce recidivism. Then the last major section of the report is I just shared a quick summary of that project that we proposed that the last meeting to start studying reentry and recidivism which we will do over the next two years and just introduce that as a next big project for the Commission and that we'll have reports that. As I said I am very much looking forward to input from the Commission and anything that you would like to see in this report last time it was more of a summary of just everything we've done, like I said trying to take a little bit different approach here to highlight key findings and then would like to incorporate additional perspectives and policy analysis the Commission would like included. With that I'll turn the time back over to the Vice Chair for any questions, or comments, maybe possible concerns regarding the report, thank you very much.

**Vice Chair Brady:** Thank you Director Gonzalez. What questions does the Commission have if any? DeRicco?

**Chairman Christopher DeRicco:** Hi, thank you Vice Chair. Director Gonzalez already hit on this but just a thought I had on page 11 with the recommendations to improve implementation of AB 236. I liked everything was there and I know we had this discussion on agenda item four, maybe just a paragraph in there adding to just say what transpired today and where we're going to go and move from there might kind of clean that up and make it very simple without having to reword and change everything and that's the only comment I have.

**Vice Chair Brady:** Thank you, Professor Lanterman?

**Dr. Jennifer Lanterman:** Thank you Vice Chair Brady. I just have a question about the piece about the Coordinating Council issuing grants that reduce recidivism and I'm curious how that is determined. So does the Council use a rubric that involves like assessment of proposals, whether or not they involve or whether those proposals include designated evidence based practices, promising practices, does that rubric if it exist include an evaluation requirement? So, I just want to make sure that we are, one using the resources available to us in the most efficient and effective way but also the phrase reducing recidivism is used a lot and is not often informed by what we understand actually reduces recidivism so I'd just like to understand that process a little more.

**Director Gonzalez:** Thank you so much for that question Dr. Lanterman. That is the next step for the Coordinating Council. So, the meetings for the coming year will be hearing presentations to start exploring how to do this so they can start developing those. They have not developed a rubric and you bring up a good point about also there's several pieces there not only about performance measures but about how are we actually going to address how to measure reducing recidivism. Actually, I will reach out to you and maybe coordinate with you and get some ideas and see what types of presentations that I should get lined up for the Coordinating Council to help educate them. So, the next several meetings will be getting educated and learning how to do that. Then I think it would be appropriate for this commission because I see the Coordinating Council like almost like a subcommittee of the Commission, and so if the Commission wants to pass down guidance to the Coordinating Council when it comes to developing those, that's what I would do. So, at the discretion of the Commission of course I will take some of this back to the Coordinating Council as guidance about what we need to be working on with the Coordinating Council in developing a rubric in developing those measures and what's next. Then what I can do as those are developed as part of my directors' report come back to this commission and let you know where we're at with that and summarize just quickly is here's how it's going with developing these and then get additional feedback from the Commission and providing guidance if that works.

**Dr. Lanterman:** Yes, thank you.

**Ms. Mull:** I was just going to tell the Director that DHHS, the grants management unit, has very good rubrics for their victim services grants and so that might be something to at least work off of or to get a good idea off of because they're also trying to evaluate programs and you know what's good programming, what's not appropriate programming things like that. So, it might be at least a good starting point for some material to work off of for you.

**Director Gonzalez:** Thank you very much, I need that.

**Vice Chair Brady:** All right, any other? Seeing none I'll close out agenda item 6.

**Director Gonzalez:** Sorry, Vice Chair. Actually we need to go back and get an approval from the Commission on the report. So I just wanted to offer what I can do is put together some of this feedback and then circulate a revised version for the Commission and get some feedback as we work towards submitting and if we don't meet toward the January 15, depending on the motion that the Commission puts forth here something like if you move to have me continue to finalize the report and include the items that were discussed today and then circulate a copy to the Commission in advance of the submission date of January 15 then we would do that but if the Commission is not ready to approve the report, I understand that too; I just want to make sure we address that issue.

**Vice Chair Brady:** I think we can do that by motion, so does anyone have a motion or otherwise I will propose the motion that the Department continue working to finalize the report and incorporate the comments that were mentioned today and that the updated draft be distributed for the Commission's review prior to the submission date of January 15. Did I get it all in there?

CHRISTINE JONES BRADY MOVED THAT THE DEPARTMENT FINALIZE THE REPORT AND  
DISTRIBUTE UPDATED DRAFT TO THE COMMISSION

KIMBERLY MULL SECONDED THE MOTION

MOTION PASSED

## **7. Update on Project to Study Re-entry and Recidivism in Nevada**

**Vice Chair Brady:** Update on Project to Study Re-entry and Recidivism in Nevada. At our last meeting the NDSP staff introduced our next big project to study reentry and recidivism in our state they presented overall goals of the project and what we hope to accomplish. We also heard about a study the staff initiated regarding parole violators. I will now turn the time over to the Nevada Department of Sentencing Policy staff again to share updates regarding this project. Director Gonzalez.

**Director Gonzalez:** Thank you Vice Chair Brady. Our focus today is to present some more findings from our parole violator project. Specifically, we will share findings related to homelessness among parolees and its potential impacts to recidivism. In building this project and organizing presentations for the Commission we have brainstormed many issues that are related to reentry and recidivism. Based on the issues we identified we will do what we can to choose an issue or two for each meeting and then focus our data and presentation on that issue. As homelessness is our focus today, the findings Ms. Powers will present from the parole violator project are specific to this issue. You will note that the presentation in the next agenda item is specific to this issue as well. If the response to today's presentations identifies other issues and ideas for other presentations we will add those to our list and schedule them for a future meeting.

I also wanted to address the issue that came up during our last meeting regarding confidentiality. I want to thank you sincerely for the feedback and the collaboration of the commission members to refine and improve our work. It's an ongoing process as many of you probably heard the saying, it's a journey right not a destination especially when it comes to data. So, I just want to thank you again for that feedback, so I want to give you an update on where we are in regards to that feedback. So, what we're doing right now is we are researching confidentiality in a research context compared to a legal context. So that was a great

point that distinction was brought up and again we're exploring the scope of our work and what we're working on. It's important to understand those terms of art in those respective areas and so as we need additional input we'll reach out to get to flesh that out. As we are continuing our research in that area, we have removed the word confidential from the waiver and reinforced our methods to ensure that the information we house is anonymous. The preliminary findings of our research have led us to begin developing an amendment to our bill to provide confidentiality protections for those who submit information to our agency. So, we realize this is going to be a possibility and the bill we talked about already, I will bring this information to the Commission and see if there is a consensus there that we explore this opportunity for our agency and the data and information we collect. We're going to need to practice language that's appropriate to our work but codifying a provision like this will ensure additional protections for the information we collect and house. So with that, at the pleasure of the Vice Chair I will now turn the time to Ms. Powers.

**Ms. Jorja Powers:** Thank you, let me share my screen.

**Director Gonzalez:** Just before Ms. Powers, I see a hand up and Vice Chair did you want to address that right now because I'm going to guess it's about what I said, and I didn't want to distract from Ms. Powers' presentation. Is that okay Vice Chair?

**Vice Chair Brady:** Yes, thank you.

**Mr. Hoffman:** That's correct, it is about what Director Gonzalez just said. So are people still being specifically asked about ongoing cases they have; is that still a thing that's happening right now or is that on pause while we reevaluate the policy issues?

**Director Gonzalez:** What do you mean are they being asked about their case because the majority of our questions are about their housing, their opportunities, their programming, their support system, that's the thrust of the questions so that's not the purpose of what our interviews and the information we're collecting.

**Mr. Hoffman:** I understand that's not the purpose but as I recall it was questions about like what did you do that got you revoked, were you using drugs, were you doing crimes again? My concern with it at the last meeting was that it's encouraging people to give information that could affect revocation cases that are still pending and so are those questions still being asked?

**Director Gonzalez:** I guess I don't want to get too off track here because of the information we're going to present. So we're not specifically asking what crimes you committed. I guess the way you just paraphrased what the questions were aren't actually what we're asking like I know that's what it feels like, so I guess what we need to do is go back and what we could do if you like is we could look at it again and then I can show you what we refined, but again the thrust of it is about what they've done and if it's about use, it's about use related to programming not about use. I'm just saying we're not asking the question like that.

**Mr. Hoffman:** I should have been more careful on how I phrased it. As a defense lawyer my job is kind of to look for what is the worst possible interpretation of this, how could this be used against my client. I understand that you know you're asking like open ended questions that may or may not prompt admissions of criminal behavior, but my concern is that either we shouldn't be asking those question at all or else if we are asking those questions there should be very strong clear binding kind of guardrails that prevent that from being used against these people. From what I'm hearing you know you guys are working on figuring out what those guardrails should be, but I'm still concerned that until guardrails are actually in place this is a potential constitutional violation for these people.

**Director Gonzalez:** So, I guess the guard rail based on what you brought up last time was the promise of what would be done with the information and what I just stated was we did make that adjustment. So, we took out again this is voluntary again the information they share with us is not intended to be shared, but we're going to do our best to keep it anonymous. The other thing I'll add is we are not a law enforcement

agency. So we would not be in the position to violate anyone's constitutional right and off-line I did share information that we did consult with the Chair about how to proceed, and that because of our position as researchers and as long as we appropriately use the term of art for research and we put in the guardrails of the anonymity protection and how we are housing our case notes, that I thought were the guardrails because again the one I think it's one question I can pull it up I think it was one question that was a concern and we've adjusted that question and also then to protect everyone, we're trying to protect all that information right? About what's being collected because it's to protect their anonymity as well. So, I guess does that help answer your question at all or?

**Mr. Hoffman:** It does but I feel like it still leaves us in kind of the same position we were at the last meeting because I understand the Department's intent is not to provide this information to law enforcement, that the intent is to protect the confidentiality of people. If a prosecutor goes to the court and says, hey the Department of Sentencing Policy has these interviews I need access to them. The judge is going to grant that probably or if another defense attorney comes to the judge and says, hey I need to discover these. Like just because you have internal policies that are meant to keep things confidential, that doesn't mean that you can control what a court will do, or what law enforcement will do, or what another defense lawyer might do. So my concern is that these safeguards and these guardrails I guess it doesn't seem to me like they're strong enough yet and in the absence of more work on this I guess my preference would be that the Department just not ask that question you know until we get a more kind of externally binding guardrail in place.

**Director Gonzalez:** Yeah and I guess in order to protect both sides of it we need to protect all of it right? If we're going to protect both sides, we need to protect all of it. So, I will figure out how we can navigate that and like I mentioned we're working on an amendment that I think would address exactly the concern that you're talking about. Until that amendment passes, we made these other adjustments to make sure that we're not walking up to that line. So, what I can do is figure out what we can put together that will protect the proprietary or protect the mechanics of this because we're trying to protect everybody now. Again, I value the input of what we're trying to do here and so again maybe what we can do is again coordinate a way to communicate this information that will protect everyone and see how we can get to where everyone feels that we've got all of our bases covered.

**Mr. Hoffman:** Thank you, I appreciate that. Again, I just want to stress you know, I really love the idea of getting more information about why people revoke. I really love all of the parts of this program that the Department is doing except for this one specific piece. You know I definitely think like an amendment to the statute or something that's the kind of thing that would be like a strong guardrail that would assuage my concerns. I hope we can continue to work on that.

**Director Gonzalez:** Perfect. Yeah so what I'll do is when I have that language, I will and maybe what I'll do is shoot to have some of that ready for our January meeting so we can start getting your input and making sure because again from this perspective I'm new to this area with how to make sure to have that protection, so I'll be looking for input from this commission about that. So, I'll make sure we have something prepared for the January meeting so we can navigate that and have it ready for an amendment, thank you very much.

**Vice Chair Brady:** I'll give the time back to Ms. Powers.

**Ms. Powers:** Thank you, Vice Chair and Commission. I'm excited to share more of this project with you. Today's presentation is a bird's-eye-level overview of where parolees live when they are released onto parole from the Nevada Department of Corrections. To review, during this project I am only speaking to parole violators who returned to custody in the north through Northern Nevada Correctional Center intake. The total count of people I've seen so far is now at 47. While the Department of Corrections, the Parole Board, and the Division of Parole and Probation work in conjunction to release parolees, the authority for approving the housing plan falls to the Division. The Parole Board grants the parole and once a housing plan is approved by P and P then DOC will the release offender. Whether they are eligible or granted, policy



still does not allow for actual release until the housing has been approved. Illustrated here is the initial approved housing plan for the 47 people I have spoken with as reported during the interviews. sixteen people released to some sort of program or halfway house, 15 went to friends or family, 10 went to a weekly motel, four went to a shelter, and two went to a self-supplied residence like an apartment or house that they already had. Represented here is the average time on parole prior to possible revocation by release plan type. This is the originally approved release plan, this does not mean that they lived there the entire time they were on parole. Any moves are discussed between the parolee and officer and ultimately are approved or denied by the Division. Here the average time out for those who left straight to a self-supplied residence was 18 months, 7.8 months for living with friends or family, 10 months for leaving to a halfway house or a program, 4.6 months if released to the shelter, and 4.2 months if they went to a weekly motel. In my last presentation you saw this slide depicting what resources and needs the parolees feel are needed. Here it is updated from the prior presentations with all subsequent interview sessions. Housing remains one of the top three needs as expressed by the interviewees.

Also, last time I showed you quotes from participants; I think these are very important. All of the comments today are regarding housing. You will continue to hear me say that the experience of the participants as told by the participants is very relevant qualitative information to be studied along with the quantitative data. I believe this ongoing project is very informative; I hope you see the value of it and my excitement to be involved in it. We are still working with small numbers, and it will be interesting as the project goes on to see how the breakdown of information shifts or not. So far the more questions we asked, the more questions we have. Today's topic of housing has already brought many more interesting ancillary topics to light. We will continue our research into what housing and resources are available to the reentering citizens of Nevada and as always if anything presented today has sparked specific questions or areas of interest for a spotlight presentation, please let us know and we can look more deeply into that topic for a future meeting. At this point I will turn it back over to the Vice Chair for any questions.

**Vice Chair Brady:** Thank you. What questions does the Commission have?

**Ms. Mull:** So first I want to say I found this very, very I wouldn't say interesting I can think of the right word, I won't say sad but sad to read but informative we'll go with informative. I was shocked to even see that weekly motels were an option as to being considered a I guess as a secure safe housing option for someone to go to just knowing the victimization that goes on in weeklies. So that brings me to my question, do you or have you considered asking individuals in a way, we'd have to form the one or two questions in a trauma-informed way about if either while incarcerated or in the time after if they've been victimized in any way. Because one, I think that is something that I know we talked about before you know how can we expect individuals that are further traumatized or that are harmed in some way within the corrections system to then be released and to go into the world and not react to that, but also in that period of after they are released if we're I don't say endorsing but say okay this is a safe or appropriate option for you to go to a weekly or we're only giving you \$20 on things like this, that in any other scenario or any other part of the population we would look at and say you know this doesn't seem like a good healthy step for someone. So in that period of time, I could see and I think it's probably worth asking if they've somehow in that time period been victimized or re-victimized in any way and that through that process or through that trauma maybe has also led them back into the system. Just because if you notice at the shelter and at the weekly is such a higher rate and the friends and family too such a higher rate of return back into or quicker return into the system, and so I just know from what I do the corresponding things to those things in each one of those scenarios is higher rates of victimization. So I'm curious if that's something we're missing or if that's a step that you know as a state if we could identify, look you know we have lots of individuals that are going to shelter once they get out and in the shelters they're experiencing trauma or they're experiencing trauma in going back home you know well did we do a good enough job before releasing specifically you know female formerly incarcerated individuals back home, we well are you going back home to an abuser because we know there's a very high rate in Nevada from the victim services world of domestic violence victims going to jail for defending themselves and for fighting back kind of issues and so are we then releasing them back

into the home and then expecting them not to end up back in or some kind of violation or something to that. So I just think that there is one or two questions that could be added, and some more data that could be tracked that we can make sure that if there is a need which I know there is statistically there is there that maybe at least if we had the data to show it and to prove it on the state level then we could maybe apply for federal grants or programming to then get more resources to help individuals with that because we actually have the data to back it up, so that's a thought process.

**Ms. Powers:** No, I appreciate it thank you very much. I'll definitely reach out to see what types of questions we might be able to ask that would fit into this project well so that we could do more trauma-informed decision making as a state.

**Mr. Hoffman:** Thank you. So, first I wanted to thank Ms. Powers for gathering this information. This is all super helpful and I think really informative about the policy challenges. I had two kind of suggestions that I think could make this even better. The first one is I know you said this is just the Northern Nevada Correctional Center; I understand that for logistical reasons that's probably the easiest one for you to get to. I would encourage you to also look at you know Southern Nevada and the rurals, see if there's any patterns there that are different. That could maybe help us figure out you know oh Reno does a much better job with transitional housing than Las Vegas does that kind of thing. My second sort of suggestion would be I think it could also be helpful to ask about where people were living before they were revoked in addition to where they want to live afterwards. I think having both the before and after could also help us maybe tease out some policy trends or issues that we would want to address but overall, I think this is great like I said I think this is a great project, thank you for doing it.

**Ms. Powers:** Yeah, thank you for that. We have talked about a better timeline of residence and so that is definitely something we wanted to do and expanding to southern Nevada, basically there are only two places that people would come in for intake which would be in Las Vegas and here in Carson City. So we have talked about maybe setting up something up video wise but absolutely something we want to do to expand thank you.

**Mr. Jon Ponder:** Thank you for that very thorough report. Just a couple of questions and I'll echo what Mr. Hoffman indicated about doing that in southern Nevada I think it's something that is very much needed. Couple questions, out of the 47 that was the violators how many were actually released on parole out of those 47, any indication of that?

**Ms. Powers:** Do you mean originally? They were all pending a parole violation, so they all were out on parole and came back. I'm only seeing pending parole violators at this point. I do have information about who went back out again but that's a different presentation.

**Mr. Ponder:** Perfect. Any sense of how long the process took from the time they made their parole until they had the approval you know at the house right to be released to that residence what kind of time frame, any sense of that?

**Ms. Powers:** We actually have presented that previously when we were talking about the way temp revs work, and I am able to get that information. I actually have been working on that for a presentation that is coming about how long it was from the time that they came in to the time that they were again released on parole.

**Mr. Ponder:** Okay. Then lastly and I think Ms. Mull had alluded to this. With the high rate of return from folks that have gone home to family and friends, are we taking a deeper look into what that approval process is because apparently someone had gone out to the home, someone gave the home a thumbs up but yet still there's a back to the family there was something that you know it's such a high rate of return for those returning back to the family. So you know I think it'd be good to know what that approval process looked like right? Because someone went out to the home and said yes this is a good idea but there's such a high rate of people returning.

**Ms. Powers:** That would be me getting together with Parole and Probation and maybe seeing what their approval process looks like. I do also know that there aren't a lot of places for people to go so that's one of the problems we're going to see is that there aren't very many approvable places. So, to be able to get them out you know we'll have to look a little more deeply at that approval process.

**Mr. Ponder:** Right, and again that challenge exists in southern Nevada, so I'd be very interested in taking a look at that. Thank you.

**Vice Chair Brady:** Any other comments, questions? Along just piggybacking off of what Mr. Ponder was saying. I have a question and maybe when you speak with P and P you can follow up on this. So let's say somebody has served their time and they don't have anywhere to go like maybe the shelter isn't even a good option or their family or their previous home it's really not safe, but they serve their time if they've got nowhere to go what happens then, do they remain in custody past their sentencing? Past what they were sentenced to serve or is that why they're going into sometimes substandard housing situations?

**Ms. Powers:** I'm going to speak from my experience as a caseworker at NDOC prior. Their discharge date is their discharge date if they expire their sentence they're done there's no keeping anyone. As far as going out on parole, they must have an approved plan. So there are people who stay past their date so that people are making sure that it is a good plan for them. Everyone is doing their due diligence to try to make sure that people are going to a place that works for them.

**Vice Chair Brady:** Thank you, Mr. Evans?

**Mr. Aaron Evans:** Thank you Vice Chair. I just wanted to clear up a couple of things right quick, Aaron Evans from the Division of Parole and Probation. Ms. Powers can you go back to the slide that references the time prior to revocation for each release plan because I think Mr. Ponder was confused or didn't understand what the slide was saying. That's the amount of time that they're out and you know I might have confused it too myself. So, their own residence right they last the longest before being brought back and as I look at this again I am kind of questioning now why that friends or family is lower than that but forgive me for that, but then to the Vice Chairs question if they have no plan that can be approved like they don't have an acceptance to a program, they don't have their own residence, they don't have any friends or family they go to, a shelter release is our absolute last opportunity. They have to be released at some point and that is our absolute lowest you know last chance because we can't keep them in prison any longer so the shelter release is a last-ditch cannot get them approved anywhere else.

**Vice Chair Brady:** Well, thank you everybody, thank you Ms. Powers and Director Gonzalez for that presentation. If there are no other questions or comments about that presentation I'm going to close out agenda item number seven and open item number eight.

## **8. Presentation by the Nevada Homeless Alliance**

**Vice Chair Brady:** On the Presentation by the Nevada Homeless Alliance. The Executive Director of the Nevada Homeless Alliance contacted the staff to discuss how that organization and the Commission could collaborate on issues related to reentry. Executive Director Catrina Grigsby-Thedford is here to tell us her story and teach us about her organization and their efforts. Director, the time is yours.

**Director Catrina Grigsby-Thedford:** So first of all, I would like to really thank you guys for allowing me to come here today to share a little bit about my story, a little bit about my agency, and some things that we're currently working on as it relates to this topic, prison to homelessness. So, again my name is Catrina Grigsby-Thedford I'm the Executive Director of Nevada Homeless Alliance, I'm also a UNLV Doctor of Public Policy student. Today my focus of course will be on my story, but I want to also discuss a very important issue that many of our citizens specifically returning citizens are experiencing today. So, when I talk about returning citizens my focus is on those individuals who were recently discharged from prison after expiring their sentences and will also briefly touch on individuals who are eligible for parole and are stuck in

prison because they don't have approved residence, as well as individuals being discharged to marginal housing and how all that affects recidivism.

So, I'm also a person with lived experience of substance dependence, homelessness, incarcerating, and being you know being discharged to marginal housing while on parole which led to homelessness. So, you know just a little bit about myself, I might have more arrests than you can count on your fingers and toes and add a multiplier. So, just due to a long life of substance use and multiple arrests I ended up with a possession charge in the early 2000's, around 2005, put on probation, violated, and was sent to prison from Reno. I was up north for a little while, but I did most of my time down south in Jean Camp.

When it was time to be released on parole, I was sent to an approved home for felons. It was not a good fit for me in hindsight; it was not conducive to recovery or staying out of prison in my opinion it was about collecting the money, but I was happy because I was out of prison. So, I stayed there for about two weeks and left. Every time I went to see my PO I would tell them I was still staying there. I did my UOs, UAs, presented my check stubs and meeting slips, and that was it. There was no structure I started couch surfing soon after and I kept my job. About two months later, I bought a car and I slept in my car all the way from about March of 2007 I completed my probation in July. So, I didn't have any idea of resources to get housing, for one I was scared to tell my PO that I had left the place that was approved thinking I would violate which I probably would have. Then for two, it was you know being released to this marginal housing was not safe and like I mentioned earlier not conducive to my recovery. So, the day after I saw my PO for the last time in July 2007 when he said, "You're done, you did great, I wish a lot of other people were like you". I relapsed the next day. So, I spent July 2007 through October 2009 on the streets literally homeless, in and out of jail, and everything that goes along with trying to make and get more money to use and to feed my addiction. My addiction escalated back to where it was prior to prison, and I was homeless. I wasn't prepared mentally and emotionally for just freedom. I wasn't prepared socially because I didn't have family in town; I had no social support it was just me but the funny part about it is that no one asked me about that when I was leaving prison, right, social supports. I'm sure if they would've asked me about it and I would have been able to share that, and we had resources in our community, things may have been different.

So, fast-forward I got arrested the last time in 2009, went to rehab, and have been sober ever since, right. I haven't even been pulled over by the police since then so that's great. So, since 2009 I went back to school got an AA degree in psychology, a Bachelor of Social Work, Master of Public Administration. I'm currently going to be Dr. Catrina next May even though I had a really colorful background 13 short years ago and a few years prior to that.

So in my career, in my field, I worked for the Salvation Army for many years and when I worked at the shelter I would have contact with people who were discharged from prison meaning expired their sentences. They were dropped off at the Greyhound bus station with their bus passes, gate money, 30 days of medication, maybe a birth certificate or Social Security card, and the clear bag. Like they showed up with this clear bag and all their blues on. So this sparked something in me and I talked to my bosses at the Salvation Army. At this time, I was being promoted to a vocational case manager for homeless adults and you know I wanted to start helping these people so we reached out to the Department of Corrections, and we started a little thing where we would interview people before they were released. I think released means parole and discharge if they expired, and we will pick them up from the Greyhound bus station provide them with a place to stay, three meals, job development, preemployment training, but most of these people were on parole.

So, I saw this thing and I'm like this shouldn't be happening, right, and so we worked on a program to interview individuals while they're still in prison in their office with the case manager about six months before they were released. And even though living in our program was considered homeless because it is a transitional housing right. I think like the end of the Casa Grande transitional housing, I'm not sure if that's considered homeless by HUD definition but in my field we go by HUD definition and transitional housing is considered homeless but at least they were sheltered and homeless.

I eventually moved to veteran services, and I worked there for nine years all the way up from a case manager to assistant coordinator where I oversaw four veterans' programs, and I noticed that when veterans were discharged and released they had access to appropriate housing because the VA works closely with their veterans in the system. Of course, the VA has a lot of money right you know that they can hire these licensed clinical social workers to do this work. And I like the way that was looking but I know in our system and our you know system as it relates to incarceration, prison specifically, and housing is really not linked together right. I noticed like in general when people expired their sentences they were still left out. So, I began working on a doctorate degree and in my research I'm finding that you know most communities talk about reentry but they're primarily talking about people on parole.

So, I started thinking like why are those who expired your sentences left out it's like they're invisible. I couldn't find any statistics in our state about how many people are discharged after they expired their sentences to homelessness I know there are many because I used to work with them, and I still see individuals in my role as the director of Nevada Homeless Alliance. So, I started wondering was our state tracking, analyzing, and sharing this data right. If we want to reduce recidivism we have look at the correlation between homelessness and recidivism, the correlation between poverty and recidivism, poverty and homelessness, there is a link right. So how can we ensure that our returning citizens are linked to housing, so I started doing more research and here we are, right.

This kind of draws on my professional experience more than my personal experience but my personal experience of being in and out of legal systems as well as being in Nevada Department of Corrections and coupled with my education and you know my professional experience and my desire to help individuals it's kind of pushing me where I'm going. So as a professional who worked at homeless services in southern Nevada, I witnessed these people being discharged from multiple institutions not just prisons but jails, hospitals, detox facilities, you know behavioral health, mental health, detox whatever that looks like right. However my focus is on those who were discharged from prison or granted parole without an approved address or you know released from prison to marginal housing. So, I think you know in that not saying that other things aren't important, but you know in my opinion we can get a better sample and create pilot programs or whatever this looks like for these individuals and maybe start some best practices and then move on to these other bigger things like discharges from jails and you know patient dumping from the hospitals; that will be me looking into that.

So, I firmly believe that housing is a human right especially for our most vulnerable as we have ongoing conversations about ending homelessness and decreasing recidivism, we have to get to a point where we see the invisible lines. We can't end homelessness without addressing homeless inflow from institutions. We can't really discuss decreasing recidivism when our system is not set up to assist folks with vital needs such as housing. We're doing really, really great in some areas, but I think that a lot more needs to be done. Again, I don't think that prison exit should be a homeless entry point.

So just really quick you know everyone sees this point in time count we know that homelessness is a problem in our community. So, we're not going to go to this, but the thing is how many of these 5645 people had a prior residence of prison, right. Our homeless system isn't in tracking this data either. So, let's talk about prison. So, Nevada has an incarceration rate of 713 per 100,000 people. National research suggests that up to 15% of incarcerated people experience homelessness in the year before admission to prison. This is national research. I want to know what our state research says, right. So were going to get to some recommendations and what I think we should do. I don't know if this is the right outlet for this information but I'm thinking so.

People who have been to prison just once experience homelessness at a rate nearly seven times higher than the general public. People who have been incarcerated more than once have rates 13 times higher than the general public. I think this is significant. So why are we talking about prison and homelessness? Because there is a direct correlation between prison poverty recidivism and homelessness, match any two together, there's a correlation in the country and in our state. In fact, city and state level studies of homeless

shelters find that many formerly incarcerated people rely on shelters both immediately after release and over the long-term.

So, when I was looking at some information from the Sentencing Policy, I noticed that there were 5720 individuals released from NDOC in 2020 and of those of course more were granted parole about 4030 and about 1587 were discharged. Of those discharged like there's no stats to show how many people had no social support and succumb to homelessness, how many of those individuals who were dropped off at the Greyhound bus station, had family to pick them up, or took the bus to a shelter, right. So, I've heard comments you know once individuals are released or discharged and they expired their sentence, they're no longer ward of the state. People don't want to give their addresses out, right. So if we want to decrease the cost of prison and decrease recidivism and build the taxpaying potential of our communities and start spending some of this taxpayer money on education and things like that and spend less on homelessness and prison we need to make sure that individuals who are expiring their sentence are provided with some type of support. You know if an individual does want to give their address out it could be a simple drop-down at discharge, where you going? Home, with friends and families, to transitional housing, to you know drug and alcohol treatment program, I don't know, shelter, right? And so we get a feel of where people going without asking for addresses because as we know, as I know, when you're getting out like you don't want to share any information especially specific information. A simple drop-down to see where individuals who are expiring their sentences are going is going to be helpful for determining these correlations between homelessness and incarceration and maybe in the future formulating some type of strategic plans for addressing this because we can't continue to work in silos; they're not a ward of state anymore so that's the community's problem, but yet when they go back into prison, recidivism costs money, and then being in prison costs money, right. So, working together as a community will be one of the things that I think, that I want to look at to see how can help solve this problem. Of those people that returned to prison in that sentencing policy report within 36 months, our community has no way of knowing if they experienced homelessness or housing insecurity because that data is not tracked. However, if this data is tracked, it is just not shared because I couldn't find it.

So, there's a link between poverty and incarceration, there's a link between homelessness and recidivism but where are those numbers? I really like Jorja's presentation because it's kind of, it's a start like we are actually looking at these things because they are vitally important. Our prison and homeless assistance do not share data. So, our prisons and somebody can correct me when I'm done are not collecting housing status at entry and exit for the purpose of analyzing how their housing status could have been a factor in recidivism. So, I'm thinking I know this information is collected, right, for the purpose of sentences and things like that, right however the NDOC does collect data on education of inmates, right, how long the person was employed prior to prison, behavioral health information such as substance use and mental health diagnosis, if that person was in foster care, veteran status, how many children they have, but housing is not collected and analyzed, and this is a problem.

So, I think we have to get to a point where we are looking at more than criminogenic risk factors when determining probability of recidivism. That's really important, but housing status of these individuals are equally important. So, another statistic says that almost 50,000 people a year enter homeless shelters immediately after exiting incarceration so without addressing this housing issue, I can't say this, I can't stop saying this -- individuals will continue to be released from prison to homelessness or unstable housing, the inflow to homelessness will continue to increase, and recidivism will continue. When people don't have a safe place to go after prison they are high risk of recidivism and having a place to call home is a foundation where those recently released from prison can rebuild their lives, obtain employment, and improve their health and achieve recovery. Many will say that this is an individual problem; you got yourself in this mess, you commit a crime now it's on you but really this is a system problem.

So, I just did a little research and we're not going to go through this about the Sentencing Commission and all the acronyms that falls under there and I think that you know I highlighted some of the highlights in my

research for me is that the Sentencing Commission you know their vision is to you know unify criminal justice data and ensure Nevada criminal justice policy are data-driven and physically practical. The Nevada justice I'll just say reinvestment there's probably three more letters in that acronym you know it kind of talks about how they are providing input to the Commission about matters that are important at the local area, and I think housing is important at the local level, right? As I was looking at AB 236, it talks about minimizing barriers to successful reentry and I think the main barrier to successful reentry is housing. So where are we with looking at that, right, so this information could be in a building, in the file room, on somebody's database that I've been researching for two years, and I am unable to find information about how we are looking at how homelessness and housing instability correlates with recidivism.

I gave this presentation to another agency, and we talked about Department of Corrections and the Nevada Interagency Council on Homelessness, I noticed that the Department of Corrections used to have a reentry task force that hasn't met since 2018 which is one thing that I'll be recommending. You know we talk about reducing recidivism, collaborative partnerships, stable housing, and employment, and treatment as success and the Nevada Interagency Council on Homelessness is currently working on their 2023 strategic plan and I'm pushing them to make sure they include improved discharge planning and practices from prison, connect to housing prior to discharge, and make sure that no one is discharged to the streets. So I don't know if any of you guys are on that Governors Nevada Interagency Council on Homelessness. I know that Deputy Director Brian Williams in on that council and I think it's important that we have the desire in our community, we have different agencies working on different things, but success will be determined by our collaboration.

For you guys I've been researching for two years but a lot of you guys on here probably know what prison and homelessness cost right? Some research says American taxpayers pay approximately 80 billion towards annual prison costs a year and we know prison costs are a huge part of state and federal governments. So, some of this money is being drained away from early education initiative, state universities, and other essential services so recidivism is expensive too. According to one **surge** [sic] research, a single recidivism event could cost taxpayers up to \$50,000 when you think about everything that goes into arresting, and transporting, and holding, and courts, and all these different things, right? So, this is the annual estimate and I'm not sure what a single recidivism event costs in our state because I can't find that information.

So, homelessness is costly as well. Clark County estimates that Nevada taxpayers spend approximately \$73,000 per year for services for one homeless individual. That's a lot right? On the national scale it costs approximately \$69,000 to house one person in prison then I was told that here the NDOC a medium custody inmate is about 29 to 32,000 a year. Housing is much cheaper than homelessness or being in prison right? Of course, people need to pay their debt to society when they commit a crime, but I think we can do ourselves a favor by looking at these costs and seeing how prisons and this commission and the Nevada Parole and Probation as well as our continuum of care and housing providers to be working closer together to address some of these gaps. So, public safety is at risk when we're discharging people to homelessness or instable housing, so you think of victimization, theft, property crimes, the list goes on. So, a lot of solutions are being advanced but what seems to lack is what's clearly essential, a safe supportive and affordable place to live. Without that people cannot work, get essential treatment to address mental health and substance use causing them to engage in illegal activity and threaten public safety. If this issue of discharging inmates to homelessness is addressed, public safety will increase, taxpayers will save money from fees caused by recidivism, homeless inflow may decrease, and we'll be able to grow the state and federal resources by increasing the tax paying potential of our communities.

So, somebody had a slide earlier -- I think Jorja, she had way more on her slide, -- but you know these are many of the things that returning citizens need. I think often times the focus is do you have an approved address when it comes down to Parole and Probation and you know are you going to your meetings and things like that. We all forget about social supports and a person's need for family reunification. So, family

reunification is not designed as going to stay with your family; often times there needs to be a plan that a social worker or counselor helps this family make, right. Who knows how the prison stay could have affected that individual and then they get home, and all these things are thrown in their lap, you need to do this, you need to do that and often times people are not able to get a chance to kind of figure out how to relive life and it causes stress. It is these practices that we're using are not trauma informed. Okay you have an address, go stay there, and often times I think a lot of our inmates know this may not be a safe place but I need an address I need to get out of here, but of course we can't look deep into the details of what that looks like but like I said social supports, even if it's community supports and family reunification, is just as important as all these other things.

How do we solve this problem of people being discharged from prison going from one food line in prison to another food line in a homeless shelter? How do we make sure that people are not going or not coming from this cot to sleeping on the streets or sleeping on a cot in a shelter. We do this by communication and collaboration. It's critical that our leaders, local, state, non-profits, citizens, service providers, and people with experience of being discharged from prison to homelessness or marginal housing are working together to develop plans and ensure everyone has a safe and stable housing. We already know that sex offenders and individuals who have crimes for arson are going to be the biggest challenge, right, like we know that. So not all but we need to make sure that people are at least getting resources.

I have lists and lists when I worked with veterans; I could get a veteran arsonist house today if he showed up at my door right? We think a lot of these things are impossible but until we work together and find best practices from other agencies who are working on the ground with the populations, it's only speculation when you say, "oh there's no housing for sex offenders or arsonists" right, because if we're not talking to the people who are housing the people we really don't know what there is. And I can tell you from my experience that there are availabilities. Communication and collaboration is key to making sure that we are able to assist this population.

So, there's a lot of best practices and alternatives, right? We talked about the programs that the veterans have but of course the VA has a lot of money. Another best practice especially for individuals who are stuck in prison with nowhere to go and the people who are being discharged to hotel motels or shelters, maybe they're the sex offenders, right? I don't know. But the Southern Nevada Regional Housing Authority has the ability to consider using guides from HUD that allows housing authorities the option to set aside vouchers for individuals exiting prison. So, Secretary Fudge, I met with her about three times and recently last year she you know made some statements about how HUD is looking to address this issue. One quote from her is, "unfortunately too many people exit prisons and jails in America without a stable home to return to. A significant number of people experiencing homelessness are caught in a revolving door between homelessness and reincarceration. In some states the lack of stable housing can also delay a person's approval for discretionary release from prison leading people to serve more time behind bars than those with stable housing".

I found that HUD has a few initiatives, one is called Opening Doors and you know its goal is to safely increase access to public housing for people with conviction histories. There's been success in San Diego, Colorado, Delaware, Northern Illinois, Louisiana, Oklahoma City, Washington state. These department corrections are working closely with the housing authorities to use this guidance from HUD that individuals that are discharging from prison are often eligible and the housing authority can decrease some of the barriers for entry by working together.

Of course, we got to know again that sex offenders and arsonists and people who are convicted for meth labs won't be. That's just written to the statute right? But at the same time there are many different options to ensure that individuals are linked to appropriate housing and there's not going to be a 100% guarantee that people won't go back to prison but if we were able to collect this data, create some programs, and you know collect that data, we can see what we need to do more as a state to decrease discharge to homelessness and or marginal housing.



The Michigan State Housing Authority and the Michigan DOC work together to provide housing opportunities for people who were formally incarcerated; they set aside some housing choice vouchers for people on parole who met certain qualifications and over 90% of those former inmates successfully completed parole over a three-year period. So, they had some really, really good numbers; I can share with you guys some of these statistics. I just did a policy brief that has all the references in it. So, it's vital that our prison system prioritize housing wraparound services for inmates being released in the community without social support. The resources are in our community so let's use them, but we can't do this if the data is not collected, right? We don't know the correlation but we know there is one but what does that look like in our state, right?

In my opinion we need to create a reentry task force, right, like I mentioned earlier there hasn't been a reentry task force meeting I think since 2018 and that was under Sandoval. So, I don't know if that is something that has to be made on a policy level or can someone like my agency who's been reaching out to a lot of individuals who are interested in being in this reentry working group if you want to call it are very interested. So, I didn't know if things like this had to go through a legal construct or what it looks like. I of course reached out to a few people who would like to be involved in this and I would like to initiate or push for this to happen. Another thing in AB 236, I am thinking that this may not be possible, but I think it only makes sense that in AB 236 some of the language and some of the data points to be collected need to be changed because of course you know with respects to prisons admissions like you see on this sheet, we should be tracking housing status. We track all these other things and so we got the sentencing commission under AB 236, ACAJ does this research and gathering information and whatever that looks like. Why aren't we gathering and analyzing the housing status at admissions, at discharge, and if people re-enter right? In my opinion. We must work as a system or data collection analysis and sharing. Again, homeless people see so many who check the box last residence was a jail or prison but if our system isn't sharing the data we have no real way of knowing the correlation between homelessness and recidivism. Once we know the correlation, and there is one, we can work towards strategic solutions to address the issue and save our state and taxpayers money.

Also, we need to ensure that our returning citizens are aware of their housing options prior to discharge. This should be happening in the prison. So, this would include screening people while they're in prison to determine the best needs for their person, updated resource guides for those exiting the system.

I met with Deputy Director Williams a couple weeks ago to discuss the pilot program that I am willing for my agency to fund 100%. Where we will be meeting with individuals who are expiring their sentences and connecting them to the resources financial that we can help them move into apartments or housing as well as referrals in the system to not be discharged and dropped off at that Greyhound bus station, right. I'm kind of impatient I can't wait for laws to be passed and for people to act so I took the initiative to say what do we need to do to start this pilot program and I'm ready to start in February. So, we've identified two locations, the women's prison and I forget the name of the other one and we're just in the process of doing the paperwork and you know figuring out how much per inmate, how much per returning citizen, and things like that. Then it was recommended that I reach out to Hope for Prisoners to see what that looks like to make sure that the individuals that my agency will be working with are linked with the other reentry services in the community. My hope is that from this pilot we can gather some relevant steps and start pushing for more funding. So that was really quick because we've been here a long time; I can provide more information if you like at a later date, and I'm happy to answer any questions and partner to work on grants for returning citizens -- maybe you guys can give me a pardon just kidding -- but thank you again for allowing me to present to you today and again I think this is really, really important and then it's really funny how the meeting kind of morphed into housing and recidivism at the end and my presentation was pretty much on point with that. So that is all that I have for today.

**Vice Chair Brady:** Thank you Director Grigsby-Thedford. Do any of the commission members have any questions or comments about the presentation? Mr. Ponder.

**Mr. Jon Ponder:** Thank you so much for an incredibly thorough presentation. It got so good at to one point I wanted to get up and run around the room because everything that I think that you were saying was just 100% accurate. Thank you for the great work you do. I also want to thank you for the opportunity to be able to collaborate on anything that Hope for Prisoners do number one we're all in. Then lastly I just want to say congratulations for you on turning your life around and when you said you're going to be a doctor soon again that was something that I was going to run around the room because I love to see people with lived experiences who have come through things and you know I consider you a fellow subject matter expert so thank you very much and anything that we can do, please do not hesitate to reach out.

**Ms. Mull:** I'm just going to echo the same thing that Jon said. I just want to thank you for all the information that you presented and just tell you congratulations again on going through the doctorate program. I've been unhoused several times throughout my life and so I appreciate what you are doing and what your organization is doing and it's so empowering to see someone that has lived through that to now soon to be a doctor in May that's so exciting I'm so proud of you.

**Vice Chair Brady:** Thank you, anyone else? Yes Schmidt.

**Ms. Beth Schmidt:** Yes, hello everyone I'm Director Beth Schmidt I've taken over for Chuck Callaway and I just want to say to you Catrina, I have run the largest homeless population here at Metro when I worked in community policing, and I am so proud of you. I too like Jon I want to run around the room. What you have accomplished, what you were doing is extraordinary. I just girl I'm so proud of you for what you're doing and the information that you're bringing to us and the lived experience. Keep doing what you're doing, thank you.

**Vice Chair Brady:** Thank you and I echo their statements too. You know you've achieved a lot if I might say maybe in some ways despite some of the systemic issues that we've discussed today regarding housing and treatment to reduce recidivism or prevent recidivism. Hopefully we can learn from you and as Mr. Ponder was saying you know you're a subject matter expert with lived experience, so we very much appreciate your presentation. If there are no more comments or questions regarding this presentation, I'm going to close out number 8 and move to number 9.

## 9. Discussion of Potential Topics and Dates for Future Meetings

**Vice Chair Brady:** Discussion of Potential Topics and Dates for Future Meetings. The dates for the meetings for the rest of the year are provided in the agenda. We did however discuss having a January meeting so I'll ask Director Gonzalez how you plan to schedule that; do we want to do that now or will you send out some dates after the meeting?

**Director Gonzalez:** Thank you Vice Chair Brady. I typically schedule a meeting start with the Chair and go off her calendar and then just send it out to everybody else. So I will coordinate with her and let her know that now there's an additional meeting we need to schedule and if she would like to send out a poll, I may do that and then once I have that out I think, what I will do, is identify some dates with her and maybe send something out to the Commission because this discussion will be very important to get ready for the upcoming session. So, I will survey everyone with the dates to get maybe a ranking of which ones work best for everybody so we can make sure we have everybody. So that will be my plan is to coordinate with her first and I'll get some dates to the rest of you and we'll figure out which day works best in January.

**Vice Chair Brady:** Excellent, thank you. Other than that we have a date set for, meetings set for February 24, 2023, at 9:00 am, and March 31, 2023, at 9:00 am, and April 21, 2023, at 9:00 am. Do you anticipate, Director Gonzalez, that those will be virtual meetings or in person or hybrid?

**Director Gonzalez:** Yes, they will be virtual meetings. Our virtual meetings will be until we have that meeting in we have in August because we use the legislative facilities and since they will be using them we will not be able to benefit from that. So yes the meetings will be virtual until August.

**Vice Chair Brady:** Okay, thank you so much. Our staff is already working on more topics and there's a lot as we've seen to discuss and they will be open for items for you to have input on items for discussion for future meetings and if you have those any ideas please send them to Director Gonzalez or we can open it up for a conversation now if anybody has any ideas for future meetings. Ms. Mull.

**Ms. Mull:** I'm not sure if it's for future meeting or just discussion or questions. So I've been seeing on the news and reading I think we all have about the hunger strikes going on in the prisons or one of the prisons. The concerns that some of the incarcerated individuals have and what's led to the hunger strike. So, my question is I know during Covid that Mr. Ponder and I got to go and look at the situation when there were questions about what was happening with Covid. I really feel that with at least what I'm seeing or reading and hearing from people that several of these individuals feel that they've been victimized in some way or that there been victimized in some way. So I don't know if it's possible to either for us to go in and again just kind of to get a sense of what's going on and maybe this time actually be able to ask questions because last time we couldn't ask questions, we kind of just got to look around, or at least if are there victim advocates being given to the individuals who are on the hunger strike who feel like they're being victimized so that they can speak with them because as victim advocates in the state of Nevada, we have confidentiality and certain aspects, protections that are given for those conversation to get information from individuals I'm able to work with that.

So I'm just curious if you know, one, if I guess what's being done that's outside of just what the news is reporting, but also I think it's important that as an entity as a commission that's specifically made up of individuals and experts from across the spectrum of this field of criminal justice and research and things to that extent, that someone other than no offense to the state but someone other than just the state is looking at this situation in some kind of way or at least you know able to go in and hear the concerns or learn from I guess both sides what is happening. My concern as a victim advocate is I want to make sure that you know no one's being harmed in anyway and it's not that I think that like the state is specifically harming anybody but you know I do come from the background of my father was a corrections officer for 25 years and so I understand that side but I also have a brother who was arrested at 18 for murder. The biggest trauma he had on the system was from guards even though our dad was a guard. So, I just want to make sure that you know we have someone or some kind of accountability or some kind of metric for us or someone to be able to go in and look at that. The same way we did with Covid to just make sure that the complaints for Covid and the things people were feeling and saying that we were able to go in and look and see for ourselves and come back and we're able to report to the committee, hey this is what we saw, this is what we heard, this is how we feel about the situation just to kind of get a better idea and a better sense of ease for I guess for the general consensus or the general betterment of individuals in our field right now if that makes sense.

**Vice Chair Brady:** Thank you. I might turn that to any of the other commission members or Director Gonzalez to see the concerns that Ms. Mull expressed, how that relates to the work of the Commission generally.

**Director Gonzalez:** Yeah I guess I am curious like I would say it would be at the pleasure of the Commission which is something we could explore if you want to because I hear a couple things from Ms. Mull. I hear like maybe similar to requesting it sounds like you want to see like what compared to when in Covid where Director Daniels provided tours for members of the Commission. There's that and then I think your kind of requesting maybe an exploration of the issues but might be a presentation but I guess I want to see. I think technically the mandate of the Commission is to study sentencing, corrections policies and you know use data to do so and so that's pretty broad. So, I think if there's an issue that the Commission in general would like to explore, that's absolutely something we could figure out. I'm just looking at our agenda item to make sure where we're at. Yeah, this agenda item does allow us to take action, the Commission to take action, as far as would you like to I guess figuring out there's an issue to explore, how to explore it staff would need some guidance. I did talk to Director Gittere to get some input about what this might look like.

As far as seeing the facility where this is happening is at Ely State Prison which is our maximum security prison which is where more of the most dangerous individuals are and so he does have concerns about security but would absolutely be happy to try to figure out what that would look like. It would be very, very small groups and he is concerned about security. I have toured that facility once myself I don't know if you've been out there and it's a lot. I think there were just two of us and I think there were three or four people around us staff wise to help navigate us through and that's when the staffing situation was not what it is right now. So, I could just let you know I did touch base with him and I know he had to leave early and so I can continue to work with him and see if the Commission would like to explore this issue how you would like us to proceed. So, I appreciate Ms. Mull bringing that up and then would definitely invite whether it's now or later the input from the Commission on what would you like us to look into and then we'll continue working with the staff at NDOC to figure out what would be the best way to get you the information and explore this issue to the satisfaction of what you're trying to learn about.

**Vice Chair Brady:** Thank you Director. From a policy perspective, I would think that and from you know what we do as a commission, what we're tasked to do, the issue maybe policy surrounding resources and things perhaps that the prison may need. Sort of what we talked about today once people are released what kind of housing is available. You know maybe around when we talk about the issue of reinvesting maybe the issue of dollars saved and then we make comments upon or policy recommendations on where the resources ought to be reinvested especially as it relates to the prison, that's off the top of my head where some of Ms. Mull's comments might relate to the work that we do. I don't know if anyone else has any it looks like Mr. Hoffman you have a comment.

**Mr. Hoffman:** Yes thank you. So, I wanted to share Ms. Mull's concerns I've also been concerned about what I've been reading in the news. I also think that this is something that the Commission should be looking at. I agree with what Ms. Jones Brady just said about resource investment. I know that the last time we approved the reinvestment council's grants some of that was for like data structures at NDOC and that's great and I still think that was a good idea; maybe next time around it's dealing with like, I know that the prisoners have expressed issues where they're not getting as much food, the quality of the food is bad, that could be a place for reinvestment. I personally know there's a lot of issues with the way that medical things work, people not having timely access to medical care, that could be another thing that we can discuss. In general, I think we talk about sentencing and corrections policy as an abstraction. We talk about recidivism, we talk about you know category A versus category B, what's the average length of time, but I think it's really easy to forget that these are real people in prison and apparently that they're having enough problems that they're willing to risk their lives to draw attention to it. So, I just think the point of like a government in a democratic society is to look after the people and I think that that's something this commission should be doing. So, I also have kind of an actionable suggestion. I know there's a group called Return Strong, which is advocates for inmates, family members of inmates, that kind of thing. I'd like to suggest having them present at a future meeting. I think that could be a good way for us to gather information maybe less logistically difficult than like arranging trips out to the prison so I would like to suggest that.

**Vice Chair Brady:** Thank you, any other suggestions for future meetings? I know that NDOC usually gives at least one presentation a year, so I don't know if they're on the schedule to give another presentation in the future.

**Director Gonzalez:** Yeah, we coordinate with them, presentations on demand I guess, as needed since we have the director on the Commission and so yeah I could reach out to them and I don't mean to put him on the spot in case you want to say anything right now, Deputy Director, a comment about this but you're welcome to, but yeah I'd be happy to work with Deputy Director Williams and Director Gittere and work out presentations or maybe a series of presentations that we could offer to the Commission if you're interested and set those up and get them on the calendar.

**Vice Chair Brady:** So just so that I'm clear in terms of the process, you're taking notes on what people are saying and you're going to consult with Chair Stiglich and move forward accordingly with regard to future agenda items.

**Director Gonzalez:** Correct.

**Vice Chair Brady:** Thank you. Any other comments or suggestions? Seeing none I will now close out item 9.

#### **10. Public Comment**

**Vice Chair Brady:** I will now open the second period of public comment. Just as we did during the first period of public comment, those who wish to testify by telephone may do so. Due to time constraints public comment will be limited to two minutes. Any member that exceeds the 2 minute limit may submit additional testimony in writing to the Department of Sentencing Policy at [SentencingPolicy@NDSP.NV.GOV](mailto:SentencingPolicy@NDSP.NV.GOV) so at this time I will ask staff to manage and direct those who wish to testify.

**Mr. Sepulveda:** Thank you, Vice 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. We currently don't have anyone Chair.

**Vice Chair Brady:** Okay with that I close out agenda item 10.

#### **11. Adjournment**

**Vice Chair Brady:** The meeting is officially adjourned. Thanks everybody for your time and everybody for the fabulous comments and today's reports, and information, and data thank you so much. Have a wonderful holiday and new year.