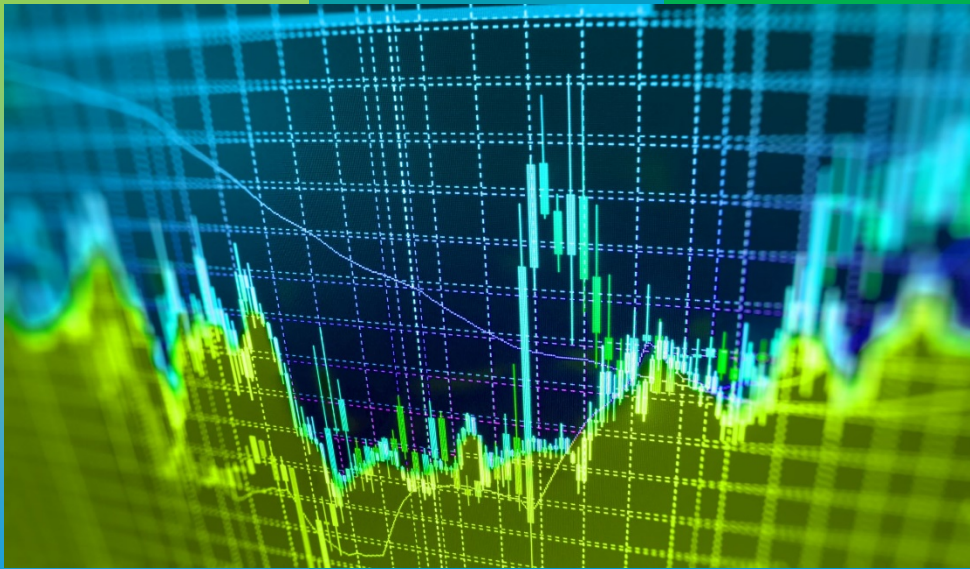




STATE OF NEVADA



Nevada Sentencing Commission Comprehensive Report

January 2021

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INTRODUCTION

Statutory Requirement

The Nevada Sentencing Commission (NSC) is required to prepare and submit a comprehensive report for each regular session of the Legislature. NRS 176.0134. The report must include: (1) recommended changes pertaining to sentencing; and (2) findings and any recommendations for proposed legislation. Submissions of this report include:

- **January 2019**
 - NSC was housed in the Legislative Branch during the 2017-2018 interim. The staff of the Legislative Counsel Bureau assisted the Commission in the preparation and submission of this report. Exhibit 1.
- **January 2021** (this report)
 - This is the first comprehensive report since the NSC was established in Nevada's Executive Branch. See History section below.

History

The NSC was initially created in 2017 by Senate Bill 451 (SB 451) within Nevada's Legislative Branch to, among other things:

- advise and make recommendations to the Legislature regarding elements of Nevada's criminal justice system that affect sentencing;
- evaluate the effectiveness and fiscal impact of Nevada's various sentencing policies and practices;
- propose and recommend sentencing changes and guidelines that incorporate the general objectives and goals for criminal justice and sentencing reform;
- facilitate the development and maintenance of a statewide sentencing database;
- evaluate offender- and sentencing-related programs; and
- act as a sentencing policy resource for Nevada.

In 2019, the Nevada Legislature enacted Assembly Bill 80 (2019) (AB 80), which: (1) required that the NSC function as an independent and stand-alone analytic and oversight body within Nevada's Executive Branch of government for sentencing and related criminal justice data; and (2) created the Nevada Department of Sentencing Policy (NDSP) as an independent agency within Nevada's Executive Branch. Also in 2019, the Nevada Legislature passed Assembly Bill 236 (2019) (AB 236), a comprehensive justice reinvestment initiative intended to address Nevada's prison population growth and its expense to Nevada's taxpayers. AB 236 was the result of and incorporated the collaborative and coordinated efforts of the Advisory Commission on the Administration of Justice (ACAJ) and the Crime and Justice Institute (CJI) to provide recommendations for policy changes to Nevada's criminal justice system. As enacted, AB 236 is expected to reduce Nevada's incarceration rates through a combination of changes to sentencing and release policies and avoid \$640 million in correctional costs over the ten years following its enactment by:

- Strengthening responses to behavioral health needs of offenders

- Focusing prison resources on serious and violent offenders
- Improving efficiency and effectiveness of community supervision
- Minimizing barriers to successful reentry
- Ensuring sustainability of criminal justice reforms

To meet those goals, the NSC, for each regular session of the Legislature, is required:

- to provide a comprehensive report to the Governor and the Legislature with the NSC's recommended changes pertaining to sentencing, and its findings and recommendations for proposed legislation (NRS 176.0134); and
- to provide to the Governor, the Legislature, and the Chief Justice of the Supreme Court the NSC's recommendations for improvements, changes, budgetary adjustments, and other recommendations based upon the data provided by the Nevada Department of Corrections (NDOC), Nevada Division of Parole and Probation (NPP), and the Nevada Records Communication and Compliance Division (RCCD) (NRS 176.01343, effective July 1, 2020).

This Comprehensive Report summarizes the deliverables required by justice reinvestment, introduces the NDSP and describes its activities since its inception, identifies the members of the NSC, outlines the NSC's meeting cycle from August 2019 through July 2021, identifies and explains the NSC's deliverables, and provides any appropriate recommendations for sentencing changes and legislation, as follows:

Summary

JUSTICE REINVESTMENT

As an oversight body to track and assess the outcomes resulting from the enactment of AB 236, the NSC prepared and submitted two of the three deliverables mandated by the bill.

- Projected Amount of Costs Avoided Report August 2020
- Statement of Costs Avoided December 2020

NDSP

In November/December 2019, pursuant to AB 80's mandates, the NSC recommended and, based on that recommendation, the Governor of Nevada appointed Victoria Gonzalez as Executive Director of the NDSP to undertake the statutorily prescribed duties of that role. (NRS 176.01323 and 176.01327). On the heels of that appointment, the Coronavirus pandemic brought the State of Nevada to a standstill and created unforeseen challenges in the early evolution and development of the newly created NDSP. Among those challenges that impacted the NDSP were a hiring freeze, Fiscal Year 2020 budget reversions, and Fiscal Year 2021 budget reductions. Nevertheless, in the year since she was appointed as the NDSP's Executive Director, Ms. Gonzalez has:

- Hired staff as permitted by NDSP's budget
- Built Department infrastructure (computer/software needs, website, office furnishings)
- Secured and moved into office space

- Engaged in regular and ongoing collaboration and communication with CJI
- With the technical assistance of CJI, worked with NDOC, NPP, and RCCD to implement AB 236
- Collected AB 236 data from NDOC, NPP, and RCCD
- Worked with NDOC, NPP, and RCCD to establish procedures and methodologies for collecting and reporting data to NDSP as required

As a result of Ms. Gonzalez’s efforts over the last year, the NDSP is now a fully functioning state agency.

NSC

Since its creation, the NSC:

- Became an independent and stand-alone analytic and oversight body within Nevada’s Executive Branch
- Conducted 12 meetings
- Provided 4 statutorily required deliverables
- Made recommendations to the Governor in response to the COVID-19 Crisis
- Revised provisions related to Legislator pay for such Commission members
- Approved recommendations for technical corrections to AB 236

JUSTICE REINVESTMENT

Deliverables Prepared and Submitted Pursuant to AB 236

The NSC is tasked with tracking and assessing the outcomes of AB 236. To carry out this mandate, the NSC is required to submit three deliverables. Two of the three deliverables were prepared and submitted as required. The third deliverable is a forthcoming report and will be submitted in February 2021.

Projected Amount of Costs Avoided August 2020

The NSC submitted its Projected Amount of Costs Avoided Report in August 2020. In that report, the NSC projected the amount of costs avoided for 2022 and 2023, as follows:

Year	“Baseline”	“Worst Case”
2022	\$28,914,832.80	\$21,270,681.60
2023	\$30,576,604.80	\$26,442,946.95

The NSC calculated those amounts using the February 2020 JFA Prison Populations Projections, which identified two types of assumptions to be used for the forecasts – “Baseline” and “Worst Case.” The NSC’s calculations were based on those assumptions and scenarios, and reported those amounts using the terms JFA assigned to its assumptions. Exhibit 2.

In addition to reporting the amounts it calculated as the projected costs avoided, the NSC made recommendations for prioritizing financial support to:

- the NDOC for programs for reentry, vocational training and employment, education, and transitional work;
- the NPP for reentry services, supervision, and treatment programs;
- any behavioral health field response grant program developed and implemented pursuant to NRS 289.675;
- the Housing Division of the Department of Business and Industry for transitional housing for those reentering the community; and
- the Nevada Local Justice Reinvestment Coordinating Council (NLJRCC) for the purpose of making grants to counties for programs and treatment to reduce recidivism.

Statement of Costs Avoided December 2020

The NSC submitted its Statement of Costs Avoided in December 2020. That Statement included acknowledgment of: (1) the NSC's obligation to develop a formula to calculate the amount of costs avoided by the State resulting from the enactment of AB 236; (2) the prison population comparisons that formula is required to include; and (3) the NSC's use of that formula to calculate costs avoided during the immediately preceding fiscal year. The Statement of Costs Avoided also described the formula the NSC developed and adopted on July 29, 2020. Because AB 236 did not go fully into effect until July 1, 2020, however, there were no costs avoided to calculate for Fiscal Year 2020 for the December 2020 Statement of Costs Avoided. Instead, the NSC explained its intentions going forward, including what it will take into consideration for and include in its future Statements of Costs Avoided. Exhibit 3.

Report Required Pursuant to NRS 176.01343

As of the date of this Report, the Report required by NRS 176.01343 had not yet been finalized. It is due in February 2021, before the second full week of the Legislative Session.

NEVADA DEPARTMENT OF SENTENCING POLICY

Staff

Executive Director: Victoria Gonzalez
Staff Attorney: Laura M. Arnold
Administrative Assistant IV: Sherry Glick
Administrative Assistant II: Rhonda Buckley

Core Functions of NDSP

To realize the Governor's core function of improving safety, security, and justice, the NDSP's activities are organized and identified in seven core functions and priorities:

Administrative

Organize and take actions necessary to carry out the core functions and duties of the Department.

Budget

Establish and manage the budget of the Department in an efficient manner that demonstrates accountability and results.

Sentencing Commission

Organize and take all actions necessary to assist the Commission in carrying out its powers and duties.

AB 236 (2019)

Assist the Sentencing Commission in its oversight of Justice Reinvestment, the result of the enactment of AB 236 from the 2019 Legislative Session.

Reports

Assist the Sentencing Commission in preparing and submitting reports required pursuant to NRS 176.0134, NRS 176.01343, and NRS 176.01347.

Legislative

Track and monitor legislation, participate in and attend legislative and interim committees, and collaborate with legislative staff on the legislative process.

Outreach

Collaborate and communicate with criminal justice agencies, stakeholders, and the public regarding data and policies concerning sentencing and corrections in Nevada.

Summary of Activities Organized by Core Functions

At each NSC meeting since her appointment, the Executive Director provided an update on the NDSP's activities and progress organized by core function. The details outlined below are based on the minutes and materials from the Executive Director's reports to the Commission.¹

Administrative

- Secured a temporary office at the Governor's Finance Office (GFO)
- Hired Administrative Assistant IV in February 2020
- Built the Department infrastructure by (without limitation):
 - Writing the Department's policies and procedures
 - Writing the Department's strategic plan, mission statement and philosophy
 - Creating goals and performance measures
 - Collaborating with EITS to create the Department's website and shared drive
 - Installing the necessary software to conduct day-to-day activities
 - Establishing Department phone numbers
 - Creating the Department's logo
- Staffing operations:
 - 25% from December 2019 to February 2020
 - 50% from February 2020 to November 2020
 - 100% from November 2020

¹ Minutes from the NSC meetings can be accessed at <https://sentencing.nv.gov>.

Budget

- Secured office space and entered a lease
- Purchased equipment, software, furniture, and supplies for day-to-day operations
- Built the NDSP's budget through:
 - Attending the February 27, 2020, "Kick-Off"
 - Assistance from the Department of Public Safety's fiscal staff and GFO budget officers
 - Drafting a fiscal Bill Draft Request (BDR)
 - Submitting the fiscal BDR as approved by the NSC with the budget to GFO
- Managed the impact of the COVID-19 Crisis on the NDSP:
 - Hiring and spending freeze
 - Fiscal Year 2020 reversions in the amount of \$220,660
 - Fiscal Year 2021 reductions in the amount of \$98,139 through position vacancies
- Applied for a subaward to fund a portion of one of the position vacancies required by the 19% budget reductions:
 - Work program to GFO in advance of the Interim Fiscal Committee (IFC)
 - Work program approved by IFC
- As of this report, the NDSP may be asked for an additional 12% reduction for Fiscal Year 2021

Sentencing Commission

- Assisted and participated in NSC meetings held and deliverables provided since the Executive Director's appointment to the NDSP. See Summaries of the NSC meetings held during the current meeting cycle below
- Provides ongoing assistance to the NSC in carrying out its duties by:
 - Posting agendas and meeting materials for NSC meetings
 - Assisting and participating in NSC meetings
 - Mastering virtual meeting formats and live streaming meetings to the public
 - Transcribing meeting minutes
 - Managing NSC vacancies

AB 236 (2019)

- Has participated and continues to participate in regular and ongoing meetings with CJI to review the statutory data requirements to be tracked and assessed by the NSC in reference to the outcomes resulting from the enactment of AB 236
- Assists the NSC in accepting appointments for NLJRCC created by NRS 176.014:
 - Made a presentation at the October 28, 2020, Nevada Association of Counties meeting to invite appointments to the Council
 - Created and implemented an action plan for introductory and ongoing communications with the Commission Boards for each Nevada County to invite appointments to the Council
- Conducts regular meetings with NDOC, NPP, RCCD, and CJI to discuss the statutory requirements for the collection of data, possible methodologies for collecting the data, and reporting data to NDSP for the NSC

Reports

- Projected Amount of Costs Avoided:
 - Met with NDOC, NPP, RCCD, and CJI to develop methodology to propose to the NSC
 - Assisted in preparing and finalizing the report for submission by the NSC
- Assisted in preparing and finalizing the NSC's December 2020 Statement of Costs Avoided

Legislative

- Tracks the activities of the interim committees
- Designed procedures for tracking BDRs, bills and committee activities during the session
 - Created a table for the continual review and identification of BDRs that may be relevant to sentencing policy issues
 - Conducts ongoing review of BDRs for bill assignment
 - Subscribed to the NELIS Personal Legislative Tracker; identified and continue to review and identify bills that relate to or may affect sentencing policy

Outreach

- Responds to emails, letters, and phone calls from the public
- Has presented and continues to present to the NSC the data and information related to communications the NDSP receives and to which the NDSP responds:

Public Communications Received (2020):

Month	Email	Letters	Phone Calls	Total
January		2		2
February		2		2
March		3		3
April		70		70
May		29	1	30
June	1	56	7	64
July		44	10	54
August	2	21	13	36
September		8		8
October		5	3	8
November		4		4
December	1	1	2	4
Total	4	245	36	285

NEVADA SENTENCING COMMISSION

Members (pursuant to NRS 176.0133)

Justice James Hardesty, Nevada Supreme Court, **Chair**
(Appointed by the Chief Justice of the Nevada Supreme Court)

Chuck Callaway, Police Director, Las Vegas Metro, **Vice Chair**
(Appointed by the Sheriff of Clark County)

Senator Nicole Cannizzaro
(Appointed by the Majority Leader of the Senate)

Senator Keith Pickard
(Appointed by the Minority Leader of the Senate)

Assemblyman John Hambrick
(Appointed by the Minority Leader of the Assembly)

Assemblywoman Rochelle Nguyen
(Appointed by the Speaker of the Assembly)

John Arrascada, Washoe County Public Defender
(Appointed by Office of the Washoe County Public Defender)

Christine Jones Brady, Office of the Attorney General
(Appointed by the Attorney General)

Chief Anne Carpenter, Nevada Division of Parole and Probation (Resigned)
(Appointed by the Governor)

Director Elisa Cafferata, Director, Department of Employment, Training and Rehabilitation
(Statutory member pursuant to NRS 176.0133)

Director Charles Daniels, Director, Nevada Department of Corrections
(Statutory member pursuant to NRS 176.0133)

Chairman Christopher DeRicco, Chairman, Board of Parole Commissioners
(Appointed by the State Board of Parole Commissioners)

Judge Scott Freeman, Second Judicial District Court
(Appointed by the Chief Justice of the Nevada Supreme Court)

Chris Hicks, Washoe County District Attorney
(Appointed by the Nevada District Attorneys Association)

Darin Imlay, Clark County Public Defender
(Appointed by the Office of the Clark County Public Defender)

Chief Tom Lawson, Nevada Division of Parole and Probation (Appointed December 3, 2020)
(Appointed by the Governor)

Dr. Jennifer Lanterman, University of Nevada, Reno (Appointed December 3, 2020)
(Appointed by the Governor)

Keith Logan, Representative of the Sheriffs' and Chiefs' Association
(Appointed by the Nevada Sheriffs' and Chiefs' Association)

Russell Marsh, Representative of the State Bar of Nevada
(Appointed by the State Bar of Nevada)

John McCormick, Assistant Court Administrator, Administrative Office of the Courts
(Appointed by the Chief Justice of the Supreme Court of Nevada)

Kimberly Mull, Victims' Rights Advocate
(Appointed by the Governor)

Dr. Elizabeth Neighbors, Division of Public and Behavioral Health
(Appointed by the Division of Public and Behavioral Health)

Jon Ponder, Representative, Offender Reentry
(Appointed by the Chair of the Legislative Commission)

Dr. Emily Salisbury, University of Nevada, Las Vegas (Resigned)
(Appointed by the Governor)

Tod Story, ACLU (Resigned)
(Appointed by the Governor)

Dr. Tiffany Tyler-Garner, Director, Department of Employment, Training and Rehabilitation (Resigned)
(Statutory member pursuant to NRS 176.0133)

Judge Michael Villani, Eighth Judicial District Court
(Appointed by the Chief Justice of the Nevada Supreme Court)

Representative of an organization that advocates on behalf of inmates, appointed by the Governor
(Vacant as of the writing of this report)

Meetings (Meeting Cycle: August 2019 through July 2021)

Prior to the NDSP Executive Director's December 9, 2019, appointment, the staff of the Legal Division of the Legislative Counsel Bureau (LCB) provided staff support to the NSC while recruiting and selecting the Executive Director. When staff of LCB provided support to the NSC, meeting locations took place at the LCB offices in Carson City and Las Vegas.

August 16, 2019

- Location: LCB
- Summary of presentations and discussions (based on agenda)
 - Presentation on the membership and duties of the NSC as presented by Nicolas Anthony of LCB
 - Reviewed and discussed the job posting for the Executive Director of NDSP
- Action items (motions passed unanimously)
 - Elected Justice James Hardesty as Chair and Chuck Callaway as Vice Chair
 - Approved minutes from August 29, 2018, meeting
- Link to agenda, materials, minutes and recording of meeting
 - <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2019/Meeting/5494>

September 25, 2019

- Location: LCB
- Summary of presentations and discussions (based on agenda)
 - Discussed procedures for the selection of the Executive Director of NDSP
- Action items (motions passed unanimously)
 - Approved minutes from August 16, 2019, meeting
 - Approved to accept the rules for the selection process of the Executive Director as written
 - Approved extending the deadline for accepting applications for the position of Executive Director
- Link to agenda, materials, minutes and recording of meeting
 - <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2019/Meeting/5507>

November 15, 2019

- Location: LCB
- Summary of presentations and discussions (based on agenda)
 - Interviewed candidates for the position of Executive Director
 - Kerry Z. Malone
 - Victoria Gonzalez
 - Jeannie N. Hua
 - Discussed recommendations to the Governor for appointment of the Executive Director
- Action items (motions passed unanimously)
 - Approved the minutes from the September 25, 2019, meeting

- Approved forwarding the name of Victoria Gonzalez to the Governor for consideration for the Executive Director position
- Link to agenda, materials, minutes and recording of meeting
 - <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2019/Meeting/5526>

February 19, 2020

- Location: State Capitol and Grant Sawyer Building
- Summary of presentations and discussions (based on agenda)
 - Report from the Executive Director on NDSP's recent activities and an overview of NDSP's duties
 - Presentation on the role of the CJI in the implementation of AB 236
 - Presentation on the establishment of NLJRCC
 - Report on the required collection of data by the NSC
 - Update on Judicial Training relating to sentencing and presentence investigation reports presented by John McCormick of the Administrative Office of the Courts and Anne Carpenter of NPP
 - Update on training relating to crisis intervention training by the Nevada Commission on Peace Officer Standards and Training (POST) presented by Director Michael Sherlock
 - Overview of crime rates in Las Vegas as presented by Vice Chair Callaway
- Action items (motions passed unanimously)
 - Approved minutes from November 15, 2019, meeting
 - Approved the subaward process and forms as proposed
 - Approved the Executive Director's ability to communicate with various county commissioners to begin the establishment of the NLJRCC
- Link to agenda, materials, minutes and recording of meeting
 - https://sentencing.nv.gov/Meetings/2020/2020_Meetings/

In response to the COVID-19 Crisis, state agencies deemed non-essential were closed and public gatherings restricted to comply with social distancing requirements. The Governor suspended certain requirements related to the Open Meeting Law, including requiring a physical location of a public meeting. For that reason, ongoing meetings of the NSC were not held at a physical location but held using various virtual formats.

April 13, 2020

- Location: Virtual
- Summary of presentations and discussions (based on agenda)
 - Presentations by NDOC, NPP, and the State Board of Parole Commissioners concerning their respective responses to the COVID-19 Crisis
 - Discussed *The SAFER Plan: Preventing the Spread of Communicable Diseases in the Criminal Justice System* by the REFORM Alliance
- Action items
 - *Motion*: to recommend to the Nevada Board of Pardons Commissioners (Pardons Board) to work in tandem with the NSC on the topic of releasing certain inmates in response to the COVID-19 Crisis. Additionally, the NSC recommended that the Pardons Board hold an emergency meeting on this topic
 - *Motion* passed: ten yays; eight nays
- Link to agenda, materials, minutes and recording of meeting
 - https://sentencing.nv.gov/Meetings/2020/2020_Meetings/
 - See letter submitted to the Governor, Exhibit 4

April 29, 2020

- Location: Virtual
- Summary of presentations and discussions (based on agenda)
 - Report from the Executive Director summarizing NDSP's recent activities and an update on the NDSP's budget, the collection of data required by NRS 176.01343, and the upcoming Projected Amount of Costs Avoided Report
 - Reviewed the subaward requests by NDOC, NPP, POST, and the Washoe County District Attorney
 - Presentation by the CJI on responses to the COVID-19 Crisis by criminal justice agencies in other states
 - Discussed recommendations concerning the potential release of inmates in response to the COVID-19 Crisis
 - Presentation on Clark County Detention Center responses to the COVID-19 Crisis by Vice Chair Chuck Callaway
 - Provided an update on AB 236 implementation
- Action items
 - Approved minutes from the February 19, 2020, meeting
 - *Motion* passed unanimously
 - Approved to have the Executive Director engage with the GFO to seek an exception to budget reductions and hiring freeze
 - *Motion* passed unanimously
 - Approved the following requests for subawards: \$231,825 for NDOC, \$75,142.84 to NPP, and \$29,945 to POST
 - *Motion* passed unanimously
 - *Motion*: for the NSC to submit a letter to the Governor and the Pardons Board urging a relaxing of the statutes within its authority to conduct responsible depopulation of the prison system, utilizing a framework for at-risk people pursuant to the CDC guidelines and *The SAFER Plan* principles
 - *Motion* amended to ask the Pardons Board and the Governor to relax the statutes within their authority regarding responsible depopulation of the prisons that includes meaningful discussion between the Governor and the Director, and that they utilize the framework under the CDC guidelines and also the principles of *The SAFER Plan*
 - Motion failed: Seven yays; ten nays; one abstention
 - *Motion*: to send a letter to the Governor that would include a definition as far as categories that the Governor should consider, including individuals granted parole but not yet released, vulnerable persons within 18 months of parole eligibility (vulnerable being defined using the definition set out by the Centers for Disease Control, the World Health Organization, including older adults, people of all ages with various underlying medical conditions), and all non-violent offenders, three years from parole who have demonstrated equivalent of an approved plan
 - *Motion* amended to send a letter to the Governor to convene the Pardons Board to consider releasing certain inmates who fit within a definition of categories provided by the NSC which include considering those who have been granted parole but not released, those who are considered vulnerable and are within 18 months to three years of release; the definition of vulnerable will be the one used by the CDC, which considers those who are older and have underlying conditions and have an approved plan of reentry and those offenders who are not convicted of crimes pursuant to chapter 200 of NRS, crimes against the person
 - Motion failed: Seven yays; ten nays; one abstention
 - *Motion*: to encourage the Governor, the Director of NDOC, and the Pardons Board to consider early implementation of the geriatric parole statute provided in AB 236

- *Motion* amended to apply AB 236 in its entirety, that the Governor use executive authority to give effect to any of the provisions in AB 236 to assist in the depopulation of our prisons
 - *Motion* failed: seven yays; twelve nays
 - *Motion*: to recommend to the Governor and the Pardons Board to consider early implementation of the framework for geriatric release as provided in NRS 213.12155
 - *Motion* passed unanimously
- Link to agenda, materials, minutes and recording of meeting
 - https://sentencing.nv.gov/Meetings/2020/2020_Meetings/
 - See letter submitted to the Governor, Exhibit 5

June 24, 2020

- Location: Virtual
- Summary of presentations and discussions (based on agenda)
 - Proposed methodology and outline of the report of the projected amount of costs avoided
 - Update on the requests for subawards
- Action items (motions passed unanimously)
 - Approved minutes from the April 13, 2020 and April 29, 2020 meetings
 - Approved the methodology and proposed outline of the report of the projected amount of costs avoided
- Link to agenda, materials, minutes and recording of meeting
 - https://sentencing.nv.gov/Meetings/2020/2020_Meetings/

July 29, 2020

- Location: Virtual
- Summary of presentations and discussions (based on agenda)
 - Report from the Executive Director summarizing NDSP's recent activities
 - Presentation of a draft of the Projected Amount of Costs Avoided Report
 - Requests for subawards
- Action items (motions approved unanimously) Approved minutes from the June 24, 2020, meeting
 - Approved the proposed bill draft request to amend NRS 176.0133 to include language clarifying that pay for the legislative members of the NSC be paid out of the Legislative fund
 - Approved to authorize the Executive Director to request the reclassification of the Administrative Assistant IV to a Management Analyst 1 and request additional enhancements as needed
 - Approved the draft of the Projected Amount of Costs Avoided Report with the inclusion of a footnote regarding the various definitions of recidivism and directed the Executive Director to submit the report to the Governor and the Director of LCB by August 1
 - Approved the subaward requests submitted by the NPP and authorized the Executive Director to make adjustments to start and end dates to ensure that all requests receive funding
- Link to agenda, materials, minutes and recording of meeting
 - https://sentencing.nv.gov/Meetings/2020/2020_Meetings/

October 28, 2020

- Location: Virtual
- Summary of presentations and discussions (based on agenda)
 - Report from the Executive Director including a summary of NDSP's recent activities, an update on the budget of the NDSP and the NSC, and a report on outreach data
 - Report on the collection of performance measures required by AB 236
 - Possible recommendations for technical corrections to AB 236

- Outline of the Statement of Costs Avoided report as presented by the Executive Director
- Update on subawards
- Action items (motions passed unanimously)
 - Approved minutes from July 29, 2020, meeting
 - Moved to present certain recommendations for technical corrections to AB 236 at the November 12, 2020, meeting of ACAJ and include a discussion of the technical corrections to AB 236 at the December meeting of the Commission
 - Authorized the Executive Director to submit a report consistent with the outline, with the addition of a subsection that deals with impacts on victims
- Link to agenda, materials, minutes and recording of meeting
 - https://sentencing.nv.gov/Meetings/2020/2020_Meetings/

December 9, 2020

- Location: Virtual
- Summary of presentations and discussions (based on agenda)
 - Update on the COVID-19 Crisis in facilities of NDOC as presented by representatives of NDOC
 - Report from the Executive Director providing an update on NSDP's recent activities since the NSC's last meeting
 - Report on the collection of data required by AB 236 as presented by the Executive Director and representatives of NDOC, NPP, and RCCD
 - Presentation of the outline of report required by NRS 176.01343 as presented by NDSP's staff attorney
 - Presentation of the outline of the comprehensive report required by NRS 176.0134 as presented by the Executive Director
 - Update on subawards as presented by NDSP, NPP, NDOC, POST, the Washoe County DA and the Department of Public and Behavioral Health
- Action items (motions approved unanimously)
 - Minutes from the October 28, 2020, meeting approved
 - Approved the outline of the report required by NRS 176.01343 as presented by the NDSP's Executive Director
 - Approved the outline of the report required by NRS 176.0134 as presented by the NDSP's staff attorney
 - Approved revisions to NRS 176.0134, NRS 176.01347, 176.01327 to be submitted as technical corrections to AB 236
- Link to agenda, materials, minutes and recording of meeting
 - https://sentencing.nv.gov/Meetings/2020/2020_Meetings/

February 19, 2021 *(as of the date of this Report, this meeting had not yet taken place)*

May 21, 2021 *(as of the date of this Report, this meeting had not yet taken place)*

Deliverables

The NSC prepared and submitted three deliverables with the fourth to be submitted in February 2021 as noted below:

- Projected Amount of Costs Avoided – Submitted in August 2020
- Statement of Costs Avoided – Submitted in December 2020
- Report required pursuant to NRS 176.0134 – This is the report required by NRS 176.0134 and is due to be submitted by January 1, 2021

- Report required pursuant to NRS 176.01343 (as of the date of this Report, the Report required by NRS 176.01343 had not yet been finalized. It is due in February 2021, before the second full week of the Legislative Session)

RECOMMENDATIONS

While the purpose of this report is to recommend changes pertaining to sentencing and to make findings and any recommendations for proposed legislation (NRS 176.0134(11)), the primary basis on which those findings and recommendations would be made is the NSC’s consideration and evaluation of baseline and subsequent comparative data from criminal justice agencies. Because the provisions of AB 236 requiring agency data reporting only went into effect on July 1, 2020, the NSC does not yet have the baseline or comparative data on which it can make any meaningful findings or recommendations at this time. Thus, it is premature for the NSC to provide the findings and recommendations NRS 176.0134(11) requires.

Notwithstanding the NSC’s inability to provide substantive, data-based findings and recommendations at this time, it has made other recommendations and requests to address issues and matters that have occurred or been revealed since the creation of the NSC and the NDSP:

- The NSC submitted a Fiscal Bill Draft Request to revise provisions related to Legislator pay for legislative members of the NSC.
- In the April 13, 2020, and April 29, 2020, Commission meetings outlined above, the NSC made recommendations to the Pardons Board and to the Governor, respectively, in response to the COVID-19 Crisis. See Exhibits 4 and 5 as cited above.
- The NSC has recommended technical corrections to AB 236. See NDSP communication to Assemblyman Yeager with details, Exhibit 6

EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
Exhibit 1	January 2019 NSC Comprehensive Report
Exhibit 2	August 2020 Projected Amount of Costs Avoided
Exhibit 3	December 2020 Statement of Costs Avoided
Exhibit 4	Letter to the Governor dated April 16, 2020
Exhibit 5	Letter to the Governor dated April 30, 2020
Exhibit 6	Recommendations for Technical Corrections to AB 236