

Joe Lombardo  
Governor

Jorja Powers  
Executive Director



Justice Douglas Herndon  
Chair, Nevada Sentencing Commission

Christine Jones Brady  
Vice Chair, Nevada Sentencing Commission

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

625 Fairview Drive, Suite 109  
Carson City, NV 89701-5430  
Phone: (775) 684-7390  
[sentencing.nv.gov](http://sentencing.nv.gov)

**NEVADA SENTENCING COMMISSION**

**MINUTES DRAFT**

**Date and Time:** June 21, 2024 9:00 AM

**Location:** Legislative Building, Room 3137  
401 South Carson Street  
Carson City, Nevada

Grant Sawyer Building, Room 4401  
555 East Washington Avenue  
Las Vegas, Nevada

**MEMBERS PRESENT**

John Arrascada  
Chief Michelle Bays  
Dr. Shera Bradley  
Suzanne Crawford  
Chris DeRicco  
Deputy Chief Aaron Evans  
Evelyn Grosenick  
D.A. Chris Hicks  
D.A. Mark Jackson  
Deputy Director Troy Jordan  
Dr. Jennifer Lanterman  
Captain Joshua Martinez  
John McCormick  
Erica Souza-Llamas  
Judge Bitia Yeager  
Assemblywoman Venicia Considine  
Assemblyman Brian Hibbetts  
Senator Melanie Scheible  
Senator Lisa Krasner  
Vice Chair Jones Brady  
Chair Douglas Herndon

**MEMBERS EXCUSED**

Director James Dzurenda  
Franklin Katschke  
Julia Murray  
Jon Ponder

**STAFF**

Executive Director, Jorja Powers  
Deputy Director, Jenna Buonacorsi  
Management Analyst III, Marie Bledsoe  
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 Douglas Herndon:** All right. Good morning, everyone, we're going to go ahead now and call to order the June 21, 2024, meeting of the Nevada Sentencing Commission. Those of us here in Southern Nevada can't really see who all is up in Northern Nevada, other than we see some folks sitting in the audience up there but welcome to everybody who is present in-person in one of our two locations and/or online joining us. This is the eighth meeting of our 2023-2025 meeting cycle, and I am going to ask Director Powers to go ahead and take a roll call at this point.

**Executive Director Jorja Powers:** Thank you, Chair.

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

**Chair Herndon:** Thank you very much.

**2. Public Comment**

**Chair Herndon:** All right we are now going to open agenda item number two, which is our first period of public comment. We have two periods of public comment, one at the beginning of the meeting and then, one that will follow at the very end of our meeting. Members of the public have two options for submitting public comment. They first may do so in writing by emailing 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 may be included by reference in the meeting minutes. As always you can call in to provide comment and finally, as we are in person today, you may also come forward to speak. Due to time constraints however, public comment is limited to two minutes per person wishing to speak. If there is any public comment either in Carson City or Las Vegas, you can make your way up to the table. If you come up to the table to testify, please make sure you hit the microphone button before you begin speaking and then, speak clearly into the microphone and start by identifying yourself and spell your first and last name for us if you wish. I can tell you we got nobody here in Las Vegas, so we're going to go straight up to Northern Nevada for folks wishing to provide public comment.

**Mr. James Wadsworth:** My name is Jim Wadsworth, and I am deeply committed to advancing correctional rehabilitation strategies within Nevada. As you discuss critical topics like restitution and re-entry today, I propose a forward-thinking solution that not only supports these efforts, but significantly amplifies their impact through innovative technology. Our proposal introduces a state-of-the-art two-way earbud system and a user-friendly application, specifically designed for offenders. This technology is not just modernization, it's about transforming how offenders interact with and benefit from our rehabilitation programs by enhancing communication and providing tailored educational and training content directly to offenders, we ensure that every individual has the tools necessary to succeed upon re-entry into society. The same technology will serve to streamline restitution processes by incorporating features that facilitate offender management and track restitution progress. We provide a transparent, efficient and secure method to ensure that restitution obligations are met. This not only aids the victims in receiving their due, but also reinforces a sense of accountability and responsibility among offenders. Upon re-entry the challenges faced by offenders are significant and often overwhelming; our innovative earbud system will provide continuous support and guidance to these individuals, helping them navigate the complexities of reintegration. From job training to compliance with parole requirements this technology stands to offer unprecedented support, reducing recidivism rates and aiding in the smooth transition of offenders back into community. This technology is ready to be piloted and with your support could be rolled out to significantly enhance the efficacy of our current programs related to restitution and re-entry. I believe in our shared goal of not only reducing recidivism but ensuring that our interventions lead to positive long-lasting outcomes for both offenders and the community at large. I urge the Commission to consider how such innovative solutions could be integrated into our existing frameworks to enhance these critical areas of our correctional system. Thank you for the opportunity to share this initiative and I look forward to the potential for collaboration.

**Chair Herndon:** Mr. Wadsworth, thank you for your comment today. I know you joined our meeting in May virtually, I appreciate you being present today.

**Mr. Wadsworth:** Thank you, Chair.

**Chair Herndon:** All right, do we have any other folks in Northern Nevada that wish to provide public comment? Okay, I don't see anybody else that seems to be approaching the table. So, we're going to close in-person public comment. Do we have anybody on the phone to provide public comment?

**BPS:** Thank you, Chair. The public line is open and working, however there are no callers at this time.

**Chair Herndon:** Okay, I appreciate it. Seeing that we have no more interested individuals, we'll go ahead and close public comment session number one, which is agenda item number two.

### **3. Approval of the Minutes of the Meeting of the Nevada Sentencing Commission held on May 17, 2024.**

**Chair Herndon:** We'll move onto agenda item three, which is the approval of our minutes. Members of the Commission have been provided copies of the minutes from our May 17, 2024, meeting. Is there anybody that has any edits comments or corrections to the minutes that they were provided with? I don't see any hands and I don't hear any response, which is perfect.

ASSEMBLYWOMAN VENICIA CONSIDINE MOVED TO APPROVE THE MINUTES OF THE MAY 17, 2024, MEETING

JUDGE BITA YEAGER SECONDED THE MOTION

MOTION PASSES

### **4. Presentation on Offender Fiscal Matters Related to Restitution**

**Chair Herndon:** We're going to go ahead and move on to agenda item number four, "Presentation on Offender Fiscal Matters Related to Restitution". We have representatives from the Nevada Department of Corrections and the Division of Parole and Probation here to discuss restitution and the way in which funds are paid out to victims when restitution is ordered. In November 2018, question number one, known as Marsy's Law, was passed by the voters of Nevada. This constitutional amendment guarantees restitution and to be provided with assistance collecting restitution, it guarantees those rights to victims of crime, it guarantees the right to have any monies or property collected from any person who has been ordered to make restitution, be first applied to the restitution owed to the victim before paying any amounts owed to the government and it guarantees the right to compensation as provided by law. We will now hear from NDOC Deputy Director Shea joining us virtually and members of her team regarding how restitution and victim rights are addressed while incarcerated and then, we are going to hear thereafter from Commissioner and Deputy Chief of Parole and Probation, Aaron Evans who will cover restitution while on parole or probation in Nevada. So, going to go ahead and turn it over to Deputy Director Shea.

**NDOC Deputy Director Kristina Shea:** Good morning, everyone. I'm going to start screen sharing; everybody can see my screen in the North and the South before I begin? Great. Thank you. So, good morning, everyone, it's lovely to be here with all of you again to see all of you and to have an opportunity to share with everyone about the victims' restitution. I wanted to start by sharing that, although the agenda item mentions that it's regarding fiscal matters, we thought that this was a good opportunity for us to also about the program side, so that members can understand more and potentially have opportunities for questions. So, I'd like to invite the two staff members who are going to be presenting to come forward to the table if you're not already there in Carson and we'll begin the presentation.

So, I want to introduce ourselves. I am Deputy Director Kristina Shea; I am the Deputy Director of Support Services for the Nevada Department of Corrections. I serve on behalf and pleasure for James Dzurenda and Director Dzurenda isn't here with us today, however, I think that like I said, the presentation that we're going to present today will be informative and also, we hope that it also stimulates conversations around what could be for the future of these services and these programs as a whole for our state. Additionally, Adrienne Monroe will be presenting, she's our Chief of Offender Services. Adrienne, Ms. Monroe will be presenting on the fiscal aspects of the victims' restitution process internally within the Nevada Department of

Corrections. And finally, Jennifer Rey, who is our Chief of Victim and Family services will be presenting on the programmatic aspects of the Victim Service Program.

So, with that, let's dive right into it. I'd like to present Jennifer Rey; she's going to be sharing the victim services basics and some overviews of the program. Jennifer, I'll pass it over to you.

**Ms. Jennifer Rey:** Thank you, DD Shea and thank you members for your time today. What I wanted to start out with is just the basic victim services because so many people don't really understand what that looks like in our state, especially post-conviction and so, I would give you the history as I heard it from my predecessor. It's not written, but so, she told me that at some point in the past, it was approximately 25 years ago, her director came to her, she was the executive assistant for the director at the time and said, "Look, we're the only or one of the only states who does not have a victim services, I need you to go to this conference and get as much information as you can". So, she did, and she ended up having to buy another suitcase just to bring all of that information back with her. At that time, it was a lot more paper and a lot less electronic. And so, since that time, there has been a victim services officer, again, this was about 25 years ago. At that time, the only real requirements for victim services were notifications, which were done all by hand, by mail, and constituent communication, which was a lot because we do have quite a few people who are concerned about in one or another the offenders in our custody. Currently, bringing it forward now, I'll start with 2023. So, there was a move that we made, and the Director approved to join Victim Services and Family Services together under the same division. We're the first state -- that I am aware of -- in the Union to do so, but this was specifically done to make sure that we were addressing all of the victims' needs, whether that person happened to be incarcerated or a family member of someone incarcerated, everyone under our constitution now deserves to have victim services, if they are victimized. So, since 2023, we've been navigating this new role that we have, and I want to go over just a couple of things with you that we actually do. So, we still do the victim notifications, but now we also have automated victim notifications. So, some are still by physical mail, and they're all done individually, and some are done through the Nevada VINE Service, so they're automated. Anyone in the public can sign up for notifications for an offender and receive those at no cost. These will be their statuses, whether they're in or out of prison, whether they've transferred facilities. We do attend Pardon's Board Hearings, so it used to just be victim services would attend with the crime victims, but we have changed that so that now our family services is available to answer questions and concerns of the families of offenders so, it's a two-fold process. The programs that we have, right now a lot of them are in development sort of phase but what we have done is reach out to the Department of Justice and asked for assistance with developing a human trafficking program. This was done a couple of years ago and so, we did develop that process and we're currently reaching out with a new partner in Las Vegas, so that we can identify in our pilot program women -- who have potentially been victims of human trafficking and connect them with resources on the outside, so that they have a safety net of some kind and don't necessarily have to go back to what they were doing. We also offer trainings for DAs, and I presented this at the District Attorney Advisory Council, this was back in March and let them know that we do offer training services for any DA's that are interested. The most recent one was with Douglas County, and we went in, and we presented to justices, private attorneys, District Attorneys to help them to understand not only victim's questions -- why did this person get to transferred to minimum custody -- that type of thing, but also, what statutes we operate off of, so that it's more predictable on the sentencing aspect of it and all of those attorneys and justices were able to get bar credit training for that. So, it's still something we offer, but right now we're a little limited as far as geography goes. Currently, we're looking at implementing pre-prosecution victim services, so in partnership with the Attorney General's office and their new victim witness advocates, so that when we have a significant crime occur in the facility against an offender, that we have services for not only the offender, but also their families, similar to what other victims would receive and facilitating victim input for residential confinement applications. That's a new statute as well as is, I mentioned TPO Services.

We also have statutes that add different aspects to victim services, usually at least one or two every session that aren't really overtly observable. For instance, the requirement for law enforcement to serve TPO's, on its face you wouldn't think of the Department of Corrections or Victim Services, but in reality, that falls to us to make sure that those protection orders are getting served to the different facilities on time and that the victims are getting their paperwork back to the court. The report I mentioned earlier, the Service Gap Summary Report by the National Association of Victim Assistance and Corrections, is available online, was

done in 2021, and one of the largest factors they looked at was nationally there are certain types of victims who tend to fall between the cracks and these are going to be victims who don't necessarily want their perpetrator in prison, victims of interpersonal violence, incarcerated victims, and large swaths of people who just don't fit the typical idealized victim model. And so, that's another thing that we have tried to close up and shore up by joining Victim and Family Services to make sure that everyone is covered. We have an administrator; we do not have any victim advocates. So, an administrator according to Webster, "Manages and supervises the execution use or conduct of", so that person is going to make sure that we are conducting victim services opportunities, notifications, and programs as set forth by state law and policy, whereas an advocate is, "To support or argue for, to plead in favor of" and there are no sides for Victim and Family Services because there are no advocates. So, those constituents are entitled to whatever rights they're guaranteed either under the law or under department policy. And the categories do overlap, you can have family members who are also the victims of the crime for which the perpetrator is incarcerated and they share a common goal, and that is to reduce recidivism, to aid constituents in understanding the criminal justice process and how they can participate, and overall, I think closes those gaps that were identified in that summary report which you can view for yourselves. There are several others, but those are going to be listed there. And that's all I have. Does anyone have any questions?

**NDOC Deputy Director Shea:** Not seeing anyone. Thank you, Jennifer, for your presentation. I really appreciate your work and your passion for this side of our work.

**Director Powers:** We do have a question here in Carson City.

**NDOC Deputy Director Shea:** Oh yes, thank you.

**Vice Chair Christine Jones Brady:** Thank you. So, just to verify, you said that you didn't have any victim advocates?

**Ms. Rey:** That's correct.

**Vice Chair Brady:** And remind me about what the population of the prison is? Approximately?

**Ms. Rey:** I believe we're approximately 10,000.

**Vice Chair Brady:** 10,000. Okay. What kind of case load does your department tend to carry in terms of serving families and victims? Do you have those numbers?

**Ms. Rey:** I don't have the numbers themselves. I can tell you in Nevada VINE registrations, we have approximately 20,000 registrations. For our internal database for victims, we have been given their information by the District Attorney's Office, it's just over 5,000. Currently, I'm the only employee for Victim Services and I have one program officer 1, and she carries all the family services.

**Vice Chair Brady:** And – one more question if I may? – For the Victim Services, what about staff members who may be victims of crimes within the prison, do they come under the umbrella of the services you provide?

**Ms. Rey:** They do. Unfortunately, I think we're still working on awareness of that because many people, especially staff, do not consider themselves victims and don't want to associate any form of what they see as weaknesses with themselves.

**Vice Chair Brady:** Okay. Thank you. Thank you, Chair.

**NDOC Deputy Director Shea:** Okay. Thank you, Jennifer, I really appreciate you for sharing that. So, share again, making sure everyone can see my presentation okay before we continue on. Okay.

**Chair Herndon:** We have it up there. Thank you.

**NDOC Deputy Director Shea:** Thank you. Okay, so I'd like to invite Adrienne Monroe to present on the fiscal side. So, she's our Chief of Offender Services and the idea with this presentation is to give you an idea of how we actually process or the impacts of money coming into the system and the payments going out according to Marsy's Law. So, I'd like to pass the presentation over to Ms. Monroe.

**Ms. Adrienne Monroe:** Thank you, Deputy Director Shea. Good morning, Chair Herndon, Vice Chair Brady, and honorable members of the Commission. It is my pleasure to share with you some of our NDOC banking processes for enforcement of restitution for victims. We will review an actual scenario of the banking process for restitution and fees, but before we do, I'd like to quickly review the impact to our banking processes as a result of Marsy's Law and recent changes in Nevada Legislation, as those are the drivers that determine the caps on deductions and the order of deductions in our banking software program.

Senate Joint Resolution Number 17, also known as Marsy's Law of the 78th session proposed to amend the Nevada Constitution concerning victims' rights. In November of 2018, general election, Marsy's Law passed overwhelmingly. Specifically, 17 victims' rights are now described in the Nevada Constitution in the new Section 23 of Article One Subsection 1L entitles a person who is a victim of a crime to quote full and timely restitution and subsection 1P, to have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.

Most of you on the Commission are legal experts no doubt familiar with the story of Marsy Nicholas, but for members of the public who may be watching and wondering who Marsy was, I will provide a brief overview of her story. Marsy was a student at UC Santa Barbara who was murdered by her ex-boyfriend in 1983. Just one week after her murder on the way from the funeral, Marsy's family stopped at a market to pick up a loaf of bread, it was there in the checkout line that Marsy's mother was confronted by her daughter's murderer. Having received no notification from the judicial system, the family dedicated their lives and became the driving force to pass Marsy's Law for all, to help expand notification and other rights to victims in their State of California and other states, including Nevada, and nine other states with ongoing efforts today.

During the 81st Nevada Legislative Session 2021, SB 22 was enrolled which provided among other things, the authority to make certain deductions from the account of an offender and revising the order of priority for certain deductions and it placed a maximum cap on the amount that could be deducted depending on the type of financial deposit received by the offender. NRS 209.247 was amended to establish an order and priority of deductions.

In this slide, the next slide. Okay, thank you. Max caps and order of deductions. In this slide, we can see deductions in the order that follows the NRS, the percent of deduction or max cap is shown in red font at the top of each type of financial deposit that an offender may receive. There are basically two caps on the amount of deductions that may be taken from the two types of deposits to an offender's bank account, either a 25% cap or a 50% cap. Outside source deposits are at a 25% cap on deductions, these include deposits from friends, family, other quote "non-wage" related deposits. Wages are at 50% cap on deposits and are broken down into three main types of wages; allowance, which is payroll from working inside an institution or prison industries institutional programs, such as mattresses, furniture, and other programs, private sector payroll, which is transitional housing offenders working at construction companies, Walmart, etc. that are paid directly by the employer; and private sector pay institutional, which would be an example, we have offenders at NNCC working at a truss factory in Reno, it's between a contract between the private vendor and prison industries. So, the private employer – excuse me – pays prison industries and then, PI pays the offender. You will notice that offender payroll deposits also break down into less than federal minimum wage or great than federal minimum wage. This is due to SB 416 of the 82nd Legislative session, section eight, which prohibited room and board as a deduction for any offender making less than federal minimum wage. Next slide, please.

We will quickly run through an actual Judgement of Conviction and the entry of restitution and fees into the software system that governs the offender's bank account. First, NDOC receives a copy of the Judgement of Conviction into our proxy email account. A staff member is assigned to enter the information from the order into the banking software in accordance with the prescribed order of priority per the NRS. The Judgement of Conviction and screenshots of the deductions as entered are printed out and placed in the banking file for that offender. The final step in getting payments made to crime victims occurs at the end of each month. The offender banking staff runs a report from the banking software program – ATG is the name we refer to – that details all the deductions, including the restitution. A journal voucher transfer for the total

amount is then sent to Parole and Probation with an email that has a matching total with a breakdown of payment for each individual victim, then, Parole and Probation pays the victims.

There are a couple of entities that do not go through P&P, such as Douglas County as they prefer to send payments to victims directly. Notice the dollar amount of the specific restitution in the lower right-hand corner of this order is circled – I think it's the previous slide – but it's \$17,857.72. On the ATG banking software, you can see that the offender and the victim's identifying information has been redacted, but this is an actual screenshot of the banking software. The restitution box is empty – that's that big box in the very center there – which means that this item will be the first placed in and will be in first position. Once it's entered, it will then appear in the box.

The next slide -- thank you -- as you can see, the Judgment of Conviction – is kind of in the lower left right there – also mentions there are some fees for DNA, administrative fees, totaling \$178 dollars and as the victim specific restitution is now showing in the box – you can see it's in first position – this next entry will fall subsequently in the order of deductions. There is a first in, first out rule that places any additional judgements of convictions as they are received in subsequent order to what was already in the system.

The next slide, the offender bank statement. The banking software is also programmed to take into consideration the type of deposit coming in. In this scenario, a keefe deposit was made by an outside source, in other words non-offender wages, which would be friends or family, therefore the rules of 25% max cap apply. In this case, we can see that there was a \$50 dollar deposit through keefe, the max at 25% would be \$12.50. Restitution is applicable and at 10% of \$50 dollars is five dollars, so you can see the first deduction is five dollars. The next applicable in the order for this particular offender is savings, 10% of 50 is five dollars and so, we go down the list as you can see on the excel portion on the left-hand side the order of deductions if applicable, to that particular offender if there's for example if there's child support, if there's not, there wouldn't be. But you might ask yourself, why did we not take the 5% allowed for the administrative fees that was shown on the Judgement of Conviction, since there's an extra \$2.50 out the \$12.50, it's a natural question. That is because of Marsy's Law, which states that no administrative or other government fees can be taken until victim specific restitution is paid first. I did bring with me some historical data regarding average annual amounts of deposits and deductions by deduction type if the Commission is interested and I am happy to answer any questions. Thank you.

**Chair Herndon:** Do we have any questions from any of our members in Carson City?

**Vice Chair Brady:** Chair Herndon, I do have a question. With the administrative fees, if those were collected, what would they be used for typically?

**Ms. Monroe:** I believe what you are referring to in the Judgement of Conviction is the administrative fees imposed by the court.

**Vice Chair Brady:** Okay. That's all. Thank you.

**Chair Herndon:** Any other questions from any members in Carson City?

**Vice Chair Brady:** Chair, DA Hicks has a question.

**DA Chris Hicks:** Thank you for the presentation. I just have a – it's a lot of information to digest – so, I wanted to ask you on that last example you just gave. So, if the \$50 dollars was deposited into an inmate's account, by statute it could be up to 25% of that could be applied to victim restitution, but in this example it's only 10% and so, I'm kind of curious what I am missing there.

**Ms. Monroe:** Thank you. The NRS prescribes 10%, although I am aware that there is a one-time up to 20% cap, this was just a discussion that I had with my staff yesterday. If there were not wages or any recurring income, it was like a one-time deposit, I do believe we have the ability to take up to 20% for victim restitution and I'm working with staff to answer the question as to why we don't do that initially, but I believe it's because it's spelled out at 10% in the order and percent of deductions that we are prescribed in Senate Bill 22.

**DA Hicks:** Okay. Maybe I missed that part of the bill and I apologize if I did. I was just looking at the very beginning when it says the Director may not deduct more than 25% of each deposit described in subsection one and was that not one of those deposits in your example.

**Ms. Monroe:** Yes, I can answer your question now that I understand it more fully. Thank you. So, that 25% applies to the type of deduction and that is for deposits from friends and family members only.

**DA Hicks:** Okay.

**Ms. Monroe:** Because of arguments that were presented from victim advocacy groups, friends, and family during the time that bill was presented, so for that one it's a max cap of 25% only.

**DA Hicks:** Yes. So, the example of what you use, the \$50 dollars. What is that deposit, like where did that come from in your hypothetical?

**Ms. Monroe:** So, that would be a friend or family member through the keefe kiosk deposit system depositing \$50 dollars onto the offender's account. So, for example, yes, they're kind of like ATM machines, but friends or family members can make deposits to an offender's account and that's considered outside source non-wage deposits and that is subject to a 25% max.

**DA Hicks:** But in your example, it was only 10%. So, that's what I am wondering, that was deducted.

**Ms. Monroe:** So, thank you for the question. It's only 10% for that first category which is victim specific restitution and a max of 25%. So, if there were child support or other deductions, we have a mandatory savings requirement, for example, for their funeral and cremation services. Any funds that come in, we are required to take some funding for that, but the max cap is at 25%. So, we can never go higher than on that individual deposit made by that friend or family member than 25% for all deductions combined.

**DA Hicks:** Okay. Yeah, so when I try to square NRS 209.247, which was SB 22 with Marsy's Law or the Victim Bill of Rights in Nevada, which you know says, that victims are entitled to have all monetary payments, money, and property collected from any person has been ordered to make restitution, be first applied to pay the amounts ordered as restitution. So, to me it seems like it should be 25%, which I would argue that maybe that's not even constitutional, but they have set a cap. So, is that regulations adopted by the prison or a statute that is making you make that decision to put money aside for cremation and to put money aside for child support or otherwise, because that would be to me seems putting the requirement that victims be paid first, not actually complying with that. And I'm sorry if that doesn't make sense, I'm trying to get my question out as best I can.

**NDOC Deputy Director Shea:** I can answer this question. I can answer this question. This is a regulation that was set by the Department and I want to say that Director Dzurenda and I are very much aware of to your point that these kind of inconsistencies between the law and the regulation, and we are going to be working with our DAGS and with – I'm assuming – people from victim services, as well as, advocacy groups as well, to kind of move forward the AR that governs Marsy's Law, is subject to the 233B process, so we are going to be going through a regulatory process in the next coming year or so to kind of get this solidified and figure out what the intent is because I agree with you. At this time, there appears to be inconsistencies between our administrative regulation and the law.

**DA Hicks:** Thank you for answering that. Yeah, I would just encourage you to you know, look at the constitutional rights first, and if the cap is 25%, in that scenario, that person should be getting, the victim should be getting \$12.50 of that \$50 dollars, not five. So, thank you for clarifying that for me.

**Chair Herndon:** We have any other questions from any of our members up north? Appears not. Okay, thank you. Oh, sorry.

**Vice Chair Brady:** I'm sorry, Chair. Member Michelle Bays has a question.

**Chair Herndon:** Sure.

**Vice Chair Brady:** Deputy Chief Michelle Bays.



**Chief Michelle Bays:** I just have a clarification and then, you had mentioned you had some historical or aggregate data too on percentages or total of restitution paid? So, before that, you'd mention the savings and something like burial costs, could you give me just an idea of what all that is included as far as what do they get? And then, if an inmate is released, do they get any of those funds to take with them? How does that work?

**Ms. Monroe:** To answer your question, yes, the various types of deductions that the Director is authorized to take are spelled out in the NRS, including the cost for cremation and burial, which I believe is currently set at \$550 dollars and is going through the 233B public hearing process, right now to increase that to \$950 dollars and this is reflective of the average costs, the actual costs that the Department has been having to pay for cremations and burial of indigent offenders. As for the question about the averages or aggregates, just to give you kind of an idea, the fiscal '23 actuals for payroll deposits received by offenders working for state agencies was about \$2.4 million, for offenders working in the private sector in fiscal '23, it was about \$6.8 million dollars and the outside source deposits received by offenders from friends and family, other non-wage type deposits was \$17.2 million dollars, if that just kind of gives you a little idea. Also, in fiscal '23, victim specific restitution paid by offenders working for state agencies was \$69,225 dollars, victims of crime fund was \$116,092 dollars, child support was \$4.15, we don't get a lot of child support deductions, court filing fees that were paid was \$3,835 dollars, deductions for prison industries capital improvements – and these are all deductions that are spelled out in NRS – was \$82,511 dollars, and DOC sanctions which would be sanctions for destruction of property, you know and other violations, \$13,394 dollars, room and board deductions was \$606,841 dollars, and deposits to offenders savings accounts, which would be to pay for burials and cremations that were mandatory deposits was \$55,839 dollars, and those were just the offenders' deposits from working for state agencies. Offenders working for the private sector paid \$93,569 dollars in victim-specific restitution, for victims of crime fund \$103,171 dollars, for child support \$574 dollars, \$823 dollars in court filing fees, these offenders did not pay any PI Capital Improvement fees, DOC sanctions for qualifying offenses was \$27,062 dollars, and room and board revenue in fiscal '23, again was \$883,655 dollars, deposits to the offender savings accounts was \$258,744 dollars. I hope I answered all your questions. Thank you.

**Chief Bays:** So, to clarify with the savings, that's just burial costs and nothing else?

**Ms. Monroe:** If offenders wish to have additional deposits to their savings, they can certainly put some in there. We only require that they reach the cap of \$550, we will only take deductions once they reach the \$550 currently and then, after 233B is processed, if that fee does go up to \$950 dollars threshold that will be the max. And also, to answer your question, if they are released the money is given back to the offender, yes.

**Chief Bays:** Okay. And then, as far as the funds that you talked about, private sector and internal for restitution, you had some really large amounts that you mentioned before that and trying to track all of the numbers, but what percentage then, just of that funding for the total amount, would be going to restitution?

**Ms. Monroe:** I would have to whip out my phone with my calculator. So, gross deposits in the case of private sector employment -- this is not working for the state agency and deposits are not from friends or family – their gross deposits were \$6.8 million dollars, and the victim-specific restitution was \$93,569 dollars. So, if someone has a calculator and wants to do that math. I would say 5%? Is that about, right?

**NDOC Deputy Director Shea:** I'd recommend that we provide a report to this group about three years of data, that might be helpful for group to make some decision-making, so that would be recommendation as an agency if we can provide that to the committee, the group, the Commission.

**Chief Bays:** Yeah, that'd be great. Thank you.

**Ms. Monroe:** I have this data readily available, and we'll follow up immediately. Thank you.

**Chair Herndon:** Any questions from our members up north?

**Vice Chair Brady:** Chair Herndon, DA Hicks has another question.

**DA Hicks:** Thank you. In addition to that subsequent report, could you also keep us updated as to what regulatory changes you make to be more consistent with the Marsy's Law, Victim Bills of Rights, as we talked about a few minutes ago? I just would love for us to be updated as you guys may or may not make those changes. Thank you.

**Chair Herndon:** Okay. Ms. Monroe, I have a question if I might, and full disclosure, this kind of bleeds over a little bit from an issue that came up in Pardon's Board, but it deals with the restitution and you mentioned different ways collect if there's monies that are deposited on an offender's account versus if the offender is earning wages, right?

**Ms. Monroe:** The mechanism for collecting is slightly different. Yes, one would come in from a Judgment of Conviction. That Judgment of Conviction will be entered into the banking software system, but also, depending on you know, what type of wages come in, they are required to turn in their paychecks, if they're working at a transitional housing center, those are gathered by staff and the data is then transmitted from the facility level staff into the banking system software and then, the deduction rules apply automatically.

**Chair Herndon:** Okay. And I probably led you to get further into the weeds on that than I was intending, but my main question is, how does an offender get notified that restitution has been collected from their account that family members may deposit into and from wages they may earn.

**Ms. Monroe:** Thank you for the question. So, the offenders they know, they get copies of their Judgment of Conviction, so they know what's coming, but in addition to that, each offender receives a banking statement, a free banking statement and additional banking statements at a fee which is prescribed through the 233B process, but I believe is two dollars for any additional banking statement. At any time, the offender can also log in to the kiosk system and see activity on their individual account.

**Chair Herndon:** Okay. Thank you, I appreciate your time. Any other questions from any of our members up north?

**Vice Chair Brady:** Justice Chair Herndon. No other questions, thank you.

**Chair Herndon:** Great, thank you. Any other questions from our members here down south?

**Assemblywoman Venicia Considine:** Thank you. Your last statement just made me think of something else. For the banking statements for the offender, if they want an extra copy or copy at some time, it's an additional two dollars or is it every banking statement and then, are there any other fees that are paid through this system by the offender however, that money comes in for the use of the system?

**Ms. Monroe:** Thank you for the question. They do not pay any additional fees for logging onto the kiosk to check their account status at any time, they do this quick frequently, mostly because they are looking for commissary purchases and they want to know how much they have in their available balances, but they do receive a free banking statement. If they want an extra printed banking statement and they are not an indigent offender, there is a two-dollar processing fee that is accessed in their account for our staff at the time, in addition to the free statements they do receive.

**Chair Herndon:** Okay. Ms. Monroe, thank you very much for your time today and your presentation, very much appreciate it.

**Ms. Monroe:** Thank you, it was my pleasure.

**Chair Herndon:** Deputy Director Shea, do we have anything further in that presentation?

**NDOC Deputy Director Shea:** No, thank you. I really appreciate the opportunity to be with all of you. My apologies for not being able to be there in person, but really enjoyed the opportunity to present data, programmatic information, we had hope the information that we had shared, one, gives us more things to think about, which I definitely do and hopefully, creates a positive change for our system. So, thank you for the opportunity.

**Chair Herndon:** Agreed. And I appreciate your time today, as well. Thank you very much. We're going to go ahead at this time and turn it over to Commissioner and Deputy Chief of Parole and Probation, Mr. Evans, to cover restitution while on parole or probation.

**Deputy Chief Aaron Evans:** All right. Good morning, Chair Herndon, Vice Chair Jones Brady, and members of the Sentencing Commission. I am the Deputy Chief of the Division of Parole and Probation, here with me today is Tamrah Jackson, our Chief of the Division of Parole and Probation. At the April meeting this year, DA Hicks asked for a presentation from the Division on our interaction with victims, how we collect restitution, and distribute restitution. So, I am happy he is here to join us today and we can give presentation. And Chief Jackson and I will be available for questions for either during the presentation or after the presentation, whatever works.

So, the Division's initial contact with victims comes when we are requested to write a presentence report on a defendant. If a victim is identified in the crime, we try and gather their information from a police report or district attorney's files, so we can make contact with them. If we find a good email, or physical address, or phone number we will track them down and we send them what we call a Victim Impact Notice, so we can gather more information from them.

In this notice, we ask them to provide a statement of how they were affected by the crime and if they suffered any financial losses. This notice also explains many of the rights outlined in the Victims' Bill of Rights and provides them with important information regarding the VINE system, and how to register for that system. We also ask in that notice that they keep us up to date with any address, phone number, contact methods if those change because I will talk about it later, that's an ongoing issue we face.

Speaking of the VINE system, if someone opts in through VINE, they receive a notification for a handful of events related to the defendant. We already heard from NDOC that they have some triggering events when they change, you know, facilities. There are numerous triggering events across the criminal justice system, and we have some of those as well. The ones shown here are only related to us and our supervision and they are when a supervision case becomes active. So, if they are sentenced to probation, they will get a notification that day or the day after and if they are released on parole, they will get notice the day they walk out of NDOC custody. VINE will also send notifications if the supervising officer changes, if the supervision date changes, the expiration date changes, which happens frequently, and then, when the supervision expires. So, those are the triggering events where the Division is involved with sending VINE notifications.

Like I said earlier, one of the biggest obstacles we face in this process is the valid contact information for victims. Whether it wasn't fully collected at the time of the crime, or the victim has since moved, or changed phone number, or changed email, or something, establishing and maintaining good contact information can be difficult. Some of the victims choose not to respond to our Victim Impact Notice and so, when that's the case, we don't have very much to go on. Sometimes, if we have a defendant who has gone through multiple crimes or a crime spree if you will, initially there are a lot of victims identified in all those crimes, and through negotiation, and some crimes may not be pursued, then we have to narrow down which victims go with the crimes that are actually going forward with, and sometimes it gets difficult to keep track of who goes where in the final agreements. So, if a victim indicates that they have suffered some type of loss as a result of the crime. We ask them to provide as much documentation as possible to help the court make the decision to order the restitution, we can ask for things like, verification of loss wages, medical bills or co-pays that have been paid, some sort of appraisal or evaluation of property, repairs for damages, anything that they had to pay out of pocket as a result of this crime. Sometimes, like I said, if we don't get a response from the victim, but in the police report it may say the victim suffered a \$50 loss because of the watch that was stolen, we will include that in the PSI, and leave it up to the court to decide if it's appropriate to order restitution.

If the victim was involved in a violent crime, they may be eligible for assistance from the Nevada Victims of Crime Program, this program covers all kinds of expenses that the victim incurs, out of pocket expenses like, medical bills, co-pays, medical equipment, mental health counseling, loss wages, funeral costs, prescription medication, and many more things. If they apply and are approved, VOC will reimburse the victim for any of those out-of-pocket costs. This gets a little difficult because these costs can be on-going, you know they happen at the time of crime, before sentencing, after sentencing, but VOC will continue to reimburse those victims for out-of-pocket expenses. If we can determine what VOC has paid, prior to

sentencing, we will include VOC as a victim in our PSI, so that some restitution will be due back to basically reimburse the VOC program.

There are challenges for us and the victims when trying to determine the restitution, it's hard to provide receipts for repairs or valuations of property, you know, jewelry or things that were stolen, medical costs are always ongoing, you know, you get bills, but they aren't the real bill, you have co-pays that are paid, you know, you may be in the process of working with VOC to have some of your costs reimbursed. So, for us it's hard to pinpoint sometimes the exact number to go on. Frequently, the victims have discussed their losses with the DA, or an advocate, or some sort of victim witness assistance, and you know, they may not want to go through that process again when our people that write the PSI are trying to contact them. Again, I've mentioned this a couple of times, sometimes we just don't get any response from the victims. Retail theft, you know, the big box stores it's probably written into their budgets that they are going to have losses and they don't take the time to write back to explain any losses or that. So, we are just left with whatever was identified in the police report or maybe some sort of DA file about what an appropriate amount of restitution would be to put in the presentence investigation that goes to the court.

So, when the defendant is finally sentenced to probation or to prison, but you know, more so when they get released on parole, it becomes the Division's responsibility to collect and distribute the restitution. This starts with letting the probationer and parolee know that the requirement to pay restitution is a priority, and we try our hardest to have them pay that restitution during their term of supervision. We are generally responsible for setting the minimum payment due from the parolee or probationer, sometimes the JOC will set forth a specific amount, but most of the time it is left up to the Division. And in those cases, we'll take the amount of restitution that was ordered, and just divide it by the amount of time they are going to be on supervision. So, as you can imagine this often leads to very large minimum payments, you know the restitution in the previous presentation was \$17,000 and something dollars, that person is coming out on parole for six months, their minimum payment that we would, I say hold them to you know, is almost \$3,000 dollars. And I'll talk about that some more, but our goal is to have them pay their restitution during their term of supervision, while we have some authority to collect that restitution from them. Once they are no longer on supervision, we can still collect payments, we still disperse payments, it's just some of our mechanisms for enforcing the payments are no longer viable. As mentioned prior, with Marsy's Law, any money collected from a parolee or probationer, friends, family, is made or paid, is applied to restitution first. We have some supervision fees that are charged to people that are on parole or probation, but if there is restitution, we always apply funds paid to restitution before supervision fees. NRS 176.275 says that a JOC where restitution was ordered can be recorded as any other judgement, like in a civil matter where money was ordered. So, there is some civil recourse after the criminal side of it and we're involved to where that JOC could be used to try to you know, file a lien on the defendant for the remaining restitution.

So, our officers again make it clear that restitution needs to be a priority once kind of their basic living expenses have been met. Our officers are reviewing it with every meeting, and it frequently comes up when the offenders are making requests for special things, like they want to travel out of state, or attend a special event, or something like that, it's always going to be you know, where's your restitution payment? You know, making sure they're paid, they're on track to have it paid during their term of supervision, and those are kind of some of the things that we use to incentivize them to pay. State law also incentivizes parolees and probationers to meet their financial obligations by receiving ten days off of their supervision term for each month that they're current with their financial obligations. So, if somebody's ordered to 24 months of probation and they're making their minimum payments – minimum payment, like I talked about before – if they are making that minimum payment, they'll get ten days off on the back end, so that you know, every three months they go forward, they're getting 30 days off on the back end if they're making their payments. If the individual is unable to pay that minimum payment, like the example I gave where it's you know, more than affordable, they are encouraged to pay as much as they can afford to show that they're making a good faith effort. If they're making a good faith effort, and paying what they can based on their income, we're not going to hold that against them necessarily in like a violation scenario. In these cases, the offender may still qualify for an honorable discharge, if because of a financial hardship, they were not able to fully pay the restitution, but you know, they made good faith attempts, they can still qualify for an honorable discharge. Currently, the Division accepts money orders, cashier checks, personal checks for the payment of

restitution. Soon, we will be able to take credit and debit cards, and we'll have a web-based portal to accept payments and we hope that helps increase the amount of restitution that we can collect.

Collecting restitutions from people on supervision is not easy. Many times, people cannot afford to make the full payments due to unemployment or underemployment, especially again, in those large amount situations that I discussed before. Our options are somewhat limited for enforcement action when somebody willfully fails to make a payment, if we've determined that they make enough money to afford the full or even a partial payment, yet they choose not to, we have to by law, apply graduated sanctions. And any sanction that we apply has to fit into our matrix that allows for a graduated response to that violation. So, an initial willful failure to pay may start off as a less severe violation and would escalate you know, as the months go by and they continue to willfully not pay. The hard part is finding a sanction that doesn't detract from their ability to work and make money, but also provides enough corrective action that they're now more incentivized or willing to make that payment. Our officers will sit down and do some kind of simple budgeting to try to figure out what they can afford, and what they should be paying, and what we would expect them to pay to kind of keep them out trouble, but for sanction purposes, we'll look at things like, you know, limiting their out of state travel, placing them on curfews, placing them on electronic monitoring through our state funded house arrest program, if they're unemployed, we'll make them do a job search where they have to provide us proof of a certain number of applications in a weekly or monthly process to show that they're actively seeking employment to try to make that restitution. Outside of those sanctions, we don't have a lot of options to you know, force them to pay money if they don't have it.

So, any money that we do collect is held in trust for 30 days to ensure that you know no checks are returned from the bank or whatever. Those funds are then paid out to the victims quarterly, sent out in the mail via check to the last known victim address. If there are multiple victims, the amount in trust is paid out proportionally to the amount of the victim's lost. So, very simple example here, if there was \$10,000 dollars ordered between two victims and the offenders paid \$1,000 in this quarter, if victim A, had a \$6,000 dollar loss and victim B, had a \$4,000 dollar loss, then the payout would be \$600 and \$400. And it gets even more broken down as you increase the number of victims.

I've brought it up a few times, but one of the biggest obstacles is maintaining that contact information with the victims. By the time we come to distribute the money, it's been months or even years since the crime occurred, and people move, and people forget to update their address with us because maybe they've never even received a payment, and then, they move, and they completely forget about it. So, again, trying to track them down is very difficult. We have a relatively small fiscal staff that obviously has a lot of other duties to do, but they are also responsible for you know, if we send a check and it gets returned because the victim is no longer at that address, they have some investigative tools to try to find the victim, but we're exploring the option, even expanding those resources because we have many victims that we just can't find with money sitting intrust for them. Our current records management system that's been in place for about 25 years was not designed to handle complex accounting and restitution accounts, especially when we get cases where there's multiple defendants, sometimes sentenced in different departments, where one judge orders the restitution to be paid solely by that defendant and then, another judge orders it to be joint in several between the defendants, it gets muddy and confusing, and we're tracking these accounts on you know, spreadsheets, so it creates some difficulties. Now, in a matter of weeks, we're deploying a new record management system that we hope will help keeping track of victims and the accounting of all the accounts much better, but it's not going to fix the years of historical accounts that have been more troublesome. And lastly, you know, from time to time, we do get upset victims that call that are like, "Hey, I know they got probation, and they were ordered to pay restitution, and we haven't received anything." And it's difficult for us to explain you know, without divulging you know, the offender's personal information that you know, they haven't been able to make any payments yet, we're working on them, we're trying to get them to the right place where they can work, and pay their fees, and do what they're supposed to do, you know, but you know, the victims sometimes are like, "Well that was the only reason they got probation, because I was told they were going to be paying restitution." And that's hard for us to be caught between those two places, that we want the offender to pay the restitution, we want the victim to be made whole, and I'm sure most of the offenders do as well. It's just a lot of the time, it's their living situation that does not allow them to pay these large sums of restitution.

The two NRS listed here, if after three years, someone has discharged from either probation or parole, and we have not been able to locate the victim, state law says, that we must transfer those funds to the state treasurer for credit to the fund for the compensation of victims of crime. So, again, from the get-go, I've talked about the difficulties of keeping track of the victims, if we get to this point in time where it's been the three years since somebody expired their supervision, we'll send out another letter to the last known address trying to get any possible updated forwarding address, some sort of correspondence; we'll maybe run a Lexus Nexus or some sort of, you know, investigative tool to see if we can locate the victim. And if we do, great, we'll start going down those avenues of tracking them down. If not, then we start this process of transferring any money that's in trust that we couldn't find the victim to VOC.

So, I felt like I kind of whipped through that quickly, and I'm sure there's probably some questions, but that's kind of the process we go through with victims and restitution. My contact information is here. Myself and Chief Jackson are available for any questions if anybody has any.

**Chair Herndon:** Do we have any questions from our members up North?

**Vice Chair Brady:** Justice Chair Herndon, we have a question from DA Hicks.

**DA Hicks:** Thank you. Thank you for the presentation. I think something that you know, I've been on this Commission since it started and something that often gets overlooked is restitution, and it's a big part of the sentencing process because it's one of those rare opportunities where we can make victims somewhat whole again, at least make out efforts in the system to get back to them what was taken unlawfully. So, I really appreciate the presentation and I think you know, the passage of Masry's Law or the Crime Victim's Bill of Rights, overwhelmingly by voters in our state really shows that our state in general believes that we need to make a concerted effort to help victims of crime in every way we can. And so, with that lead in, you know, I know noticed there was at least four or five slides that had obstacles or difficulties, and I understand, I know through experience the hardships you all go through trying to manage what you have with some of the money you have in the antiquated systems, but I guess my overall question for you is, as you present to this Commission, is there something this Commission couldn't do, maybe you need to think that over more, but that can better streamline or better help the process of getting restitution to victims because that falls squarely within the duties of this Commission and so, you may have answers right now, you may have answers you want to present to Jorja later, and she can share with all of us, but I often feel that we're looking for ways on this Commission that we can carry out our statutory duties and this one would fall squarely within there. So, if there's a way, we can reduce those five difficulty or obstacle slides to let's say, two, or one, or none, I think that would be something that we would probably all want to get behind. So, that's question one.

**Chief Tamrah Jackson:** I think one of the biggest things that you saw over and over again, the ability for us to maintain that contact with the victim and I think it's important for us to start trying to identify patterns or manners in which we can actually identify these victims, not just in the beginning but throughout and be able to identify and locate them. That's why we are looking at additional tools for kind of investigative purposes to try and identify those victims and be able to get them made whole when we do have the restitution that's been paid. Obviously, the other issue is actually getting it paid, and that is probably our bigger obstacle, and we have to just, there's not a lot of teeth behind making that money come in. It's just trying to make sure we hold the offenders accountable to what we can and get as much money for those victims as possible.

**DA Hicks:** Yeah, and totally understand the difficulties there, which kind of leads me to last question, do you all keep track of restitution amounts ordered, and then, what percentage of that is actually collected, and returned to victims, I would love to know what that is. And the follow up to that is what part of that ends up in the unclaimed property component.

**Deputy Chief Evans:** Thank you. Anticipated a question like this, and I'll put a caveat to it. So, our restitution payments due on a monthly basis, roughly \$1.4 million across the Division, but again, that monthly payment is based on the dollar amount divided by the amount of supervision. So, with that \$17,000 dollar or \$18,000 dollar restitution in NDOC's presentation and that guy's on parole for six months, he's got a \$3,000 minimum payment. So, you know, the payments are way higher than what we would reasonably expect somebody to be able to afford. Collection wise, we're only collecting about 10% of those minimum

payments. So, \$1.4 million is what's due in a monthly basis and we're collecting about \$140,000, so about you know, about 10%. I do not have the numbers of how much is sitting in trust for victims we cannot locate. I don't have that dollar amount readily available, we can look and see what we can find and if we do find something, we can make a presentation back to the Commission about what it is, or a report, or something. I know we have an amount that shows like how much is in trust, but being able to parse out how much is for active victims versus aged victims, I'm not sure I can provide, but we'll look into it.

**DA Hicks:** Thank you very much. Yeah, the reason I ask is one of the obstacles is finding victims later. So, it might be helpful to know like, of that 10%, you know, 5% we're not even finding the victims and maybe that could help us bolster that you know, those kinds of connections. But thank you very much for the presentation.

**Deputy Chief Evans:** Yeah, one more point to that. The Chief and I have discussed maybe advertising you know, that if you've been a victim of a crime and may have restitution, kind of like the state unclaimed property fund does, you know, our funds don't go to unclaimed property, they go to VOC, but if we had a better you know, marketing campaign, we may find some victims that may have a bunch of money sitting there, they just didn't realize that it is sitting there. So, we've talked about increasing awareness that, "oh yeah, I was victimized, and who knows, maybe I do have some funds there" and maybe, with our new records management system we have, it'll be easier to you know, parse out those funds or even make a public facing site, like unclaimed property to be able to search. But we have discussed options of trying to do something with that money because there is a lot of it there.

**Vice Chair Brady:** Chair Justice Herndon, Evie Grosenick has a question.

**Ms. Evelyn Grosenick:** Thank you. It seems like one of the barriers or obstacles to payment of restitution is the earning potential of the offenders after they leave incarceration, is the Division looking at ways to facilitate employment services, and dedicate more resources to vocational training, and things like that, and other barriers to finding employment that might assist them earn more, so that more of restitution can be collected?

**Deputy Chief Evans:** Thank you for your question. We do partner with some state and local partners to help bridge some of those gaps. We have DETR that comes into our offices, especially in Reno and Las Vegas to try to help with, you know, getting people on the right path to getting more education, and work, and all those things. We are somewhat limited right, with our funding of what we can program, so we're always looking for partners that can do those types of things and that is the big thing, you know underemployment is just as bad as unemployment because you know, they can barely afford basic living expenses, so how can we afford you know, restitution? But we are kind of limited with what we can offer outside of our other state partners that have chipped in.

**Vice Chair Brady:** Chair Justice Herndon, I have a couple of comments and a question.

**Chair Herndon:** Go ahead.

**Vice Chair Brady:** Thank you. It seems like there are different gaps in our system, so I'm wondering what is, is there a warm handoff from the stage of prosecution where at the prosecutorial stage there is a victim advocate involved and then, when the case is after conviction and the case goes to either you or to even NDOC, is there a warm handoff between the victim advocates at the prosecution stage and your division? And kind of another caveat to that, is there even someone, do you even have victim advocates to whom they would do a warm handoff for your stage of things?

**Chief Jackson:** Thank you for the question. We have no victim advocates working for us, so that's something we can look at potentially for the future, actually having somebody assigned that could try and work in that realm. We very much just get the information through the process from the pre-sentence investigation, working with the DA's and the prosecutor to identify those victims. And again, we do the letter and then, if we have additional ways to contact them, we try to reach out, but at this point in time, we do not have anybody that specifically facilitates that task.

**Vice Chair Brady:** And then, sort of a second part of that and related to what Ms. Grosenick was saying, is it seems like a lot of these problems are interconnected. You have maybe the lack of you know, underemployment, the lack of employment, but maybe are their other barriers, like you mentioned in here your presentation, mental health or other behavioral health issues and then, in our state we are lacking resources for those even. So, it sounds like, there's really a lot of areas for us to fill in the gaps. So, that was a comment, but related to that comment, unless you have a response or another comment to that, is as the Sentencing Commission, do we have any allocation of BDR's or bills that would help to maybe get some funding to close some of these gaps, get some victim advocates, you know, get anything like that or money towards this at the state level? And I'm not sure who to ask that, if that would maybe Ms. Powers?

**Director Powers:** As the Department, we can put forth bill drafts and whichever ones they would like to pick up, can get picked up. We also have talked about this -- I know John McCormick -- there are other people who have bill drafts also, who are willing to help us when we need it, so.

**Vice Chair Brady:** Thank you, that was all the comments and questions I had. And Justice Chair Herndon, we have Michelle Bays also has a question.

**Chief Bays:** Hi. Thank you as well for that presentation, it was informative. I just have a quick question, you had mentioned -- and I see this too -- that restitution is often a condition of parole or probation when it's ordered when it isn't paid or when there's a failure to collect on it, is there a notice, a specific notice that goes to either the judge who ordered that restitution or to the you know, the Parole Board, so they're aware of like an after action type report whether it be annually or individually on a regular basis?

**Deputy Chief Evans:** Thank you for your question. The payment of restitution is a condition of supervision, a condition of supervision is a violation that is a technical violation. So, we have to exhaust sanctions and all those things before we can seek revocation, right? And that's different than what you've necessarily asked, but. So, generally, we're in the process of trying to get them back on track and get them paying, before we you know, get the sentencing court or Parole Board back involved. As a matter of course, we do not send like, an incident report to courts or boards for failure to pay restitution. We try to get any discharge paperwork to the court in enough time, that the court can hear the discharge petition and that's where they would get the information that it's been 12 months, 16 months, however long it's been that they've been on supervision and no restitution has been paid, or only a small amount has been paid, so, that the court may take further action at that point prior to the expiration of supervision, but as a standard, there is not a process of notifying the court that it's not been paid.

**Chair Herndon:** Okay and we have a question from Assemblywoman Considine.

**Assemblywoman Considine:** Thank you, Chair. I have two questions, my first one is, when you're talking about the restitution, the victim not being found, and after three years that money then goes to the Victims of Crime Compensation, if there are multiple victims is it against regulations or against the law for that money that is piled up for that first victim that cannot be found before it goes into the Victims of Crime to be reallocated to a second victim? Of the same crime, if there are multiple victims?

**Deputy Chief Evans:** Thank you for the question. That is a good question, and I don't have a specific answer for it. I don't think it's prohibited. I just don't know if we've encountered that problem enough to have to you know, make some sort of you know, regulation on it, but it is something to look into that is a good point.

**Assemblywoman Considine:** Thank you. And then, my second question is going back to earlier when you were talking about obstacles, and you were mentioning when there are multiple crimes and multiple victims, I thought you mentioned that only charged crimes, so are those victims the only ones that are eligible for restitution, if there is a charged crime? And if so, what happens if there are multiple crimes, multiple victims, and then, certain charges are dropped through plea agreements are those victims still eligible for restitution or how does that work?

**Deputy Chief Evans:** I'll probably defer to the attorneys in the room for that. The information I presented was you know from our people that write the presentence investigation reports, they'll see all the police reports, in the very beginning, of say the crime spree for lack of a better term, and at the end, through the



negotiations maybe, there's only one or two victims identified. But we're not party to that process, so I can just say that what I was told is that, we see a lot of victims in the beginning and maybe through the negotiations, there's not as many victims at the end.

**DA Hicks:** I could kind of answer your question, at least speaking for Washoe County and other jurisdictions I know. It's kind of a best practice of the prosecutors, and defense counsel, and working on a plea negotiation that they'll within the guilty plea memorandum will include the other uncharged offenses as part of the restitution calculation. I know that's very helpful for P&P when they have that in the GPM. So, that's not an uncommon practice to make sure that all victims aren't overlooked. Can I ask one quick other question, since I have the mic on? You indicated that some offenders are granted honorable discharge, even though they have outstanding restitution and as I understood it, you said, that's if they've made a good faith effort, they're doing everything they can in light of all the issues that we've brought up today that are difficult for them, they get an honorable. So, do you know how often that happens? No, you didn't anticipate that question. I'd be curious to know that too. Do you have like, a rough estimate based on your experience? I mean it there a lot of honorable discharges with outstanding restitution?

**Deputy Chief Evans:** I'm not sure if I'd be able to pull any numbers. It does happen. I mean, an \$18,000 restitution order is not uncommon and somebody that's making, you know, I went to lunch at Taco Bell the other day and the girl in the drive-through used to be on supervision and we got to chatting, and she handed me a bunch of applications, and starting pay was \$13.50 at Taco Bell. So, they're bringing home 4, 300 something bucks a week, you know. And so, 176.850 that says, you know, if they can still get an honorable discharge, but if because of a financial hardship, they've not been able to satisfy restitution. Now that doesn't give us any further definition of financial hardship, and that is something we've discussed internally too is trying to set some sort of standard for what that means of financial hardship, if it's some sort of debt-to-income ratio or something, so that we can apply it equally across the board you know, every office in the state. But a lot of it comes down to the effort of the person on supervision, you know, if they have a \$20,000 dollar restitution, but they only pay five bucks a month because that's literally all they can afford, then we're probably going to argue that they tried, and they did their best. Which does not help make the victim whole you know, because they may only get \$100 dollars back, but maybe, that rehabilitative effort of the offender is going to prevent them from offending again.

**Chair Herndon:** I have a question from Judge Yeager.

**Judge Bitá Yeager:** Morning. Thank you for your presentation. So, I have a few different questions. My first question is, at what point in time when an offender is placed on probation are they actually sitting down with their probation officer to talk about their budget and their financial ability to pay?

**Deputy Chief Evans:** Our officers will meet with them within a matter of days after sentencing when they're sentenced to probation. We review all the conditions of their supervision, including the restitution, they sign an agreement that says you are ordered to pay this amount of restitution, this is what your monthly payment has been established, and this is what we expect on a monthly basis. So, it's nearly immediate.

**Judge Yeager:** Thank you. My second question is at what point in time do you have them sign a civil confession of judgement and what do you do with it? Do you file it in the court's paperwork, so that way the victim has the ability to obtain that?

**Deputy Chief Evans:** Thank you for the question. So, with the language in 176.275 that defines the JOC, where restitution was ordered as a lien that can be recorded as any other judgement where money is rendered in a civil action. When that NRS was updated, we stopped the process of having someone sign a civil confession of judgment. It was kind of replaced, the necessity of it was replaced by this NRS. In practice, I don't know if I've again, we're after that process if somebody was doing, but I've never actually heard of somebody taking advantage of that section of NRS to you know, file a lien on somebody if restitution is unpaid after their supervision.

**Judge Yeager:** Okay, thank you. And then, my other question is, of all of the defendants who are ordered to pay restitution, do you keep track of how often you do the graduated sanctions for those who are willfully not paying, like what percentage of those folks that are ordered the restitution? And I'm not expecting you to get

that information to us right now, obviously, but if that's something that you would be able to get information to us in the future.

**Chief Jackson:** Our current system I do not think would be able to pull that data. We would have to actually handpick all of it to be able to provide that information. I'm not sure if our new system will be able to do that, but we wouldn't be able to have that data for you for at least, another six months, and that would just be a six-month time frame.

**Judge Yeager:** Okay. And then my last question is – sorry, I know I'm a lot – so, previously in presentence investigation reports, when there was restitution that was recommended, it would specify who that restitution was to go to, now it says like, V1, V2, I assume that was because of some sort of statute or directive that was done, but it does make it more difficult sometimes especially when there are multiple victims for the judges who have to be very specific in ordering who that restitution is to go to, to have to dig through the bind over and the reports to see who's that suppose to go to. Is there you know, if you could tell me why it went to the V1, V2, and if there's a different way that you could potentially get that information of the specific victims that restitution is to be ordered to the judge?

**Chief Jackson:** We are not sure why it was changed; however we think it is for protection of the victim, and we identify the victims in our system, and that's why we identify them by their number. We can obviously obtain that information; I think it's just an easy way to protect all of the victims to make sure we're not providing additional information on one victim that we maybe shouldn't.

**Judge Yeager:** So, my follow up was, is there a way that you can provide to the judges who those actual victims are, so that way when they order restitution, they can say the name of the victim?

**Chief Jackson:** We're going to have to look into that and see what we can identify as a possibility. Again, I think we're just trying to protect victims within our system.

**Judge Yeager:** Thank you.

**Chair Herndon:** Can I ask Ms. Jackson, is the number generated by you all or is it a number you receive from like, the Clark County District Attorney's Office that they've identified a victim with?

**Chief Jackson:** It is a victim number within our records management system and that's how it's identified.

**Chair Herndon:** Okay, thank you. Any other questions from our members up North?

**Ms. Suzanne Crawford:** I work at the Carson City District Attorney's Office, I'm the Victim Witness Administrator for the Victim Services Division. We have coordinators, not advocates where we're at, and for us, we always inform victims parole and probation when there's gross misdemeanor or felony to reach out to you, to give updated information, but we also have where Carson City P&P officers will call us and say, "Hey, do you have the current address? Phone number? Something where we can reach out to them?" So, that they can get them the restitution because there's something pending there. Over all your services, are you able to reach out to other DA offices, and ask them for updated, because even though you have the report at the time, often times they move, they go into shelter, phone numbers change, or phone gets broken during an incident, so do you ever call over across the board?

**Chief Jackson:** I don't think we haven't across the board, this is how we are going to do it, but we are coming up with new options and opportunities to help identify those victims. So, that could definitely be added to our process to make sure we reach out any of the victim advocates or in your case, coordinators – thank you – to make sure that we are kind of closing that loophole as well.

**Chair Herndon:** All right. Thank you both very much, I appreciate your time today, your presentation, a lot of very helpful information, and we look forward to whatever updates you might be able to provide us with moving forward based on some of the questions that were provided today. All right, and we're going to give you a break Deputy Director Evans, so you don't have to roll right into your next topic right away. So, why don't we take about a five-minute recess, give everybody a chance to stretch, do whatever and then we'll come back and move on. So, that's going to close agenda item four, we'll come back and move on to agenda item five.

## 5. Re-entry Presentation

**Chair Herndon:** Okay. We're getting situated down south and I just wanted to check and see if we have everybody back up north; take that as a no.

**Vice Chair Brady:** Yes, Chair. We are getting situated.

**Chair Herndon:** Perfect. Thank you. Okay. We are going to go ahead and call our meeting back to order. We're going to move onto agenda number five, which is our re-entry presentation. So, Mr. Evans, Ms. Jackson, you all may go ahead and proceed with item number five.

**Deputy Chief Evans:** All right. Good morning, again, everyone. I'm me, she's her. At a previous meeting we've had requests for presentation on re-entry. Re-entry is a very broad topic in the criminal justice system and this part of our re-entry presentation from the Division's point of view is about the process that we go through getting someone out of prison once they've been granted parole.

So, we start the re-entry process after somebody has been granted parole by the Board of Parole Commissioners; they try to have their hearings approximately 90 days prior to the person's eligible release date. So, sometimes those dates get confusing. People mix up, you know they're granted parole and they think that's the day they walk out, but it's different. They are granted parole; they try to hear about 90 days prior to that eligible release date. That 90 days gives us hopefully enough time to do everything that we need to do to set that person up for coming out. We are averaging about 250 parole grants a month from the Parole Board. We get them you know, a week or two after they've been granted parole. We then have a group of dedicated employees that we call pre-release specialists that work here in Carson City on getting all those plans worked up and getting people out of prison. Part of that process is manually entering the information from the parole grant into our records management system, that includes, like, the sentence information, the term of parole, and any of the special conditions that the Parole Board may have ordered.

With that parole grant, our pre-released specialists receive a parole plan that was created between the NDOC caseworker and the inmate prior to the board hearing. In that plan it's going to include where the inmate would like to live upon their release; this usually ranges from family, to friends, to a program, transitional living facility, something like that. When the plans come to us that are complete, or look viable, they are processed by our pre-release specialists. That specialist will first check that the person coming out of prison doesn't have any active felony holds because that's going to change what we're going to do with them. They'll contact the sponsor; you know if they're going to a family or friends' location to make sure that they're aware that this inmate has listed their address as their parole plan. If that all checks out, they'll confirm the address contact information with the sponsor and let them know that a parole officer will come by at some point to check and make sure that that residence is a suitable living environment. The specialist will work with the closest Division office to get out there to have somebody check it out. If the inmate wants to transfer their parole supervision to another state, then, the specialist will facilitate that through the interstate contact process which allows the parolee to be supervised in another state if that state accepts them. If the inmate is requesting to go to a program or a transitional living facility, the specialist will submit the inmate's application ensuring that the inmate has all the necessary documents somewhere in their possession like, an ID card, or birth certificate, and social security card, things like that. Once the residence is approved by the parole officer or the program accepts the inmate, our pre-release specialists work with NDOC to coordinate that release date. And we try to get that on or as near to that eligibility date as possible.

When the plan comes from NDOC and maybe it's incomplete or the inmate has not included any parole plan, we utilize what we call our re-entry specialists who are embedded in NDOC to help fill the gaps in their plan. These re-entry specialists will contact the inmate to try to figure out more about their situation, potential housing plan, figure out what the barriers were to them not submitting a complete plan in the first place. A lot of times these inmates don't have family or friends that they can go to, or maybe, their first plan was denied by us for some reason – we'll talk about that later or maybe they were not accepted into a program because of the program's requirements or rules. So, these re-entry specialists will assist them in trying to find a program that might take them filling out applications and just trying to exhaust all options to find a way to get them placed back in the community. These re-entry specialists are familiar with all the programs around the state, and they know kind of who accepts what types of populations, what kind of

crimes they may have, and can kind of facilitate those harder to place inmates in finding a place to be released to. If the inmate is indigent and they don't have any suitable funding for a program. Our re-entry specialists will help them with what we call Our Going Home Prepared funding.

Going Home Prepared is some funds that we have access to that we can fund an inmate to go to a to an approved facility, when they can't afford one on their own or don't have family or friends to go to. This fiscal year we were funded \$228,000 for this fiscal year and about halfway through his fiscal year, we had spent almost all that money in you know, money for places for people to stay. So, we went back to IFC and received permission to move \$200,000 from an underused program to fund this one because the need was so great. On average this funding covers two to four weeks at an either a transitional living facility or program, private apartments, motels, something that we can at least get the person out of prison and as of, I want to say the end of May, we had assisted 559 inmates with this type of funding. We have about 20 vendors across the state. Some of those vendors have multiple residences, most are transitional living program based where the parolee is expected to participate you know, in house rules, and programming, and things like that. There are few that are just like apartments that we can kind of put them up for a month and hope that they can get on in that time frame. To manage these funds, to make sure we don't overspend our authority or underspend, right? We want to be able to help as many as possible. We put some qualifications in place to try to you know, help the most in need that aren't going to potentially abuse the program. The qualifications are that they've not absconded from supervision in the last three years, they have no history of escape, no active felony holds or detainers, have not previously received this type of funding, and haven't served more than three prison terms. In kind of our analysis of how many people this would help and for the individuals to get the most benefit. We don't want people that have a history of being released on parole then, immediately absconding supervision, right? Because now they're taking money to some extent, but more importantly bed space for maybe somebody that may have been more deserving. So, we put these controls in place to try to appropriately spend the funds without overspending and help those that will use this as kind of that leg up to get a start on things.

In typical fashion, I'm going to give you some barriers and challenges because you know, that's what we like to do. So, some of the barriers or challenges when somebody wants to parole to a family or friend's residence our officers try to show up to the house unannounced, the goal is to see how the house is and what it's like in its kind of normal state, right? I mean, who amongst us doesn't pick up the house when we're having company over, right? To make it look a little nicer than it might normally be. Same thing goes here, like, when the parole officer comes over, we want to see is it you know, nice, neat, conducive to reintegration in society. There's not you know, alcohol and drug use going on, that kind of thing. So, we show up unannounced and sometimes that's you know, can be off putting to people, but it gives us the best picture of what the residence is going to be like. When the officers get there, they'll explain to the sponsor the whole process, what the conditions of the parolee are, and how those conditions are going to affect the sponsor because we have access to the parolee pretty much anytime, we have access to any common areas so, your kitchens, and garages, and living rooms, backyards. You know, once we explain that having somebody live with you that's on parole it's going to affect you as well, now we're not necessarily going to go into their private space, but still having parole officers show up to your house may be enough for somebody to change their mind about letting somebody come live with them. When we tell them that they're not obligated to put somebody up, that also can lead to somebody changing their mind as well, they feel like they have to. When we inform them that there may be transitional living or programming opportunities available to the inmate as well. A lot of time people are like, "Wow, I didn't realize" you know, they know, this individual probably more than we do and they know that they probably need some sort of programming or treatment. And so, when we tell them like, "look, you're not obligated to take them. We can explore some programming for them." A lot of times those family or friends will take that as a lifeline to be like, "Oh yeah, let's not put the onus on us, let's do that." One of the other barriers is that when paroling to a family or friend, we ask that they allow them to stay there at least 90 days. That's so that the parolee has time to, you know, get established in the community get their counseling going, find employment, save some money, so that they you know, can go out on their own. Frequently, we'll have sponsors tell us, I was just giving an address, so they had a place to get out with no real intention of letting them live there, you know. They might have a spot to crash on the couch, but not really providing that kind of long-term option to help them get on their feet. Firearms, alcohol, recreational marijuana, those are also barriers you know; as private citizens,

everyone's entitled to those things, but when you're on parole, you're not. So, when we tell people that firearms need to be removed from the residence or potentially you know, locked and vaulted, but you know, we prefer removed. Same thing with alcohol, we don't want access to alcohol and recreational marijuana for parolees, that may cause people to change their mind. So, if this first plan that our officers go out and we end up denying the plan, then the process starts over, then we have to get our embedded people back in there to find a plan B for them.

Some challenges with the programs, inmates need to have some sort of ID, sometimes they have them, sometimes they don't, you know, NDOC does a good job of keeping track of who has what and trying to get them those documents before they're released, but it's not always perfect. It's very difficult to find housing for sex offenders as there are very few halfway houses or transitional livings, living programs that will take them. Some programs don't want them just for that type of crimes that they've committed other because of residency restrictions. Most sex offenders cannot reside near parks, playgrounds, schools, daycares, and so, there's a lot of prohibitive factors of where they can actually live. Very similar to inmates with violent offenses, some programs just choose to not take those populations. So, they're harder and harder to place. Inmates with certain medical or disability needs are difficult to place as well, especially when you compound them with other items on this list. Our sex offender population is generally older because they've spent more time in prison. So, they came out with more medical needs and disability needs, so the one halfway house in Northern Nevada that accepts sex offenders, does not have all the ability to house somebody that may be in a wheelchair, or you know, those types of things. So, it gets difficult to find placement. Bed availability at these programs is a huge issue. Just because an inmate is approved to go to this program or this transitional living facility, doesn't mean that they're going to get out on their eligibility day because that bed is just not available because they've accepted other people. So, there may be a lead time to where they can't take them for another 30 days or 45 days, unless a bed opens up earlier. In a few cases, very rarely, but we've exhausted all family, and friends, and programs, and transitional living, and we don't have a place to put them through our Going Home Prepared, we have to entertain the idea of what we call a shelter release and that's literally releasing somebody to a homeless shelter without any true housing options. We try to avoid these at all costs, they only happen you know, a handful of times maybe a year, but it's something we have to take careful consideration into just for one, for the success of that individual, public safety reasons, right? There's a reason they've not been accepted on any program and so, those are difficult challenges to overcome.

But, despite all those barriers and a lot of the things are definitely the minority, our pre-release staff, our re-entry staff, do a great job of getting people out of prison and trying to do so by their eligibility date. For anybody that's been around for amount of time and has heard from the Division, for years we struggled with what we call the past parole eligibility list and that's inmates in prison past their eligible release date. This list peaked in 2017, around 475 individuals and our predecessors where you know, answering questions on it constantly, but those conversations and questions led to the creation of the Going Home Prepared fund and led to the creation of those embedded re-entry specialists that I talked about before, the ones that fill the gaps when the initial plan doesn't quite work. You know, since that time the Division has worked on re-examining our processes, strengthening our relationships with the Parole Board, with NDOC, with our other state partners, asking for more money in positions, looking for new vendors, anything we could do to release that past PED number. Through the end of May, so through the end of last month we have 62 inmates that are still on the past PED list. And there's a lot of reasons for those and some are in our control, some are not in our control, but like, so 20% of 60 are 13 inmates that are refusing to parole and want to expire their term in prison. This is something I think that we could look at to just make work with NDOC to make some sort of pathway for those inmates to accept that they don't want to do parole, so we don't kind of have to count them against us really, because they're refusing to work with their caseworker, provide any plans or whatever, so, you know, 20% is a decent sized number that we have no control over. Ten of them are waiting for acceptance letter from programs that they've applied to, so we're kind of beholden to those programs having the time to get through all the applications and accept those. Nine are waiting to be transferred to another state, they've chosen to go through the interstate compact, maybe they were a California resident prior, or you know, any other state in the union, and they are waiting on that receiving state to accept their parole supervision, another timing thing that's our of our control. That receiving state has you X number of days to respond back. So, that's about half of that 62 are in this big group that we

really don't have a lot of control over, the rest are sex offenders that we are struggling to find options for, a few are pending disciplinary actions, so in the leadup to their eligibility date they got into a disciplinary situation in NDOC, and a few are waiting on those beds to become available like, I mentioned before. So, and the smallest on the list is the one we can control is actually, we're waiting on our officer to get out to the field, get out to that residence, and check it out, and give us a yay or nay that it's going to be good for them to parole to. So, all the work that are pre-released specialists, and re-entry specialists, and the Going Home Prepared funding that we receive has helped to drastically reduce that number of people in prison past their eligibility date, and like I said, we're continuing to kind of whittle away at that number. These are some of the lowest numbers that the Division has seen, I think we were 56 the month prior from that peak of 475. It's been, taken a few years to get it to this point, but it shouldn't expand back above this since we've got the procedures and stuff in place.

So, that is our presentation on what we call re-entry or the pre-release process, getting somebody out of prison. Again, we'll entertain any questions. And before we get to that, I wanted to make sure that anybody on the Commission is free to contact myself or Chief Jackson if you'd like to see our office, see how things operate, any office around the state, or go on a ride along, and see what our officers do on a daily basis, please reach out, we love to educate people about what we do, and I mean, I feel like I've been talking all morning, and we've barely scratched the surface of what we do at Parole and Probation. So, with that, we will gladly take any questions.

**Chair Herndon:** Do we have any questions up North?

**Dr. Jennifer Lanterman:** Yes. Thank you, Deputy Chief Evans. I have two questions, one about program exclusion criteria and one about parole refusals. So, with respect to program exclusion criteria, I've done some work in other states, and we tend to have two problems with program exclusion criteria, one of them is that those are agency or program level exclusionary criteria, they just decide they don't want people in programs with certain types of criminal histories, others are insurance-based. So, it's not so much that the agency or their staff don't want to work with people with certain types of criminal histories, but their insurance providers are refusing to allow certain people in programs, so, often, sex offenders, people with violent criminal histories, and specifically, people with arson convictions, and residential programs. And I was curious if you had any insight as to whether the issues in Nevada are more a function of program level exclusion criteria or if it's a function of their insurance carriers?

**Deputy Chief Evans:** Thank you for the question. I don't have any real answer to know which one it is, I don't have an answer, and I don't want to speculate you know, on those stuff. With sex offenders, I did mention, you know, the residency restrictions that we can't have them living near parks, playgrounds, schools, daycares, and so, when you really start looking, and when we do that, like if a sex offender wants parole to a family or friend, I mean that's part of our process is, here's the address, here's the 500 foot, here's a 1,000 foot circle around what is around there, and maybe even driving around there, because you're not always going to get everything from Google. So, I think that's some of the limitations especially in our urban areas, but I don't know if the insurance versus just not wanting the, you know, those crimes there.

**Dr. Lanterman:** Thank you. And I'm wondering if in the future if we are able to identify that they're, where those exclusions lie, if there is a way for the Sentencing Commission to maybe start thinking about ways to address that because you know, if you've got somebody who has one of these types of offenses in their criminal history and they're low risk, well then, maybe this is less of an issue, but if they're higher risk, it poses a real problem because they're higher risk, they're precisely the individuals who you're going to get the greatest bang for your buck, essentially, getting them into programs and if we are systematically excluding people who are high risk from the very programs, they need to get access to for reasons that we might be able to address legislatively, then like, that would behoove us in terms of, our overall public safety. My second question was about individuals in DOC custody who are refusing to work with the DOC staff and P&P staff with parole planning, and I'm curious whether as the Sentencing Commission we have the ability to, or we want to explore, or discuss the possibility of essentially prohibiting people from refusing to participate in parole, because the research is very clear, your max out, so your unconditional releases have the highest level of failure, right? So, they are most likely to recidivate, and they do it the fastest, right? And so, if our goal is to reduce the likelihood that anybody re-offends, the last thing we want is people who are

refusing to be subject to any form of community supervision, and when you dig deep enough, it tends to be people who've either been on parole before, it's not their first rodeo, or they tend to be pretty high risk and they're not interested in the additional supervision. They're precisely the people you want on parole for some period of time. Particularly, that high-risk period when you transition from prison to the community. So, I don't know if this is necessarily a question for you, but maybe just something for the Commission to explore about how we might think about how to address this issue legislatively because that's like you know, someone saying I did something I shouldn't have been doing and now, I'm refusing to comply with any type of restriction that would prevent me from doing it again. That doesn't seem like a great idea. So, thank you.

**Deputy Chief Evans:** Thank you for those comments. Just to your first part, I will have our staff that work in the re-entry pre-release start contacting some of the programs and get some of that information of why they're refusing certain populations, if it's the insurance versus just program rules. And I'm not going to speak for NDOC, I believe there are some avenues for when somebody's not participating in the you know, kind of that parole plan development process, just don't know if there's enough teeth there so to speak, to force them. And that's kind of a scary proposition too, forcing them out in the community.

**Dr. Lanterman:** Yeah.

**Deputy Chief Evans:** When they don't want to and a lot of those are the mentality that they've been on parole before, they know what it's going to be like, they don't want to do it, they have no intention of complying, so forcing them out, but if we can one of them better off than of the 13 that are refusing you know, if we can help one of them, maybe it's worth it.

**Dr. Lanterman:** Yeah. Thank you.

**Ms. Grosenick:** I have a couple of questions. The first is, the Going Home Prepared funding, this sort of piggybacks on Dr. Lanterman's question, it seems like if there are higher risk individuals, perhaps some who have served more than three prison terms or have previously been incarcerated, or have absconded for whatever reason, perhaps some of them could benefit from the safety net of the Going Home Prepared funding. And so, just doing some quick math, \$428,000 dollars divided by 559 inmates would be about \$765 dollars per inmate. Have you compared that amount to you know, daily cost, including medical of housing those inmates at the prison and have you looked at data on the success rate of the fund, of the people who get funding versus people who are released without any real support? Because I think right now, sometimes they get \$25 dollars if they don't have anything on their books and they don't qualify for this funding.

**Deputy Chief Evans:** Thank you for the question. We do track the success rates of those that receive the funding, the hard part is, is we don't have a good metric to compare it to for like, the general population that don't receive it because all the data for those that receive the Going Home Prepared funding is hand mucked, for lack of a better term because it's a smaller population, right? We can keep track of 559 records versus the 20,000, you know, total people on supervision. Anecdotally, I know that they are better off when they don't have to worry about where they're going to be staying, and granted, we're only paying for two to four weeks. I mean, it's like, that's not enough in my opinion, but we are limited by the funds we are provided and even more so because we moved money into this category to help, you know, an additional number of inmates. So, we're trying to maximize the value of those funds and I understand giving it to those that are you know, have multiple convictions or have absconded in the past, but if we are trying maximize the value of those funds, and I pay for somebody to go out to a place for a month, and they immediately take off, not only have they taken you know, probably \$1,200 because our programs vary from as low as like, \$350 for two weeks to you know, \$1,200 for a month and that averages about to that \$750/\$760 amount. But we're trying to make sure that we get the best you know, kind of benefit of it and if the funding wasn't an option, you know we would expand it to all kinds and you know, we can look at the idea of maybe doing some sort of pilot of picking some of those higher risk ones that maybe we would have precluded in the past, and track them, and see how they do, and see if we can get some nominal statistics that'll show that it did help. But in times where we need to spend some more, we may lax some of those requirements, right? Like, our staff that manage these funds are great at knowing to the penny how much they've spent, and where they're at, and sometimes they're like, okay well, this guy absconded two years ago, but you know, we have enough money, let's make it work. Those are kind of the general guidelines to just you know, keep us there but luckily, we get the authority to move it as we need.

**Ms. Grosenick:** Thank you, and if I could just ask one more question? So, I was just -- it's another math question -- so, you have around 10,000 inmates annually, right? In prison?

**Deputy Chief Evans:** I think that was their prison population, not all of them are going to come out on parole.

**Ms. Grosenick:** Right.

**Deputy Chief Evans:** Some are going to going to choose to expire.

**Ms. Grosenick:** Okay. And you had 250 releases per month, approximately, that P&P is looking for plans for, right? And only 62 passed parole eligibility, is that all of them? Or are there other individuals that NDOC would be tracking who also have not been released, should have been?

**Deputy Chief Evans:** I don't know. Those numbers are the numbers that we, you know the number of grants that we receive, the number of grants we're working on you know, because that's you know, 30-to-90-day process. If they're past parole eligibility like, the 13 that were parole eligibility in May, are we going to count them again in our June numbers and I don't know the answer to that. I don't know that it's cumulative number, I would have to go back and look into that to know if you know, those 13 that are refusing parole this month, if next month I have ten on there, are those ten different people or those ten of the 13 that were the month prior I don't have an answer to that.

**Ms. Grosenick:** If I could just ask a follow up on that. So, the 62 who passed parole eligibility, do you have any idea how long they've been past parole eligibility?

**Deputy Chief Evans:** I do not for how long.

**Vice Chair Brady:** I don't see any more questions up North. Oh yes, we do have Chair DeRicco.

**Chair Christopher DeRicco:** Yeah. Hi. Thank you for the presentation and I've been around on this Commission when that list was that high and there were a lot of involvement, and discussions with regard to it, and I commend you guys for getting that down low. But I just wanted to follow up with what Dr. Lanterman was asking and requesting on the individuals who refuse parole and statutorily, under 213.1218 and those individuals must sign their parole agreements to be released and I know for a fact, that many times they're just refusing to do that and with that refusing to do it, they're not getting out. So, I just wanted to provide that, that is in statute.

**Chair Herndon:** Do we have any questions down south? Yep. Assemblyman Hibbetts?

**Assemblyman Brian Hibbetts:** Of the 62 people currently pass parole eligibility date, how many of those were denied parole or is that a separate number?

**Chief Jackson:** That would be a separate number, we only track those that have been granted parole.

**Assemblyman Hibbetts:** Thank you very much.

**Chair Herndon:** Anybody else down south? Oh yes, Dr. Bradely go ahead.

**Dr. Shera Bradley:** Hi. I was just curious if you coordinate with any mental health services for the parolees or people who are pending parole?

**Deputy Chief Evans:** We do have some state partners that come into the bigger offices like, Reno and Las Vegas. The Department of Welfare and Supportive Services, DETR, not a lot specific just to the mental health. Many people do come out with a requirement to get a mental health evaluation and participate in treatment if recommended, but most of those we have to refer to community partners.

**Dr. Bradley:** Thank you. Are you doing any tracking though of success, if they're having that as requirement, how many people are actually successful in maintaining their sessions, or medications, or whatever the requirements are?



**Deputy Chief Evans:** Individually you know, our officers will track participation as required and handle those, but we do not have aggregate statistics of how many people succeed. Again, like I said in our previous presentation, we've been working on the same record management system for 25 years, our new system will allow us to track enrollments in different programs and we hope to be able to better track successes, but you know, that's going to be a while down the road till we have better data because it's not going to fix our old data.

**Chair Herndon:** Did you have anything else Dr. Bradely? No? Good. Okay, all right Deputy Director Evans, Chief Jackson that you both very again for you time on both of these topics today. I appreciate it. All right and with that we're going to close agenda item number five.

## **6. Misdemeanor Subcommittee Update**

**Chair Herndon:** And we will move to agenda item number six, which is an update on our misdemeanor subcommittee. I believe we have Mr. McCormick, yes?

**Mr. John McCormick:** Yes. Yes, thank you, Chair. Good morning, Chair, members of the Commission. And today I'm presenting in the capacity as the Chair of the Misdemeanor Subcommittee of the Sentencing Commission that was created by Senate Bill 103 of the 2023 session. And we have two options this morning and I'm sure everybody's going to pick the first one which is me going over the 85 page of list of misdemeanors verbally, right now, for hours on end. Or I can give you a quick update that since our May meeting in early May that was a pretty substantive meeting, with a very good discussion. What the subcommittee collectively decided to do was to split into four working groups. Basically, separated by discipline, I.E. you know, the defense function, law enforcement, the Judiciary, so on and so forth. So, we have broken into those four groups and each group is charged with studying that 85 page list and identifying approximately 10 misdemeanors which they would like the Department of Sentencing Policy to work on updating data because as we all know, we always want data that maybe isn't easily accessible or anything, so trying to distill that down to a more manageable ask. Also, each working group has been asked to identify those misdemeanors that the group believes should be repealed or amended, sort of on face value. I think my list for that is 52 items long, off the top of my head. I could go through that one too. Anyway. And then, also what we've asked of each of working groups is to articulate the criteria they believe should be used to access existing misdemeanors rather – excuse me – for potential change I.E. the antiquated constitutionally problematic, disproportionate, or uneven enforcement, etc. And so, we did have a meeting scheduled, would have been last week, canceled that to allow the working groups some time to work on a pretty big homework assignment and we will be reconvening on July 24th to go over the results of that work and sort of try to get a better path, or a better path forward, or at least, put some guard rails on that path as we go forward. So, that's where the Misdemeanor Committee stands right now. Happy to answer any questions. Thanks.

**Chair Herndon:** Any questions up north?

**Vice Chair Brady:** No, Chair Justice Herndon.

**Chair Herndon:** Thank you. Any questions for our members down south? No. All right. John, thank you very much. I appreciate it. All right, we are going to close agenda item six.

## **7. Cost Avoided Discussion**

**Chair Herndon:** And then, we're going to move into agenda item number seven, the cost avoided discussion. I will tell everybody, and I apologize for this, but I have a meeting at noon back at the courthouse that I have to get too. So, at some point, I'm going to step out during this discussion, and I apologize specifically to you, Director Powers, for doing so. But, Vice Chair Brady, is going to take over the meeting and oversee the last couple of agenda items when I need to step out, but we're going to go ahead and get started. This is our one voting item for today, if we're in a position to vote and pass after the cost avoided discussion, then, that will probably eliminate the need for our July meeting as well. Not that I'm trying to get everybody to vote for it, but I'm just telling you that. So, Director Powers.

**Director Powers:** Thank you, Chair, Commission. So, this is a compilation of what we talked about last time. I took the draft that had, and the discussions that happened, and put it into this report. Normally, I wouldn't read things word for word, but we're going to go over this since it is a voting item.

So, this is the Projected Amount of Cost Avoided Report. It is a statutory requirement for the Sentencing Commission to develop a formula using the comparison of 2018 annual prison population projections and actual Nevada Department of Corrections populations numbers to calculate the costs avoided to the enactment of Assembly Bill 236 from the 2019 Legislative session effective July 1, 2020. The Commission is required to submit a statement of these costs avoided by December 1st of each fiscal year. Additionally, per statute a separate report shall be prepared by August 1st of each even numbered year projecting the costs avoided for the next biennium and providing recommendations for the reinvestment of these avoided costs, prioritized to certain programs, and resources to support re-entry, address behavioral health needs, and reduce recidivism for justice involved individuals.

And we're looking at now is that August projection of statement of costs avoided. So, in December of 2023, the Commission approved the statement of cost avoided report. It was used previously approved formula that the Nevada Sentencing Commission calculated that Nevada has avoided \$21 million due the enactment of AB 236 since the 2022 statement of costs avoided. The prior formula used for last year's projected costs avoided and the statement of cost avoided used the \$640 million dollars in costs to be avoided by \$228, if the policies that led to AB 236 were enacted. Identified in the 2019 final report of the Advisory Commission on the Administration of Justice. Subtracting at least \$470 million of identified costs avoided attributed to avoid correctional construction, left \$170 million in other avoided correctional costs associated with housing a larger population of offenders. A straight across board calculation showed approximately \$21 million a year in costs avoided between 2020 and 2028 by dividing the projected \$170 million dollars in savings by the eight years of population projections. The Sentencing Commission chose to review the previous method of calculation and in May 2024, at our last meeting, adopted a new formula for determining projected costs avoided. The updated formula approved by the Commission, for use in this report, uses the two data points explicitly required by NRS 176.01347. The annual projection of the numbers of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to NRS 176.0129 for calendar year 2018 -- and that was the JFA report -- and B, the actual number of persons who are in a facility or institution of the Department of Corrections during each year.

Projected prison population avoided was calculated by subtracting the JFA February 2023 projections from the JFA February 2017 projections. The growth rates from the current biennium were used to project the annual cost per offender and inmate driven percentage. This calculated projected annual cost per offender inmate driven portion was multiplied by projected prison population avoided to determine the projected amount of costs avoided. And if you'll see the chart -- we did talk about this last meeting -- the one highlighted green square is for the June 30th number, so we will updated that in a week and a half to have the actual numbers. And then, the projections are blown up here for you to see for the 26-27 biennium. And so, the projected costs avoided for the fiscal year 26-27 biennium using the statutorily required data pieces is \$36,775,055 dollars.

So, we did talk last meeting about considerations. The Nevada Sentencing Commission is a 27-member body comprised of individuals representing a wide swath of criminal justice processes. The Commission meets to discuss topics related to criminal justice policy and procedure in Nevada. The expertise embodied by Commissioners brings varied ideas and points of view to discussions held, following our thoughts offered regarding the cost avoided topic that may not be represented elsewhere.

First bullet point, there are difficulties in calculating avoided cost is as it does not designate encumbered or available funds that represent future savings. Two, data shows that NDOC population began a slow and steady decrease in 2017 prior to the July 1, 2020, effective date of Assembly Bill 236 from 2019. The cost avoided calculations consider prison population numbers only. Only AB 236 reduced penalties for certain crimes. For example, changing some felonies to misdemeanors or gross misdemeanors, and giving mandatory probation for others. This means while it may be more cost effective than prison, other agencies are still incurring costs for these individuals. Data is not readily available to the Commission and the Department to track the re-routing of justice involved individuals due to AB 236 of 2019. Methods of data

collection and required submission of data should be considered. And then finally, what is the future of tracking AB 236 from 2019 and justice reinvestment? The required components of calculations of the 2018 JFA projection report, only projected NDOC population through 2028. That means that is the last projection of cost avoided report able to cover a full biennium.

And then, we'll move into recommendations, these are straight from the statute. So, NRS 176.01347-1, says that financial support should be prioritized to the Department of Corrections for programs of re-entry of offenders and parolees into the community programs for vocational training and employment of offenders, educational programs for offenders, and transitional work programs for offenders. B, the Division of Parole and Probation for services for offenders re-entering the community, the supervision of probationers and parolees, and programs of treatment for probationers and parolees that are proven by scientific research to reduce recidivism. C, any behavioral health field response grant program developed and implemented pursuant NRS 289.675. And D, the Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers, and parolees, and offenders re-entry into the community. And E, the Nevada Local Justice Reinvestment Coordinating Council created by 176.014 for the purpose of making grants to counties for programs and treatment that reduce recidivism of person involved in the criminal justice system. Specifically, the Commission recommends continuing to fund \$3 million dollars to the Nevada Local Justice Reinvestment Coordinating Council for the 2026-2027 budget cycle for continued reinvestment into grants statutorily required to be administered to Nevada counties by the Coordinating Council. \$3 million dollars was appropriated in the 2023 legislative session and that grant cycle is underway. Continued support of this effort will expand the opportunities for county level programming to provide re-entry support to help curb recidivism. The grant money this cycle has funded programs for diversionary courts, housing, transportation, resource and referral, outreach teams, behavioral health, and more. Also, a significant amount of the remaining cost avoided should be invested in efforts to increase transitional housing opportunities for justice involved individuals. The Commission continues to recommend that a portion of the costs avoided to be given to the Department of Corrections and the Division of Parole and Probation to improve their respective data systems. Improved data will help address gaps in criminal justice data sharing in the state and improve the analysis conducted by the Sentencing Commission.

And that is the end of this report and I will take questions.

**Chair Herndon:** Does anybody have any questions from our members up north?

**Vice Chair Brady:** Yes, Chair. We have a question from DA Jackson.

**DA Mark Jackson:** Thank you, Chair. I have more than one question and I have numerous comments, which will lead in to additional questions. And before our Chair leaves, I'm going to bring forward numerous recommendations, things that I would like to see added, and I think that it would kind of be unfair at the end of this to actually vote and approve on those, if we took those suggestions amendment, by amendment. So, notwithstanding I think the hope from our Chair to possibly come back on July 19th, I am going to ask that we meet on July 19th, where we can discuss this. So, if I could have a little bit of indulgence just to engage, and ask some of the questions, and then, follow up with other questions, and kind of walk through the report. First of all.

**Chair Herndon:** Absolutely, take your time. And look, I said that in jest, I don't have any problems meeting in July and I'm sure nobody else does either, but take your time and work through everything that you need to.

**DA Jackson:** Thank you. I wanted to thank you Executive Director Powers, this is a difficult report to put together. As you know, I was not a member the Commission the last few years it was because of legislature had increased the membership of the Commission and I am the representative for the rural prosecutors in the state. So, my very first look at these costs avoided was during our November 2023 meeting and you are aware that I brought forward a lot of comments and there were some amendments to that report, some little nuances and changes in some of the language. But I think that everything that needs to be in this report and how you put this report together, if the 27 members had tried to write the report, I don't know we would have done as good of a job of bringing forward a draft report. So, I commend you for that.

So, I will start with page one, and thank you for starting off with those statutory requirements and reminding us about our annual December 1st statement of Costs Avoided Report and that this is our biannual every even year, August 1st projection of what those costs avoided will be. So, respect to the formula, in that very first paragraph, there are some numbers that you have put in this report and those same numbers appeared in the previous report from December of 2023, and most likely, every report that has been put forward by this Commission since AB 236. Six hundred, forty million, 470 million, 170 million, 21 million, the most direct question I can ask you with respect to those four numbers, are those true and accurate numbers based upon actual measurable data?

**Director Powers:** Those numbers from the prior formula came out of the ACAJ report. They came from a contract company who came in from the outside with projections of what Nevada's prison population was going to do, and what bringing an omnibus justice reinvestment bill into Nevada would change, and how it would provide cost savings. So, these numbers were projections at that time, and they were projected ten years out, which we already know sometimes are not as accurate. We can't project what's going to happen to a prison population ten years from now.

**DA Jackson:** So, those were based upon some hypotheticals projections that began and actually came out of the JFA 2017 projections, that were adopted then by CJI in 2018, and that we presented to the Advisory Commission on the Administration of Justice throughout 2018, which led to their January 2019 report to the legislature, correct?

**Director Powers:** Yes, exactly. And as we've talked about before, all of these costs avoided are hypothetical.

**DA Jackson:** So, as you know, that I sat on the Advisory Commission on Administrative of Justice for ten years and I was part of the Commission when that report was ultimately adopted by the Advisory Commission. You are aware that came through on a very narrow vote, that these numbers, these projections, these hypotheticals, were discussed and that those members of the Advisory Commission that objected to the use of these particular numbers were trying to stress the fact there was no data supporting those numbers. It was not tangible. It was not measurable. And that we were going to be setting the State of Nevada for the next decade of making policies based upon true hypotheticals and projections. You recall that?

**Director Powers:** Yes. I was not part of the Department then, I worked for Corrections at that point, but I have read through that whole report.

**DA Jackson:** And you may have heard me or other individuals in the past talk about this is almost monopoly money because it's not truly tangible or measurable cost savings, correct?

**Director Powers:** Yes. They are costs avoided and again, most of it was from not building another prison.

**DA Jackson:** And I'm going to move on to page two, but I want to before I do that, I just really want to highlight the second consideration that you have because it really shows the inconsistencies in the data that was used by JFA and relied upon by CJI is that, JFA and CJI when they presented this to the ACAJ in 2018, it was based upon a steep incline of prison population, but you've noted that the NDOC population began their slow and steady decrease in 2017, correct?

**Director Powers:** Correct. Yes, that's what the population graphs show.

**DA Jackson:** So, with respect to page two, and I do like how you bolded or created that separate box, because we're really looking at for fiscal year 26 and fiscal year 27, and hopefully, some of the discussion that occurred back in November of 2023, when we were doing the annual statement of costs avoided, led to moving away from just taking this \$21 million dollars and keep putting it back in print, each and every year. And you tried your best based upon the formula that was given to you, to come up with a number that should be a better projection, but it's again, we're still talking about costs avoided, not cost savings, correct?

**Director Powers:** Yes. We are. And I did take into consideration, and many Commission members who talked about the \$21 million across the board, and so, this new formula takes the two data points that statutorily we are required to use. But, yes, we're still using a ten-year projection as one of the data points.

**DA Jackson:** And these data points from what you know now and based upon the information that has been available to you when you start to drill down, is those data points that you are required to use pursuant to that statute are not based upon accurate data.

**Director Powers:** Again, just as JFA probably can't project out ten years, I can't tell you what could happen in that ten-year period, either. However, that it had started to decline. The prison population was dropping in 2017.

**DA Jackson:** One of things that I discussed, and I think would be important to add to this report, and I'll ask, that would be brought forward in a draft form is adding in the actual increases or decrease in that prison population from fiscal year 2018 at the time this was presented to the legislature during their 2019 session, but the significant increases in the Department of Corrections budget for each fiscal year thereafter. I think that I had laid out what I was able to access through the state website, that the NDOC budget for beginning July 1, 2017, ending June 30, 2018, was \$339 million. That for the fiscal year budget of 2023, which would have begun on July 1, 2022, and ending June 30, 2023, was just over about \$400 million. So, even though the prison population at that time, had decreased 3,400 inmates, the prison population had gone up \$61 million and I'm a year behind, I don't even know what the current budget is or the one for NDOC that's going to begin starting July 1. But I think those are also important numbers for anyone reading this report to understand that, again, we're talking about hypothetical costs avoided, as opposed to cost savings which are based upon actually tangible and measurable data. The very last thing on page two, is for the biennium the projected costs avoided is the \$36,775,055 and that would be adding what would be the columns just right above that of fiscal year 26 and fiscal 27, correct? But again, you can't state that's a true and accurate number upon actual measurable data, that's all based upon the hypotheticals that you're required to go off of from the initial JFA report from 2017?

**Director Powers:** Yes. It's using those two data points that we're statutorily required to use in this report.

**DA Jackson:** Moving to page three, the considerations. I do appreciate you having these six bullet points. I wanted to talk through a few of those as well as some that I would like to see possibly added. The very first bullet point is there it says, there are difficulties avoided costs as it does not designate encumbered or available funds but represents future savings. My issue is with the word savings, because you can't talk about savings because it is not the same as cost avoidance. If we're talking about hypothetical, then, it's cost avoidance. Savings though, tell me that it's measurable, and it's tangible, and you've already told me that these numbers are not. So, one possibility would be to re-write this first bullet point. There are difficulties in avoiding costs as it does not designate tangible or measurable funds, but represents future projections based upon hypothetical numbers adopted by JFA in 2017. The next bullet point, I've already talked about this, it really highlights inconsistencies in the data that was used by JFA. This is where possibly either doing a footnote or adding in later on that the prison population that I previously talked about. The number that was presented and part of the ACAJ report that was presented to the legislature in 2019, picked that prison population of 13,877 and that's where we started at. I do note that the table on the previous page starts with fiscal year 2020 and know you did that because of the one hundred and whatever sections of AB 236, all but four of them went into effect of July 1, 2020. The other three were dealing with appropriations, or three of the four were dealing with appropriations. So, I have no suggested changes on the third bullet point. One bullet point that I do think needs to be added is, the societal costs due to increased crimes and victimization as a result of the passage of AB 236. Those are not being considered at all of any of the projections costs avoided and I think that it should be. I know that Washoe County District Attorney Christopher Hicks has some pretty recent numbers in Washoe County on the significant increases on the types of crimes that we don't like to hear about and those are crimes where there are victims involved, where we got the high level property crimes, and our crimes of violence, and I know that Washoe has seen a significant increase. And I think that needs to be highlighted. Also, I have no changes or suggested changes to the next bullet point about data not readily available, I thank you for that. And you put that in the form of a question, your last bullet point, I agree. I think the message is that instead of relying

upon that is not was supported by accurate information or data initially, that has now been adopted and we're going to be ten years down the road, is really that this Commission should be tasked with making recommendations back to the legislature about what is that way of tracking this what are the numbers that we need to look at. And from hearing the presentations earlier, and I know that the Department of Corrections deals with this significantly, we heard from parole and probation about everything that they're lacking in order to really capture all of this data, which is real important and I think that we need to make that a priority. And then, also, believe that it's important that whoever reads this report, that they are also aware of while we're looking at what all these increases are, matching the increase in the population in the State of Nevada is important, because I still think that we got to look at the crimes per capita ultimately. And it is an important data point, I think to look at that. So, those are some of the recommendations I would have under those considerations. Your recommendations on the bottom of page three that go into page four, thank you for putting all five of those statutory requirements in front of us. Your first paragraph, I agree with that recommendation about the continued funding for the Nevada Local Justice Reinvestment Coordinating Council for the 26-27 budget cycle. And then, I have a comment on your last two sentences. I think it is difficult anytime we're talking about any recommendation to use a word like, significant. You write your second to last paragraph, actually it's a sentence is also, a significant amount, and then, it says of the remaining cost avoided and I have a difficulty here again, because we're talking about monopoly money. If we're making recommendations based up monopoly money data, nothing's going to happen with it. So, it's actual cost savings if any that should be invested in to these efforts, but if we just said that, there aren't going to be any cost savings, so that means that these won't be funded and I believe that these are important things that need to be funded. Especially, the last paragraph, which is for the Department of Corrections and Division of Parole and Probation to improve their respective data systems. Again, I have an objection to the words, a portion of the cost avoided because it's not accurate, it's not true, that either it would be rewarded to say a portion of actual cost savings comma if any comma be given to them. But I think that this needs to be a priority and I think while it can be in this projected amount of cost avoided report. I think it's an item that just needs to be a separate recommendation to be brought back for the Commission, for discussion about making that specific recommendation to the Legislature of making this a priority. It's really hard to task the Sentencing Commission to do this drill down into our criminal justice system, look at potential reforms that I would hope would be centered first and foremost on community safety, protecting victims, making sure that their constitutional rights that are enshrined in Article 1 Section 8A, Marcy's Law, that part of our constitution, that we always look at those first and foremost. But I know that there's a lot of individuals that make up this Commission and we bring so many different views. Of course, you're going to here from the law enforcement and the prosecutor side of it, about victims always first. I will tell you understand the importance of transitional housing and other items that other members that we usually find ourselves, an advocate positions you know, against in court, but there's a lot of common ground here too. So, just moving forward, I wanted to point some of those out. Thank you, Chair, if you are still here. I probably talked so long you're gone; you aren't back there. So, with Vice Chair, thank you for your indulgence.

**Vice Chair Brady:** Thank you. Are there any other questions or comments up North? Professor Lanterman?

**Dr. Lanterman:** So, I have a follow up question for DA Jackson regarding a consideration of societal costs related to increased crime, and it seems to suggest that, there might be a causal relationship between AB 236 and crime trends. And I'm curious if there is related evidence, and robust analysis in dictating an actual casual relationship between actions taken subsequent to the passage of AB 236, and crime rates. And if not, then what we might be doing is conflating correlation and causation, and if that's the case, then I think we need to really slow down with respect to adding a consideration about crime rates, if we're not actually sure as a function of analysis the AB 236 might be driving certain undesirable changes in crime rates should they exist in various jurisdictions throughout the State.

**Vice Chair Brady:** Just as a point of order, I don't know if that question it seemed more towards another member. So, I don't know if we want to open it up for discussion now. If I could Ms. Powers, have a point of order here on how to proceed forward?

**Director Powers:** You can do it either way, we can have a question and now have a discussion about this point and then, we can go on to the next question. So, that would probably be better. So, we can keep it all together.

**Vice Chair Brady:** Okay. Thank you and are you able to answer the question as to whether there is a correlation between AB 236 and the crime rates?

**Director Powers:** I cannot answer that. I can tell you that when Commissioner Jackson made that point, I did say, when I was going to rebut, there's no way to measure that at this time, but that could definitely be another report in the future, but I don't think for this report for August 1st, that I would ever be able to get that information to be able to say that.

**Vice Chair Brady:** DA Jackson, do you have an answer?

**DA Jackson:** There has not been a study in the State. I believe that the 17 different counties in the State that those DA's offices have some of that information. We have not pulled all the information together. I think that every prosecuting attorney's office in the State, every DA's office, specifically, especially as it relates to the felony offenses, is aware of certain crimes, individuals who have committed crimes that prior to AB 236 would have been sent to prison or would have spent a long time in prison, and about those that have been released, or did not go to prison, and about them committing further crimes. There are instances dealing with difficulty with those habitual criminal statutes now associated with that and revictimization. So, do we have that data, we don't. I guess what I don't know if misspoke, but it's important to understand and at least be mindful that, that has not been considered in any of these. We're talking about hypotheticals anyway, but even as part of the hypotheticals no one has talked about those societal impacts and they are important. If we're passing it on if the government is not spending the money, but victims and victims' families within your communities, now we are spending more or there is something else that's been pointed out that you already do have in there, you don't have the data to support it, but you put in there about the local impacts. If there's more individuals now that are serving more time in our county jails and there's a more significant impact at the local level, and we haven't drilled down, and looked at that. So, there's a lot of information moving forward that we need to look at and I think that's why it's best for this Commission to really request the legislature to give us the ability to decide what we all believe is the best way of looking at this moving forward. Thank you. And thank you, Professor Lanterman for bringing that up.

**Vice Chair Brady:** Evelyn Grosenick? Oh, I'm sorry. Did you have another comment Professor Lanterman?

**Dr. Lanterman:** Thank you, DA Jackson. Then, maybe one way that we could handle this is because there hasn't been an analysis. I'm wondering if it's possible potentially in this report or some future report that we try to address this absence of analysis as a recommendation. So, I know currently in the report, the recommendations are based on the content of this particular statute. Is it possible to add a recommendation that isn't directly from the wording of the statute, something to the effect that you know, the Commission, Department of Sentencing Policy would like to explore some of the additional public safety potential public safety implications of AB 236 and this would involve something like – and pardon I haven't really thought about the specific language about this through yet – but like something to the effective of an analysis of changing sentencing requirements, recommendations, prohibitions, and subsequent offending behavior, right? So, that's going to required different type of analysis that's not necessarily going to be easier with sort of large batches of aggregate data this might involve some like, actual down and dirty digging through files by hand type of data collection and analysis, which is really laborious. And so, it tends to be the type of analysis that doesn't get done precisely for that reason, right? But that's the type of analysis that you're probably going to, data collection analysis, that you're going to have to do to be able to answer this question, but it's an important question. So, you know, if it's possible, one way we can get at this issue is to add a recommendation for additional data collection and analysis to address this particular issue to determine whether or not there is some sort of negative public safety effect associated with AB 236.

**Vice Chair Brady:** Thank you, Professor Lanterman. Evelyn Grosenick?

**Ms. Grosenick:** Thank you. I second what Dr. Lanterman said. I also object to a blanket statement that all crime is up in the state going into this document, that warrants further follow up. It's a much more

complicated picture than that and when you look at violence statewide, it's actually down 5.19% between 2023 and 2022. Sex assault is down, aggravated assault is down, robbery is down, domestic is down, crimes against the elderly is down 24%, property crimes up 6.8% statewide, and then, that's also very complicated and varies by jurisdiction. And so, I'm not sure we want to muddy the waters of this report, which is due by August 1st, by getting into that debate and I think it's methodologically sound to go with Dr. Lanterman's recommendation of we should be studying it, and we should be figuring that out. And I think when we look at that, we also need to be looking at various policies by law enforcement, and prosecution agencies that can also impact crime rates, because we can look at arrests, and we can look at clearance rates, and who law enforcement decides to arrest, and for what, and then, what the DA's office chooses to charge, can also impact this data. And so, I think those are also factors that are going to play a role. Thank you.

**Vice Chair Brady:** Thank you, Ms. Grosenick. Any other comments or questions up north? How about in the south? Oh, I'm sorry. McCormick?

**Mr. McCormick:** Thank you, Vice Chair Brady. Just listening to this discussion here, should we be recommending that 176.01347 be amended in totality? Because it sounds like that the guard rails that this put on the report, are not necessarily conducive to intelligent discussion or determination of suggestions for policy. So, is that part of the recommendation that we re-evaluate this report? It's utility to the legislature and also, sort of its utility in general. So, I mean that's sort of a rhetorical question, so, but that's just a thought in listening to the discussion.

**Vice Chair Brady:** Thank you, Mr. McCormick. Anybody have a response to that up north? Yes, Mr. Jordan?

**Mr. Troy Jordan:** I just wanted to echo his sentiment, that maybe, what we are looking at, I guess the thing is here is, I think whatever side you're on of what you think personally of AB 236, I think what we're trying to get here is the truth and perhaps what we should be looking at in addition to the report, is amending the statute to allow us more freedom of what we can say, what we can include, things of that nature.

**Vice Chair Brady:** How about down south? Are there any questions? Or comments? I cannot see anyone.

**Deputy Director Jenna Buonacorsi:** We have no questions.

**Vice Chair Brady:** No questions? No comments?

**Deputy Director Buonacorsi:** I apologize, we do have one.

**Senator Melanie Scheible:** I do.

**Vice Chair Brady:** Okay. I think we lost connection to the south? Senator Schieble, would you mind starting from the beginning, I think we momentarily lost connection with you.

**Senator Scheible:** Okay. I wanted to clarify some context here with the preparation of the report that's going to be submitted the legislature, and the report that we have in front of us from the Sentencing Policy Department or the Department of Sentencing Policy because the Department of Sentencing Policy and the Sentencing Commission are separate entities, and we're very lucky to have the Department of Sentencing Policy aid us in creating these reports, and to do such thorough research, and all of these calculations for us, in order to produce our report, but I wanted to clarify with the Department of Sentencing Policy that you know, you are a non-partisan --

LOST CONNECTION

**Vice Chair Brady:** Are we checking with IT at all to see what is happening here? All right. Thank you. Why don't we take a five-minute break, while we figure out the IT situation. Thank you.

**LCB:** Can you hear me down there now? I know we are on a break, but can you hear me?

**Deputy Chief Evans:** Yes. We can hear you.



**LCB:** Okay. Thanks.

**Vice Chair Brady:** All right. Looks like there were some technical difficulties in the south and they are back up and thank you for that brief recess. We are back on the record and the floor is yours Senator Scheible.

**Senator Scheible:** Thank you. I will be brief. I just wanted to point out that we are so lucky in the State of Nevada to have the Department of Sentencing Policy that does such an excellent and professional job cultivating – not really cultivating – but collecting and analyzing data for us. And I want to make sure that we're all cognizant of their role in this process is to be as neutral as possible, and I want to make sure that we're noticing the separation between the Department of Sentencing Policy and the Sentencing Commission. I think the Department of Sentencing Policy has done exactly what we asked them to do at the last meeting and they've brought us the numbers. They've given us the number of people who would have, to the best that anybody could calculate it, the number of people who would have been in prison under the you know, old statutes, the number that actually were under the new statutes, how much that costs the state, and it's up to us as Commissioners to assign values to that, whether we think that is good or bad, whether we want to increase those differences, decrease those differences, those are all value judgements that we get to make. But the purpose of the report, I think, has been fulfilled to bring us those, I don't want to say raw numbers because they've actually done a great job of making those comparisons, but that neutral kind of information about the numbers. So, that we can utilize that to make our own inferences, good, bad, or otherwise, about how, and why that's happening. So, really my comment is to just thank the Department of Sentencing Policy for their always thorough, always professional, and extremely helpful work because without them, we would all be relying on individual jurisdictions, we would be guessing, we would not have a centralized place to go to for accurate, unbiased information about the numbers when it comes to people who are incarcerated in Nevada and why. So, thank you.

**Vice Chair Brady:** Thank you, Senator Scheible. Are there any other comments or questions in Las Vegas? Hearing none. So, one of the things I'd like to say on this, is that, the Statement of Costs Avoided from December that we do in the year, that is usually a more substantive, where we can make some comments and talk about some of these more issues, will you elaborate, Ms. Powers, on the difference between the Statement of Cost Avoided and what we have here today, which is based on the Projection of Cost Avoided.

**Director Powers:** The Projection of Cost Avoided is for the next biennium. So, this one we're doing today is for fiscal year 25, I mean, I'm sorry, 26 and 27 to help the legislature decide what to do in the next session. In December, yearly, annually on December 1st, we present the Statement of Cost Avoided, which is taking these same numbers and saying, this is how much we actually avoided, again, using those same data points that we discussed and then, we can also, make recommendations and provide a more narrative about why we think this is happening or anything we want to change.

**Vice Chair Brady:** Thank you, for that clarification. Do we have a motion that we want to, I would be willing to entertain a motion that we go with the report as it is, with the recommendation to have to recommend that we are looking at the numbers more closely the relationship between the Cost Avoided or/and the – excuse me – cost avoided and crime. As Professor Lanterman suggested.

**DA Jackson:** Again, this is going to be the document for those projections for the next two fiscal years for the biennium. I understand the importance of our year-end Statement of Cost Avoided, but for all the reasons that I stated and what I think at least, we need to have further discussion on and I would like to bring that back for a draft. So, my motion is going to be to bring this matter back for our July 19, 2024, virtual meeting.

**Vice Chair Brady:** When you say bring the matter back, do you have a more specificity as to this report specifically? Like what sort of changes do you want to see brought back to it because if we just bring the matter back and have further discussion, we still don't have a draft report to work off of. So, do you have some specific changes you'd like to see for the report that we can then discuss at the next meeting?

**DA Jackson:** I can take everyone's time and go back through everything I previously stated because I was made sure to highlight what my recommendations were, words to be changed, I know that Executive Director Powers was taking notes on it. I talked about additional bullet points and changes of the wording to

the bullet points. And at the very beginning of my questions and comments, I talked about wanting to bring this back with what I was going to be discussing as part of my comments. This is due by August 1st, and so, I really appreciate the fact that as opposed to the last one, where we only had a couple of weeks between when we have that meeting and when that report was due on December 1st, we have a meeting in between. So, I don't see any harm at all, by bringing this report, a draft of this report back, I could submit to Executive Director Powers in writing, so everyone can see what my recommended changes would be, and we could have that discussion at our July meeting. So, that is my motion.

MARK JACKSON MAKES A MOTION TO CONTINUE OUR DISCUSSION AND APPROVAL OF THE PROJECTED AMOUNT OF COST AVOIDED REPORT, WHICH IS DUE BY AUGUST 1, 2024, AND DO THIS AT OUR JULY 19, 2024, MEETING.

CHRIS HICKS SECONDS THE MOTION

**Vice Chair Brady:** So, for clarification can we restate that motion? Just clarification, I think as I hear that motion it would be for Ms. Powers to make some of the amendments or make the amendments that you suggested in the draft and then, bring that back for discussion, that new draft back for discussion at the next meeting, is that the motion?

**DA Jackson:** That is the motion, and I made that motion because you had stated that you would entertain a motion to pass this report as written, and I want to have further discussion on some of the items that I brought up, and what Professor Lanterman brought up, and what Mr. McCormick had brought up, and I think this is the time to be able to put that in the report.

**Vice Chair Brady:** Ms. Powers?

**Director Powers:** We can do a roll call vote. I mean we did have a motion and a second, so.

**Vice Chair Brady:** Let's do a roll call vote please.

**Director Powers:** Would you restate your motion quickly.

MARK JACKSON MAKES A MOTION TO CONTINUE OUR DISCUSSION AND APPROVAL OF THE PROJECTED AMOUNT OF COST AVOIDED REPORT, WHICH IS DUE BY AUGUST 1, 2024, AND DO THIS AT OUR JULY 19, 2024, MEETING.

**Director Powers:** All right.

**Judge Yeager:** Can I clarify? Are you saying that you want all of your points in the report? As being the one that would be put forward for discussion next July? Or are you or I mean I'm just a little bit unclear as to what you are proposing? So, are you saying that you would have, that we would be discussing what your proposed additions are at the next July meeting? Because there's a big difference for me.

**DA Jackson:** And to answer your question, Judge Yeager, it's the latter statement that you made, is bringing forward those proposals are. Where you can actually see those in writing and we could have a discussion as to whether or not, one, or more, or none of those proposals will make part of our projected cost avoided report.

**Judge Yeager:** Thank you for clarifying.

**Vice Chair Brady:** All right. Now, with that clarification do we have a second? Or do we have a second?

CHRIS HICKS SECONDS THE MOTION

MOTION PASSES.

(ROLL CALL VOTE CONDUCTED BY DIRECTOR POWERS)

**Vice Chair Brady:** And that closes out item number seven.

**Assemblywoman Considine:** Vice Chair, may I have a question? If that does open the ability to add additional comments, does that mean that the Commission members over the time before our next meeting can add additional comments ideas as well? Or suggestions?

**Vice Chair Brady:** Yes. And that could be including Professor Lanterman's recommendation of what we might recommend.

**Judge Yeager:** So, all right. I had just a clarification. So, I just want to make sure that what we are talking about at our next meeting is we would have the original document, and then, a separate document that would actually have what those suggestions are by whom that we would be opening for discussion.

**Vice Chair Brady:** Yes.

**Judge Yeager:** Thank you.

**Dr. Lanterman:** I'm wondering if it might streamline the process a little bit, instead of having a lot of documents floating around, if we are able to keep this one as the existing first draft and then, what we review for the next meeting is like, a single document with track changes and then, that way we can kind of just reduce the amount documents floating around, just for the sake of clarity.

**Judge Yeager:** I would propose that we have a separate second document that just tracks all of the proposals from the other members. So, not actually adding it into the original document but just the subject matter that we could then talk about.

**Senator Scheible:** I was just going to agree with Judge Yeager. I think we can kind of conduct this like, we do at the legislature, and we have the proposal here, people can submit what would otherwise be amendments as separate documents that include propose changes, and then, we can one by one discuss which changes we would like to include in the final draft, and which ones we wouldn't, and we can vote on them one by one.

**Vice Chair Brady:** So, with that said, is that a motion? Senator Scheible?

**Senator Scheible:** Yes.

SENATOR SCHEIBLE MOVES A MOTION TO ALLOW FOR MEMBERS OF THE COMMISSION TO SUBMIT AMENDMENTS TO THE REPORT AT THE NEXT MEETING FOR CONSIDERATION BY ALL OF THE MEMBERS OF THE COMMISSION TO BE VOTED ON AMENDMENT BY AMENDMENT

JUDGE YEAGER SECONDS THE MOTION

MOTION PASSES

**Vice Chair Brady:** And I opened that up for another motion just for clarification because it was getting a little bit confusing, but I think Ms. Powers is that pretty clear as to what we're doing moving forward and what you will be providing to the Sentencing Commission for the next meeting?

**Director Powers:** Yes. We will have an original document, this original document and then, another document with track changes from each of the proposals that we can then vote on one by one.

**Senator Scheible:** I don't think that's necessary. I think anybody who wants to propose a change to the report should be responsible for providing that document themselves. I don't think they need to burden Ms. Powers with making those changes.

**Vice Chair Brady:** Well, it would be good to have Ms. Powers just provide it to us in one document.

**Senator Scheible:** Okay.

**Vice Chair Brady:** That way we're not circulating a bunch of other documents. Are you okay with that Ms. Powers? To do that?

**Director Powers:** Yes, Chair.

**Vice Chair Brady:** All right, thank you. Was that part of the substance of your Chair's report or your director's report? Okay. So, that closes out item number seven.

## 8. Director's Report

**Vice Chair Brady:** And opens up item number eight, report from the Director.

**Director Powers:** As always, we talk about the Director's Report within the purview of our core functions and priorities.

We'll start with administrative. A quick update on our general happenings, the Department of Language Access plan required to meet the statutory mandates of SB 318 from the 82nd Legislative session is completed. The draft document is uploaded to the NDSP website under the Hub. Commissioners and the public are encouraged to review this language access plan. Any comments or suggestions should be sent to Sentencing Policy at [sentencingpolicy@ndsp.nv.gov](mailto:sentencingpolicy@ndsp.nv.gov) on or before July 19, 2024, 5:00 PM. Correspondence will be reviewed, and any modifications made as needed. Then, the report will be finalized and sent to the Governor's office of New Americans. We were notified of an all-agency HR memo, which is freezing NPD 19 Action, which adds and modifies positions for employment. This means the management analyst II we were going to request at Interim Finance has been put on hold until the freeze is lifted. This was the position requested with SB 103 to assist with the misdemeanor data.

As far as budget, I continue to work closely with the Administrative Services Division on budget build activities for next biennium.

On to data and reports. An update on the murder and voluntary manslaughter report data collection, last week we did receive the data from Clark County and that information is being inputted currently. We will compile the data with the other counties and provide a comprehensive analysis very soon. I will very quickly share the slides presented to the May 31st Joint Interim Standing Committee on Judiciary; this includes data from all counties except Clark.

So, this, as you know, last session, Senate Bill 316 moved the collection of data regarding murders and voluntary manslaughter charges to NDSP. Here you will see the age and reported gender of homicide defendants along with victims. This shows a comparison of reported race and ethnicity of homicide defendants and victims. And lastly, is the available information regarding death penalty involvement and final case disposition. Again, this is just a sneak preview. Now that we have Clark County's information, we will present this in a much larger format.

We did learn a lot during this initial year of collection and hope to streamline the process. Going forward, we want to have an online portal for submission next year with no option with no blank information, please stay tuned for the complete presentation when Clark County data has been assimilated.

Last meeting, I introduced an NDSP project to create a Microsoft SQL Server Management Studio Database for the Department to store, process, and query data more efficiently. We are still working with the OCIO to finish development of this database. The technical side of this development is almost done and ready to go into full production. Our team is finishing up testing and format approvals. We are working with the OCIO team on final aspects of the project. We will be receiving two quotes, one to finish the remainder of this biennium and one for the fiscal year 26-27 biennium. The cost will grow every month due to the rate at which we receive data. We have also accounted for anticipated future datasets. Once we are in full swing and have past usage history, the OCIO will be able to more accurately project future usage and associated cost which will be included in our budget submission. As a department, we are gearing up for the 83rd legislative session, and as always, we are available to perform any other research or ad-hoc pulls as requested.

In Outreach, NDSP staff continues to have recurring meetings with stakeholder agencies regarding data and other topics. As mentioned earlier, John McCormick and I presented at the Joint Interim Standing Committee on Judiciary on May 31st.

In Commission business, two seats do remain open on the Commission, one of the two members who are judges and I do believe I misspoke last time, the second is not the victim advocate, but one member who is a representative of an organization that advocates on behalf of inmates. With last contact to the authority that fills that seat, I was told the second seat would be filled by the end of this week. So, I will keep you updated. For the Nevada Local Justice Reinvestment Grant update, again, this is the \$3 million dollars that was appropriated through Assembly Bill 388 last session to fund county level grants related to reducing recidivism. NDSP opened the grant application period, March 15, 2024, there have been six rounds of grant funding with the final round ending today, Friday, June 21st. As of last Friday, June 14th, NDSP received 14 grant applications totaling \$3,197,750 in state funding requests. So far, ten grant applications have gone through the grant review process, three applications were rejected for funding, dropping \$1.5 million from consideration, five applications were selected for funding, totaling \$485,057 in state funds. These grantees also have a total of \$130,706 in matching funds. Two applications from round four, totaling \$184,761 in state funds are pending clarification at a final peer review decision. Four applications totaling \$1,138,621 will be going through the round four peer review process next week. \$48,852 was awarded to a victim service agency during these rounds. If the six pending grant applications are all successful, NDSP will have granted \$1,666,506 state funds from rounds one through five. This leaves us, NDSP, the Council, and Commission with \$1,333,494 to grant in the final round which closes today. Another reminder for the NASC Conference being held in Raleigh, North Carolina, August 6th-8th. Early bird registration is open through July 5th at \$425. After that, it goes up to \$475. Again, this is a great way to network with our counterpart commissions and agencies. Many of you were able to see this firsthand when we hosted last year. I have not heard from anyone yet, but please reach out if any Commissioner may appreciate registration support to attend. We would like to register during the early bird period if possible.

And that concludes my Director's Report today.

**Vice Chair Brady:** Thank you so much for the report. Are there any questions for the Director or her staff? How about in Southern Nevada, in Las Vegas? Hearing none. I just want to say, I want to resonate with what Senator Schiebel said, you've done such a good job, you guys are working so hard, and done good work putting this data together, and we're very lucky to have you. So, thank you very much for putting that together.

**Director Powers:** Thank you, Chair. I appreciate it.

**Vice Chair Brady:** And hearing no questions, that will close that agenda item.

## 9. Data Report

**Vice Chair Brady:** And I will now open up agenda item number nine, which is data report, and we will now hear from the Nevada Department of Sentencing Policy's Deputy Director Jenna Buonacorsi on the continued topic of the NDOC's aging population. Today, she will present on the medical costs.

**Deputy Director Buonacorsi:** Thank you, Vice Chair. Good morning, Commission. As we have been discussing over the last few meetings, we've been talking about the Nevada Department of Corrections aging population. I will try and be quick today, but our main topic today is going to be the medical costs associated with the Department's aging population. We're going to be covering the monthly average medical costs, the cost per offender, and we're going to look at it by place of service, and then, some actuals for the last calendar year of 2023, and then, looking forward, and have a time for questions.

So, before we begin, I would like to note that for the entire presentation, 2018 does not include June numbers, and 2021 does not include May and June numbers. This is why we have calculated each year's monthly average medical cost when determining the 7-year history. From 2017 to 2023, the monthly average medical cost for the total Nevada Department of Corrections population had 68.08% increase. Meanwhile, the total NDOC's population number of offenders decreased by 23.44%.

When looking at the aging population, we see that the monthly average medical cost increased by 23.10%, while the number of offenders decreased by 10.29%.

Much of our previous analysis on the aging population looked at the change in the proportion of the total population that the aging population represented and how that has changed over time. As we've talked about before, both the total population and the aging population have decreased in size. However, the aging population in 2023 represented a larger portion of the total NDOC population than it did in 2017, and this has grown by 2.36%. As we've seen over the last couple of slides, overall, the medical costs have decreased. Applying the same logic used when comparing the population to the medical cost, the proportion of the overall medical costs associated with the aging population has decreased by 10.66%.

Next, we calculated the average monthly medical cost per offender for each age group. You will see that the average cost per offender for the aging population, historically, has been much higher than that of the less than 55 population. In 2017, the 55 plus population average monthly medical cost per offender was 4.15 times higher than the less than 55 population. In 2023, it was only 2.14 times larger. So, as we saw on the last slide, the proportion or the overall medical cost associated with the aging population has decreased, the cost per offender for the aging population has steadily increased.

Here we provided the two numbers that are calculating the average monthly medical cost per offender. Over the last seven years, the average monthly medical cost has increased while the number of offenders in each group has decreased. This has caused an increase for both age groups and the average monthly medical costs per offender. However, the average monthly medical costs per offender for the less than 55 population has increased by 165.39% from 2017 to 2023. The 55+ population has only increased by 37.21% from 2017 to 2023.

Now let's look at what exactly is making up this average monthly medical cost for the total NDOC population by breaking it down into the places of service. As of 2023, there are 28 different places of service. Some had very small usage so, to simplify, we grouped those into remaining places of services. These categories included services such as urgent care, off-campus outpatient hospital, custodial care, and 12 others. These groups overall had the lowest usage over the last seven years. In 2017, the largest place of service was the prison/correctional facility followed by on-campus outpatient hospital visits. In 2023, the largest categories were emergency room and office visits.

The total medical cost for the Nevada Department of Corrections total population in 2023 was \$16,139,035.44. The largest expense was emergency room hospital visits at \$4,910,665.38 followed closely by office visits at just over \$4 million. Emergency room visits represented 30.43% of the total medical cost and office visits represented 24.95%. In total, these groups made up 55.37% of the total medical cost of the total population for the Department of Corrections.

Now looking just at the aging population. In 2017, the largest place of service for the aging population was on campus outpatient hospital stays followed closely by prison/correctional facility. In 2023, the largest places were office visits and emergency room visits.

The total medical cost for the Nevada Department of Corrections aging population in 2023, was \$4,707,087.22. The largest expense was office visits at \$1,405,835.92, followed by emergency room visits at just over \$1 million. Office visits represented 29.87% of the medical costs for the aging population and emergency room visits represented 21.54% of the total medical costs. In total, these two groups made up of 51.41% of the total medical costs for the aging population.

Looking forward. Next, we plan to wrap our analysis on the aging population at our next meeting. We'll be covering specific offenses that the offenders are serving and the distribution of that. The number of priors an offender had before their booking began and other data points as well. If you have any further questions or areas of research that we have not yet covered about the aging population or do not yet plan to cover, please let us know as we will include them in our next meeting. Similar to what we have studied and will continue to study about offenders 55+, the Commission has also requested us to look at offenders 24 years and younger for our youthful analysis. This analysis will begin as soon as we wrap up the aging population and will be very similar to what we have done. We plan to look deeper into the lengths of stay with offenders now that we have their full sentence structure data available to us and especially, with this new Microsoft SQL Server database, we'll be able to do a lot more robust analysis for the lengths of stay. As Jorja has already previously mentioned we are gearing up for the 2025 legislative session to begin. Our department is

working to prepare to be able to answer quickly as possible and one thing that will significantly help us is this last point here, which is our Microsoft SQL Server database. We are very excited to get that up, and running, and hope to have that full production very soon. I hope today answered some of your questions or the presentation to come will. I thank the Commission for having such an engaging discussion on this project. I also want to thank my data team for all the work that they have done on this as well. Thank you all for your time.

**Vice Chair Brady:** Thank you so much. Let's start down in Las Vegas, are there any questions that the Commissioners have?

**Deputy Director Buonacorsi:** Does not seem to be.

**Vice Chair Brady:** Okay. Moving up to Carson City, are there any questions? Professor Lanterman?

**Dr. Lanterman:** Yes. Thank you, for this analysis, Deputy Director Buonacorsi. I was wondering if you could offer any insight as to whether very generally speaking, the increase and average monthly medical costs is a function of one, an increase in acute and/or chronic health issues among the under 55 population, an increase in the cost of medical care just generally speaking. So, outside of the Department of Corrections population, just the cost of medical care has increased, so that even if the insentience of health issues hasn't increased the cost of providing care for the existing health issues was simply increasing or the data is indicating a combination of the two?

**Deputy Director Buonacorsi:** Thank you, Dr. Lanterman. To answer your question, this specific dataset I received was very aggregated data. So, how I've broken it down is about the furthest I can break it down. I was told the place of service, and the age group, and gender of that group. However, I think it's a good follow-up question and I can reach out to the Department of Corrections, I don't know the availability of that information that they will have, but one thing I will note is, I re-shared this chart because this is one thing internally we had found very interesting and it's looking at the usage of the different places of service over time. And one number, I don't know necessarily the cause behind this, this would be a follow up question for the Department of Corrections to be able to answer, but one thing of note is that the prison and correctional facility monthly cost was \$72,000 a month for the aging population in 2017, but now in 2023, it's only about \$4,000 dollars a month on average. Whereas office visits have had opposite trend, they were not being used -- and office visits are defined to be just going out to an office outside of the Department of Corrections, so non-surgical or hospital stay or going to an actual provider -- those costs have gone up steadily over the years. So, I think that would be an interesting follow-up question for the Department of Corrections is, is that a cost, is that one thing that might be attributing to the cost? I'm not sure, but those are some of the trends in the place of service usages that I've noticed, but in order to determine the exact thing, it's hard to say. I do know that it's not unique to the aging population, the cost has gone up for both age groups, for Department of Corrections as a whole, the medical costs per offender have increase. So, yes, we see an increase in the total number, but we've seen a reduction in the number of offenders for both groups.

**Dr. Lanterman:** Okay. Thank you.

**Vice Chair Brady:** Any other questions or comments? All right. Thank you, we will now close this agenda item -- oh was there, did someone say something down south, no, okay -- we will now close this agenda item.

## **10. Discussion of Potential Topics and Dates for Future Meetings**

**Vice Chair Brady:** And now open up agenda item number ten, talking about future meetings. The dates for the meetings for the rest of the year are provided in the agenda. Our next meeting will be July 19, 2024 virtually and then, we will meet November 1, 2024 virtually. The September meeting was canceled due to many members attending a conference on the originally chosen date. We are going to reschedule that September meeting; a poll will go out soon to determine the best date. As always, the staff is already working on more topics and items for discussion at future meetings, but does anyone else have anything else they'd like to be considered at a future meeting? I will start with Las Vegas, if anyone has any

comments for future meetings and online too. Seeing none in Las Vegas, how about in Carson City? Seeing none. With that we will close out agenda item number ten.

## 11. Public Comment

**Vice Chair Brady:** And open up the agenda item number eleven for the second public comment session. If there's anyone in Carson City or Las Vegas who wishes to make a public comment please make your way to the table, let us start with Carson City.

**Mr. James Wadsworth:** Members of the Nevada Sentencing Commission, I was here earlier today. I don't think I've been trying to communicate with this Commission, and this may not be the correct body to take action. I'm advocating two artificial intelligence modules be developed for the Nevada Department of Corrections. The first one will correct criminal behavior and the second one will prevent its occurrence. We also discovered the second has the potential to prevent criminal behavior from developing in children. Okay, I don't know how else to say, what I've said, I need funding, I need authorization, we can move on this immediately. I need to move on this. This thing's hot. Thank you.

**Vice Chair Brady:** Thank you for your public comment and your being here today. Just a reminder that we don't take action on public comments, and I will move on to see if there's anyone else that would like to make a public comment in Carson City? They're seeing none. How about in Las Vegas?

**Deputy Director Buonacorsi:** We have none, Vice Chair.

**Vice Chair Brady:** All right. Thank you so much. Now what about virtually?

**BPS:** Thank you, Vice Chair. The public line is opening and working, however there are no callers at this time.

**Vice Chair Brady:** Thank you for that.

## 12. Adjournment

**Vice Chair Brady:** And with that, we are adjourned. I don't need to take a vote on that do I? Okay, we are adjourned. Thank you everybody for your participation and robust discussion today.