

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
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NEVADA SENTENCING COMMISSION

MINUTES

Date and Time: September 13, 2024

Location: VIRTUAL ONLY

MEMBERS PRESENT

John Arrascada
Chief Michelle Bays
Dr. Shera Bradley
Deputy Chief Aaron Evans
Ms. Evelyn Grosenick
D.A. Mark Jackson
Deputy Director Troy Jordan
Dr. Jennifer Lanterman
Captain Joshua Martinez
John McCormick
Julia Murray
Erica Souza-Llamas
Assemblywoman Venicia Considine
Assemblyman Brian Hibbetts
Senator Melanie Scheible
Senator Lisa Krasner
Vice Chair Christine Jones Brady
Chair Justice Douglas Herndon

MEMBERS EXCUSED

Ms. Suzanne Crawford
Chairman Christopher DeRicco
Director James Dzurenda
D.A. Chris Hicks
Franklin Katschke
Jon Ponder
Judge Bitia Yeager

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: Thank you. All right everyone. Welcome to our meeting today. Thank you very much for your time and participation. This is the tenth meeting I believe of our cycle. We're going to go ahead and call the meeting to order. And Jorja, if you want to call the roll, so we can see if we have enough folks to do our business.

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

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

Chair Herndon: Perfect. Thank you very much.

Director Powers: Thank you.

Chair Herndon: And welcome to everybody who may be joining us through the YouTube channel.

2. Public Comment

Chair Herndon: We're going to open our first period of public comment, right now. Which is agenda item number two. There'll be two periods of public comment, one right now, and one at the end. For the members of the public, you have two options. Obviously, joining us as you may have done today allows you to have a moment for public comment at the beginning or the end of our meeting. But you can also offer us comment in writing by emailing the Department of Sentencing Policy and that email address is sentencingpolicy@ndsp.nv.gov. And again, if you put anything in writing and send it to us by email, that'll get distributed to all of the Commission members. If you wish to testify by telephone, due to time constraints, we limit that public comment to two minutes per person. So, please, don't be offended if kind of gently remind you if we move past that two minutes that we need to go ahead and close your section of public comment. And just a reminder, keep your phones muted until we tell you that you're live to come on and speak to us, so we don't get a bunch of echo from folks' phones, if you would. And at this time, I'm going to ask Ms. Jones if she can go ahead and facilitate public comment for us, if we have any.

Ms. Hunter Jones: Thank you, Chair. Members of the public who would like to testify by phone, press star nine to raise your hand. When it's your turn to speak, press star six to unmute, then please, slowly state and spell your first and last name. And looks like we have no one who would like to participate in public comment.

Chair Herndon: Okay. All right. Thank you, Hunter. Then, we'll go ahead and close our first period of public comment.

3. Approval of the Minutes of the Meeting of the Nevada Sentencing Commission held on July 19, 2024

Chair Herndon: And move onto agenda item three, which is the approval of our minutes. We have copies of the minutes from the last meeting on July 19, 2024. Was there anybody that had any edits that they needed to offer to the minutes? Yeah, Mark?

D.A. Mark Jackson: Thank you. First of all, I'd like to just say that the Department of Sentencing Policy does an incredible job with these minutes. I just noticed there was a couple of typos, and I thought, might as well correct those. On page 15, a little bit below the mid of the page, where you see "Motion passes, roll call conducted by Director Powers", it has Chair Herndon, Director Powers, and then, D.A. Hicks, when he addressed Chair Herndon, the name is misspelled there. And then, the next two, where it shows Chair Herndon speaking, those are also the same misspelling. And then, on page 22, up near the top of the page where Senator Krasner seconded the motion.

Chair Herndon: I'm sorry. Did you say page twenty-two?

D.A. Jackson: Twenty-two.

Chair Herndon: Okay.

D.A. Jackson: Where Senator Krasner seconds the motion, the word seconds.

Chair Herndon: Okay.

D.A. Jackson: The substantive part of it all is right on.

Chair Herndon: Okay.

D.A. Jackson: So, again, thanks to the Department of Sentencing Policy.

Chair Herndon: Okay. All right. We'll make those corrections. Did anybody else have any comments or edits to offer to the minutes? Don't see or hear anybody else. Do we have a motion to pass our minutes from the last meeting?

JOHN MCCORMICK MOVED TO APPROVE THE MINUTES OF THE JUNE 21, 2024, MEETING WITH EDITS MENTIONED BY D.A. MARK JACKSON

SENATOR LISA KRASNER SECONDED THE MOTION

MOTION PASSES

4. Director's Report

Chair Herndon: All right. We are going to move onto our agenda item number four, which is our report from Director Powers. So, Director Powers, I'm going to give you the floor, the screen, whatever it may be. I think you're muted, Jorja.

Director Powers: Sorry.

Chair Herndon: You were doing great though.

Director Powers: I was doing great. Yeah, the first part all I said was, that I did notice that Senator Krasner arrived, and I wanted her to know that I marked her present.

Chair Herndon: Thank you.

Director Powers: All right. So, I'm going to keep this a little bit brief this morning, I know we have a long meeting. I'm going to give you updates on the Department and our activities. With administrative, I was going to mention that our lease is up in April for our building that we are now in. So, we are looking to see about moving to state-owned buildings or if we will stay here. So, I will keep you updated.

As far as budget, our budget was submitted by the deadline and now are just waiting for the process. I did put in for more travel for Commissioners. As I start talking about the NASC Conference, you all know that I have told you about the NASC Conference each year. I would really like for Commissioners to be able to attend, so I did put in for us to be able to help more. We are also looking at grant funding for that, to send approximately three to ten people each year. So, just keep that in mind.

And for that, I'm going to jump to outreach and talk about the NASC Conference. The NASC Conference was held in Raleigh, North Carolina. I was able to go, Deputy Director Buonacorsi was there, Aaron Evans,

Major Evans was there, also, and they have both kindly volunteered to speak about that. So, I'm actually going to give the floor to Major Evans right now to talk about his experience at the conference.

Deputy Chief Aaron Evans: Thanks, Director Powers. Yeah, the conference was great. I've attended the last two. The one that Nevada Sentencing Policy hosted last year up in South Lake and then, this year in Raleigh. It's always good to get in a big room with your contemporaries from around the country that are working and studying on the same issues that we're facing here. The level of researchers that attend these, that put on presentations you know, decades of working in criminal justice and studying it. Really eye opening, gives a lot of opportunity for discussion, and just kind of realizing that we're not alone you know, in Nevada we have our own problems, but no state out there has it perfect and everybody's just kind of working towards it. There were also a few breakout sessions that I attended, that were really valuable I thought, and one that I was going to highlight, just briefly, was from the Oregon Criminal Justice Commission and they covered their, I think like, a seven-year process from de-felonizing personal amounts of controlled substances to decriminalizing to now, they are actually re-criminalizing some of these controlled substances. And they went through the process of you know, how it passed, and how it was supposed to work, and then, how ultimately failed when they decriminalized and the thoughts of how much diversion to treatment they were going to do. And now they're you know, trying to figure out a way to kind of recriminalize that a little bit and it was very eye-opening. You know, we face similar drug trends as Oregon, being here on the West Coast, and you know, I was able to spend some time with them afterwards, and kind of just talk about some of the same issues, and they're talking you know, diversion and deflection -- which isn't necessarily something that we have a lot of here, but you know, I'm sure it's working in that direction -- but it's just nice to you know, to be able to meeting with other people going through the same type of things. And I would encourage anybody that is available to attend the next one to come because I think it's worthwhile.

Director Powers: Thank you very much.

Chair Herndon: Does anybody have any questions or comments for Major Evans? Okay. Director Powers?

Director Powers: All right. Thank you very much Major Evans. Deputy Director Buonacorsi, did you want to speak?

Deputy Director Jenna Buonacorsi: Sure. Thank you. Just to essentially echo what Major Evans shared, it's always great to be able to be in the same room with, there's a lot of commission members who attended, but also, a lot of people on the department side from other departments who support their commission who attended and so, getting to hear both perspectives is always great. There are two parts that I greatly enjoyed, was one, they do an all-states update. So, every state that is present shares a quick five-minute rundown of what is going on in their state, what things that they have accomplished in the last year, challenges that they are facing, and so, it's a really awesome way to just get a picture of what's going on nationally with similar departments and commissions to ours. But also, I attended a breakout on Sentencing Data Legacy Applications, and that was very eye-opening. A lot of states face similar challenges that we're facing here in Nevada with data. And so, we heard from Maryland, the District of Columbia, Virginia, and Pennsylvania, and they are all on Legacy systems that similar to what we have had to do in Nevada, have been altered and tailored towards their state to make it work for them. So, just being able to be in a room of people discussing the same data systems, the pros and cons of using a Legacy system, some of them were developed internally, some of them were developed through outside vendors coming in, but there are systems that some of these departments have been using for 20 years and some for a little bit more recent. I know, I believe it was Virginia, is using AI in their systems now. And so, it was a really eye-opening conversation to hear what's going on in other states in terms of their data, how they're storing and processing, if they have statewide system, where everybody's on a unified system, or some of them had individual systems for different departments and divisions, and so, yeah it was interesting getting to hear what is going on with data in criminal justice around the country.

Chair Herndon: Thank you, Ms. Buonacorsi. Anybody have any questions or comments for Jenna? No? All right. Thank you. Director Powers?

Director Powers: I was just going to mention a couple of the plenary sessions that we attended, one of them talked about the value of long service on commissions. I'm very happy that our Commission has long-serving members, and many have been around for the iterations of this Commission prior. So, that is very beneficial for us. The other was, we all know that there is a struggle with filling our inmate advocacy position, so there are many states, and we had representatives of justice-involved people who are on their commission. So, not just an advocate, but actual justice-involved individuals. And so, that was very interesting and eye-opening. So, I just want to encourage everybody when next year comes around, it's always the first or second week of August and as soon as I have information, I put it out to you. So, that we can have more people come and experience this.

So, let me re-share. All right. So, onto data and reports, we are now working to secure funds to start the new database that the data section has ready to start and has been working OCIO on a State level. We did put it into our fiscal year 26-27 budget, but we would like to start as soon as possible. So, we're working on that. The data section also has been working to analyze data and trends, so they can complete many reports. Two of which you will hear today, the aging and the NRS 178.750 report involving murder and involuntary manslaughter, voluntary manslaughter, I apologize.

And then, as far as Commission, we submitted the projected amount of Costs Avoided, a report that you approved and that is the Department report today. Thank you.

Chair Herndon: Anybody have any questions or comments for the Director? No? All right. Director Powers, thank you very much. I appreciate it. All right. We'll close agenda item number four.

5. Costs Avoided Discussion

Chair Herndon: And move onto agenda item number five, which is are Costs Avoided discussion. Our next charge let's see here. Well, there were two things provided in your packet and I know the Director will chat about those with you. So, let me turn it back over to Director Powers.

Director Powers: Thank you, Chair. Yes. So, you will see two separate documents, the Statement of Cost Avoided for December of 2024 and a supplemental report to the Statement of Cost Avoided for December of 2024. As I was putting the report together, and looking at everything that the Commissioners had spoken about during the projected cost avoided report, I decided to break them up. Looking at the statute, the Statement of Cost Avoided says, "tell us how much we've avoided using these data points". And so, we have our Statement of Cost Avoided.

Chair Herndon: Okay.

Director Powers: Then, I took all of the other points and put them into a supplemental report. So, we can look at these separately and then, discuss them, and vote on approval, and changes separately. If that's fine with you, Chair? Okay. So, I'll share my screen, and we'll start with a Statement of Cost Avoided. Okay. So, the Statement of Cost Avoided discusses the statutory requirement that we have gone over many times, basically before December 1st of each fiscal year, the Statement will be written and submitted. In the summary section, we have seen this block before about what cost are avoided, it's money that may have been expended and it is projected. Using the formula adopted in May 2024, employing the statutorily required data points, the Nevada Sentencing Commission calculated that Nevada has avoided \$18,158,559 due to the enactment of AB 236, since the last Statement of Cost Avoided. As reported in the August 2024 Projected Amount of Cost Avoided Report, Nevada is projected to avoid another \$36,775,055 during the 2025-2027 biennium. This can be reinvested in programs and treatment that will reduce recidivism. I will go off on tangent here. This report does not require recommendations as the Projected Amount of Cost Avoided does, so we just said that they can be reinvested. The August 2024 Projected Amount of Cost Avoided report can be used as reference and includes background information and details of the recommendations from the Commission for reinvestment. And it tells where people can find it. It gives the methodology that we talked about for the Projected Amount of Cost Avoided that is voted on by the Commission. Using the two data points that we have discussed and gives a breakdown of how we got the

\$18,158,559. This section is more breakdown of how the formula was derived and how it was used. And that was the end of the report. Again, statutorily, we are only asked to take those two data points and write the Statement of what was avoided. So, I will leave it to you to discuss.

Chair Herndon: All right. Anybody have any comments or topics they want to discuss with regard to that first report that Director Powers just provided as well or just discussed with us, rather it's been provided.

D.A. Jackson: Chair Herndon?

Chair Herndon: Sure.

D.A. Jackson: It would be easier if we could go through the second report and can we just combine the discussion. It's only one agenda item.

Chair Herndon: Yeah. That's fine. Jorja, is that okay? Can you go ahead and go through the second one? Then, we'll bring it all back to one big discussion.

Director Powers: Yes. Absolutely. I will pull up a second now. All right. You are seeing the supplemental now?

Chair Herndon: Yes.

Director Powers: Okay. Perfect. All right. And as I discussed, as I went through this and I was trying to write one report, it just wasn't making sense. I wanted to make sure that I talked about everything that were important to each Commissioner. I tried to include everything, and this is just for us to discuss. So, again, statutory requirement, what the report itself or both reports, the Projected and the Statement of Cost Avoided are statutorily mandated to do and to include. Talks about how we updated the methodology, the development of the formula, again, this is a lot, this is taken from the Statement itself, and then, we start. So, there have been discussions within the Commission meetings regarding the Department of Corrections budget increasing even as the population has decreased. Studies show there is little to no correlation between states that spend the most per capita for incarceration and the states with more offenders per capita. Most variations in state corrections spending, ultimately represent the corrections policies, budgetary factors, and policy decisions important to those individual states. And then, we go into findings and considerations, the 2017 JFA report used to craft AB 236 projected a marked increase in the NDOC population, forecasting an NDOC population of 16,206 by fiscal year 26. The numerous factors including AB 236, COVID-19, and the fact that the NDOC population had begun a slow decrease prior to any of this influence making it impossible to attribute all cost avoidance to any one source. This chart shows you the JFA projection versus actuals.

The entire membership agrees that there are difficulties in calculating avoided costs overall, but specifically regarding the enactment of AB 236 as costs avoided our funds and entity would have expended in the future. This is a projection. In the case of AB 236, costs avoided refer spending that may be unnecessary because of a decrease in prison population after AB 236 was enacted. However, due to the varied cost associated with housing offenders in an NDOC facility, the costs avoided are not tangible or measurable funds as they represent potential future savings. Many scenarios can change the NDOC budget and population in any given year. Examples are inflation, global pandemic, statute and policy change, capital improvement need, salary increases, and societal issues.

Next bullet. In the Nevada Department of Sentencing Policy's December 2021, *Fiscal Impacts of Sentencing and Corrections in Nevada*, it is noted that legislative findings related to the establishment of the Nevada Sentencing Commission include the following: "Sentencing and corrections policies should be resource sensitive as those policies may impact costs, inmate populations and public safety. Criminal justice agencies should strive to effectively measure costs and benefits."

Next bullet. The Nevada Sentencing Commission is tasked with making data-driven policy recommendations. The Nevada Department of Sentencing Policy was created to collect and analyze Nevada criminal justice data. One of the biggest issues the Department faces is a lack of data. The statutory requirements regarding calculated costs avoided due to AB 236 are exclusively Department of Corrections data points which is the majority of usable data to which NDSP currently has access. To be able to create a longitudinal approach to analyzing criminal justice practices and policy in Nevada, the Department would need data from local-level law enforcement, judicial entities, alternative sentencing, and post-conviction data that is currently not available. Prison population and prison spending are only one small piece of the Nevada criminal justice array.

Next bullet. One impetus behind AB 236 was to use State resources to house the most serious and violent offenders. The charts below display changes to the proportion of the total population by felony category and offense group between 2017 and 2023.

Next bullet. A point mentioned frequently during recent NSC meeting discussions within the scope of costs avoided has been societal costs. It has been noted that there has been a rise in property crime in Nevada while the prison population has decreased. A counterpoint was – can this be proven to be a causal result of AB 236? The conclusion is that more data would be needed to begin to pinpoint possible causes of increased or decreased crime. And these are the Nevada crime rates for violent crime and property.

Recommendations. The Nevada Sentencing Commission has been following the mandate set forth in statute regarding developing a formula and reporting costs avoided by the State due to the enactment of AB 236. With time and experience, the Commission's recommendations today include asking the Legislature to allow the Commission to research and revamp the required data points for consideration of costs avoided calculated related to AB 236 (2019) and requesting help to obtain consistent data from a wider range of Nevada criminal justice agencies. The current data points being used are only from NDOC. It must be assumed that as the changes brought about by AB 236 modified sentencing thresholds and outcomes – certain felony categories were adjusted to lower felony categories and others that were felonies prior to the enactment of this law were modified to misdemeanors or gross misdemeanors. Also, some offenses that remained felonies now allow for mandatory probation. This means that some of the costs may not have been avoided but may have been relocated to the Division of Parole and Probation, alternative sentencing departments, and local jurisdictions/jails. If the charge of the Commission is to calculate cost avoided by the State, determine if, and if so, to where and to what extent, costs may be being transferred to other agencies is necessary.

And that's that. So, I'll go back to the top and allow you to discuss. Thank you.

Chair Herndon: All right. Mark, did you want to start? Go ahead.

D.A. Jackson: Sure. Thank you very much. I want to start off by thanking Executive Director Powers and all of her staff at the Nevada Sentencing Commission. As everyone knows, when we attempted to do this or when we did this last year in 2023, I brought up a lot of issues and points, and it led to a very lengthy meeting, and the same thing happened as we prepared for the Projected Cost Avoided Report at our July 19th meeting. I really believe that the Department of Sentencing Policy threaded the needle on this, took into account the comments by John McCormick at our last meeting about doing exactly this, I think that those were shared by Ms. Grosenick, as well as Mr. Arrascada, and Assemblywoman Considine. And instead of keep trying to add bullet points and get involved in those types of discussions, I think what this captures the supplemental report, is really the frustrations, not just of me, but other members of this Commission about us wanting to do the right thing and we just have not had the tools available to do it because the data does not exist. So, with that I'm not offering any recommended changes to either the report, the Statement of Cost Avoided Report or the supplemental report. And I'm going to be in favor of moving both of these forward as presented.

Chair Herndon: Okay. Thank you, Mark. Anybody else have any questions or comments about either of the two reports? I can't see everybody right now because the screen is still shared, Director Powers. So, just speak up. Thank you.

Director Powers: Vice Chair Brady has her hand up.

Chair Herndon: Okay.

Vice Chair Christine Jones Brady: I think this is very well done. I do like how it's written, and it actually tees up a conversation that we ought to be having with each other and that is that challenging these issues, be it from, sentencing lengths, to alternative, to incarceration, to deflection and diversion, all of these things require a really, the kind of discussions that we have in this group across the board, from local, state entities, judicial entities, the whole gambit. And it kind of tees it up because it talks about yes, we're saving money for you know, for NDOC, but where are the costs going? And ultimately, I think where we may need to get is, at some point, talk about how do we all share in the costs? So, I kind of like it for that reason that it tees it up, that this is a shared responsibility for all of us throughout Nevada.

Chair Herndon: Thank you. Anybody else? Looking for little hands on the screen. Don't see any. All right. Well, look I will share what D.A. Jackson said, I think Director Powers that you've done a wonderful job, and I don't think that, well first off, I think that the Cost Avoided Report, you're right is exactly what we are asked to do, but I don't think you can view that in a vacuum without understanding both the positive parts of it and the limitations of what it represents. Which gives the Legislature a lot of insight into the things that we all have been thinking about and discussing internally for them to consider as they move forward trying figure out, "Hey, what has AB 236 done? What are the positives things that have come from that? What are the limitations on what we can really read from that and what can we do moving forward to maybe continue to address these issues?". So, thank you. I appreciate you and your staff putting both of these together. And if I can go back, Mark, did I interpret your comment is you would be willing to make motion to approve both of these reports as is?

D.A. MARK JACKSON MOVES TO APPROVE THE DECEMBER 2024 STATEMENT OF COST AVOIDED REPORT AND NEVADA SENTENCING COMMISSION SUPPLEMENTAL REPORT TO THE DECEMBER 2024 STATEMENT OF COSTS AVOIDED

SENATOR LISA KRASNER SECONDS THE MOTION

MOTION PASSES

Chair Herndon: All right. So, we will close agenda item number five, our cost avoided discussion.

6. Misdemeanor Subcommittee Update

Chair Herndon: Move on to agenda item number six, which is our Misdemeanor Subcommittee update. I'm going to turn that over to Mr. McCormick. John, how are you today?

Mr. John McCormick: I'm all right. Thank you, Chair. We had a Misdemeanor Subcommittee meeting earlier this week unfortunately, we didn't have a quorum. However, at that meeting we did the group that was there, reached consensus that where we want to go with the Misdemeanor Subcommittee at this point, is coming up with a recommended reclassification system for misdemeanors i.e. multiple levels. We don't know exactly how we are going to do that. So, we've appointed a working group to begin working on that framework. So, then, we can interface with all of the stakeholders as far as you know, the severity of misdemeanors and how we begin to try to wrap our heads around reclassifying all of those. And then, move on and make recommendations for misdemeanors to the Legislature to potentially repeal or revise. So, looking at getting the first working group meeting for the reclassification group going here in a couple of weeks.

Chair Herndon: Okay. Thank you. Anybody have any questions or comments for John in regard to the Misdemeanor Subcommittee? No. All right. Thank you. I appreciate it, John. We'll go ahead and close agenda item number six.

7. NLJRCC Grant Update

Chair Herndon: And move onto agenda item number seven. Which is our NLJRCC update that references Assembly Bill 388 and we're going to turn it over to Marie Bledsoe for an update on that.

Ms. Marie Bledsoe: Thank you, Chair. Give me one second. I'm going to share my screen here.

Chair Herndon: You had it for a second. There it is.

Ms. Bledsoe: There it is. Okay. Can everybody see that?

Chair Herndon: We can. Thank you.

Ms. Bledsoe: Thank you. All right. Good morning. I am Marie Bledsoe, I'm a Management Analyst with the Nevada Department of Sentencing Policy. And I will be walking the Sentencing Commission through the Nevada Local Justice Reinvestment grant award process for 2024.

The Nevada Local Justice Reinvestment grant, through the Nevada Local Justice Reinvestment Coordinating Council, was authorized through Assembly Bill 388, introduced by Assemblyman Yeager in the 2023 Legislative session. These \$3 million in grant funds are for re-entry and recidivism at the county and local levels. And in this presentation, the Nevada Department of Sentencing Policy will be focusing on an overview of the grants awarded in rounds one through six, a look at the funding distribution across all counties in the state, then we will take a deeper dive into what was actually funded, finally, we will look at next steps in the grant process. And I did want to mention that we made a couple minor changes to this PowerPoint presentation after it was emailed out. The updated document is on the website, but if you have the original, you might see a few little changes as we go; for example, next steps was added here.

Chair Herndon: Thank you.

Ms. Bledsoe: Thank you. So, here is a quick look at the timeline and chronology for the NLJR grant application process. The award period originally opened March 15, 2024, and was supposed to close April 12th. In that period, the Department of Sentencing Policy had received five grant applications totaling just under \$450,000 in state funding requests. This dollar amount was well short of the \$3 million that was available. So, the Department of Sentencing Policy or NDSP, then created five more grant rounds and reopened the grant application period. Grant applications were received at two-week intervals through June 21, 2024. So, this chart shows the number of applications that were received by round with a total of 20 applications received in all. Two applications were rejected, one in round three, and one in round five, primarily because the principles who submitted these grant applications lacked experience with our target population. That target population, again, is people in re-entry from prison or jail as well as individuals at risk of recidivism at the local level. So, we had 18 applications moved on to our Peer Review Committees. Now these committees were separate and independent and were primarily made up of members from the Nevada Local Justice Reinvestment Coordinating Council. But it also included professionals like an undersheriff from a rural county, and a classification and planning specialist from the Department of Corrections. These committees were formed and completed application reviews in rounds one, four, five, and six. Now the reason no Peer Review Committees were formed in rounds two and three were because no grant applications were received in round two and there was only one application to be reviewed from round three, so, we moved it onto round four. Which is why, you'll see in round four, three applications were received, but four applications were reviewed. So, each Peer Review Committee had time to independently review and score each application for their assigned round. Each committee met to discuss each application and their scores and as a group, these committees selected the applications to be funded and decided the levels of funding for each grant.

So, we'll now look a little closer look at each round of funding. So, rounds one and two ran from March 15th through April 26th. Five applications were received in round one and, as mentioned, no applications were received in round number two. The Peer Review Committee or PRC chose three applications for funding from round one; those applications were in Douglas, Lyon, and Humboldt counties. The column titled "Awarded \$" is the state amount awarded plus any required match. The "State \$" column is the amount taken from the \$3 million that was available. Then, in the case of the two governmental entities here, there was a required 30% match. In this round, Lyon and Humboldt counties both contributed in-kind matches. So, the state amount awarded was \$341,797, the total match amount for this round was \$81,455, for a total of \$423,252 in benefits to these counties.

Rounds three and four were from April 26th through May 24th. In round three, we had those two applications that were received, and with one application moving onto the Peer Review Committee for review. That round three, application was the Nevada Outreach Training Organization, which provides victim services in Nye and Esmeralda counties. There were funds identified in the NLJR grant for victim services and this application received a portion of those funds. The round four Peer Review Committee had four applications to review, and they chose all four for funding. Three of the applications selected were non-profits and one was a governmental entity. The total amount awarded was \$309,804, the match amount was just over \$43,000 from Clark County, for a total amount of almost \$353,000 in benefits to Nye, Esmeralda, Mineral, Clark, and Storey counties. Now, I would like to mention that the \$43,000 match amount from the City of Las Vegas was a cash match which is very rare in the world of grants. So, this cash match was an unexpected and extra benefit to this population in Clark County.

Round five ran from May 25th through June 7, 2024. Four applications were received. With one application not moving onto the Peer Review Committee. Of the three applications that were reviewed, only one was selected for funding. This grant award was for \$81,986 in state funds and \$26,832 in match, for a total award of over \$108k in benefits to Carson City.

Finally, June 8th through June 21st, was round six. Six applications were received, and all moved onto the Peer Review Committee. The PRC selected three applications for funding. Two grantees were non-profits, and one was a governmental entity. In this round, the remaining \$2,266,413 was awarded. Along with over \$136,000 in in-kind matching funds for a total award of just over \$2.4 million in benefits to Clark and Washoe counties. If you have the original slide deck that was for this presentation. I just wanted to note here that the City of North Las Vegas and the non-profit Foundation for an Independent Tomorrow have changed positions on this slide.

Totaled together, the grant funding distribution for the Nevada Local Justice Reinvestment Grant looks like this. Seven rural counties received 21% of the funds or \$632,837 in state funds. Washoe County received 26% or just over \$782,000, and Clark County received 53% of the available funds or \$1.5 million. I do want to mention that NDSP received over \$9 million in state funding requests. Clearly, the Peer Review Committees had to drastically cut over \$6 million to get the requested received down to the \$3 million that was available. So, their work was invaluable to this process, and we can't thank them enough for their work. And so, this slide ends our broad overview.

In this next section, we're going to do a summary with a deeper dive into what was actually funded. I want to note there are two sides to any grant award. There is the fiscal side, which is what we are covering today, and then, there is the programmatic side. For example, how many people will be assisted. So, we can cover the programmatic side of all grants in future meetings. On the fiscal side, two categories received the largest amount of funding. First, there was the personnel category at \$1,111,987. This category is to compensate staff at many of the 11 organizations receiving state grant funds. The second biggest category was contractual and consultants at \$1,747,933. So, then, in descending order, the remaining categories were indirect costs receiving \$62,000 in funding, supplies and operating got \$41,460, travel got around \$26,000, and staff training at \$10,255.

So, just like peeling an onion, let's go one level deeper. And here is an even closer look at the personnel section which totaled over \$1.1 million. The good news here, is that the largest portion of the personnel

funding, over \$398,000, is for community health workers, therapists, counselors, and case managers. An additionally large amount of funding, \$268,800 was for Peer Recovery Support Specialists. When these two-line items are combined, and the associated taxes and fringe benefits are included, these services come to \$805,196. Which is 72% of the personnel and fringe funding category. These staff members are providing direct services for to target population. I also want to point out that \$10,430 is for victim advocates and the remaining \$204,505 covers other staffing needs at these organizations.

Our second biggest category was the contractual and consultants category. In this category has been broken into two sections. The top or light gray portion is additional funding for personnel while the darker gray or bottom portion is direct services to our target population. And in here, there is more good news. In the top portion, an additional \$155,000 is for more counselors and therapists, with an additional \$99,840 for Peer Recovery Support Specialists. Those two-line items make up the bulk of this top section and when combined, this comes to \$255,446, leaving around \$42,000 for the remaining line items which includes executive directors, suicide prevention training, and personnel for technical assistance and program evaluation. Now, when we take the \$805,000 from the personnel section on the previous slide and combine it with this \$255,000 total for direct services, we get \$1,060,642. This means one third of the total \$3 million is going toward personnel providing mental health, case management, and peer support services to our target population at the local level. Now to the bottom portion. The top three lines here represent services like local pharmacies, staff who provide transportation for clients to get to appointments, plus clothing, birth certificates, phone cards, and identification cards for our population in re-entry. At the bottom of this bottom section, there is \$146,750 toward mental health housing for folks needing acute attention through mental health courts, \$120,965 for housing assistance mostly in the form of rent, and \$139,800 for supportive services like childcare. Finally, \$1,018,279 is going to directly pay for training and tuition for people in reentry or as a diversion from recidivism.

The remaining sections of our deep dive, we will just touch briefly. The travel section and the other section categories are for staff at the funded organizations. Here we have eight staff members attending conferences and trainings out of state. The grant funds are paying for their travel and registration expenses at those events. Grant funds are also being used for in-state travel, so staff at these organizations can meet with clients, who may be in crisis, at their homes.

Under supplies and operating, we had grantees request assistance with mental health screening supplies, along with drug testing supplies. Organizations also requested to purchase everything from toilet paper to new computers, office supplies, and filing cabinets. That all came to \$30,504 across 11 organizations, for a total in this category or \$41,460.

Our final deep dive category is indirect costs. Five of our non-profit, grant recipients included indirect costs with their applications. So, these costs are generally a percentage of their operating expenses, and this category came to \$62,305 or just 2% of the available funds. So, that concludes deeper dive into what the NLJR grant dollars funded.

And so, let's take a peek at next steps. For the grant recipients, each month these grantees must submit a reimbursement request for the awarded grant funds. These reimbursement requests include all expenses for the prior month. When each request is received, it is reviewed by two members of the NDSP staff before moving on to the Administrative Services Division, where the requests are reviewed again, and then paid. Each recipient must also submit a quarterly narrative report for programmatic reporting. NDSP is planning on-site compliance checks with grant recipients in the coming months which means NDSP staff will go to recipient organizations to tour their facilities and learn more about their programs. NDSP is also offering all recipients technical assistance as needed. The recipients must spend all awarded funds by June 30, 2025. The NDSP also has required reporting for this grant includes two reports to the Interim Finance Committee. The first is due by December 20, 2024, and must include all expenditures through December 1st. A final report is then due by September 19, 2025, and it will contain all expenses through the deadline of June 30, 2025. Finally, the Department of Sentencing Policy will continue to keep the Sentencing Commission updated on what is happening with this grant between now and September 2025.

And Chair, that concludes this presentation.

Chair Herndon: Thank you, Ms. Bledsoe. Does anybody have any questions or comments about the report Ms. Bledsoe provided to us today.

Director Powers: Chair, may I say something?

Chair Herndon: Sure.

Director Powers: I just wanted to point out that the Coordinating Council was created in the 2019 session underneath the Commission to do this work. To analyze and discover needs at the local and county level, and to administer grant money, which did not come about until last legislature session. So, we waited four years for this money. Everything that we have seen in these applications and the organizations we've been able to grant money to, they are doing great work in their communities. And then, secondly, I wanted to give a real shoutout to Marie. Marie joined our department in February. She's been here approximately seven months, and she has just taken this grant and run with it, because once we got the money, we needed to be able to get it out the door. So, I just wanted to really give her our thanks.

Chair Herndon: So, you joined in February, and somebody said, "Here's a few million dollars, go spend it". Right? What a great job that is.

Ms. Bledsoe: No complaints.

Chair Herndon: For sure. For sure. Well, thank you again. That was a terrific report, I appreciate it. Anybody else have questions or comments for Ms. Bledsoe? No? All right, Marie, thank you.

Ms. Bledsoe: Thank you.

Chair Herndon: And that's going to close our discussion in agenda item number seven.

8. Data Report

Chair Herndon: And we'll move onto agenda item number eight, which is our data report with the aging population study, as well as the NRS 178.750 discussion. So, I'll turn it over to Ms. Buonacorsi.

Deputy Director Buonacorsi: Thank you, Chair. I am going to go ahead and share my screen really quickly with you all. All right. I'm going to turn off those subtitles, I don't know why it keeps showing up. There we go. Sorry about that. Good morning, Commission. Today, we are going to be concluding our series of presentations on the Nevada Department of Corrections aging population, which is comprised of offenders housed in the NDOC who are 55 years and older.

We are going to be looking at, the number of offenses on an offender's entire booking, as well as their offense group in categories associated with those offenses, and we're going to look at the top offenses that offenders are serving as of April 2024, and there were some questions about the prior criminal history, so we have some statistics to share with you all for that as well.

So, jumping right in. Before we begin this next section, I want to review a couple of terms. First is, what an NDOC booking means in the context of this presentation. A booking encompasses any convictions at the time of and subsequent to, an offender entering NDOC custody. An offender could begin their booking with one or more Judgements of Conviction and potentially could add JOC's to their booking once it has already begun. One way this could happen is if an offender is still pending sentencing from one or more charges when they enter NDOC custody. If they are convicted, these sentences join the original booking and may add time to the offenders original booking maximum. Another way is if an offender is paroled to the community but receives new charges, these charges join the original booking and may similarly add time. As of April 2024, the Department of Corrections had 1,683 offenders in their aging population. As we have

mentioned previously, we have received a new dataset from NDOC that give us every offense an offender is serving. Historically, we have only been able to look at one offense per offender, either their most serious offense or their most serious active offense in our analysis. An offense is essentially a criminal conviction as stated on their JOC or JOCs. This could be one or many offenses with each having unique sentence terms such as felony category, offense group, and sentence lengths. Depending on whether the convictions were adjudged to run concurrently or consecutively, each offense in the booking could have a different status. Possible statuses are active, discharged, paroled, pending, among others. An offenders booking does not expire until all charges are discharged. The reason we have been so excited to receive this dataset is because it allows us to be much more precise in our analysis of types of crime, sentence length, enhancement usage, and other data points to give a more well-rounded view of sentencing trends and usage of prison resources. Among the 1,683 offenders, there were 6,680 offenses total.

As of April 2024, 31% of the aging offenders only had one offense on their booking and 29% had two offenses. The highest number of offenses on one booking for the aging population was 117 offenses.

Out of the total 6,680 offenses, 35% were sex offenses and 36% were violent offenses. Property offenses accounted for 9%, drug for 3%, DUI for 2%, and other category for 15%. Seventy-four percent of offenders had all the offenses on their booking in the same offense group. This does include 530 offenders with only one offense on their booking, 21% have offenses in two different groups, 4% in three different offense groups, and only 1% have offenses spread between four different groups. There were no offenders in all six offense groups.

For felony category, 52% of all offenses are category A offenses and 39% are category B offenses. Meaning 92% of all offenses being served by the aging population as of April 2024, were category A or B offenses. Category C only represented 4%, category D, 4%, and category E, 1%. Sixty-seven percent of offenders had all of the offenses on their booking in the same felony category. Similarly, this does include the 503 with only one offense or 530, excuse me, with one offense. Twenty-eight percent have offenses in two different categories, 4% in three different categories, and only 1% between 4 different felony categories. Similarly, no offender had offenses in all five categories.

The top 15 offenses on the bookings of the aging population in April of 2024, represents 70% of all offenses. The other category we have represented here – which is that large dark blue section -- represents over 100 unique offenses totaling up to 30% of all offenses being served. Often some of these offenses were only one instance in the population. Sexual assault of a victim under 16 years old represents 12% of offenses being served by the aging population, 11% here use of deadly weapon enhancements, and followed by 9% being lewdness with minors.

For the aging population's number prior jail incarcerations, 42% had zero, 14% had one, and 43% had two or more. For the number of prior terms of probation, 71% had no prior terms of probation, 17% had one, and 12% had two or more. For the number of prior terms of prior prison incarcerations, 17% had none, 37% had one, and 46% had two or more.

We created this chart while answering a research question posed to us by a corresponding department in another state. We found it quite interesting and wanted to share it. The admissions broken down by generation show an interesting trend. We will examine these generation trends further as they closely relate to the aging population review, we've just completed and the upcoming youthful offender study.

With that, in our presentations to come, as we've discussed, we will begin our youthful offender's study which is 24 years and younger. It'll be very similar to what we've completed here for the aging population. We have been also asked to look into the female population, as well as do a study on the habitual offenders. The habitual offender's study will be case file reviews, as well as a felony murder study. We want to use some of the information that we have presented with you all today about the aging population in terms of their offenses and do a total population all offense analysis. Flashing back to Jorja's presentation on the supplemental costs avoided report, if you guys saw all of the pie charts on that, that is using this same dataset. So, it was looking at all the offenses for offenders in the NDOC population. And we also are

of course, are gearing up for 2025 Legislative support. I hope you all enjoy this deep dive into the aging population over the last few presentations. Our department is currently working to compile all the presentations we have done – I think this was our fourth or fifth – and we will compile them all into one report, which will be available on our website for your review. I want to thank you guys for such an engaging discussion on this project, and for my team, and all the work they put in. With that being said, does the Commission have any questions on the data presented here today?

Chair Herndon: Well, here, I will tell you, one quick comment. It's first time I've ever seen Boomers, Gen Z, Millennials, Gen X referred to in a prison population, right? But I love that. Does anybody have any questions or comments about the aging report? I do not see any hands. Okay, thank you, Ms. Buonacorsi. All right. We're going to close agenda item number eight.

Deputy Director Buonacorsi: Sorry. I have one more presentation.

Chair Herndon: Right. I forgot. I'm sorry. 178.750. Please go ahead. My apologies.

Deputy Director Buonacorsi: You're all good. I almost have it ready to share. All right. Now you should see the presentation on reported data for 2023.

Chair Herndon: Yes.

Deputy Director Buonacorsi: NRS 178.750. Today, we're going to be covering what exactly is NRS 178.750. We're going to be discussing county size and murders reported, as well as defendant and homicide victim demographics, the number of notices of intent to seek the death penalty, and along with the final case disposition for the data reported.

Before we begin, I want to make one small disclaimer. The page you are currently looking at was not on the original Power-Point presentation we posted and sent out to the Commission last week. I had intended to include a slide in this presentation with the actual NRS on it but did not make the final version. We have corrected a few formatting errors as well, but none of the underlying data has been altered. We have posted this most recent version of the presentation on our website. This report represents an analysis of on reported murder and voluntary manslaughter cases in Nevada during 2023, as required by Nevada Revised Statute 178.750. The data explores various aspects of these certain homicides, including county characteristics, defendant and victim demographics, and case dispositions. This report identifies trends and highlights the need for improvement in data collection and reporting to ensure more comprehensive and accurate analysis in the future, as mandated by NRS 178.750. The history begins with Assembly Bill 13 from 2003 [2003], was introduced to eliminate a panel of judges in certain penalty hearings in which death penalty was sought and also required district attorneys and district courts to report specified information concerning homicides to the Supreme Court. Legislative hearings show that the impetus for collecting data points regarding these homicides and sentencing was a concern of possible racial bias in sentencing for certain groups and subsequent defendant/victim combinations. A portion of the bill requested these data points be made available to show any trends as there was a question of whether the data penalty system, at that time, was prejudiced against certain defendants. Senate Bill 316 from 2023, transferred the task of collecting this data to the Nevada Department of Sentencing Policy. – Excuse me – Though we received submissions from all 17 counties, this did not occur by the February 1 deadline. One significant challenge in conducting this analysis was the substantial amount of missing data. Many of the requested data points were left blank and some were marked as unknown. Some counties were able to provide information that other counties were not. It was not always clear if the question was left blank due to the information being unknown to them or due to failure to complete the form in its entirety. The Clark County District Attorney's Office did state that some of their blank data points were attributed to the limitations caused by their case management system. They are currently in the process of transitioning to a new case management system that should allow for a more complete submission. Another challenge faced was the manual effort needed to fill out the report and then convert the submitted PDFs into a usable data analysis format, like Excel or CSV. This required the Nevada Department of Sentencing Policy to manually enter each data point into a usable format. The NDSP team is working on improvements to streamline the report template and submission

process for all involved. The Department hopes that transitioning to an online form will make the data submission much simpler and provide for more accurate, and cohesive, reporting with less blank entries. This new process will not allow for an answer to be left blank as the reporting agencies will have to select “not available” before being able to move on to the next question. The Department is still in the development of this new process and will be working with the district attorney offices to determine the most workable solutions to benefit all stakeholders.

Population size and homicides do not necessarily have direct correlation. Nevada has great disparity in county size. The largest ranging – sorry, excuse me—the smallest ranging from just 736 people in Esmeralda, to over three million in Clark. Clark County reported the highest number of homicides under NRS [170.750] for 2023. However, the per capita homicide rate is lower than that of other counties. Lincoln, Pershing, Nye, and Lyon, for example, each reported a higher homicide rate per capita. Eight counties reported no homicides for 2023.

As shown, "Not Reported" represents a significant category due to the data collection challenges mentioned previously. However, for race, "Not Reported" only accounts for 15.27% of defendants. For defendants, 39.41% were reported to be White and 43.35% were reported to be Black or African American. Of the nine total reported Hispanic or Latino defendants, seven had their race listed as White, one as Black or African American, and one as other.

Just over 60% of defendants are younger than 35. The less than 25 years old age group represents 34.48% of the defendants while the 25 to 34 years old range represents 26.11%. Defendants in the 55+ category range from 56 to 86 years old. Most defendants are male and account for 80.30% of the total. There was no reported gender for 11.33% of defendants.

Out of the total 209 victims reported, 163, or 78.95%, had no reported race or ethnicity. Of the reported 34 White victims, five were Hispanic or Latino. There were eight total Black or African American victims reported, and only one American Indian or Alaska Native reported.

There was no listed age for 56.94% of the victims. The smallest age range of victims were between the ages of 45 and 54 years old representing only 3.35% of the total. There was no listed gender for 77.03% of the reported victims. While 17.72% of the reported victims were male, 5.74% were female.

The overwhelming majority of cases did not result in a notice of intent to seek the death penalty as 183 out of the 203 cases, or 90.15%, were reported “No”. A notice of intent to seek the death penalty was filed in only two cases reported, one in Clark County and the other in Lyon County. All instances that were “Not Reported” came from Washoe County.

For dispositions, 13.79% of defendants pled guilty, 7.88% are awaiting a jury trial, 3.94% have been found guilty by jury trial, and 1.97% had their case dismissed. The 5.94% of other dispositions represent instances that did not fit into these categories, i.e. case pending, defendant deemed incompetent, defendant suicide, outstanding warrant, etc. Of all reported cases, 66.5% did not list final case disposition. Of these, 128 are from Clark County, seven from Nye County, and the other 15 counties were able to provide a final or pending case disposition.

I want to take a moment to thank our NDSP team. We received over 200 reports, and my team were the ones who had to do the manual data transfer for us to be able to have this information for you all today. So, thank you team for all your hard work. I also want to take a quick moment to thank our Executive Director, Jorja Powers, for all the work she has done for the Department. While Jorja has been working in the Nevada Criminal Justice industry for many years and this Department for almost three, Wednesday marked her one year as our executive director. Thank you, Jorja. I know I speak for many when I say I greatly appreciate all you do. Thank you, Commission, for your time and the opportunity to present this information to you all. Our Department has created a PDF version of this report with the same information presented here. This report is already available on our website sentencing.nv.gov under The HUB tab. We look forward to sharing this

with you next year and hope to have more available data to report next time. With that being said, are there any questions from the Commission?

Chair Herndon: Thank you, Ms. Buonacorsi. Do we have any questions or comments from anybody for Jenna? No? All right. Director Powers, congratulations. I didn't realize it was your one-year anniversary.

Director Powers: Thank you.

Ms. Julia Murray: I'm sorry. I'm sorry, Chair Herndon. I was trying to raise my hand, I think it went up right after you.

Chair Herndon: That's okay. Go ahead, Julia.

Ms. Murray: Thank you. I don't know that you know the answer to this or not, but what are the consequences for not reporting clearly available data? Like, all of these victims went through an autopsy, gender should be an answerable question. Death notices go through a process whereby the cases are presented to a committee and there is data collected internally by the counties whenever the notice is filed. I mean some of these things make no sense that we have no data. Do we have a way to strongarm the data reporting?

Director Powers: I'll jump in here really quickly. When we had struggles having people submit their data by the deadline, we started reaching out. Like, how do we make people follow the law. So, that is still under research at this point. We have not found any way to make the people submit their statutorily-required data. So, if anybody has anything that they can help push people along or give us advisement on that subject, that would be greatly appreciated.

Ms. Murray: Okay. I guess, I appreciate that as an answer. Intellectually, I have a hard time accepting that as an answer. It seems to me, if we want to be able to make any sense of any of these numbers and it is a constant conversation when we come up here, what crime rates are, and what the crime rate changes mean. And we're looking at a very small crime category -- murder is very specific and relatively small, as far as the numbers go -- if we can't even get accurate data there, I think maybe we need to explore proposing some sort of a penalty for non-reporting to be added into the statute. Like, it doesn't seem appropriate that we can pick and choose when we want to give the data, when there is a mandate in the law to give the data. I apologize for my rant, but I think it's something we need to address.

Chair Herndon: Anybody else?

Dr. Shera Bradley: Yes.

Chair Herndon: Senator Krasner?

Senator Lisa Krasner: Thank you very much. So, on a couple of the slides it was breaking down the ethnicity of the perpetrator who committed the crime and it said, ethnicity not reported. Who's not reporting it? Is it law enforcement who's not reporting or is it the offender who's not reporting what their ethnicity is? Who's not reporting that data, please?

Deputy Director Buonacorsi: On our end, all I can say is what data we have received. So, this data comes directly from the District Attorney's offices and so, they are the ones who fill out the report. What information they have available is a different part of the conversation. I know when I talked to Clark County about some of their empty categories, they said the cause was due to their data system for the unanswered questions, but in terms of the data that you are all looking at today, if it's marked not reported, it means the District Attorney's office left that entry blank.

Senator Krasner: Thank you.

Chair Herndon: Anybody else?

Director Powers: Dr. Bradley has a question.

Chair Herndon: Dr. Bradley?

Dr. Bradley: Hi. So, maybe it's because we have incomplete data, but I cannot believe that there was only one notice of intent for death penalty in Clark County for an entire calendar year. I just don't think that's possible. But these are for cases that were all filed in 2023, right?

Deputy Director Buonacorsi: Yes.

Dr. Bradley: Okay. Because I'm also looking at the statute, there's other things that should have been reported as well about the jury and things like that, and so, those are just all – what does it mean it's because of their dataset? Does that mean they didn't put it into a usable format that could be pulled back out again or what? I don't know what that means.

Deputy Director Buonacorsi: So, I guess I'll explain a little bit more of the process. So, we received this during the last legislative session, so this was our first year as a department collecting this data, how it has been done in the past is a PDF is sent to the agencies or to the District Attorney's office, and they have to fill out this report for every case filed in that calendar year, and in that report all of the questions, all of the elements outlined in NRS are requested on that report. Then, the District Attorney's office fills out the report for every case that they had filed for homicide, or involuntary manslaughter, or voluntary manslaughter – excuse me – and they send that report back to us. Once we get that report, it is in a PDF format, which is not the most usable way to analyze data. So, then our department takes the PDF that they had submitted and transfers all of it into an Excel file, so that we are able to create charts and pull together this actual information. The reason that we did not include a lot of that other data is because it was very, very, sparse. This information, though it is already sparse, was the most information I had to share, there was some entries that no agency had filled out. And so, we are working on a way to better improve that process, so that they have to mark, "we did not know this information", so there is a level of we have more information about why they marked it or why they left it blank, they won't be able to move onto the next question without answering it. But yeah, unfortunately that's all I have right now. We have the data from historical data from the prior group who did the collection for this report and their data is far more sparse than the information we got. They had some years where major counties never even reported and you know. So, in terms of the historical information, it's very limited, but even in this 2023, we've got a lot more information than has been received historically, but it was still very sparse in what was filled out.

Dr. Bradley: So, when they're telling you that they couldn't provide all the information because of their data systems. Do we know what that means?

Deputy Director Buonacorsi: That was only a conversation that I had with Clark County. I think we had shared with you guys that there was a really large lag in receiving the data from Clark County. So, when we had finally received it there was a lot of entry blanks in their final case disposition actually. All 128 reports submitted by Clark County were blank in that category and being that it's Clark County, and they represent a large number of murders for our State, I reached out to them about that question, and the response that I got was it was due to their data system, and that they are hoping with their new system they will be able to provide that. And that in terms that's all the information I have on necessarily why. Some of the smaller counties with their blanks, we have not had an opportunity to discuss that with them yet. I'm hoping that as we start this new process, we can establish a better relationship with each of these agencies and be able to really problem shoot why there are so many blanks being filled out. I was not expecting there to be this many blank entries when we originally sent out this report and so, part of this is learning on our department too, about how we need to move forward with this report in the future and accurately receive this information in a timely manner in its entirety.

Dr. Bradley: I wonder if, so we don't really know why their case, that doesn't really tell us anything, it's very vague, right? But if it just means that they weren't collecting it in any aggregated way or whatever it means, but I would think that the D.A.'s, the A.D.A.'s that handled these cases would know the details about their own cases, I would hope or guess. I guess what I'm wondering is, should there be a second pass at getting more of this data instead of waiting for next year? Given that maybe we're asking for the more complete dataset as required by the statute and maybe they're not used to having to turn that in. Okay, so then we get a second pass at giving us better data, so that we don't have to wait till next February for this year's. Because I didn't look at the changes in the statute, but this statute originally came was enacted 2003. I don't know if it included all of these pieces of data in 2003, but it's been around for a while, and so, if they've not really been in the habit of okay, maybe a little bit of grace is necessary, but yeah, so I guess that would be my main question is, can we give them a second chance to provide some of this in the whatever format you want to collect it in?

Director Powers: We can look into that, absolutely. But like you said, this has been happening for 21 years now and there just has always been sparse data. We are hoping to change that. Jenna and her team are already working on an online form, so the District Attorney's can have it all year long, they can put it in one case at a time, and we will receive it you know, whenever they're ready to give it all year long and we will hope that will change. Again, she's going to put it in so that there's no option for a blank answer, we will at least know why it's blank, if nothing else. But absolutely, we can look at reaching out to the counties again, I just don't know that anything will change.

Deputy Director Buonacorsi: D.A. Jackson?

D.A. Jackson: Thank you. I'm not speaking on behalf of the Clark County D.A.'s office, nor am I speaking on behalf of the all the other D.A.'s, I'm not sure what those data issues were in Clark County. I can tell you that I do have knowledge that Clark County, Washoe County, Douglas County, Carson City, Lyon County, and a few other counties used a case management system through what was Journal Technologies, and we were given notice about two years ago, as to the end of life, and we've migrated to a new data system through it's prosecutor by Carpel. The dollar amount that Clark County would have to pay was, I thought astronomical, I don't know what they've done with that. It has caused issues in Douglas County on migrating from one case management system to another and again, that happened I think for '22 and '23. I will offer this, the D.A.'s Association, we're meeting later this month, and I will bring this issue up at the D.A.'s Association and will reach out to the Department of Sentencing Policy and try to dig down. I do agree with what both Senator Krasner and Dr. Murray – not Murray, excuse me – but to address Dr. Bradley and we shouldn't have to wait a year for this information, and I'll try to get the ball moving on the D.A. side.

Deputy Director Buonacorsi: Thank you very much. We appreciate that. And I will say, Douglas County, their one report that they submitted was very filed out, almost to a complete entirety, so thank you, D.A. Jackson for that too from your department.

Chair Herndon: Anybody else have any other questions or concerns? And Mark I do appreciate if you could talk to your brethren about things. I mean I don't want to put it on the Legislature, to Julia's point about trying to create penalties for things outside the criminal realm. Look people you know, we see things come into courts, in the district courts, and end up coming up here on occasion where people are seeking declaratory relief against various governmental agencies for not providing certain things, so there's mechanisms for that separate from the Legislature having to get involved, but obviously it benefits all of us to have more information accessible. One thing I will say, Dr. Bradley, I had the same thought you did when I looked at the number of 144 homicides in Clark County and only one notice of death filed regarding 2023. That can be difficult sometimes figuring out when it was filed and what year it pertained to, but I did reach out when while we were all talking to Judge Jones that administers the Homicide Team and she said, that there were only two death notices that had been filed in 2024, and most of those would be in relation to 2023 homicide cases. So, if there is more deliberation and thought going into that, and less notices are filed, great. If that number is obviously not accurate that was reported, then that's concerning. We obviously want to get more accurate information. So, to the extent Mark, your conversations can generate people utilizing whatever they

can within the new case management system to help us out in that regard, that would be terrific. Dr. Bradley?

Dr. Bradley: Just a quick follow up to that. Thank you, Chair. Maybe this was clarified with the agencies, but of course, the case could have been filed in 2023, but the notice of intent to seek death penalty could have been 2024. So, I don't know if we clarify that data point. It would seem like we want that to apply to when the case was filed.

Chair Herndon: Right. And I will for – and I apologize for interrupting – for a more bigger context, I believe she said there were seven death notices filed in 2023. So, those would probably be in relation to some 23 and 22, or even older cases just because sometimes whether there's a delay in investigating a homicide to get it to the point of a court case or a delay in getting the court case to the district court where the death notices were filed versus being in the justice court or going through a grand jury process, all of those things kind of impact that a little bit. And I interrupted Dr. Bradley, let me let her finish up.

Dr. Bradley: No, that was it. I just think we need to clarify with each agency, we need to clarify what we're collecting. Are we collecting the notice of intent based on when that filed or when the case was filed? And maybe it was already clarified. That was it.

Deputy Director Buonacorsi: I will jump in really quick. I have a partial answer to your question, Dr. Bradley. In the actual NRS the third point for it is, "If all information required pursuant to subsection one, cannot be provided because a case is still progress, an additional report must be filed to the Department of Sentencing Policy each time a subsequent report is filed. Until all the information to the extent available has been provided." Historically, if that has been done before our department took over this report, I'm not sure, but in terms of moving forward with cases that are still in progress, as they evolve, our department should be notified as the case moves on. So, in terms if there was a filing in 2024 for a 2023 case, then that is there. There's also they're required to report the offense date and the case number now, that was an addition. I know case number was an addition I think in this last legislative session. So, we're able to track down to an individual case level and how that evolves. So, I think this reporting for this whole report probably needs to be addressed, and revamped, and to make sure that we're receiving this updated data as you know, these cases before they're are closed. There's a lot that can happen and change during a calendar year.

Chair Herndon: All right. Anybody else with comments or concerns?

Deputy Director Buonacorsi: Julia has her hand up.

Chair Herndon: Ms. Murray?

Ms. Murray: Thank you. Yeah, I really just wanted to echo what Chair Herndon said, about the necessity of a second pass for accuracy here. We internally keep numbers as well at my office. I pulled our 2023 death penalty numbers while we were all talking and I have eight case numbers that I could you know, email to you right now. That were all filed, the first being filed on January 25, 2023, the last was a December filing of that year, and those are all 23 case year case numbers. So, there's a flaw in the data for sure and I think a second pass is probably necessary.

Chair Herndon: Thank you, Julia. Anybody else?

Director Powers: Just really quickly. D.A. Jackson, I know that you have offered, and I think that might help a lot too. If you can get together with the Department before you go to your meeting and we can talk about you know, what we need and what the problems might be. I really appreciate your help in this matter.

Chair Herndon: Okay. With that we will go ahead, I think. Yes, Jenna? Close the agenda item? All right. We're going to close the agenda item number eight. Thank you, again, Ms. Buonacorsi.

9. Discussion of Potential Topics and Dates for Future Meetings

Chair Herndon: We're going to move onto agenda item number nine, which is future meetings. The next meeting we have scheduled right now is November 1, 2024. Staff's already working on topics for that meeting obviously, and if anybody has any ideas, please express them now and/or reach out to the Director and her team about things you would like to put on for that next meeting date. Is there anybody that has anything right now that they're thinking of that they would like to have on for that meeting? One thing I will say is, Mark, when did you say it was that you're meeting with the D.A.'s?

D.A. Jackson: Two weeks from today.

Chair Herndon: Okay. All right, so maybe Director Powers, if you guys could get with Mr. Jackson and provide him with some information, and maybe some clarity about some things that maybe he can inquire about with the D.A.'s Association members that might be helpful. And then, that might be one thing Mark, maybe in November if we can just kind of get an update on where we are on addressing what appears to be some data shortages in terms of the information that we're getting. And that could be provided to Jenna and maybe she can update us on that in November.

Ms. Murray: I apologize, Chair. I'm noisy today.

Chair Herndon: That's okay.

Ms. Murray: I was wondering if someone from the Department could reach out to the Nevada Department of Corrections. They recently reclassified Ely to a medium-security prison and High Desert to a maximum-security prison, and did a larger prisoner transfer and shift, moving around approximately 2,000 inmates. We talked so much about why prison cost has gone up or stayed high and we talked about all variable that play, I'd just like to know the numbers on the cost on that. It doesn't necessarily need to be a full presentation, but I think it's something that will become important when we look at prison costs on the 23-24 cycle. It's probably going to spill into 25 as well. But I'd like to know what that transition contributed to some of the numbers we've been looking at.

Chair Herndon: Okay.

Captain Joshua Martinez: Hey. Just from the metro standpoint in regard to that question. During the movement, we were part of that movement as well and our teams here at Metro to make that movement occur. So, those are just things if you're looking at costs and expenses, and you're asking the State, I'm not sure if they would know the whole figure or whatever because there were other agencies involved in that move.

Ms. Murray: Yes. I completely appreciate that point. I actually met with the Clark County Detention Center earlier this week and I know that they also through Metro took on a huge cost with it as well. So, we may find that's true, and we might need to reach out to a few agencies.

Chair Herndon: Maybe Director Powers, if we can get some information on that and just maybe, somebody from the Department to give us a little background on why it was done, what's ultimate goal of that, I mean I have to assume that there is some wisdom to it obviously, and maybe there's some saving in future costs, if there's people closer to you know, Clark County, if there's more need to have inmates closer to the court system here or something, I have no idea. But if we could reach out and maybe get somebody to give us a short presentation on that.

Director Powers: Yes. Absolutely. We've been meeting with NDOC and Deputy Director Testwuide is online right now, and she and I, talked about future presentations coming come. So, if you're willing, I'll reach out to you, Deputy Director, and we'll set something up.

NDOC Deputy Director Emily Testwuide: Absolutely.

Chair Herndon: Thank you, Emily. Okay. Vice Chair?

Vice Chair Jones Brady: We may also just kind of along those lines, may want to invite the Department of Indigent Defense to make a presentation. I don't know if this is part of why they're relocating people, but I know that there's a lot of difficulties getting representation, attorney representation out in the rural areas of Nevada. Especially, some of the frontier areas, there's a struggle. So, I don't know that has anything to do with it, just in terms of where the resources are located to handle some of these different things.

Director Powers: I can reach out to Executive Director Ryba also.

Chair Herndon: Well. So, I don't think Marcie Ryba is the Director any longer and I don't know who it would be now. All I know is, I was told recently that, I don't know that Marcie was let go, removed, I'm not sure what the circumstances of it were, but I just know that it didn't sound like she was in that position any longer and I'm not sure who it may be. If anybody else has any information on that, knows who appointed.

Ms. Murray: Chair Herndon, I have the information. The current acting Director is Peter Handy, and I will send you his contact information after the meeting.

Chair Herndon: Okay. Thank you. Do you know, Julia? I mean is there a plan to get somebody in place with any kind of expediency? Or is it just we're going to have?

Ms. Murray: I don't know anything about future game plan, I just know Peter reached out to me to let me know that he's doing it for the time being.

Chair Herndon: Okay. Thank you. If you could get that to Jorja, that'd be great.

D.A. Jackson: Chair Herndon?

Chair Herndon: Yeah.

D.A. Jackson: The Board of Indigent Defense Services had scheduled a meeting. Three of the items on their agenda for yesterday were pertaining to that, and they cancelled the meeting, and I believe that they're trying to reschedule it for the 26th.

Chair Herndon: Okay.

D.A. Jackson: Of this month. But there's no new posted agenda yet.

Chair Herndon: Okay. All right. Okay. We'll close agenda item nine regarding future meetings.

10. Public Comment

Chair Herndon: We're going to move over to agenda item number ten, our second period of public comment. Let me just first ask Hunter, is there anybody on the online to provide public comment before I go through my whole spiel?

Ms. Jones: There is no one on the line.

Chair Herndon: Okay. We won't go through our spiel. Thank you very much. So, since we have nobody to offer public comment, we will go ahead and close our second period of public comment, and that's agenda item number ten.

11. Adjournment

Chair Herndon: And then, we will just move to agenda item number eleven, which is our adjournment. Thank you all very much again for your time today, and your participation it, and we will close our meeting, and I will see you all in November. Bye-Bye. Have a good weekend.

DRAFT