

NDSP Presentation of AB 32

ASSEMBLY COMMITTEE ON
JUDICIARY

FEBRUARY 15, 2023

Purpose and Goals of AB 32

- NDSP helps lawmakers and stakeholders advance data-driven recommendations
- Improve implementation of AB 236 (2019) policies
- Improve sustainability for NDSP and NSC

NOTE: We have been working on amendments with stakeholders since AB 32 was introduced.

Two Types of Supervision

PROBATION (CHAPTER 176A OF NRS)

- Convicted of offense
- Sentence suspended
- Follow conditions of supervision
- Judge makes decisions about violations

PAROLE (CHAPTER 213 OF NRS)

- Convicted of offense and served at least minimum sentence in NDOC facility
- Released to parole to serve remainder of sentence
- Follow conditions of supervision
- Parole Board makes decisions about violations

Supervision Violations and Consequences

WHAT DOES IT MEAN TO VIOLATE SUPERVISION?

- Technical violations
- Commit new offense
- Abscond

WHAT ARE THE CONSEQUENCES FOR VIOLATING SUPERVISION?

- Technical violations
 - Graduated sanctions
 - Temporary revocations
- New offense
 - Penalty for new charges and/or
 - Revocation
- Abscond
 - Revocation

AB 236 (2019) – Changes to Certain Supervision Policies to “implement swift, certain, and proportional sanctions”

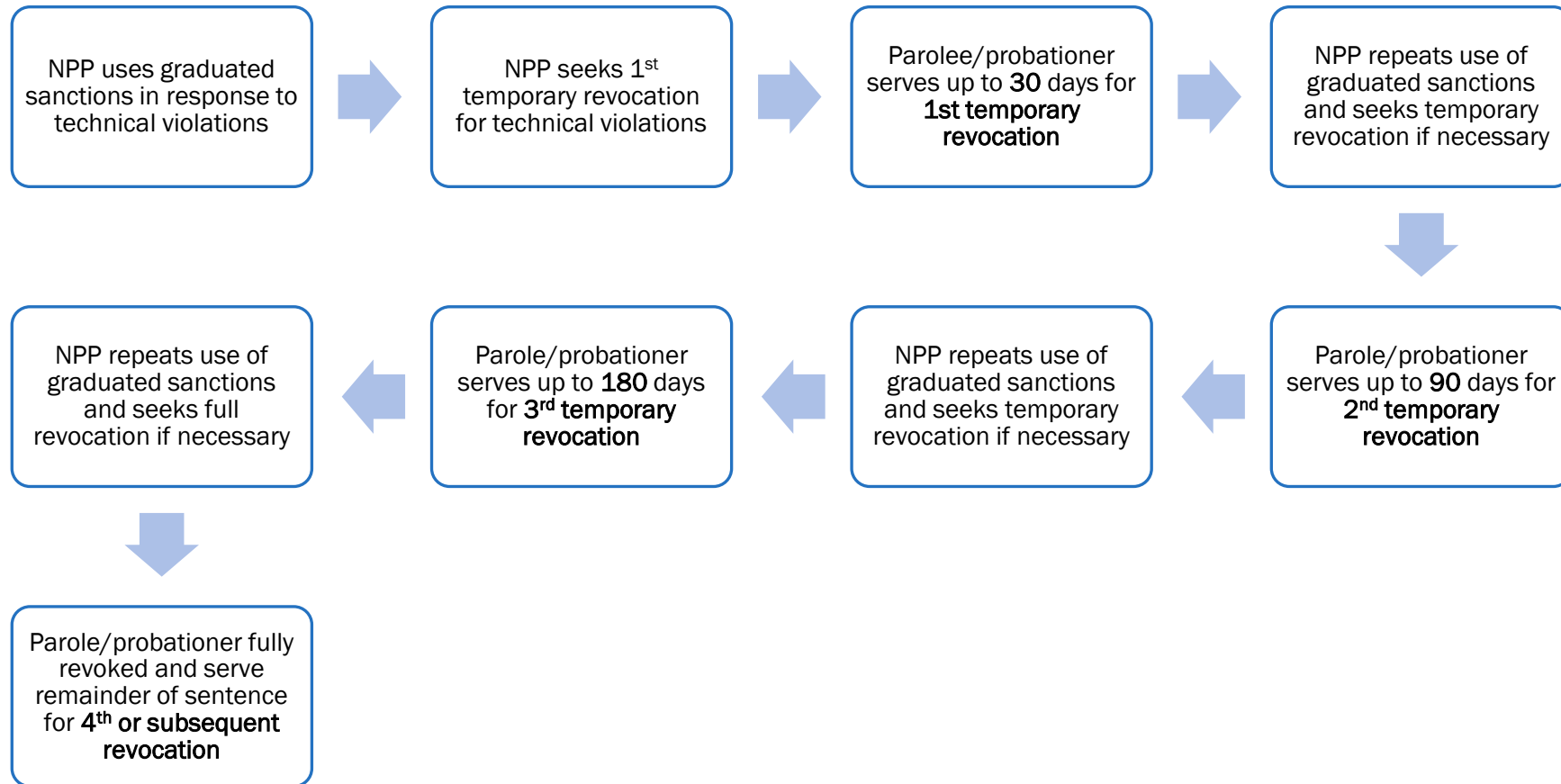
STATUTORILY DEFINED “TECHNICAL VIOLATION”

- NRS 176A.510 (subsection 8) for probationers
- NRS 213.15101 (subsection 8) for parolees
- Exempts what **IS NOT** a technical violation

RESPONSE TO TECHNICAL VIOLATIONS

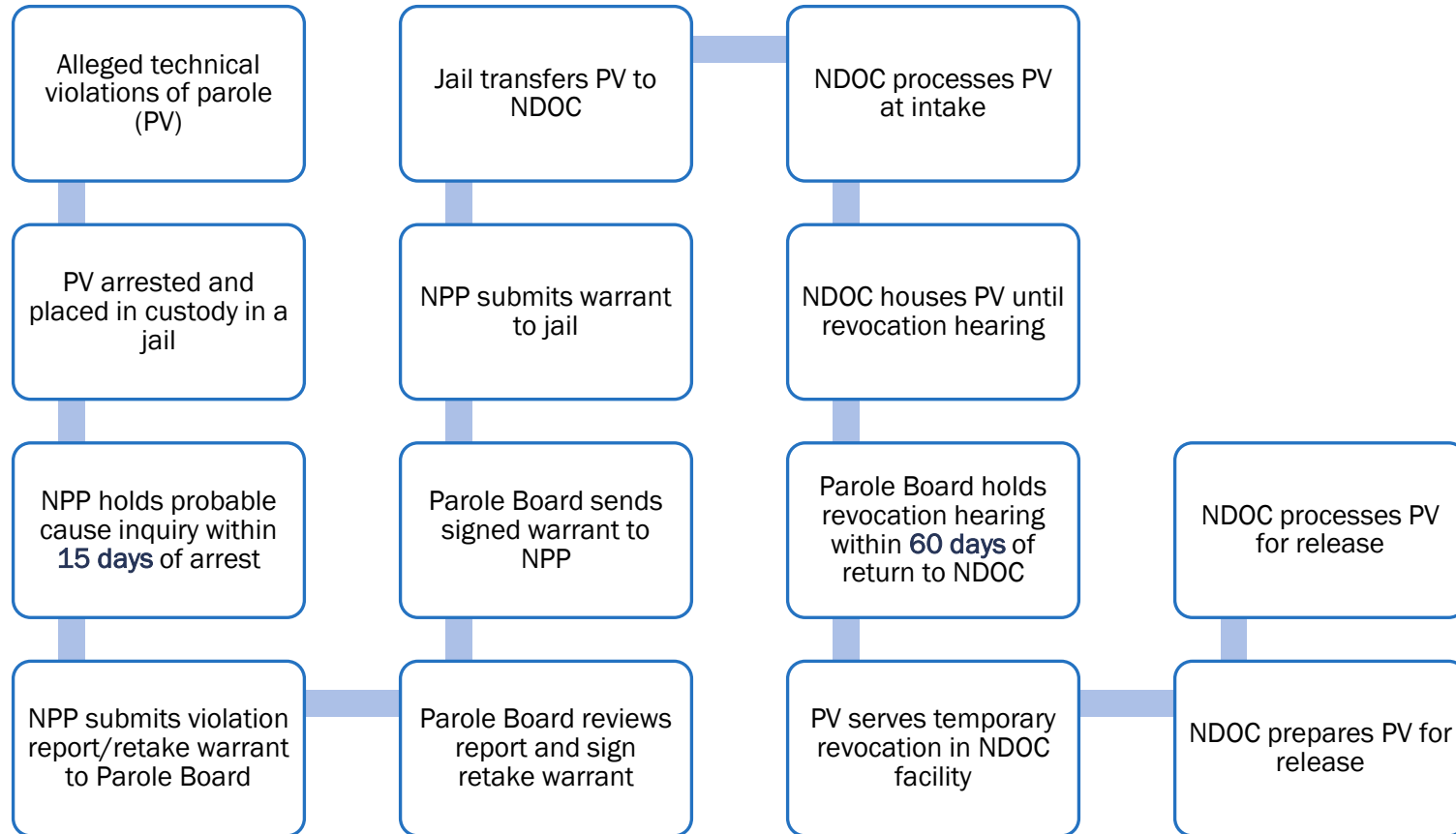
- Matrix of graduated sanctions
 - 176A.510 for probationers
 - 213.15101 for parolees
- Temporary revocations
 - 30 days for 1st
 - 90 days for 2nd
 - 180 days for 3rd
 - Full revocation for 4th or subsequent

How are graduated sanctions and temporary revocations imposed for technical violations?



Temporary Revocation Process for Parolees*

*Probationers do not go through the same process. Probationers must be brought before the court not later than 15 days after arrest.



Initial Data Findings for 30-Day Temporary Revocation for Parolees (July 2020 to February 2022)

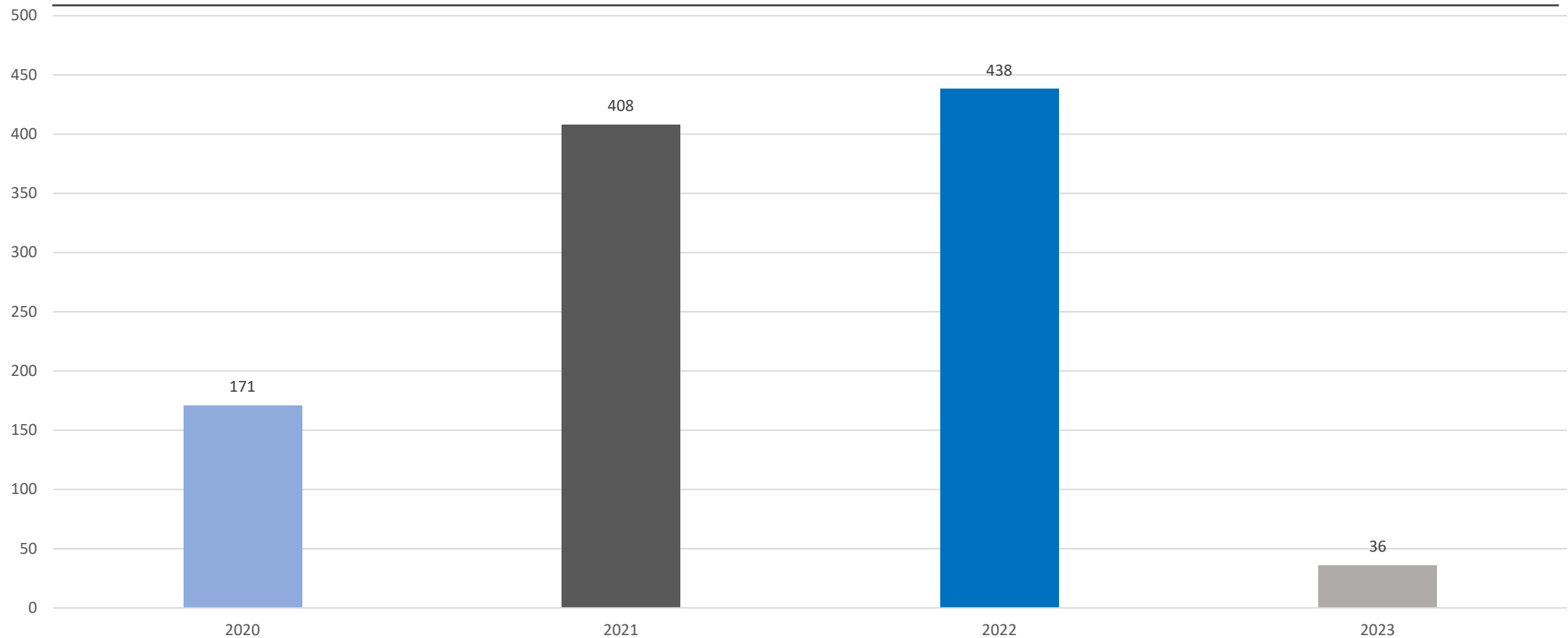
- Up to 30 days in jail waiting for probable cause inquiry and transfer to NDOC
- Average of 45 days between readmission and hearing
- Majority of those who received a 30-day temporary revocation served more than 30 days in NDOC (not including time waiting in jail)

Temporary Revocation Hearing Action	2020	2021	2022	2023	Grand Total
Rev 30: 30 Day Revoke & Reinstate	171	408	438	36	1053
Rev 90: 90 Day Revoke & Reinstate	5	66	97	3	171
Rev 180: 180 Day Revoke & Reinstate	0	3	21	1	25
Grand Total	176	477	556	40	1249

Note: Analysis of data from July 1, 2020, through January 31, 2023

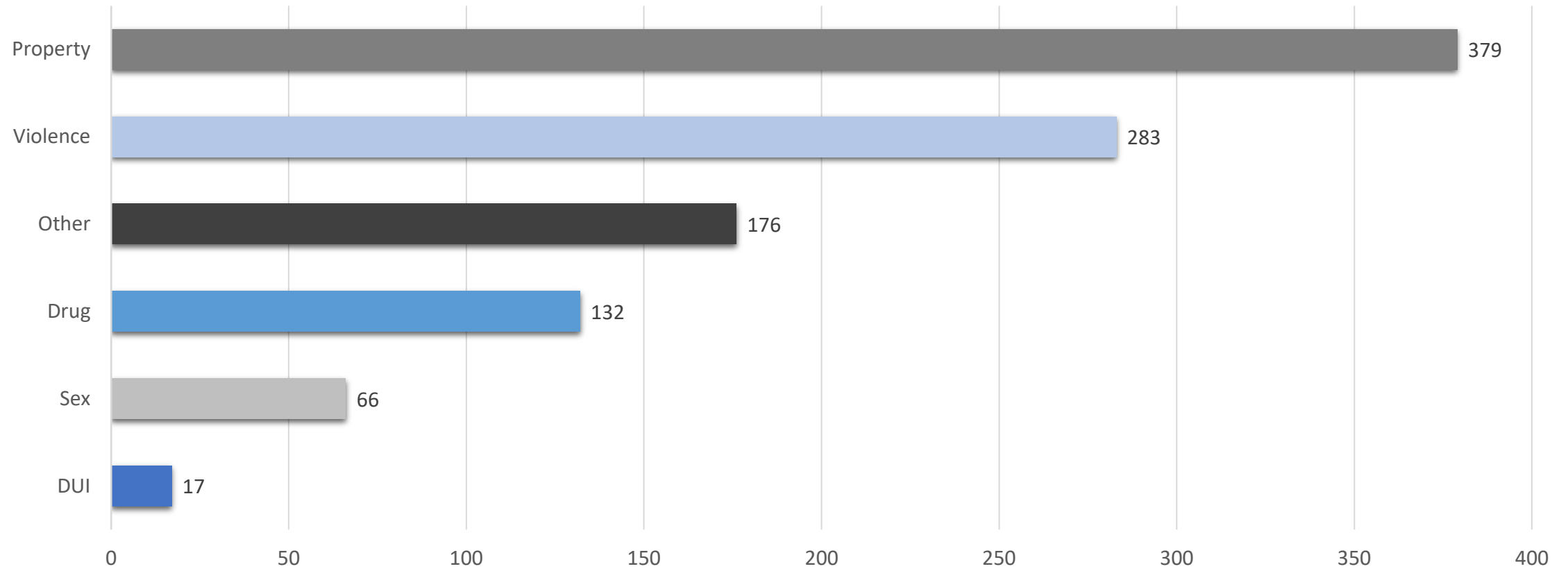
Total Temporary Revocations

30 Day Temporary Revocations (2020 – 2023)



Note: Analysis of data from July 1, 2020, through January 31, 2023

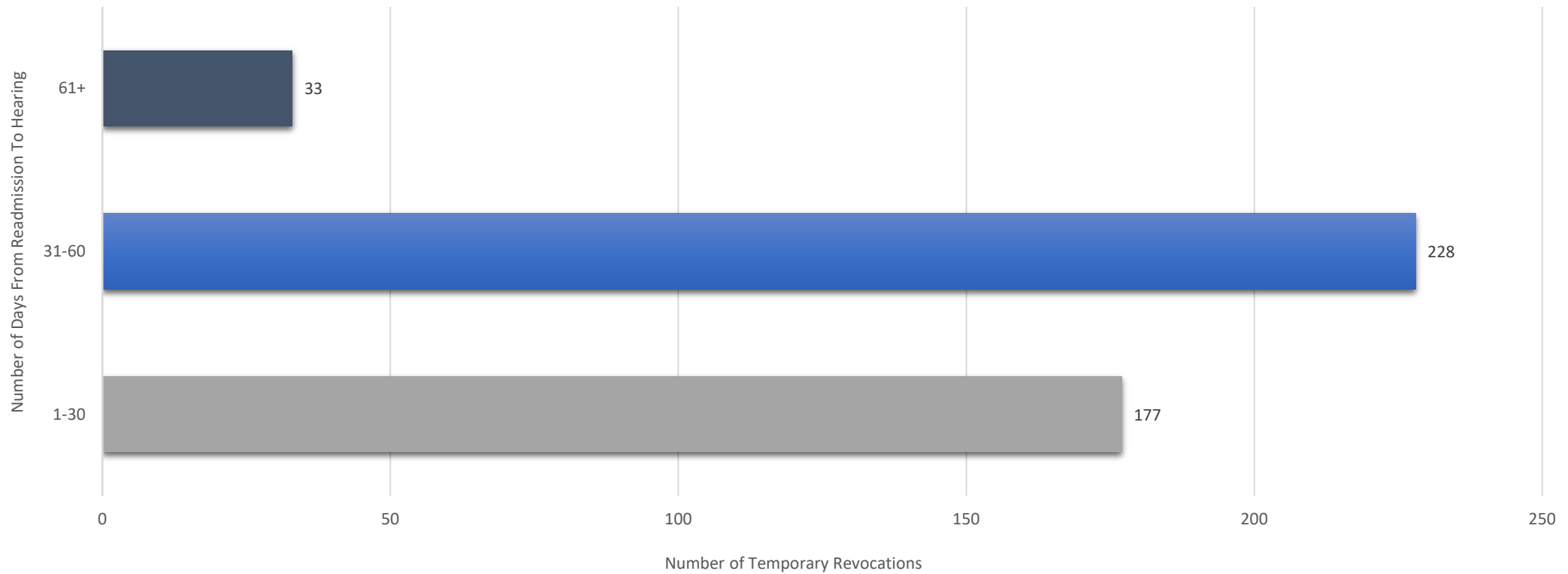
30 Day Temp Rev: By Offense Group (2020-2023)



Note: Analysis of data from July 1, 2020, through January 31, 2023

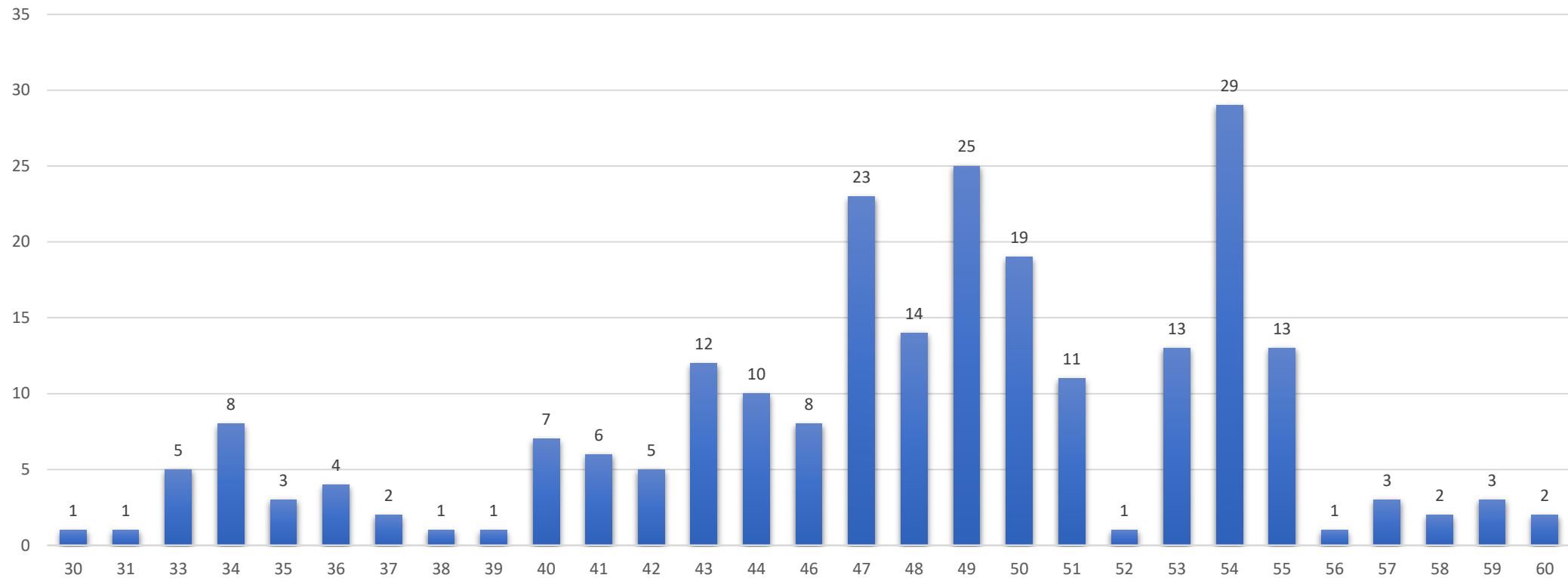
Number of Temporary Revocations

30 Day Temp Rev: NDOC Readmission to Hearing (2022)



Note: Analysis of data from July 1, 2020, through January 31, 2023

30 Day Temp Rev: NDOC Readmission to Hearing 30-60 days (2022)



Note: Analysis of data from July 1, 2020, through January 31, 2023

30 Day Temp Rev: Race and Ethnicity

Ethnicity	2020	2021	2022	2023	Grand Total
Hispanic Or Latino	15	68	81	7	171
Not Hispanic	156	338	356	29	879
Unknown	0	2	1	0	3
Grand Total	171	408	438	36	1053

Race	2020	2021	2022	2023	Grand Total
White	81	204	254	23	562
Black Or African American	68	150	159	13	390
Other/Unknown	13	32	4	0	49
American Indian/Alaskan Native	4	15	10	0	29
Asian	5	5	7	0	17
Pacific Islander/Native Hawaiian	0	2	4	0	6
Grand Total	171	408	438	36	1053

Note: Analysis of data from July 1, 2020, through January 31, 2023

Problem We Are Trying to Solve

- Data shows that parolees are spending more than 30 days incarcerated for a first temporary revocation
- Current policies do not advance swift, certain, and proportional sanctions
- Impacts to NDOC to effectively process parolees in and out for short stays
- Parolee could lose job, housing, and other support that would promote successful completion of supervision

Solution

- ❖ Add intermediate sanctions
 - ❖ BEFORE a temporary revocation
- ❖ Authorize the Division of Parole and Probation to impose jail sanctions (1-10 days) or electronic monitoring
- ❖ Remove 30-day temporary revocation

AB 32 Summary

Bill Section (s)	Description	Rationale
1	Revise duties of Executive Director	Ensure the Commission can set the qualifications appropriate to run the agency and collect criminal justice data
2	Revise membership and certain appointing authorities of the Sentencing Commission	Empower appointing authorities to appoint the appropriate person to the Commission
3 and 6	Revise the type of risk assessment used for sex offenders	Empower the Division of Parole and Probation to use the best risk assessment tool for sex offenders on supervision
4 and 7	Authorize Division of Parole and Probation to use jail and electronic monitoring as part of graduated sanctions	Ensure implementation of swift, certain, and proportional sanctions
4 and 7	Revise the definition of technical violation to exempt certain conditions for sex offenders and termination from a program	These will not be technical violations and will ensure the Division of Parole and Probation can impose swift, certain, and proportional sanctions
5 and 8	Remove 30-day temporary revocation	Ensure implementation of swift, certain, and proportional sanctions

Proposed Amendments Related to Criminal Justice Policy

Section	Description of Amendment	Rationale
4	Add additional conditions to definition of technical violation	(j) and (k) from NRS 176A.410 – not using aliases or fictitious names and not obtain post office box (these should be technical)
5	Leave 30-day temporary revocation for probationers	Qualitative data shows this is currently working and NDSP will collect more data over the next two years
5 and 8	Require the judge and Parole Board to apply credit for time served when ordering a temporary revocation	This will ensure the sanction is consistent with the intent to impose a swift and certain sanction
5 and 8	Require the judge and the Parole Board to make a finding that the graduated sanctions have been exhausted	Ensure the graduated sanctions have been exhausted
7	Add additional conditions to definition of technical violation	(i) and (j) from NRS 213.1245– not using aliases or fictitious names and not obtain post office box (these should be technical)

Proposed Amendments Related to NDSP and NSC

Section	Description	Rationale
New	Provide confidentiality for data collected	NDSP collects data from multiple sources and needs to be protected from public records requests and other requests
Amend NRS 176.014	Authorized the Nevada Local Justice Reinvestment Coordinating Council (NLJRCC) to accept grants and gifts	Currently, the NLJRCC can only fund grants from the General Fund, this will allow for other sources of funding



Questions?
