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Governor

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Justice Lidia Stiglich
Chair, Nevada Sentencing Commission

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STATE OF NEVADA
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NEVADA SENTENCING COMMISSION
MINUTES DRAFT

Date and Time: January 19, 2023

Location: VIRTUAL ONLY

MEMBERS PRESENT

John Arrascada
Chief Michelle Bays
Dr. Shera Bradley
Suzanne Crawford
Chairman Christopher DeRicco
Director James Dzurenda
Deputy Chief Aaron Evans
D.A. Mark Jackson
Deputy Director Troy Jordan
Dr. Jennifer Lanterman
John McCormick
Julia Murray
Erica Souza-Llamas
Judge Bitia Yeager
Assemblywoman Venicia Considine
Assemblyman Brian Hibbetts
Senator Lisa Krasner
Vice Chair Christine Jones Brady
Chair Justice Lidia Stiglich

MEMBERS EXCUSED

Evelyn Grosenick
D.A. Chris Hicks
Franklin Katschke
Jon Ponder
Director Beth Schmidt
Senator Nicole Cannizzaro

STAFF

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

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

Chair Justice Lidia Stiglich: All right, I'll now call to order the January 19, 2024, meeting of the Nevada Sentencing Commission. So, good morning. It's good to see everybody and welcome to those viewing the meeting on the Department of Sentencing Policy's YouTube channel. This is the fourth meeting of our 2023-2025 meeting cycle. I'll now ask Director Powers to take the roll.

Director Jorja Powers: Thank you, Chair.

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

2. Public Comment

Chair Stiglich: All right, excellent. Thank you. I'll now open agenda item two, the first period of public comment. There are two periods of public comment, one at the beginning of the meeting and one at the end. Members of the public have two options for submitting public comment. First, members of the public may do so in writing by emailing the Department of Sentencing Policy at sentencingpolicy@ndsp.nv.gov. Public comment received in writing will be provided to the Commission and be included by reference in the minutes of the meeting. I'll just inquire, Hunter, do we have anybody waiting for public comment?

Ms. Hunter Jones: No, we do not, Chair.

Chair Stiglich: All right, excellent. Then, at this time I'll close this first period of public comment.

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

Chair Stiglich: We'll turn to agenda item number three. Members of the Commission have been provided with copies of the minutes of the November 3rd meeting. Are there any edits, comments, or corrections? All right, hearing none and seeing no one frantically waving, I will now entertain a motion to approve the minutes from the November 3, 2023, meeting.

JOHN MCCORMICK MOVED TO APPROVE THE MINUTES OF THE OCTOBER 13, 2023, MEETING.

JENNIFER LANTERMAN SECONDED THE MOTION

MOTION PASSED

4. Report from NDSP Executive Director

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

Director Powers: Thank you, Chair and Commission. I am going to share my screen quickly. So, I am going to talk first about some of the administrative things that are going on in the Department. I have talked about the position for the Management Analyst III that was open. We were able to secure a list from Human Resources and we do have interviews scheduled for next week. So, look forward to hearing about our new data staff in the coming weeks.

On the Commission front, we have been planning and coordinating topics for research and meetings. One of which you'll be happy to know is the requested lab presentations. We will be having those; I have heard back.

We are also planning in-depth re-entry topics, so we can put together a series regarding re-entry for returning citizens. With the Council, the Nevada Local Justice Reinvestment Coordinating Council, we have been working on their grants. I was able to speak with the Chair of the Council yesterday, and we have scheduled meetings for the rest of the year. We have also been working with the Subcommittee, you will hear about the Subcommittee activities from Subcommittee Chair McCormick in an upcoming agenda item.

In Data and Reports, we are preparing ideas regarding the modification of the methodology for Costs Avoided. I will be reaching out to some of you for a working group, as we talked about that in depth at our last meeting. We are working on the murder data, with reporting changes from NRS 178.750. We have received responses from seven of the seventeen counties and those are due on February 1st. I will be reaching out to the counties that have not gotten back to us yet.

In Outreach, we are continuing our collaboration with D.O.C. and P&P. Especially, regarding prison projections and what the Department can do to help the State in that arena. We were able to attend the “National Summit to Advance States’ Criminal Justice Priorities”, subtitled, “Identifying Data-Driven and Research-Based Strategies for State Leaders”, in Atlanta at the beginning of December. Deputy Director Buonacorsi and I were there, Chairman DeRicco was there from the Parole Board, and there were others from Nevada. This was a fifty-state summit, we were able to attend plenary talks and breakout sessions facilitated by Legislators, State leadership, agency representatives, and justice, involved individuals from across the country. We were able to share content from current issues and discussions about the challenges of criminal justice across the nation and how other states are dealing with those.

And, at this point, that is the end of my report. I appreciate it, thank you.

Chair Stiglich: All right, thank you, Director. Are there any questions for the Director or her staff? All right, hearing none, seeing none, I’ll close this agenda item.

5. Presentation of the Nevada Department of Corrections Recidivism in the 2019 Release Cohort

Chair Stiglich: We’ll turn to item five, presentation of the recidivism study from the Department of Corrections. Recidivism is a topic of much interest to the Commission and the Criminal Justice community. The Department of Corrections reports yearly on recidivism in Nevada and Director Dzurenda will now share their most recent study. Director?

Director James Dzurenda: First of all, I just want to go over what the recidivism study is and when you talk about the recidivism study, it’s the same as evidence-based practices of what we do with data. So, we do three years of data of those that were, basically, left in the prison system, discharged for any reason in a certain year and we track those individuals over a three-year period. Once we track them and monitor their progress or degression, any of those that come back into the system, into the prison system with a new sentence. So, when we’re talking about recidivism, it’s only those that come back on a new sentence, back in the prison system under a sentence within a three-year period after they were released. So, this recidivism study doesn’t talk about parole, returnees, or violations, unless it was a new sentence that brought them back in or a sentence that came in. It also doesn’t talk about those that were sentenced in other states and other state prisons. It also doesn’t talk about those that were deported to other countries. So, when I discuss this and show this recidivism study, it’s only those that were released in 2019 through January through December of, 19 and tracking them all the way back until the year of 2023, and we do this every three years, or every year we do it, it’s just three years of data. And what I wanted to go over was the last year of data that we just got, which came in August of 2023. So, let me share the screen and I’ll explain how it affected even some of the laws that we did. AB236 obviously played an impact and I’ll show you some of the history of it as well, over a few years on where recidivism was and where it came to where it is today. Anyway, that’s just really a quick description about what our recidivism study is.

When you look at the next screen, historical recidivism rate. So, this I’m giving you is just so you can see where we were in the Department of Corrections or State of Nevada in 2010 all the way up into 2019, which is the latest amount that we got on our data, which is currently at 24.3% recidivism, which is pretty much the

best we've done in the last ten years, so we're doing something well. Or we're doing something that we're not tracking that can bring in those numbers down like I said, being deported, or other state sentences that happen, which we do not track. Another thing of interest in this too in this, is we do not track deaths. So, if someone was released in 2019 and they died in that time period, we do not keep the data on that. So technically, it will show back as not being recidivism and back in the state in that data, but we just take as not being sentenced again, just to be clear on it. There are also some pieces of data when you are talking about a year of cohort offenders. There is some data that might not be enough to really analyze, and if you look at it, a lot of it returns to age groups. If that year we didn't have a lot of offenders being discharged in a certain age group, it could throw off the data. You'll see also in education, certain individuals we had low categories in certain groups of those with certain education levels. So, it's hard to tell if education played a huge impact or not, but I'm just going to lay it out that this is the data we got and sometimes the data can be skewed based upon not having enough of cohorts in those categories. Also, what's important with the recidivism study is these data that we do here, every state does it. Pew statistics, if you ever want to go and check them out, they actually have recidivism studies for every state. So, we do a lot of comparisons with other states on how they did it. If they looked at other states that did something really well, the recidivism dropped you know, a significant amount over a period of time, those are states we actually go to, to see what did you do differently? Was there anything different and is there something that we could do in the State of Nevada to try to do a better job at what we're doing? And, to let you know, when we do budget builds for the Department of Corrections these are important also to find out those cohorts on what they actually did while they were incarcerated to see if certain programs that they were involved in played a higher rate of lowering recidivism or if the big one – this one, which I am going to show – is vocational ed services. So, when we have categories like vocational ed services proving to us over a period of time, to prove that actually more individuals that were in vocational ed services, actually did not come back to prison. That gives us an indicator that maybe we should be moving some of our budget pieces to do more vocational ed services, which we are doing. But, I just want to throw it out there that's kind of how we do some of our budget builds too, is based on the recidivism studies to make sure that we're using the best of the taxpayers' money and the public's money to make sure that we're doing the target areas that we have shown over a three-year period that actually will help, and obviously, helping in reducing recidivism means less victimization in the community and it's safer for all of us. So, it's important for us to make sure that the data is as accurate as possible and has as much categories as possible and so, the Sentencing Commission can actually see you know, the impacts of some of the bills it may propose and the impacts even on other states would help them and some of the bills that were proposed to reduce recidivism actually is what we should be looking at, so that we do the right thing.

So, this first screen that you are looking at it just gives a breakdown of those that were released in 2019 and to me, it just sounds better saying 75.6% of those offenders didn't return rather than saying our recidivism was 24.4% but that will just show you, and you could always look at that for reference for some of the numbers of male and female that were released, and how many of them came back in that category of the sex category.

On the next screen, you'll look at as the, again the release status. When we released the offenders, what type of status they went under, and the overall numbers. The majority of ours are obviously to parole, those that go out on parole, which is actually good because that at least gives the offenders something that we can monitor and supervise while they're out there, which are most difficult releases are those that are discharged directly to the community with no supervision, no monitoring, and we can set up services for those individuals, but we can't track whether they go and we cannot make them mandatory services or help for those offenders. So, the discharge numbers of 1,973 are alarming. Those are what we try to avoid because they are obviously our best potential release is going out on some type of supervision. That just gives you a run down on the numbers that are there.

The next one is the age category. What this is, is also just releases. This isn't the overall recidivism of it, but the release age category will show you that the average age is of 37, for those that we released. Thirty-six is the average age of those that actually came back. Also – which I'll show on another slide – but the younger categories – and this is something else that I know parole looks at – but when you look at the age group of the offenders that actually come back, the younger offenders that are coming back quicker and are coming back in larger numbers. So, it just shows that the age groups of those that are older in age groups don't necessarily have as much. Well, their recidivism is lower, so they're not as much of a risk when they go back

into the community. So, it helps when you're starting to figure staffing or the amount of supervision that they would need. The older groups may need less supervision in the community, than the younger groups which tend to recidivate quicker.

Next slide was important on our end. What is actually working, and what is making the biggest impact? And when you're talking about just the types of programs, this is the quick rundown of the programs that are offered in the Department of Corrections that are evidence-based and this is actually going to be changing again. We just hired a new Deputy Director of Programs, that's going to do compendiums for each facility. So, it might be important, especially for parole to look at you know, where offenders are located and the types of programs that they were afforded or have the availability to attend, in case there is low program compliance. It might just be because of the locations of those offenders, but those compendiums are coming out this year. This was just a quick rundown so everyone can see the type of programs that we do actually offer in the facilities.

The next one, which is another category breaking down those types of programs and which ones that were actually completed in those programs in 2019, that actually were discharged to the community. So, it breaks down that the biggest impact on them was in this category, was the correctional programs that were identified. And that was just completed by so, it has nothing to do with recidivism, which I'll show coming up on those that returned after doing these categories, which category was most successful and the cohort that actually didn't return to the prison system.

So, the next category is the substance use disorder compared to everything else. When you talk about the substance use disorder programming in the Department of Corrections, we classify those with the most severe categories first, by putting them into the substance use disorder. We don't have enough programming coordinators and clinicians to do everyone with any type of substance use disorder. So, it's actually classified to be those that are first, that are most severe and then, those that are getting closer to the end of their sentences. Making sure they have at least some substances use disorder program and then we do the wraparound services when they leave, to connect to the community services to do the rest of the substance use disorder programming.

The next page, it's just kind of what I went over a little bit already, that what we use as our model for the different factors on the risk. Big importance to us is if we have any data about income, whether that played a factor -- also, like I said, we don't have any data on the deaths -- income is extremely difficult to get, especially with self-employed. We had offenders and programs that were job training programs for barbers, beauticians, and cosmetology. It's very difficult to get those types of income because a lot of it is either paid by tips, it's not declared or they're self-employed. It's difficult to get that, so that was one of them that was not completely available. We did have partial income but it's not something we wanted to use in a recidivism study because we didn't have everybody's and it's not actually accurate. And you'll see, I'll explain on some of the data that we don't have, like I said, is you know, sentences in other states.

I'm sorry, I just noticed there were a couple questions. It's hard, I'm not looking at the screen. So, I just saw that there were two questions, if we want to stop right here for a minute. D.A. Jackson, I didn't even know you were even here. Hello, how are you today? Yeah, if you got a question, that'd be great.

Chair Stiglich: Yeah, you guys just jump in with questions. I'm looking at the screen, so I can't even see your hands. So, just jump on in.

D.A. Mark Jackson: Thank you, and I could have waited till the end but actually my questions and my comments, actually go back to your very first, slide number two and slide number three. I know we're on the predictive model slide number ten right now, and I do appreciate these three bullet points, Director Dzurenda. I just wanted to make sure that it is clear, you're not trying to redefine the term recidivism. Correct?

Director Dzurenda: So, that's correct. This is the term recidivism isn't identified by the Department of Corrections, it's identified by the A.C.A. which is the American Corrections Association, tells us what the definition of recidivism is and what categories we have to look at for it. It's not us and that's why if it's looking on your side of it, it's not any recidivism; it doesn't involve the jail system. So, the recidivism could be higher

in the jail system, it depends on what categories the jails use but in the prison systems we leave out a lot of the categories and it's specific to A.C.A.

D.A. Jackson: I think that what we follow and I'm speaking I think on behalf of you know, prosecutors and law enforcement, is we look at the recidivism definition that's really, it's not just been used for decades but for over a century, it's been adopted by the Department of Justice. The National Institute of Justice has a definition of recidivism, and it says that, "recidivism is measured by criminal acts that resulted in rearrest, reconviction, or return to prison with or without a new sentence during a three-year period following the person's release." And I just wanted to make sure to point that out because it's clear to me that we're capturing here, and I appreciate this, I've gone through all 37 of these slides, but it's really only capturing what is available to you, to N.D.O.C. and that is, we have this cohort of everybody that was released in 2019 and then you're following that, and the best way to follow it is, you may not even know that they were rearrested. You would not know that they were reconvicted, you only know that is when they're recommitted back to N.D.O.C. within that three-year period. So, this doesn't account for those that committed crimes that are still awaiting trial on a murder, or a burglary, or a robbery, or a sex assault. It doesn't take into account those that are arrested that been given a lesser offense of plea negotiation, for example and served county jail time, but under the D.O.J.'s definition those would all add to that recidivism rate. One of the things that I think that -- and I know there's an overlap when we're looking at data related to recidivism, and then data related desistence, because at the end of it what we're looking at is whether or not a person who was committed to prison arrives at a permanent state of non-offending -- and I think that's what we would all would hope for but we can't really capture that. You can't capture that data, right?

Director Dzurenda: Yeah, you're absolutely right, and that's why the A.C.A. does only prisons' recidivism studies or recidivism definitions, and every state that you look at, even Sentencing Commissions will have different definitions of recidivism. Like you said, it is the jail? You have states that are unified systems like Connecticut, Alaska, and Hawaii, that the jails and prisons are exactly the same thing. So, there's no different differentiation between the two. Their recidivism under A.C.A. is actually identified a little more appropriately which is the return to a correctional system. In the A.C.A. when you're talking about recidivism in states that are not unified that are prison systems, it's only referred to as return to a prison sentence, on a new sentence not the same one. So, it's a new sentence, returned to prison, and that's really all it is. That's really all that Corrections in the State of Nevada can actually do because it doesn't have access to, like you said, local jails, county jails, those that were arrested out on bond that probably never made it into a jail, those things aren't even on it, or trials that were going on for years. So, it's literally this study is only those that have returned to prison sentence on a new sentence in the State of Nevada.

D.A. Jackson: And that's something that this Commission can talk about, and you know, perhaps have the Department of Sentencing Policy try to fill in those gaps. Can you go to the next slide? Number three? That "Historical Recidivism Rates"?

Director Dzurenda: Yeah.

D.A. Jackson: So, you had made a comment about the 24.3 for the cohorts of 2019. That 24.3 is the lowest over the last ten years and you made some comment along the lines that this tends to show or something, that we're doing things right. I wanted to put a little bit of context to that. In 2019, that's when AB 236 was passed, and you are well aware that as part of that omnibus criminal justice reform bill, that one of the big complaints that made part of that reform is that individuals were being recommitted to prison for what were termed as technical violations. So, technical violations were defined under AB 236 and for the most part, all technical violations were reasons as to why you could not recommit someone. So, actually I'm surprised, I would expect that number would be much, much lower than the 24.3 based upon taking away the technical violations, which would cause you know, prior to that where a person would go back to prison, and one, I don't know if you have any insight on that. But my other questions go towards -- and this goes back ten years and I know that you previously had been the Director here and I can't remember for what years -- but what is your level of confidence as to the accuracy of the data points on all of these previous years? Is that something that your staff in putting this together reached back and looked at all of that, or is this something that you're relying upon previous reports performed by different Director and staffing over those last ten years?

Director Dzurenda: Sure. So, the A.C.A. definition of recidivism actually came out in 2005. So, whatever they used prior to my first arrival in 2016 should have been exactly the same. Whether they did it here like that or not, and followed by the A.C.A., they were supposed to, we never, well I never did go back there and made sure that they did all their data correctly. All I cared about was the time frames that I was able to see myself and the periods that I was here, but they should all be identical in what they were looking at. It was clear through A.C.A. and through the Correctional Leaders Association which was A.S.C.A. at the time, that you only – for prison systems that are not unified—you're only looking at new sentences coming in, not the old sentences and not parole returns that were violation of technical violation. So, all these years should be exactly the same and how they were done. Whether they did it like that prior to my arrival I have no idea, but that's all we're supposed to be looking at.

D.A. Jackson: Thank you, Director. Thank you, Justice Stiglich.

Chair Stiglich: All right. Thank you, Mr. Jackson. We'll do Ms. Lanterman, Mr. Jordan and then, Ms. Bays.

Dr. Jennifer Lanterman: So, I would just like to speak to this recidivism issue really quickly because this is actually what I do for a living, so, is actually measuring recidivism and all the challenges with measuring recidivism. So, what D.A. Jackson was highlighting was the comprehensive definition of how we define recidivism in totality, right? Based on the available data to measure recidivism, okay, but in practice no regular legal system agency has access to all of the data to measure recidivism that way, and having a composite measure is actually not particularly helpful because it doesn't help you understand where in the system certain things are happening and where people are coming out of the system, right? So, we need those separate measures of recidivism in terms of rearrest, reconviction, reincarceration, okay, but then the challenge becomes when we have conversations about recidivism, we need to be really clear about which type of recidivism we're talking about. So, in this case, Director Dzurenda, is you know, within his wheelhouse like really clear with the definition of recidivism, is readmission to Nevada Department of Corrections within three years of release. So, what happens then, is in order for states to make comprehensive, systemwide decisions about what laws we're going to try and pass, how we're going to allocate budget funding, we need to understand what recidivism is looking like at each phase of the system, right? So, who's getting arrested, who's going to jail, who's getting out on bail, who's showing up to court, who's not appearing, who's getting convicted, who's going to probation, who's going to jail, who's going to prison, who's getting released on parole, who fails on parole, who succeeds on parole, so on and so forth, right? That is why we need to do one of two or sometimes both things. One, you need a statewide agency like, the Department of Sentencing Policy, that has access to a data clearing house where they can access the data from every agency and then, they have statisticians who can actually create the models necessary to help us understand how the system is functioning. Alternatively, if you don't have the state supported infrastructure to do that, then, states need to partner with outside entities, like universities or think tanks, that then have the people with the skills to do that, right? So, that's why you wind up partnering with institutes, partnering with universities doing these types of studies so, that they can pull the types of data you would get from law enforcement agencies, and courts, and jails, and departments of corrections, parole and probation agencies, and then, aggregate them. So, you have a model where you can see how all these things are functioning, right? The other issue you touched on is desistance and this is actually something that's really a pretty significant topic of discussion right now in the measurement world and how we assess performance. I actually just published an article on this in *Perspectives*, which is the American Probation and Parole Association Publication, if you want to check that out. We are currently talking about how we measure this and the gaps in data that we would need to address before parole and probation agencies could actually start measuring desistance, in terms of people, like once they are out on community supervision, but the premise would be the same if any other agency in the legal system is interested in assessing performance of people, right? So, it is an ongoing conversation about how we develop more comprehensive measures of client, or supervisee, or justice, involved person performance, because we understand that there are real gaps and blind spots with respect to recidivism measures and what that tells us in terms of how people are performing, what officers might need to supervise them, how agencies are performing, what states might need to do differently, and what that means in terms of people if they do wind up back in jail or in prison. What do the agencies need to be doing because they don't have all the information. They're working with a little bit of a black box, right? So, that's really where the field is right now, in terms of trying to improve performance measures. Thank you.

Chair Stiglich: All right. Mr. Jordan?

Deputy Director Troy Jordan: Thank you. Director, I had a couple of questions relating to the programming slides you had. I noticed you divided it into work training and vocational. On the one slide, it's got work training is horticulture and firefighting, vocational be H.V.A.C. and the web design. I was also wondering, is the Department of Corrections capturing data on other programs like HOPE for Prisoners, F.I.T., I know there is an automotive program I believe at N.N.C.C. and there's at least a welding program here in the north, that I know D.E.T.R. is funding. I was wondering has that data been collected?

Director Dzurenda: So, those data are supposed to be collected by those individual agencies or groups that actually run that data and they provide it to us, but we don't keep it ourselves. We keep track of who actually went through and completed it. The most difficult piece is when they get discharged, we don't get the information of where they got their jobs, what was the outcome of that, all we know is who went through those programs. So, the welding and all that, all we'd have is under vocational ed services that they actually went through and completed a vocational ed service. Where they went for a job, we have no idea. We rely on the contractors or those agencies, like HOPE for Prisoners to work on that and Parole and Probation, but we don't have any of that data. We don't track them after they actually leave the agency to see where they are, that wouldn't be us. So, we don't have that, but we do have those who went through those services, those programs that you said, which fall under vocational. Auto and welding, all those falls under vocational ed services. So, we do have that, and it is part of this study, just like I said, but we don't have the follow up actually, of what happened with their job. We do job training, but we actually do know what jobs they actually got when they went out in the community, that's what we rely on other agencies for.

Deputy Director Jordan: Okay. Thank you.

Chair Stiglich: Thank you. Ms. Bays, then Vice Chair Brady.

Chief Michelle Bays: Thank you. Sorry, most of my questions got either answered or discussed. I just had a question again about that historical data and you mentioned that the standard that was used goes back ten years, just to clarify, that standard has been consistent? There haven't been any changes in that since at least from the 2010 that you're aware of, because I see that you're relying on that standard, but have they altered it or changed it in that time frame?

Director Dzurenda: So, A.C.A. hasn't. I don't know if the agency didn't follow the script of what they required under A.C.A. back before I was here, but they should have. It should all be exactly the same standard and same data that they're looking at. So, if you pick up the recidivism study back from 2010, it should be the same data. It may look different on the pages or if you did presentation slides but they all should have the same data.

Chief Bays: So, the same definition?

Director Dzurenda: Yes. Correct.

Chief Bays: Okay. Thank you.

Chair Stiglich: Vice Chair?

Vice Chair Christine Jones Brady: Thank you. Director Dzurenda, you talked about the mental health, some of the behavioral health services that the prison offers, and how you thought that might contribute to some of the recidivism. What sort of resources and/or partnerships do you have that help provide those behavioral health services, like, do you partner with D.H.H.S. or other, you know how HOPE for Prisoners helps with re-entry, are there other nonprofits that are able to come in and provide services? And then, the second part of that question is, how much of trauma-informed services do you have? I know that at the A.G.'s office we're responsible for like prosecuting cases, where, a variety of cases where inmates may attack another inmate

and so, do you have trauma-informed services for people who come in with trauma or who also maybe experience trauma while they're in there, like a victim services program, things like that. Thank you.

Director Dzurenda: So, it's not this simple yes or no. So yes, we have the trauma-informed services for the women's population. The men population only have clinical services that are individual, so it's not like a group or actual overall for trauma-informed, it's actually under clinical individual group, individuality. We hire multiple contractors to come in to do behavioral health services. We do not have any State hired services out in our rural areas like, Ely. We're trying, we can't get them, so we have a lot of services that are actually contracted out with mental health to come into those facilities. When you talk about outside individuals, we do partner with Health and Human Services with a lot of our services, but the majority of our programs that we do for mental health is 99% individual clinical one-on-one, and is it strong? I would say it's not, because we do not have enough clinicians to do that and like I said, we rely on these contractors that we're constantly increasing the amount of services through, when we do get money in our budget, to increase services in our contract, but it's not enough, I don't think it'll ever be enough. But we did hire a company now called Allstar Recruiting, that's actually going to be working on medical and mental health staffing all around the State. I'm hoping that increases our services, but we do not have enough mental health services to provide the correct amount and what happens with them when they go into the community, we do set up working relationships with Behavioral Health through Health and Human Services to get them connected before they go, but unfortunately, some of them go before we even have services even connected because it's last minute releases, or releases that we weren't expecting, but there definitely needs to be an increase in health services and mental health services in the State, both in the facilities, and in the community, and to me that's one of our biggest crisis and we definitely are not doing that well enough.

Chair Stiglich: Did that answer your question, Vice Chair?

Vice Chair Brady: Yes. Thank you very much.

Chair Stiglich: Okay. Excellent and Director, just before – if you can find your place on the slides—before you go back, I just want to comment on one comment from Mr. Jackson related to a state of, the goal being a state of permanent non-recidivism, I mean that's a societal goal, but I think when we talk about recidivism rates, three years is generally accepted that from an institutional perspective, three years is on us. If they recidivate within three years it's kind of – and Ms. Lanterman will jump in and let me know if I am wrong – three years is on us because for the next three years when they get out, if we've done our job, we should be able to hold it together. After three years, people have lives and things change and so, it's about which – as I understand it, because I have more familiarity with it in the drug court context and those type of things – but for our measurement three years is the accepted amount of time where you say you know, we're doing something right, we're doing something wrong.

Director Dzurenda: And honestly, that is true and also, if you look at some the next parts of this study, those that are most susceptible or are at risk for returning are actually in their first 45 days of release, which is pretty scary on you know, where we have to set up our partnerships and making sure that's more accurate and when they get out in the community, because that's the most at-risk time is their first 45 days once they get out of prison. As it goes on longer, you'll see in the study, the longer they are out, the less at risk. More services probably either took effect, or job, or whatever, and longer after three years, it actually goes way down. So, if you look at longer rates of study of five and ten years, the recidivism rate drops dramatically. So, it is the most at risk is the three years and 45 days is the highest risk of those three years.

Chair Stiglich: All right. Thank you, Director. I don't see any other hands right now. So, want don't you go ahead and proceed with your presentation.

Director Dzurenda: Yeah. So, the next one is just putting out there about the male versus female. If you look at the recidivism of those that are gender, the males are twice as much at risk of returning than the women are.

So, the next one is just what rates come back into the system; this was not part of the original recidivism study. I asked for this to be on there because I just wanted to see what we were getting in returns back into the prison system. So, this category is not part of the A.C.A. it's actually just part of what I wanted to look at and who's coming back into the system, because I wanted to add in there of you know, how it compares to parole violations and parole returns, and which type, whether it was a regular parole release or a mandatory parole. So, this just explains the differences on those that are actually coming back into the prison system but not related to the recidivism study.

So, again, this next one is just obvious, and we put it there because we're asked to, and it's just longer the offender is out in the community, less of a risk of return and older the individual gets, less of a risk of return. So, that's really all that is.

Again, this one is kind of, is the data that it shows and it's kind of skewed when you look at it. It's based upon the category that was released in 2019, because if you look at this, it obviously shows greater the educational level is less of a risk of returning. Except it shows on those with education levels of one to eight years with the lowest risk and that was because of the category that was released in 2019. There wasn't enough study or enough of those in that category. So, when you only have less than ten individuals compared to the higher numbers. It's not an appropriate category to look at as whether it's higher or lower, but it shows lower, but to me, that's skewed data because we didn't have enough of that category to actually analyze.

Employment is another big category and it's another one that's not a 100% guarantee, but those that have employment will recidivate less which is pretty obvious anyway, that what we have to have our focus on, it has to be on that in the prison system with between the job training and those that are going which will show later, the in vocation ed services which showed it as the number one reduction in recidivism under this cohort anyway.

Again, this is risk based upon felonies and those that had lower felonies, or higher felonies, or the majority of felonies, or multiple felonies. It showed in our study that those that only had one felony are less at risk of returning than, those that were sentenced on multiple felonies or had a history of felonies coming in back and forth. More felonies mean more of a risk of return. That's all that shows.

The next group is just categorized based on the cohort on those that were released on their primary charge. A lot of the offenders have multiple charges, but this was based on their primary charge sentence that they were charged with, and as you can see, that just breaks down the type of charge that they had as best we could to show those that returned on what they had, and what their actual primary charge was in the return which could be of interest to this Sentencing Commission.

Another one that is interesting, is the category of offenses, this was based upon their primary offense, and what their category or their primary offense was, and their probability of returning, which showed in the 2019 study. So, it shows you from category A all the way to category E on their return showing that pretty much the higher category A's and B's have a higher rate than the lower rate of probability than the C, D, and E's, which is interesting. And like I said, that was just based on the 2019 cohort. If you look at the ones prior, it may not be the same. It was based on that year's cohorts and what I should have mentioned first of all in this study which is skewed as well, is when you talk about 2020 with COVID, that also doesn't show in this study how it affected the recidivism rates, and that does play a factor. That's why if you look at the ones prior to 2020, they may look a lot different than this especially in the category of offenses which changed from AB 236, and you know, whatever happened at those time frames of those releases that was not the pandemic as well, which played a factor, which it doesn't show, but it is one of the factors that we should be looking at.

This is the length of stay on those that have returned. They found that those that return, their length of stay actually increased every time they come in. I don't know what could be, that could just be because judges are looking at, you know their histories, it could be that they're committing more violent crimes after they get released over the period of years, but this is just what those categories showed in 2019 of those offenders that came back, that their lengths of stays were increased and when they returned to this prison system their sentences were longer.

The next one is also – it's kind of expected – but it's also skewed because we do not have -- nobody I believe -- would have accurate data on who is really truthfully identified under a security risk group or threat group. These are just what we have in the Department of Corrections as positively identified in those 2019 cohorts of who were identified in those 2019 cohorts of who were identified as a threat group and who were not. Obviously, we have a lot of offenders that are released that are not identified, but still belong to one of those threat groups, but the way we identify them and because it affects classification, there has to be a series of different types of proof and evidence that they are actually in a threat group. So, there are some identified individuals that are identified as not being in threat groups, but we pretty much know the threat groups they belong to, we just don't have enough evidence to identify them on record. So, this is just the cohorts that have been identified as this is their return that are in the records.

Next slide, again we go back to the mental health. It just shows you the recidivism rates on those that are, you know, under some type of psychiatric care or mental health needs. And under this too, which the Corrections Department right now, it's not in this study but when you talk about mental health disorders, over 58% of the women incarcerated are actually under some type of psychiatric care compared to the men, which is actually at 40%. That changes constantly and also plays a factor in you know, what type of services when they discharge that they need but our numbers are very high. Of those psychiatric classification of numbers, over 65% of those women that are in that category, actually receive psychotropic medications which is kind of alarming. Which we definitely are looking at and we have a new mental health or Medical Director with the State that's overseeing mental health that is actually digging into those numbers on why that is. One of the reasons -- just so it doesn't sound as horrible as it is – psychotropic meds also are categorized as sleeping medications like, Ambient, those things are still classified in the Department of Corrections as psychotropic meds, even though it may not be something that we would consider under psychotropic meds. So, there are categories that the medical department is looking at on whether it needs to be reclassified, but as of today, that's all we have in our data.

Ms. Julia Murray: I apologize for interrupting. Can you repeat that number, of the percentage of females that are currently on medication?

Director Dzurenda: 65% of those that are actually under psychiatric care.

Ms. Murray: Okay. Thank you.

Director Dzurenda: So, it's not 65% of the population. It's 65% of those that are actually under mental health.

Ms. Murray: Right. 65% of the 58%. I got it.

Director Dzurenda: Correct.

Ms. Murray: Thank you.

Director Dzurenda: So, the next one is just substance use disorder that we have identified and another skewed factor in substance use disorder, is a lot of it we have to rely on P.S.I.'s, we have to rely on community partners to give us real history. The offenders, a lot of them when they come in incarcerated, they will not tell us the truth of what, you know what type of drug they've used or even if they use drugs. If they are not coming in on a charge that involved drugs, we don't get the accurate information on whether they had or not had a history of taking drugs, unless we get it out of a P.S.I. or a community partner provides us that information, like Health and Human Services. So, the data we have is what we have identified since their incarceration. So, this just gives the numbers on you know, those that we consider in ours that are just regular substance use disorders or moderate compared to those that are more severe and we concentrate like I said, on the most severe because we don't have enough programs to be able to provide for substance use disorder. So, we concentrate on the most severe and those that are actually within 90 days of discharge to make sure that they are getting services at least before they discharge.

Another category that's kind of hard for the Department of Corrections to monitor and track --and these aren't proven categories-- but we identify through customs of those that are identified as citizens and non-citizens. This has been an issue going on for many years that we are even trying to find accurate identity of the individuals and our area is very difficult. Something I think I mentioned that maybe it was the last Sentencing Commission when I was here a few years ago, when you are talking about identity of individuals that come in, if we do not have any birth certificate, or prior fingerprints anywhere in the federal system or on record, we take for face that the individual gave the name of themselves upon arrest of who they actually are and we found this is nothing different from Nevada than any other state. If you get arrested and you call yourself John Doe when you get arrested and you have no proof of identity, there's no prior fingerprints, there's no birth certificate, there's no proof of identity, you actually become John Doe. You go into the police departments to get booked, they book you as John Doe, your fingerprints get filed as John Doe, you go to court all your sentencing, mitts, and judgements are all under John Doe. You come to corrections, you're John Doe, we release you as John Doe. If you get arrested again, and you change your name and it's you know, you make up a different name when you come in, Jim Smith, you now become Jim Smith. You don't become John Doe. You get booked as Jim Smith, you get all the process again, however, your fingerprints now match with another name as John Doe, you don't become John Doe, you still stay as Jim Smith. However, your John Doe becomes your alias, and it goes through the whole system like that again, we release you as Jim Smith. This could happen and we have offenders with you know, 20 to 25 different names. We go with the current name that they actually got arrested on and the court mitts and judgements actually match the name that they came on. This is not new, like I said to the State of Nevada. This is current all over the United States and that's why it's important for us in the Department of Corrections to try and get the actual identity of the individuals which is difficult. Some countries like Puerto Rico, currently do not allow birth certificates to go out unless you're there in person. Multiple other countries, they have to have somebody in that country to verify with some type of a record of you. We can't do that. Around the United States, most of the states now require return email address, well we don't have email addresses for the offenders. There's a lot of obstacles with getting positive identities of those offenders in our system and like I said, we take the judgement, mitts from the courts as the actual name of the individuals, and we match the other names as their aliases. So, just wanted to put it out there how difficult it is to get a positive identity on a lot of the individuals we have and like I said, that's not new to Nevada, that's all over the country why this is an issue. Just making sure there's no other questions that are coming up.

Next one is participation. The reason why this was important on our end, is it's completed participation, which is different from those that have participated, non-completed, non, refusal of their psychotropic meds. There's a lot of factors that go into this but this category, we identified as those that have completed an actual substance use disorder program, not have done in the program and to show that those that have actually completed the substance use program were actually more successful than those that did not. And again, the sample size isn't large enough to really get clear and accurate data on this, but this is the data we have, and this is the data we use for this study.

This just categorizes correctional program participation. Like I mentioned earlier, what is a correctional program? Showing those that actually complete through any of our programs, actually have a better chance of staying out of prison in the future according to the data we have.

Vocational ed services, another category and this is something we're refocusing on in the Department, we've found that vocational ed services actually added in this cohort that more success were less of a risk of returning, more success of staying out, vocational ed services can actually play. That's why we're trying to focus our new model around the State to refocus things on vocational ed services because we, according to this cohort, we are actually having more success with keeping them in in the community if they did complete vocational ed services. The problem we had with the releases in 2019 was, we had individuals that were in the vocational ed services that we discharged before their completion which affected the scale, but it does show that if you actually complete the vocational ed services with a trade, your success is actually more beneficial in a community or less of a risk of returning.

The other piece that I put in there is you know, how long they've actually stayed out and I mentioned that earlier, their first 45 days is actually the most crucial time frame. The longer they stay out, the less of a risk

they are of returning and that could be multiple factors too. It's not just because they've done well, it could be because they went to other states got arrested somewhere else, sentenced somewhere else, they could have been deported to another country but like I said, the data that we got of those cohorts that actually returned, this is what is showed, and this is basically same stuff I've already mentioned in the rest of this presentation.

If you look at the next bunch of slides, they're all the same. Just looking different on the data that I just showed in the previous presentation. It just shows it looking a little differently in case you have some other, or if you want to want present something differently in the future, but all the rest of the slides are exactly the same slides as what I just showed.

Hopefully that helps a little of the understanding and like I said, this is just the prison cohort. It is the data that we have based on those that came back as a new sentence, it doesn't like I said, have anyone that, we can't track whether they died, or deported to another country, whether they were sentenced in other states, there's categories that we can't determine so, it's not completely accurate. Although it is accurate in the data that we can actually provide. So, that's all I got.

Chair Stiglich: All right. Thank you, Director. That was very helpful and very informative. Anybody have any questions for the Director on the report?

D.A. Jackson: Justice Stiglich? I don't have a question; I just have a follow up comment, more toward your comment and actually, I appreciate Professor Lanterman and what she had to say. And I agree with what she had to say about the importance of capturing it, but my comment is about recidivism versus desistance, and I wanted you to know where that came from. I read an article – it's a recent article – it came out December of 2023, and it was about five states about lower recidivism rates. Nevada wasn't one of them, Virginia, Ohio, I believe were two of those, and it had numerous people quoted in there. One was Ann Fisher, who is the Executive Director of Virginia Cares and it's a nonprofit organization that's dedicated to supporting formally incarcerated people in Virginia, and she even admitted that recidivism by itself is not a true measure of the success of re-entry programming or of incarceration rates. And the article then pointed me to a 2022 report from the National Academies of Sciences, Engineering and Medicine, that suggested that pairing recidivism rates with indicators that capture progress away from crime, such as the seriousness of criminal activity or increased duration between the release and the criminal act, known as desistance, was the best way of doing that. One of the contributing authors of that study – and I imagine that Professor Lanterman's probably read this – is Professor Elsa Chen, she's the Chair of the Political Science Department at Santa Clara University and she said quote, "measures of desistance from crime are much more accurate and realistic in looking at changes in criminal activity after release from prison" end quote. She then continued, quote "those are much more nuanced than just whether or not they've had another interaction with the criminal justice system" end quote. This report finds that the current measures that have been used by states for decades, about whether or not there's a success for individuals released from prison, that they are absolutely are inadequate, and it talks about that many of the states look back at only what happens when following someone who's released from prison from three years, and that we have failed by just forming policies and laws associated with only looking at that. So, the reason I wanted to bring that up and make sure that it was discussed kind of at the beginning is that --while I appreciate all of the data and all of this-- there is so much more work and I think that's what Professor Lanterman had talked about, that there is so much to capture here. But desistance I think has to be a topic and I would appreciate it if that is something that we can involve in our discussions moving forward about what data we are going to be bringing forward? How far are we going to drill down? If we are only going to look at the recidivism rate based upon this presentation, then I think we're doing a disservice and that's exactly what Professor Chen says that is what we would be doing. Thank you.

Chair Stiglich: Lanterman?

Dr. Lanterman: So, you know discussions about desistance might be new for people. The report that D.A. Jackson cited is quite long, it's like book length and it's very informative, but it also has a lot of stuff in there that if you are not a researcher, might not be of interest to you, might seem kind of dense. If you are interested in reading more about it, there's a shorter report produced by N.I.J., it's free on the internet, it's written by Bucklen, it was published in 2021. It can learn very generally about desistance but also desistance isn't an

easy measure either, like recidivism because it's measured a couple of different ways. It's measured in terms of deceleration, de-escalation, and something known as reaching a ceiling, and Vice Chair Brady and I discussed this actually at the National Association for Sentencing Commissions Conference in August but essentially we have a lot of measurement problems when it comes to recidivism and sometimes some of the discussions that we actually have in this Commission, this comes up a lot when we talk about recidivism, and then, we're talking about well people aren't doing things or they're slowing down. Where actually you have a term, you're measuring as one type of data but you're describing it another way so, you've got an operationalization problem. So, basically what we have here is with desistance, deceleration is people are slowing down the pace at which they're offending. So, anybody who's spent any time around anybody who's violating the law, people who are committing serious crimes, more violent crimes tend to do that less frequently. Whereas people who are committing less serious crimes, property crimes, drug related crimes, they are doing it more frequently, right? So, they are high based rate offenders. They come into the system a lot, they're in jail a lot, they'll have really lengthy criminal records that bring them to prison. So, deceleration on the desistance side is like we are measuring the time between their contacts with the system, time between their visits to jail, time between their sentences in prison. Which we measure with survival analysis which Director Dzurenda had in his presentation, right? So, we want to stretch that period of time out that people are successful in the community, they're at least not doing anything so serious that's being detected. Then, there is de-escalation, right? So, what we want to do is we might have high-risk offenders who were also violent or predatory, and those are most concerning in terms of public safety, and so what we want to do is get them to stop, right? We want them to stop what they're doing but it's not easy to get a person who's going hundred miles an hour doing violent, predatory stuff to immediately stop, right? But it might be easier to get them to do progressively less serious things and so, that's what de-escalation measures, right? Do you have a person who's been in prison for 20 years because they had a whole bunch of violent felonies and they get out and they are rearrested but it's for receiving stolen property, that's actually movement in right direction because they're not out committing armed robberies, and aggravated assaults, and attempted murders, and then, what D.A. Jackson referenced earlier today, reaching a ceiling. So, that's where we want people to just stop, they just stop all together, and so, desistance measures really adopt – and this is what the article and the prospectus is about—it adopts kind of a harm reduction approach to measuring offending behavior. We want to measure behavioral progress over time capturing incremental, positive changes in behavior that aren't necessarily captured in our standard recidivism measures of rearrest, reconviction, reincarceration, one-three-, and five-years post release, right? So, that's really what we're talking about, we're talking about desistance, and you can read about that in a pretty concise way in this Bucklen publication that you can get from the N.I.J website.

Chair Stiglich: Thank you. Director Dzurenda?

Director Dzurenda: Yeah, no. I just wanted to comment too about the recidivism. Anywhere you look, anyone that really researches and looks at recidivism definitions. They're different in everywhere you go and that's why when you're talking about the prison system, we have to stay really focused on a real narrow piece of it because it even affects us with when you look at residency in the states you know, the states that are losing more residents and those states, like Nevada, are gaining more residents in other states, plays a huge factor in recidivism as well, and skews the data from those other states because they lose a lot of their offenders that are discharged, they come over to Nevada and never shows up on their recidivism. Again, it starts all over here. So, we really have to keep everything narrow when I talk about prison systems. It's really just prison. It may not help with the community stuff because it's just a huge category and so many things that can be different in any way you look at recidivism.

Chair Stiglich: All right. Thank you, Director. Any further questions for the Director about this report? All right, thank you again. We will then, without any further commentary, we will close that agenda item.

6. Presentation on the Misdemeanor Subcommittee

Chair Stiglich: All right. We will turn then to agenda item number six, "Presentation on the Misdemeanor Subcommittee". So, I'll turn it over to John McCormick, Chair of the Misdemeanor Subcommittee who will give us an update on their activities. Mr. McCormick?

Mr. John McCormick: Good morning. Thank you, Chair. You'll see here I'm going to do just a brief presentation on the Misdemeanor Subcommittee. With the holidays, we have not really gotten started yet, but this will provide an overview of sort of the plan going forward.

So, anyways the Misdemeanor Subcommittee was created in Senate Bill 103 of the 2023 session, specifically section 1.3 to 1.7, and the Misdemeanor Subcommittee is charged with studying, laws, policies, and practices related to misdemeanor offenses in this State and other states, including without limitation sentences imposed. And then, the subcommittee is also required to submit a biannual report to this Commission regarding its activities and recommendations.

In Senate Bill 103 there are few requirements for membership. One person who has expertise regarding misdemeanors, administrative assessments, etc. A city attorney, a criminal defense attorney who has experience defending misdemeanor cases and then, a Justice or Municipal Court Judge Administrator and then, in that statutory provision there is actually no cap on membership. So, as we are moving forward that's one of the lines we're trying to walk here, is making sure that we have sufficient representation from the numerous sectors that are obviously involved with this but also not making it so big as to become unwieldy and to become a subcommittee that can't necessarily accomplish a whole lot.

Currently, working on finalizing the membership. After this meeting, I will be getting with the staff at N.D.S.P. and we will be notifying all the members and getting the first meeting set up to begin discussing what we're going to do, what we want to focus on initially, and some of those other things I'll mention here in a little bit. Currently, membership is including representatives from the organizations you see here on this slide; Administrative Office of the Courts that being me, the Washoe County D.A., Sparks City Attorney, both rural and urban judges and court administrators, the Sheriffs and Chiefs Association, and also, working with Metro to get sufficient law enforcement representation, we've got some public defenders, and the Department of Indigent Defense Services, higher education from a couple actual representatives there, the Fine and Fee Justice Center, community nonprofit groups, and then, our own Vice Chair from the A.G.'s office.

So, potential topics for study – this is a relatively short presentation – but I have, you know, several years' worth of sort of misdemeanor thoughts or concerns that kind of vomited out on these next two slides and there's nothing mandatory here and obviously, at the first meeting we will discuss what the membership wants to look at, but again, Jorja and I have discussed, there's about an 80 page list of misdemeanor offenses in Nevada. So, we will start there, and start looking at those offenses, and if there are some that shouldn't be offenses, are there some that should move up, etc. Fines and fees obviously, that's a big question here, you know? So, a couple questions related to that, is the penalty structure appropriate? You know, we have up to \$1,000 dollar fine on misdemeanors, is that realistic? Those types of questions. And then, also attached to misdemeanors, there's administrative assessments. I will not belabor the point on administrative assessments but again, I think that's something we need to be looking at as a subcommittee and then, reporting back to the Sentencing Commission on, if we believe changes regarding that structure should be made, and changes regarding administrative assessments were promulgated during the last session, and I think it will probably be a concern again in the upcoming one. Other states as we're charged with in Senate Bill 103, is to look at other states and other states have multiple classifications for misdemeanors, so could Nevada potentially benefit from that type of structure? Rather than having one misdemeanor that's the same offense level for say D.U.I. and you know, some other more minor offense. Do we want to break that out into classifications like we have with felonies? Do we need to clarify what misdemeanors are arrestable? So, which ones constitute an offense for which an arrest is required? Again, I sort of mentioned this but classification of offenses. Example: battery constituting domestic violence and D.U.I. are both considered misdemeanors, is that appropriate? Is that a question we want to look at? Misdemeanor, probation, and status checks, and the length of tail on misdemeanor defendants. Anecdotally, I've heard that sometimes people are considering pleading to higher-level offenses because in some cases misdemeanor probation, or status checks, or sentence enforcement with the court is sort of onerous and they're considering whether or not to plead to a gross in that case. So, I think that's an issue that we as a subcommittee are going to need to look into and try to figure out exactly what is going on there.

Additional possible topics and again, I'll reiterate that these are not an exclusive list, this is just the topics I kind of came up with and I put this forward to start the discussion and then, at the first meeting, obviously, of the subcommittee we'll be looking at these and determining if we're taking some off the list, adding, etc. So, currently, misdemeanors, for lack of a better term, probation or alternative sentencing is limited in the State, there's a few counties that have it, the majority don't. So, is that something we need to look at? Look into making recommendations, as far as mandating those. Is there State funding? Is it a State program? Those types of questions. Civil traffic misdemeanor confusion and bleed over. As you know, A.B. 116 was passed during the 2021 session and that converted a number of traffic offenses from misdemeanors to civil infractions. We're still having some growing pains for lack of a better term with that and there's confusion and those kind of bleed together, and then, we are also getting some sort of process problems at the court level specifically. That's what I'm aware of in terms of processing civil infractions versus processing misdemeanors and when those come in together. So, I think that may be an area we want to look at. Another question is, what amount of general funds or financial support do counties and cities receive from misdemeanor fines? And I think that's a dive we will need to do, and I'll talk a little bit about data that I think we may want to collect here in a minute. There are a couple constitutional questions associated with misdemeanors and fines and fees, particularly, article one, section 8A, more commonly known as Marcy's Law. Subsection P, for example, that requires all payments to be made restitution exactly. So, is that something to look at in the misdemeanor context, what restitution are we getting ordered, that kind of thing, and then, you'll see there in article 11, section 3, that is the constitutional provision that requires all fines levied for violations of the laws of this State to be deposited in the permanent school fund. So, got that if it's charged with NRS and we will see a lot of sort of local ordinances and codes come into play there. So, again, is that an issue we want to look at, do we want to discuss further? Collateral consequences for misdemeanors, do we need to take a systemic look at that? Obviously, there's driver's license suspensions, you know, the impact on professional licensing, firearm consequences particularly with domestic violence, and then again -- this has always been a topic that has been of interest to me and it may not be of interest to other people, and that is okay -- but the nexus between the offense and then the fees that are charged or the fine, then the use of those fees is there nexus there that we need to examine that as a State?

Obviously, in order to inform some of the discussions here with the Misdemeanor Subcommittee, we're going to need to collect some data and so, Ms. Powers and I have chatted little bit about this, and this is sort of the off top of the head list, and I think that again, will be a topic for discussion at the first subcommittee meeting. As far as what data we need to collect, I think it is incumbent on us to identify everybody who's going to have misdemeanor data that we think would be helpful to reach out to them make those contacts, so we can get that data. Again, I think local budgets, particularly revenue, to see the amount coming from misdemeanor fines and those types of things. General fund impact of administrative assessments, administrative assessments as required in 176.059, now all the State portion of those goes to the general fund, so what is that impact and obviously, since that happened here in July, we have about six months of data to try and start looking at that. Cases, charges, and dispositions, that's in the annual report in the Judiciary, but I'm going to guess that we as a group are going to want to take a deeper dive at that. So, how are we going to do that? This leads me to case-level sentencing data, is that something we want to look at? To do that, we may need to take snapshots of time frames or various cases at some of the courts. And then, legal financial obligations and collections, that's very broad, but obviously, a lot of misdemeanors, the penalty is solely monetary, people aren't facing a lost liberty. So, are we setting them up to fail in what has been referred to as the legal financial obligation death spiral? How are handling collections? Is that efficient and those types of questions.

So, those are sort of the start with the thoughts that I have as far as the Misdemeanor Subcommittee and again, we will be reaching out to get all the membership squared away and then, begin the process of meeting to develop that biannual report. Again, sorry that was kind of short, but happy to answer any questions.

Chair Stiglich: Thank you, Mr. McCormick. Anybody has any questions for Mr. McCormick? All right, hearing none, seeing none, we will close that period. I look forward to your work.

7. NDSP Data Report

Chair Stiglich: We will turn now to agenda item number six, the N.D.S.P. data report. At our last meeting the Department shared, regarding some modifications and additions to their data dashboards. So, Deputy Director Buonacorsi will now share those with us.

Deputy Director Jenna Buonacorsi: Thank you, Chair. Good morning, Commission. I am excited to get to share with you all today our updated Nevada Department of Corrections dashboard that we had discussed briefly during the last meeting. Our goal with this new dashboard was to clean up some of the data processing systems on the back end, but as well as to improve user experience with more concise reports that are very similar to the ones that already exist. So, I'm going to go ahead and share my screen really quickly with you all. So, quick overview again for those of you who might be a newer Commission member or haven't used one of our dashboards yet. You can easily find them at our website, which is sentencing.nv.gov and all of our data and dashboards are going to be in The Hub section of our website. The newest one that we created is this first one listed as just NDOC Dashboards. The ones that we had previously were these other four. So, one of the goals was to condense some of the information that was in all four reports and get them over into one centralized report to make it a little bit easier to hopefully find some of the information that you're looking for. So, if you just select that link, the first sheet that you will see in the dashboard is our overview. So, this is just going to be looking at N.D.O.C.'s total population and their admissions and releases. There we added some filters that we had in the old reports that you can select. If you want to look at just the male population or the female population, as well as you can filter by offense categories, offense groups, county of commitments, a year, and also a specific month. I know we've found it interesting looking at trends in different months from year to year versus different months to each other. So, we also have the age perimeter here. So, I know we've discussed a little bit at the last meeting and other meetings in the past about aging population, and what are the specific breakdowns for ages and younger versus older, and even in that recidivism report that Director Dzurenda just gave, age is always a common question. So, we wanted to make sure we had that available to you all for all of the N.D.O.C. population, and their admissions and releases. Another feature that we wanted to add is, if you hover over these lines, it tells you the number, but I'm a number person and I appreciate being able to just see the numbers sometimes and not always looking at visual.

So, the next sheet in our report is the exact same data; it is just presented to you in table format now. So, if you are interested in just getting the numbers and a chart doesn't quite solve your needs, you can go ahead and filter out here. And so, the same filters we have that we applied on the first page, so, let's say we just wanted to look at the last three years and we only wanted to look at violent offense over the last three years, we can now have access to all the information but if you went back to the first page all of those filters we just applied are consistent throughout the entire document. So, you don't have to keep reselecting your filters as you scroll through the document and the numbers line up between the graph visual or the table overview. One other thing I wanted to note for you guys that I find helps on my end a lot, is if I want to compare multiple visuals to each other, our dashboards you can open multiple instances of them in your same web browser. So, sometimes I'll pull them up on two of my different screens and I can play and compare with different offense groups, or different filter options at the same time with two separate instances of the same dashboard link. So, that's just one thing that I found had been helpful for me that I wanted to share with you all.

The next group we did was what we called The Detailed, and so, what this allows you to do is be able to look more granularly at categories and offense group and be able to filter it by imprisonment status. If you notice the filters that we had applied to the original two sheets, the overview sheets stayed consistent throughout this document. So, we're still just looking at violent offenses for the last three years and right now our legend option is going to be selected to offense category, but if we were more concerned about offense group, we would just see that violent offense group, since we had selected this filter over here, but if you want to compare maybe just violence and sex with one another, you can do that here. I know ones that we commonly talk about is drug and property due AB 236. So, you can see the graphs are very interactive to hopefully be able to dial down to the exact questions you're hoping to see in the data. And the data being represented currently is admissions data. So, this is the number of admissions we had for each of these categories, but you can easily switch to look at releases or our total population and see how those have trended over time. There is one thing I want to note about imprisonment status, we did add this feature, we're still working on some the backend coding for this specific sheet, but I wanted to make it available for you all. Currently, it's showing all

the imprisonment status types and if you are in the population, you cannot have a release imprisonment status, but I wanted to give it an option. So, if you are looking at releases you can look at specific release types. So, if you were to click looking at admission or population and you were to select what is typically a release status, so court-ordered release, discharged, deceased, mandatory parole, and regular parole, any of these options, if you were to select them while you're on admissions or populations, the data is going to be empty because there is no population data for releases, but if we click over to release you're going to see the data you are looking for. So, that's a bug we're hoping to work out, where is only gives you the options that are available to that data set, but my team and I are still working on that code, but I wanted to make it available to you guys now and hopefully, can bear with us as we get some of those kinks ironed out on the technical end.

So, for this data as well, we provided a table overview. So, similar to the one that we had done previously. It's the exact same information that you see on the visual, just represented in the numbers format. Also, if you need a larger view, you can play around with making it look more expanded with the visuals, I find that can be helpful too.

So, that is all we have to show for our current updates. In reports to come or in features on this specific dashboard to come, we are in the works of creating a sheet that will give you a really detailed look at county breakdown. You have a filter option for county but we're working on creating more of a county comparison. So, similar to how we did for being able to look at offense category and offense group very granularly. We wanted to do that for counties as well. So, we're in the process of building that one out. We also want to build out a monthly population demographic breakdown. So, it'll give you the last month and it'll tell you the average age, racial and ethnicity breakdowns in that population group, and just more demographic information like that. I know that that's a common one and something that we've all been interested in. So, I wanted to focus on the ones that we have, and we needed to update, and then, we will add some new features hopefully here in the next month or two. The other one that we are in works, and we've already had conversations with D.O.C. about starting to implement this on the data end and so, once we get the data for this then, we'll start creating some visuals for it, but another conversation we have a lot is about offenses and looking at, when you are dealing with data, you either need to look at down to a specific offender-level for a lot of this information when we're talking about counts, but when we are talking about offenses an offender often times has more than one and the current way we're retrieving our data, we're looking just at what has been deemed the most serious offense and so, that's where a lot of the offense group and offense category information that's deemed off of their most serious offense for that current J.O.C. that they are in under. So, in the future we really want to build out so we can look at whole prison population in all of the offense types that are being served, not just their most serious. We want to get a greater look at how the average of how many convictions or charges are on one conviction right? Or what all they are serving, so we can get a better look at that actual breakdown. So, that's also in the works. Hopefully we should have that out in the next few months as well for you guys.

As far as the old dashboards, so those are where the other four links that were listed below, I think three of them the data has been accurately re-represented in this current population, but we do want to leave them up there for you guys for about another month, but at the end of February we plan to retire those prior dashboards. So, there's just the one updated version, but I want to leave them up there for the next month because I know there might be reports that you guys currently are using or ways that you are finding data in these existing reports and so, I want to make sure we are able to accommodate those things that you're currently looking for in this new one. So, if you guys have information that you're currently using or you knew in this last legislative session you were using the existing dashboards to retrieve, in the next month or so if you could go and look at this new dashboard and make sure that the information you're used to getting from our dashboards and our website is available in this before we retire those old ones. So, if they are not, we can make sure we accommodate that before we retire those links. So, as far as our data dashboards, that is the update I have for you all. I want to give a big thank you to my data team, specifically Mo and Jose. They have been a great help to me on this project and I'm really excited to see what this team will produce in the future. So, thank you all for your time.

Chair Stiglich: Well, thank you for your excellent, excellent, work. Colleagues on the Commission, are there any questions, about this agenda item or comments? All right. Hearing none, we'll close.

8. Discussion of Potential Topics and Dates for Future Meetings

Chair Stiglich: We'll turn to item eight, which is future meetings. We do have in the agenda; you'll see a meeting scheduled for the next seven meetings, just keep on your radar. The next meeting will be February 23rd, that's an in-person meeting and then, April 5th will be a virtual meeting. Thereafter, the other ones are listed on the agenda. If you have agenda items you'd like to add, please either speak now or don't hesitate to reach out to myself or the Director, so we can get those items up. So, anything anyone wants to add now? Mr. Jackson?

D.A. Jackson: Thank you, Chair. The date of September 27, 2024, that is the Annual Prosecutors Conference. I know that I'm going to be there, D.A. Hicks will be there. I would anticipate that Vice Chair Christine Jones Brady would be there. These meetings are important to me, this is one of those rare ones that other than the approval of the minutes, there's really no action item. So, I would ask that either we look at another date around that time period. It looks like that was set nine weeks after, most of these are five to six weeks apart but that one was set nine weeks after the July date and that may be because of your own calendar, but if we can't have another date, I would just request that there not be any action items that we may want to have an interest in. Thank you.

Chair Stiglich: Well, Mr. Jackson, I mean that's a long way away. Why don't you reach out to the Director offline, give her the dates of that conference because it does impact, you know, a fair number of our commissioners and between now and then, we'll see if we can find another date.

D.A. Jackson: Thank you.

Chair Stiglich: All right. Anything further?

Ms. Murray: Director Dzurenda, if you could just share, it doesn't need to be an action item or anything on the agenda, but once you generate that new programming list under your new Director. Could you share that new list? It's a topic that comes up in here all the time and it's best if we know what we're talking about.

Director Dzurenda: Absolutely and it's called the compendium, the program compendium for each of the facilities and it's going to be posted on our website too, but I will personally provide a whole list of the compendiums to this agency, to this Commission.

Ms. Murray: Appreciate it. Thank you.

Chair Stiglich: All right. Thank you. Anything further? All right. I'm sorry, did somebody have something?

Vice Chair Brady: Yes. I saw a note in the chat from – and I know we didn't take any action items today – but I know it looks Senator Krasner has a standing conflict. So, I don't know, I'll leave it to her to contact Ms. Powers but I just wanted to note that maybe if there's a different time or something, I don't know if that would be something we would at some point need to vote on, but I didn't know if everybody saw that in the chat. I wanted to mention that.

Director Powers: I have been in touch with Senator Krasner and also, with the Judiciary Committee and we have looked at both of our schedules and I think we are good to go now.

Chair Stiglich: All right. Thank you. Anything further? All right, we will close item eight then.

9. Public Comment

Chair Stiglich: And we'll turn to item nine, our second period of public comment. Are we aware of any members of the public who are looking to comment?

Ms. Jones: Looks like there's no one that wants to public comment, Chair.

Chair Stiglich: All right. Thank you. Then, we will close our second period of public comment without the soliloquy that I give for public comment.

10. Adjournment

Chair Stiglich: And we will turn to item ten, adjournment and say thank you to everyone: staff, presenters, Commission. I look forward to seeing you all in person on February 23rd in Carson City and/or Las Vegas. I'm not sure where I'll be sitting but I will be sitting in one of those, and continuing our efforts, and that's it. So, thank you all very much. The meeting is now adjourned.

DRAFT