

**MINUTES OF THE 2017-2018 INTERIM  
ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE**

**January 11, 2019**

The meeting of the Advisory Commission on the Administration of Justice was called to order by Chair Steve Yeager at 9:05 a.m. at the Grant Sawyer Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and via videoconference at the Legislative Building, 401 South Carson Street, Room 3137, Carson City, Nevada.

Exhibit A is the Agenda, and Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT (CARSON CITY):**

Justice James W. Hardesty, Nevada Supreme Court; Vice Chair  
Assemblywoman Lisa Krasner, Assembly District No. 26  
Christine Jones Brady, Deputy Public Defender, Washoe County  
Christopher DeRicco, Chairman, Board of Parole Commissioners  
Mark Jackson, Douglas County District Attorney  
Judge Jim Wilson, Carson City District Court  
Natalie Wood, Chief, Parole and Probation

**COMMITTEE MEMBERS PRESENT (LAS VEGAS):**

Assemblyman Steve Yeager, Assembly District No. 9; Chair  
Senator James Ohrenschall, Senatorial District No. 21  
Paola Armeni, Representative, State Bar of Nevada  
Judge Sam Bateman, Henderson Justice Court  
Chuck Callaway, Police Director, Las Vegas Metro  
Aaron Ford, Attorney General

**COMMITTEE MEMBERS PRESENT (TELECONFERENCE):**

James Dzurenda, Director, Department of Corrections  
Amy Rose, ACLU of Nevada, Inmate Advocate

**COMMITTEE MEMBERS EXCUSED:**

Julie Butler, Representative, Central Repository  
Kymberli Helms, Victims' Rights Advocate  
Al McNeil, Sheriff, Lyon County

**STAFF MEMBERS:**

Bryan Fernley, Commission Counsel, Senior Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau  
Victoria Gonzalez, Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau  
Angela Hartzler, Secretary, Legal Division, Legislative Counsel Bureau  
Jordan Haas, Secretary, Legal Division, Legislative Counsel Bureau

**OTHERS PRESENT:**

Mona Lisa Samuelson  
Eric Spratley, Executive Director, Nevada Sheriffs and Chiefs Association  
Tonja Brown, Advocate for the Inmates, Advocate for the Innocent  
Jennifer Noble, Chief Deputy District Attorney, Washoe County District Attorney's Office  
Paul Corrado  
Sergeant Corey Solferino, Washoe County Sheriff's Office

**Assemblyman Steve Yeager (Assembly District No. 9; Chair):**

I will now open the eighth meeting of the Advisory Commission on the Administration of Justice (ACAJ). I will open agenda item III, which is our first round of public comment. We do limit public comment to 3 minutes per speaker. It's not that we don't want to hear what you're saying, but we have a lot to get through today.

**Mona Lisa Samuelson:**

I am Nevada's very first medical marijuana patient advocate, community activist and patient lobbyist. The reason that I come out here is to speak for the patients' voice. I want to make it clear, as I have gone through the meeting minutes, I know that one of you brought up allocating marijuana monies, and I want to make it clear that the patients feel that, for too many years, completely unjust marijuana prohibition laws destroyed the lives of our youth, it ruined families and it robbed the entire community of its rightful future. We as patients would like to begin a new conversation, and what that means, we'd like to see marijuana either tax revenues or—in Clark County, they're talking about the marijuana tax business licensing and the penalties for when these companies do not obey the law, but these things we're asking could maybe go toward family court or special court or things that would provide a brighter future for our youth. This is very important to us, and as Clark County begins their discussion about allocating this business licensing fee towards the homeless, we would like to start a new conversation, at least begin the conversation. I've read through the meeting minutes from several meetings, so I know that I'm not off base asking this. You guys are already discussing this, so I'd just like to bring it back up, because it's my understanding that it's going to be up to us to make sure that good things come to fruition with this money and that we allocate for the right things. Healing our community should be at the top of the list, especially when we're talking about

marijuana and marijuana law. I'd like to once again make sure that you know medical patients are adamant about this. I'm going to sit here and listen through the meeting, because patients, we listen and we learn, and we have a lot to say, so I might be back at the end. Thank you very much.

**Eric Spratley (Executive Director, Nevada Sheriffs and Chiefs Association):**

I'm here under public comment for agenda item V, the final report on Justice Reinvestment, in opposition to that. The Nevada Sheriffs and Chiefs, as you know, has a representative on this Commission, and unfortunately he's not able to fulfill his commitment to that, so we're coming here now to do that. I did want to start off by saying thank you to everyone, not only in the acknowledgements in that report but certainly this Commission and anyone who did a lot of work on this for this heavy lift that isn't recognized, because this is a big deal, and we've been working on it for a few years. There are things in this report, specifically—and I'll just put them on the record—items 1, 5, 12, 14 and 15, 23 through 25, which we certainly could get behind ([Agenda Item V A-1](#)). We see the value in those, but we still have questions about funding and how they impact those agencies, etc. Items 16 through 21, we're just not sure there was enough vetting with the appropriate entities on those, so there were some questions there. But our real opposition and the reason I'm here today are items 6, 7, 10 and 13. We think that will have a very negative impact to the people. Our communities throughout Nevada are going to have an increase in jail populations and average length of stay by reducing things to gross misdemeanors. Admittedly, you have a 30 percent recidivism rate that you've identified here in Nevada, and we just don't see that faucet being shut off and people not continuing to commit crimes once they get out, so we think that's going to have a negative impact directly to the taxpayers in the communities throughout Nevada, specifically to the county jails, specifically to the sheriffs' budgets and the county budgets. Item number 10, when we're talking about weights and adding a new element to prove trafficking, that element being indicia of intent to sell, that's very problematic considering the devices today that people use to record those things and the ability to be able to get in those devices to even find that indicia, so that's problematic. Item 13, where you have an ex-felon in possession of a firearm, that would be an allowed thing under that number. Those numbers that I've mentioned are specifically problematic for the Nevada Sheriffs and Chiefs Association, law enforcement in general, the frontlines, being able to actually fight crime in our jurisdictions throughout Nevada, and for that we would ask that you do not support this report at this time.

**Tonja Brown (Advocate for the Inmates, Advocate for the Innocent):**

I kind of disagree with what Mr. Spratley was saying. Anyways, I don't know if you've received this or had an opportunity to look at the information that I presented ([Agenda Item III A](#)). Over the years, this Commission has heard numerous times on how we need to get rid of the Parole Board and put it under the Nevada Department of Corrections (NDOC). In fact, Commissioner Connie Bisbee finally said this year that maybe the time is now. I have provided you with some information with approximately 100 signatures from

some inmates, but anyways, I'll just briefly read this. It says once an inmate enters into NDOC, they've already (1) been accused of, (2) convicted of crimes, and (3) sentenced for those crimes based upon the crime and its severity level. Now, once the inmate serves their minimum term of confinement imposed by the court, they are then compelled to sit before the Parole Board to beg for their freedom and again subjected to judgment. At these parole hearings, the Board has wide discretion to deny inmates parole for 1 to 5 years based upon the crime of conviction, thus subjecting the inmates to repeated multiple sentences for crimes that they've already been punished for in a court of law. In addition, the Nevada board system is one of the only parole systems in the United States that doesn't create a right to be paroled, which means that the Nevada Board isn't required to give a legitimate reason for denying inmates liberty, thus making decisions that are arbitrary and not comprehensive but purely whimsical. For instance, there are countless examples in Nevada where two inmates have the same crime and the same sentence structure. One spends his time disciplinary free and programs, the other spends his time not programming and consistently receiving disciplinary infractions. When the inmate goes to the Parole Board, the one who didn't program and who was receiving disciplinary is granted, first time board. The one who was not receiving disciplinary and was programming and showing improvement and signs of rehabilitation is denied his or her first board. This is counterproductive and not comprehensive. This has a negative psychological effect on the inmates and leads to recidivism. Not only are the Board's decisions inherently arbitrary and whimsical, but since 2007, for 12 years, the Nevada Board has been holding inmates' Parole Board hearings based on false murder charges, false rape and escape charges, and then denying parole based upon these false charges. Inmates are suffering repeated and extended denials for their liberty based on false charges. This makes the money used to fund the Parole Board a total waste of taxpayers' money. Some of you are not familiar with this, but in 2012, it was discovered that when the software was installed in 2007, it flipped and it put false felony charges in inmates' files. Apparently, it seems to be an ongoing problem. I've been contacted by inmates over the last several weeks, and so have some of—I won't say who, but a Nevada Legislator too was contacted by an Ely State Prison inmate concerned about false charges.

**Chair Yeager:**

Ms. Brown, you've reached your 3 minutes, if you could wrap up, please.

**Ms. Brown:**

Okay, so I'm just saying I think it would be a good idea to get rid of the Parole Board. If they have programmed, done their time, there should be no reason for them not to be granted parole to their next consecutive sentence and then eventually out to the streets.

**Jennifer Noble (Chief Deputy District Attorney, Washoe County District Attorney's Office):**

I'm here today representing the Washoe County District Attorney's Office. I don't want to waste this Commission's time, I know it's precious, so I would say that I echo all of Mr. Spratley's comments, and I would just add a couple of thoughts, including the comments thanking the Justice Reinvestment Initiative (JRI) for its work, for this Commission and its hard work in trying to make some commonsense changes to our criminal justice system. Specifically on recommendation 11, the habitual criminal enhancement and changing the lookback period, the Washoe County District Attorney's Office has serious concerns, particularly the provision for category A violent felonies ([Agenda Item V A-1](#)). We believe that when a judge uses their discretion, and it is up to the judge's discretion, to impose this very serious enhancement, they should be able to consider a category A or a violent felony, no matter how old it is, and that we don't think staleness is a ground to exclude it from use in a habitual criminal enhancement situation. Second, with regard to recommendation 2, pre-prosecution in nonviolent felony cases, this is just a concern that I have. I have been part of the implementation team in my office for implementing the recent constitutional amendment known as Marsy's Law, and I'm concerned about how this is going to work in terms of the victims' constitutional rights to be present at all hearings, including those hearings regarding sentencing, penalty and release. With that, I would thank this Commission for its time.

**Paul Corrado:**

I am a volunteer and have been for the last 25 years in incarcerated settings in both federal, jail and state level. I would point out the handout that I gave to you ([Agenda Item III B](#)). You really don't need a lot of reiteration on things you've already read, but I think there are some key points in here about recidivism and the use of substance abuse. Still, 29 percent of offenders released in Nevada in 2014 returned to NDOC custody within 3 years. The system we have now is not working, as far as I'm concerned, when those statistics are brought to bear. I think if you look on the sheet, the most important paragraph probably in the entire report to me is "research has found that incarceration is not more effective at reducing recidivism than non-custodial sanctions like probation, and that for certain types of offenders, it results in higher crime rates of future criminal behavior as measured by both rearrests and reconvictions" ([Agenda Item V A-1](#)). That pretty much says that putting people in prison doesn't work. Now, it does keep people off the streets, but 95 percent of the people who go to prison come out, and when they come out, what are their chances of actually being successful? That, I believe, is the key question, because most of them, according to the report, the key question is why are they coming back and stealing? What is the root cause of criminality? Are we dealing with the cause or the effect? The question to me is what is the best and most cost effective way to deal with this clearly identified problem? Build another prison, really? How can we allow a person to leave prison without at least giving them the opportunity to learn how to use a computer and a keyboard? How can this Commission not make a key finding in lowering the rate of recidivism? I'll point out, for instance, and I know you can't respond, but

Assemblywoman Lisa Krasner, you've got 2 boys, probably teenagers, I'm thinking, and I'll put \$10,000 on the table right now that both of them know how to use a keyboard, no question in my mind. I believe that kind of opportunity should be available to everybody who leaves. You can't even get a job now without going online at places like Walmart and Home Depot. I would ask you and the rest of the Commission to please seriously consider affording them the opportunity to learn. Right now, they have a 12 by 12-inch television set that costs \$327, and I'm thinking these people could afford a \$100 computer from right downtown here, where recycled computers are available.

**Chair Yeager:**

Mr. Corrado, could you please wrap up?

**Mr. Corrado:**

There is a reentry program that does work, Thinking for a Change. The National Institute of Corrections' course has been shown to work inside and outside of prison. The pilot program is completed. It's not necessary to reinvent the wheel. The State of Washington concentrates their limited resources on the most likely to reoffend, both inside and outside prison. Nevada likes to think it does the work of government smarter and better because it takes advantage of other states' experiences, successes and failures. Why not now? Thanks for listening and not texting while I was presenting.

**Chair Yeager:**

Seeing no additional public comment, I will close agenda item III, public comment. At this time, I will open agenda item IV, which is approval of the minutes of the November 8, 2018 meeting of this Commission ([Agenda Item IV](#)). As usual, I've had a chance to review those minutes and our staff did a fantastic job of making all of us look good. I would take any corrections that anyone has, or if there are no corrections, I would be looking for a motion to approve the minutes.

COMMISSIONER CALLAWAY MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 8 MEETING OF THE ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Mark Jackson (Douglas County District Attorney):**

I actually have a question, and I wasn't sure when to ask it. I wanted to know about the minutes of the meeting of the Sentencing/Pre-Trial Subcommittee from December 18. At that meeting, we did approve the minutes from November 29. The reason I wanted to bring that up is that it was a lengthy meeting and there was a lot of comment, there was a lot of debate, there was a lot of discussion, and I think there were a lot of very important things that were stated on the record, which I don't know that we'll be given that opportunity to take up that much time on the items today, but I think it's important for that to be made available to the legislators, as well as being made available for public access. I had a question about how we would deal with the minutes from that Subcommittee meeting from December 18, and then also the minutes from today. How will we have an opportunity to approve those minutes, if you could please inform me on that, Chair Yeager?

**Chair Yeager:**

First of all, the approval of the November 8, 2018 minutes, that motion did pass. With respect to your question, as you might imagine, our legislative staff is busy preparing for session, so we don't yet have the minutes from the December 18 Subcommittees. As you noted, those meetings were fairly long, and of course we're not going to have minutes from today because we're in the process of the meeting. The way that approval of those minutes will work is we will distribute draft minutes when they're available to Commission members for comments, and then for the Subcommittees, Justice Hardesty and I will ultimately sign off on those minutes, and I will sign off on today's meeting minutes. I certainly hope that those will be available prior to the legislative session. I know that's a priority for staff to get those done, so look for those, I would anticipate, in the next few weeks. We will have those available for review, we just don't have them today. Does that answer your question, Mr. Jackson?

**Mr. Jackson:**

It does. Thank you very much.

**Chair Yeager:**

At this time, I will close agenda item IV, and we're going to move to agenda item V, which is really the heart of today's meeting. Before we get started on agenda item V, I wanted to give the members of the Commission the lay of the land of how we're going to proceed with agenda item V. Before we really get into it, Justice Hardesty and myself will have some introductory comments about the process and where we are and where we go from here. After that's finished, I will give members a chance to ask questions on the report itself, and then following that, I would be looking for a motion and a second. We'll have discussion on the motion, and then we'll take a vote on the recommendations as a whole. Just to give everyone a sense of where we're going, that is the plan. With that being said,

again, I want to thank Commission members for your attention to this topic. Where we are here today represents months of hard work and high levels of engagement. We started this process with the support of our state leaders, who joined together to request technical assistance through the Justice Reinvestment Initiative. Those leaders charged this Commission with using the research and Nevada's criminal justice data to develop comprehensive crime and recidivism reduction strategies while shifting resources toward more cost effective public safety strategies. Justice Hardesty, I would like to punt it up to you up north to continue on with some introductory remarks.

**Justice James W. Hardesty (Nevada Supreme Court; Vice Chair):**

As everybody knows, in August we began this process, and since then we have poured through an unprecedented amount of data analysis of our criminal justice system. I want to thank the Crime and Justice Institute (CJI) for all of the staff work that they have undertaken. The public may not have recognized this entirely, but they have spent hours upon hours of time, at no cost to the State of Nevada. This was provided as a result of Nevada having been selected as a JRI state, and frankly, for the first time in years, we've had an opportunity to gather research data on our criminal justice system. Over 15 hours of data and research presentations and almost 10 hours of Subcommittee discussions have taken place. I think those conversations have been incredibly insightful. There's no doubt they've been impassioned, and still are. I think they've led to a robust and balanced package of policies for the Commission to consider.

**Chair Yeager:**

Thank you, Justice Hardesty. Commission members, the report before us today is no doubt ambitious ([Agenda Item V A-1](#)). It's also a comprehensive set of recommendations. I believe it captures the breadth and depth of our conversations that we've had the past several months as a Commission. What exactly do these policies seek to do? These policies address our state's growing behavioral health crisis by strengthening responses to offenders with mental health and substance abuse issues and expands alternatives to incarceration. They also seek to reduce recidivism by strengthening community supervision practices and using incarceration for serious and high-risk offenders. They seek to promote public safety by minimizing barriers to reentry and reinvesting in treatment, transitional housing and victim services. They also ensure the sustainability of the criminal justice system by requiring data collection and training on evidence-based practices.

Now that I've summarized at a very high level what the policy package is that's included in the report, I wanted to again bring your attention to some new information included in the final report. Commission members, you may have seen this information in an email that you received late last night ([Agenda Item V B](#)), but if you haven't, I wanted to make sure everyone was aware of the projected growth in the Nevada prisons, the associated costs of the growth and the impact that this package of recommendations would have on that growth. Nevada's prison population is projected to increase by close to 9 percent by



2028, costing taxpayers an additional \$770,000,000. Again, I want to repeat that just for emphasis. Over the next 10 years, the projected growth is 9 percent with a cost to the taxpayers of \$770,000,000. The policies that you have in front of you do not eliminate all of that growth, but if they are enacted, they would eliminate 89 percent of that growth, and that's a savings of \$640,000,000 over the next 10 years. Again, \$640,000,000 over 10 years is the projection if the Legislature were to enact this package of policy recommendations.

**Justice Hardesty:**

As we move into today's meeting, these impacts are really important for all of us to think about. Throughout my years on the Advisory Commission and as Chair of the Sentencing Commission, I've heard about the lack of resources in this state as barriers to success. Over and over again, presenters have made pleas for resources to undertake obvious steps that would have mitigated or curbed the impact on criminal justice. Unfortunately, we have not accomplished those objectives over these years, and I think this is a clear opportunity to be able to shift resources into areas of the system that we know can make a significant change and redirect those resources to frontend efforts. The status quo isn't working. Our crime rates have not plummeted, our recidivism rates have increased for nearly all offense types, and we have more and more people entering the criminal justice system who suffer from a behavioral health issue. The \$770,000,000 cost of doing nothing is just that, nothing but a cost, and I think the taxpayers of this state need to require the Legislature to examine this problem and look at alternatives. This spending is not improving outcomes, and I think it's time for us to take steps that will change this effort.

**Chair Yeager:**

Thank you, Justice Hardesty. Again, I want to compliment this group on developing a package of recommendations that have such a large impact on reducing the projected prison population and freeing up resources that can be redirected to law enforcement resources, victim resources and interventions that reduce recidivism and address the needs of the growing population with behavioral health issues. I think our consensus policies will carry tremendous meaning for our state. Now, to be clear, consensus does not mean that everyone is 100 percent happy with every detail in this policy package. However, I hope it means that everyone believes the package as a whole represents the direction they believe criminal justice should move over in the next decade here in the State of Nevada. That is, focusing resources on policies and practices that reduce recidivism and prioritizing prison space for the most serious offenders. I also want to acknowledge that there were policies, as is to be expected, that were discussed in the Subcommittees but did not receive majority support. I think we landed in a productive place for these policies. In the report itself, the policies that were discussed but did not receive majority support are listed under the category of alternative policy options. The report forwards these alternative policy options not as consensus options but as additional options for legislative consideration. As all of you Commission members know, this is just the start. The Legislature is going to take on these recommendations and there will be

ample time through that process to make additional comments, to make additional changes, so don't think that today is the end; it's only the beginning.

Before we get to the actual motion, I wanted to provide time for questions about the report, but I want to be clear about what we're doing here. This is not a time for rehashing questions that have been asked over the past several months. Your questions really should be focused on the report itself. I would ask members, in that vein, if you're going to ask a question, please don't make it a rhetorical question. Please ask questions that may actually dictate how you're going to vote on the report, or if there's something that's unclear to you, please ask that. I will remind members before we get started that, normally, a question is comprised of one sentence with a question mark at the end. A reminder as well that we will have comments after the motion is made, so this is not the time to give your comments on the report, but it is the time for questions. With that being said, are there any questions about the substance of the report?

**Chuck Callaway (Police Director, Las Vegas Metro):**

My question is, will the final report reflect who on the Commission votes ultimately against these recommendations? Because when I look at the final report as drafted, it assumes that on page 3 or 4 where it lists all the Commission members that this report was approved by every member of the Commission. Yes, the majority of the Commission will probably vote in favor of this, but for those that do not support all the recommendations, I think it would be good that the report reflect who on the Commission does not support the recommendations.

**Chair Yeager:**

Thank you, Director Callaway. That's a good question. This report itself I don't think will have that information, but what we always do at the end of the ACAJ is the Commission itself prepares a final report detailing the work of the Commission, I think including most if not all of the exhibits that we reviewed. That report itself in the work session portion will note what the votes were, where the votes were on these recommendations, so that will certainly be available. Normally that is ready before session, but I can't 100 percent commit to that just because it's very unusual for us to be meeting this late into the new year. I will certainly make clear that you have my commitment as one of the likely presenters of this bill, I'm not going to represent that there was 100 percent consensus. In one way or another, that will be reflected, although probably not in this report, but wherever this report goes, that will be reflected.

**Paola Armeni (Representative, State Bar of Nevada):**

I'm looking at recommendation 7, and then also recommendation 13, and I'm just concerned. In recommendation 13, there's a list of offenses that we are asking that they be reclassified from B to C. I don't have an issue with the reclassification, I just have a concern about consistency, because if we recommend—as part of this package, all these

recommendations get approved, and it seems to me there may be some inconsistency between the theft categories in recommendation 7 and ultimately some of the theft described in recommendation 13. I guess my question is, how do we remedy that, or is that not our concern at this point? Will that be the next step?

**Chair Yeager:**

Thank you for the question, Ms. Armeni, and that was a good catch on what appear to be inconsistencies in those two recommendations. My best piece of advice there is I think we could as a Commission advance both of these, and then it would simply be up to the Legislature to reconcile that. Or, as an alternative, if the Legislature decided to pass both of those recommendations, essentially recommendation 7 would be overlaid on the later recommendation, so that would be the one that would advance. That is a good catch, and it's something we will be aware of as this process moves forward through the Legislature.

**Aaron Ford (Attorney General):**

Just a quick question as well regarding recommendations 7 and 13. Can you let us know how this might be reconciled or in conflict right now with the Sentencing Commission recommendations?

**Chair Yeager:**

Justice Hardesty, I may ask for your assistance on that, as Chair of the Sentencing Commission, if you have thoughts on Attorney General Ford's question.

**Justice Hardesty:**

The Sentencing Commission made no recommendations with respect to either number 7 or number 13, if memory serves. The provisions reflected in recommendation 13 arose out of discussions by that Commission in 2017. These recommendations of the Sentencing Commission are much more limited this year, and primarily focus on the creation of an administrative staff to support the Sentencing Commission's further study of the criminal justice code and sentencing lengths. There is no conflict. I think Mr. Jackson is on that as well. Mr. Ford, I don't think it's in conflict with any action taken by this or the prior Sentencing Commission.

**Natalie Wood (Chief, Parole and Probation):**

Just a couple of clarifications I wanted to put on the record. On recommendation 3, it was my understanding after our discussion from my staff with CJI that they were going to update this recommendation, because Nevada Revised Statutes (NRS) 176A.100 doesn't prohibit the court from authorizing probation. There's still discretion, I believe, on the part of the judges. I just wanted to point that out. On recommendation 16, I believe that there needs to be a little bit more research here. I'm concerned about potential

operational impacts, and I certainly don't want to come across that I'm poo-pooing stuff. I agree with the majority of the report, but I believe there are some fiscal concerns, especially with how good time credits would be affected by this. That's our biggest concern is how would we calculate good time credits if the person wasn't on supervision for an appropriate period of time, and then restitution reimbursement. The Division is concerned on that one, potentially those areas. On recommendation 17, we have concerns on that because we believe we are already using graduated sanctions. Obviously, the standard conditions are set by the Nevada Administrative Code (NAC) on these, so the Division has concerns with the NRS, the NAC and how we would handle that. We're concerned it might take some of the teeth away from the oversight and supervision of some of the offenders. On recommendation 18, we believe there needs to be more clarification of the term—I had testified at the Subcommittee that I personally as a representative of the Division felt that the definition needed to include misdemeanors under new crimes. It's not a technical violation if you get convicted of a domestic battery, so I wanted those considerations. Again, I basically want to go on record to say that those are the areas that I have concerns and I'm certainly willing to work through the language if there's a possibility, instead of requiring the Division to do certain things, that there could be terminology put in if this goes through to the Legislature, where if the Division is not already complying with this, they're encouraged to, or if there's a practice already in place that covers this or satisfies this requirement that that's acknowledged. Those are really my concerns. Thank you very much.

**Mr. Jackson:**

I have 3 questions related to recommendation 2, and a couple of them may need to be answered by Ms. McNamara or Mr. Weld or somebody else from CJI. The first question would be related to actually the public comment from Chief Deputy Jennifer Noble about potential conflicts with Marsy's Law, which is the constitutional victims' rights that were just enacted pursuant to a statewide question and dealing with restitution with the potential for an 18-month program. The second part of the question is how this recommendation is worded. Specifically, it does make reference to the misdemeanor pre-prosecution diversion program, which is codified in NRS 174.031 through 174.034. The recommendation says creating a pre-prosecution program for first-time felony offenders similar to the misdemeanor program, but in that recommendation it says "who are convicted of a nonviolent offense." The current pre-prosecution diversion program is before an entry of plea. It creates the third question related to that, which is a violation of the separation of powers. That part of the question would be to CJI, if they had looked into that. It's ironic that our Nevada Supreme Court issued an opinion last month on the separation of powers dealing with the veto power of a prosecutor and finding that that was unconstitutional at the sentencing because the sentencing is a judicial function but the filing of charges is a prosecutor function. I looked at nine Supreme Courts across the United States. The most liberal court that I found in the country is the sole minority, but every other state has ruled that it's unconstitutional to allow a pretrial diversion because that is the sole province of the prosecutor. That's an executive function; it is not the judicial function. The question is, did you look at whether or not this recommendation would be a

violation of the separation of powers? Does it conflict with Marsy's Law? Did you mean to say "convicted of," because then it's not a pre-prosecution diversion, it's just a diversion, and if you mean a pre-prosecution diversion, then it needs to relate to pre-plea, but then it brings us back to the violation of the separation of powers. Sorry for all the questions.

**Chair Yeager:**

This may fall in the category of phone-a-friend, but Mr. Jackson, I think you're right that there's perhaps an inconsistency in the recommendation itself because, as you noted, pre-prosecution means pre-plea, pre-conviction, so that'll have to be reconciled. In terms of your legal questions, I think they are good ones. I'm not sure that our friends from CJI are in the best position to answer those. What I can say is I am aware of those issues, and Mr. Fernley here is probably going to be looking into those, as well as the Legislative Counsel Bureau (LCB), as this package moves forward. As you're aware, LCB has a policy that they will not draft legislation that they believe to be unconstitutional. Sometimes there's a fine line there, but those are issues that I think going forward through the legislative process we'll seek legal counsel, especially in light of the Nevada Supreme Court opinion that you mentioned recently that may have some impact not just on this potential proposal but on existing specialty court programs. That's the best I can give for now. I don't think we're going to resolve that here this morning, but we'll certainly add that to the list of items that need to be resolved before we can move forward with legislation.

**Mr. Jackson:**

I have one further question overall. Chair Yeager, this would be to you. If I understood the direction you're giving, you're basically going to ask for a yes or no vote on the final report as a whole and not going through the individual recommendations. If my understanding is correct, several of these recommendations are in the alternative, so how would we as a Commission pass forward—is it your plan to pass forward and move to the Legislature those alternative recommendations as they appear in the final report?

**Chair Yeager:**

Thank you, Mr. Jackson. You indeed are correct that the motion that I will be seeking at the appropriate time is to advance the report and the recommendations. With respect to your second question, the recommendations specifically are the recommendations that are in bold with the numbers. You are correct that there are alternative policy recommendations or policy options that are enumerated under a particular recommendation. For example, recommendation 7 has a chart, and then at the bottom—this is page 24 ([Agenda Item V A-1](#))—there is an alternative policy option. We would also forward those to the Legislature for the Legislature's consideration, but the report itself would be making the recommendation that is in bold. But obviously, as you are aware, the Legislature in its purview can decide to accept, reject, change or do any number of things with the recommendations. Hopefully that answers your question. I don't think any

of the bolded recommendations are styled in the alternative. We simply noted what some of the other discussion was from the Subcommittees that did not receive majority support.

**Mr. Jackson:**

Thank you, that does clarify what I had requested. I will be given opportunity later on for comment overall?

**Chair Yeager:**

Yes.

**Christine Jones Brady (Deputy Public Defender, Washoe County):**

I had the same question for number 2 as did Mr. Jackson, in terms of whether or not that was a conviction or pre-prosecution. Also, some of the discussions we had on there, I was wondering if we are able to amend the language at this point in order to take away that inconsistency. The other question I had is concerning the trafficking statutes, recommendation number 10, and in our discussions we talked about having the higher level of weights, taking away the indicia for the 400 grams or more and making that rebuttable presumption. I was wondering if we are able to amend this today before voting on it.

**Chair Yeager:**

Thank you, Ms. Jones Brady. I will note that I was obviously not on your particular Subcommittee, but if that is the recollection of how the Subcommittee voted, that the 400 grams or more would remove that, that's something we can do today. I just don't have that knowledge. I was not there. I don't know, Justice Hardesty, if you have a recollection of whether that was indeed included in the recommendation or not.

**Justice Hardesty:**

There have been a lot of numbers floating around, and I'm not specifically certain. I think that's correct. It seems like, though, that Mr. Jackson's point with respect to recommendation 2 would warrant an amendment for something that is obviously an inconsistency. I think if we are able to review the minutes with respect to the other, we could substitute or amend the report on that recommendation depending upon what the minutes of the subgroup show so we're not relying on people's memories. But it seems to me that with those two alternatives, it would be appropriate to modify the report in those regards.

**Mr. Jackson:**

My understanding is what was put forward by the Subcommittee on Sentencing and Pre-trial was the recommendation as it appears here. That's what was put forward. I brought up the issue about the inconsistency now, but this reads exactly what came out of our subcommittee today on the conviction. That's what came out. I think it's wrong, but that's what came out. If we're going to open it up on one, I think we can open it up on all 25 because I would have some amendments pretty much to almost every single one of these recommendations. I just wanted to put on the record that it is one of three issues associated with that particular recommendation. It's up to the Chair, I understand that. With respect to the trafficking, there were a lot of things that I recall that Vice Chair Hardesty asked to be captured by CJI to be sent to this Commission as a whole. I think that recommendation 10, as it appears in this packet, fairly captures what was discussed and what was put forward with those different alternatives as I recall Vice Chair Hardesty restating those.

**Justice Hardesty:**

I am fine with Mr. Jackson's comment. The Legislature will have a chance to take a look at these issues when they come to them. I don't recall any comment with respect to recommendation 2 in the Subgroup or a problem with respect to its drafting at that time, but it's certainly something that if the Commission moves this forward to the Legislature can address, and of course at that time minutes of the Subgroup will be available to address the comment that Ms. Jones Brady made.

**Chair Yeager:**

Thank you, Justice Hardesty, and thank you for your comments, Ms. Jones Brady and Mr. Jackson. Justice Hardesty, I think that probably is the best course of action, that when we get to a motion we'll move the recommendations as stated. By the time we get to the legislative part of this endeavor, we will have minutes in writing. Of course, the video is available if anyone has an extra day of time on hand to watch those. You're welcome to do that, but I commit to this Commission that as this bill moves through the Legislature, if I do indeed learn that there were issues that were not advanced or there were mistakes in the report, I think that's unlikely, but if that did happen, you have my commitment to make that very clear to the Legislature, to indicate perhaps there were some errors or omissions on the report. But in the interest of getting through today's meeting, I think it makes sense to move the recommendations as stated in the report and we will address those later down the road when we have some more information. Are there additional questions?

**Assemblywoman Lisa Krasner (Assembly District No. 26):**

Thank you, Chair Yeager. This Justice Reinvestment Initiative and the work of the Nevada Advisory Commission on the Administration of Justice is many months of work in the right

direction for our state. But when I hear a few people, such as our law enforcement officers and our deputy district attorneys, state that they would like just a few things tweaked or a little time to work through a few of the recommendations, I think that we should do that. I think we should take this meeting right now today and the time today to do that. I'm willing to stay here. I hope some of the other people on the Committee are willing to stay here, because this is a very important document that shows a lot of people's efforts for a long period of time. A lot of work has gone into this. If we are going to amend on recommendation 2, why can't we also take a look at recommendation 11 or some of the other ones that have been brought up here today during this time? Why can't we just take a specific time right now? Let's say we'll take one hour or however long it takes to go through all the recommendations right here, right now as a body, because as a sitting Assemblywoman—and those of you who are also on the Legislature know when a document like this comes before you at committee, you look at the first page or the second page and you see all the people who have looked at it and reviewed it and worked on it, and you say, "Wow. Well, I guess if all those people have looked at this and reviewed it and worked on it, it must be okay." I'm hearing people say, "I like the majority of it, but it's not 100 percent okay." I wish we could just tweak it a little, amend it so we could all vote yes. My question is, could we take the time to go through all of the recommendations?

**Chair Yeager:**

Thank you, Assemblywoman Krasner. Unfortunately, we don't have that option today. That was what the last 6-plus months and the Subcommittee groups were directed at doing. I assure you, as you know, we're going to have ample time to vet this in the Legislature, and I very much doubt that when we get to that process that there is going to be only support. There will be opposition along the lines that you've heard today, and it will be the Legislature's choice to be able to make those changes. I appreciate the request, but we've gotten where we are today through a very long, involved and detailed process of work, and the work is now behind us. We have arrived at the product we've arrived at. I certainly respect that there are going to be members who support some of these recommendations but not all of them. It will be up to each Commission member to decide what that means in terms of your vote. As I said, once I have a motion, I will give folks a chance to make those comments known. But again, please don't think that this is the end of the process. I don't want to say it's the beginning, but it's the middle of the process. We're at that point where we're going to transition to legislation, and there will be ample time going forward to work with folks, to comment on this, to allow public testimony, as we have been doing for the last 6 months. But again, I do thank you for being here this morning and thank you for the question, but we're going to take the recommendations as they are drafted in the report without any amendments at all. I don't want to give the impression we're opening these up today. We're not. That was what the last 6 months were for.



**Ms. Wood:**

I was just wondering, is it possible, Chair Yeager, to vote by recommendation rather than the package as a whole, because my concerns I believe can actually be rectified simply by a language change for me to support the recommendation. I'm not sure if that's possible, but I wanted to ask.

**Chair Yeager:**

Thank you, Chief Wood. It is indeed possible, but it is not the motion I'm going to be looking for, so unfortunately I will be asking for an up or down vote on all recommendations as a whole. Again, if there are reservations, you'll have a chance to make those known and you'll have to decide how to vote, but we are going to advance the report as a whole instead of one by one.

Seeing no further questions, at this time I would be seeking a motion.

JUSTICE HARDESTY MOVED TO APPROVE THE FINAL REPORT OF THE JUSTICE REINVESTMENT INITIATIVE AS PREPARED BY THE CRIME AND JUSTICE INSTITUTE AND TO FORWARD ALL OF THE POLICY RECOMMENDATIONS AND ALTERNATIVE OPTIONS IN THAT REPORT TO THE LEGISLATURE.

MS. JONES BRADY SECONDED THE MOTION.

**Chair Yeager:**

We have a motion to adopt the report and all of its recommendations to send on to the Legislature. We've reached the point of discussion on the motion. Members, what I intend to do in this regard is, I think, if I'm not mistaken, folks are fairly solidified in their positions. That being said, I do want to give members an opportunity to put whatever they want to put on the record, but in the interest of time, I want to ask members to limit their comments in this portion. I'm going to give each member 4 minutes to make whatever statement you would like to make. I'm going to be fair on that and I'm going to time you. Again, you're going to have an opportunity to make further comments.

**Senator James Ohrenschall (Senatorial District No. 21):**

Thank you very much, Chair Yeager, Vice Chair Hardesty and to all of the members of the Commission. I was very honored when Senator Atkinson asked me to become a member of the Commission upon Senator Ford's election as Attorney General. I know I'm a latecomer, but I have read the minutes and I've watched the videos of the past meetings and the past Subcommittees. I'm very impressed by all of the work that this Commission

has done. Based on the data findings that I have seen, I fully support the contents of the package here in the final report. I believe these recommendations are founded in data and years of research on what will work to effectively curb recidivism. They are exactly the kind of changes that we need to see here in our state. We need to shift resources from incarceration to policies and practices which make our community safer and ensure that people don't get entrenched in the revolving door that our criminal justice system has become. I know from my experience practicing law that we need to intervene early in people's lives to make the biggest difference, and these recommendations provide us just the chance to do that. I have been very lucky that I've been practicing as a deputy public defender both in juvenile court and in adult court, and the model of juvenile court is to try to connect the children who have been arrested with services, with mental health treatment that maybe they had never got, with substance abuse treatment for kids who very often might be self-medicating for an undiagnosed mental health issue. The big difference that I've been able to realize having practiced both in the juvenile system and in the adult system is that I realize that the clients that I represented so often in the adult system were the kids I'm representing now who never got those services, who never got the mental health treatment, never got the substance abuse treatment, who often were going through tremendous hardships in their lives: loss of a parent, a parent that had been murdered, a parent that was incarcerated, no stability in their lives or opportunity to get the kind of treatment that they needed. So often, those are the kids who grow up to become the adults that we have in the Nevada Department of Corrections. I feel that as taxpayers and as legislators, we have to decide where we spend our precious resources, and I believe that if we can spend those resources on treatment and services instead of building new facilities under the Nevada Department of Corrections' auspices that we have a chance not only to invest in our citizens in ways that truly matter but also to make our community safer and I really do believe that the recommendations here have the opportunity to accomplish that and I urge their support.

**Mr. Callaway:**

Thank you, Mr. Chairman, and thank you, fellow members of the Commission. It's been kind of a bittersweet interim for me, because on one hand I think we've had a lot of robust discussion and I think we've identified some areas where improvements can be made, but at the same time, it's been somewhat frustrating, the focus, and I've said from day one that at the Las Vegas Metropolitan Police Department and law enforcement, we overwhelmingly support programs that reduce recidivism. We support resources towards behavioral health. We support programs that help and assist with reentry. I've mentioned Hope for Prisoners in the past, and programs such as that are great. In the report as a whole, there are some elements of this report that I believe are good. However, as I've said before, I don't believe that a lot of these topics were fully vetted as a Commission as a whole. They were vetted in Subcommittees, but not necessarily as a Commission as a whole. I think that it is a fact that if these recommendations are ultimately approved by the Legislature that we will see a cost savings with reduced bed spaces in prison, but I think that ultimately we will see a negative impact on public safety. We will see a negative impact on quality of life in our neighborhoods. We will see a negative impact on our

economy when people realize that they come to this state and we've lowered crimes to misdemeanors. We've made property crime less of a priority for us, and if you come to Las Vegas and you are victimized, you're not going to want to come back here. So yeah, we may save some money emptying some beds in prison. As Mr. Spratley said, we're going to see an impact on our local jails. We're going to see beds in our jails increase when we make crimes felonies down to gross misdemeanor so they serve 364 days versus 365 days. They serve that in the local jail versus prison. Hey, we lowered our prison population, but now our jail population has increased. Many of these recommendations are on par with what California did in Proposition 47. I have talked to California residents, I have relatives that live in California, I have talked to law enforcement in California that tell me they are seeing significant impacts from this and property crime skyrocketing 30-some percent in San Francisco. The Legislature in California is looking at raising penalties again for auto burglary and breaking into vehicles. I just believe that if we reduce some of these crimes down to misdemeanors that we take away the incentive for drug addicts to get treatment. If we raise the trafficking levels, we now give thieves and drug dealers a more lucrative opportunity to apply their trade. As I said in previous testimony, this is a drug dealer's dream come true, if I'm a drug dealer and we lower drug penalties to a misdemeanor and we raise the trafficking levels seven times what they currently are. To recommendation 13, I just want to say this: opposition is not even a word I can use. I have to say outrage to the fact that in today's day and age, with violent crime and shootings occurring almost on a daily basis, that we would even consider reducing penalties for a prohibited person in possession of a firearm. I just can't even imagine that in my brain. It seems like I'm living in an alternate universe. Finally, I'll just say this: I'll quote what Mr. Corrado said when he came up on public comment. We're not addressing the causality of crime. I look at this as a shell game. It's like I said before: if we have a problem with people running stop signs and the answer to that is to make running stop signs legal, that doesn't address the problem of running stop signs. Lowering the penalties and decriminalizing doesn't address the underlying issue of criminal behavior in our communities, and I believe that down the road—and it won't be me, I'll be long gone, but whoever is on this Advisory Commission 5, 10 years from now, I firmly believe we will be reevaluating these decisions and looking at the negative impacts that they've had on our communities.

**Chair Yeager:**

Thank you, Director Callaway. I did want to note to the members that this is not simply a cost-saving measure. As the name implies, this is Justice Reinvestment, which means that the savings we're talking about, that \$600,000,000-plus, would go into treatment, would go into behavioral health, drug treatment, transitional housing, better frontend services. So, to be clear, this is not just releasing people from prison to release them from prison. This is about using tax dollars effectively, because right now, we're not getting the bang for our buck in corrections. So, lest anyone think that, the name itself tells you this is Justice Reinvestment, and the tail end of the recommendations deals with exactly that, making sure that any savings is actually directed back into the system. Mr. Callaway, I

respect your comments, but I wanted to make sure that that was abundantly clear on the record, that there is that component of what we're trying to do here.

**Judge Sam Bateman (Henderson Justice Court):**

To your point on the reinvestment, I tried to look at this through that process, which was cost savings and reinvestment. One of the things that I think if you just do some searching in Utah that some of the people that had a concern was that the reinvestment wasn't on the frontend. They're still kind of trying to catch up on the reinvestment part to try to combat what would have been the detriment to public safety from not having that reinvestment on the frontend at the same time that you're decriminalizing, so I would hope the Legislature would take that up as something you might have to spend a little money on the frontend to offset any of these things that you're going to put into place. The only point I would make is that I support criminal justice reforms. The minute I was put on the bench in Henderson, I tried to do everything I could to speed up moving people through the system, getting them out of custody sooner. I support bail reforms that have been taking place. I think we should have individualized assessments and a lot faster. I think that needs to happen throughout the entire criminal justice system. I think that's what everybody's asking for. I think the District Attorneys Association's offices need to take that into account. I have a lot of suggestions to address jail population as a result of the way we practice complaint to sentencing. That wasn't really taken up as part of this process, but I think it's important that we address that, because I do think if any of these reforms are put into place that it is going to push some of the responsibility for what are now state prisoner-type population into the local jails where my limited jurisdiction judges have to deal with it. To the extent that we start to lose the ability to use incarceration as a part of the process, it will start to hamper what we can do. I can tell you that I do everything I can not to send people to jail. I do everything I can to try to address their issues, in particular with drugs. I have limited resources at the justice court level, so I would hope that the Legislature would recognize that going forward, if any of these were to be put in place.

I have a hard time supporting the report, not so much because of the general issues that were brought up. Some of these issues have been addressed since I started doing lobbying work back in 2008: burglary, habitual, trafficking. My concern is, I don't know that the record fully addresses the actual specific proposals. I would support and have supported for a long time addressing the burglary statute. I think it's too broad in some respects. I think it could be broken up. There are other statutes that I won't name here that I've talked to Chair Yeager about that are probably a little bit more sensitive that I think the Legislature should take up that would probably get some support from the criminal defense bar, quite frankly. But I think that in the past, what has been practiced with the ACAJ is to have testimony from experts in the field. So for instance, in trafficking, 4 grams may no longer be an appropriate amount. It may no longer signify sale versus personal use. I don't know if we received any of that information in this process. I might support something like 6 grams if experts come in and tell me, "It's really 6 grams now," or "It's really 8 grams now." I think what we're addressing largely with many of these

recommendations is what we talked about initially, which is to drive down your prison population. You look at sentence lengths and you look at admissions in total. I think a lot of these are addressing admissions. Our admission rate has remained stable, and that doesn't mean that we shouldn't drive it down, but my concern and what causes me to have concern in supporting the report—I might be agreeable to advancing the report without a recommendation, I certainly would, but I don't know that some of these specifics in the actual recommendation have been vetted sufficiently by people who do this on a day-to-day basis and who can address some of the issues like, for instance, some of the inconsistencies in the report. The habitual criminal statute, for instance. I talked to a person who ran the Habitual Criminal Unit for the District Attorney's Office before they disbanded, and she said, "I don't know how I'm going to utilize the lookback period for out-of-state priors," things like that. Those types of things would normally have been vetted with people coming in and testifying about the proposals ahead of time. I don't have a problem with the Legislature looking at burglary, habitual, trafficking. I think that those things should be looked at on an ongoing basis for reforms. My problem with a lot of these is that I have a problem with the specifics, and I would hope that the Legislature if this moves forward takes a look at some of the specifics. I know you will, things like possession of a controlled substance (PCS). Who's in prison makes all the difference as to whether you want to move that down to a misdemeanor or not. If it's people who were originally convicted of PCS because that's what they were charged with and that's what's filling up the admission level on PCS, I think you should take a look at it. I think that's totally, wholly appropriate. If it's everybody that got originally charged with trafficking, transport, sale, PCS with intent to sell and all that and it's pled down to PCS, you're not doing anything by changing this to a misdemeanor. You're actually just making it harder for everybody. My last point is, I can't hardly support any additional gross misdemeanors. Any prosecutor, defense attorney or judge will tell you that gross misdemeanors are the bane of existence. I can tell you all the policy problems with gross misdemeanors in general. If you want to make it a gross, make it a misdemeanor going forward, that would be my suggestion. But the specifics of too many of these recommendations give me too much heartburn about not vetting them specifically for me to feel like I can put my name on something as an approval. I approve looking at it; I just don't approve some of the specifics in here because I don't think we've had the expert testimony broadly enough to feel comfortable with that. Thank you very much.

**Mr. Ford:**

Thank you, Mr. Chair, and thank you to those who preceded me in comments. I'll just cut to the chase. I'm going to support advancing this for additional consideration, and I want to say why. I'm supporting this not because I think these recommendations are in final form. Clearly they're not. Clearly there's a lot more conversation to be had and a lot more discussion to take place and a lot more research, a lot more expert testimony, as Judge Bateman just indicated. But I wholly agree with the philosophy behind the recommendations, and I think these recommendations should move forward for discussion in the legislative process. Speaking of the process, I know this process. I've been in this process for the last 6 years. I've been on this Committee for the last 4 years.

I know the legislative process does thoroughly vet these issues. How do I know that? Because we had this conversation last interim. How many of those recommendations actually became law? I know for a fact that some of my own recommendations were compromised and some of them just killed outright because we couldn't come to grips with determining how best to accommodate the concerns of law enforcement and the concerns of criminal justice reform advocates. Therefore, I personally did some of my own bills. I know the process works. Make no mistake about it, because your name is on this Commission doesn't mean, as one of my former colleagues has indicated, that there is an assumption that you supported it. That is not accurate, and in fact, I know for a fact that as I stood up to talk about some of the things that came out of the last report, people who opposed it came up and said, "My name is on there but I opposed it." The Legislature is not a stupid place. It's not filled with stupid people. They know how to analyze. They know how to make decisions based on good information and good evidence. What we need to be able to do is to work in this process, and as the top law enforcement officer in the state, I will work with my colleagues in law enforcement to ensure that we can find the best way to accommodate the interests of both sides to ensure that we are protecting victims, that we are providing justice and that we are, again, trying to avoid unintended consequences that come out of what we consider now to be criminal justice reform. We absolutely have to look at the root cause of these issues. I've heard that testimony time and time and time again, and I agree with the Chair that some of these provisions do attempt to do that. Recidivism is something we want to address, and so we have these diversion courts. We have exit programs that we can work on. We have the expansion of other programs that we can use. By the way, this process doesn't mean that these are the only 25 ideas that are going to be considered by the Legislature. I know for a fact there are legislators right now who are considering other forms of criminal justice reform that will be part of a bigger piece. What I will say in closing is that I view this as recommendations. They're not listed in order of importance. In fact, the fact that you have a victims' bill as number 25 of the 25 recommendations should not be construed that victims are the least important of all in this consideration. In my view, I do not view that as the case at all. We're going to ensure that victims are at the forefront of the discussion and we are committed to ensuring that victim services are a priority. The last thing I'll say is this: money is important. A lot of these recommendations will require additional money. I'm talking to the finance chairs of the committees, I'm talking to the legislators' leadership, that if we're going to advance these things and you're going to require our district attorneys' offices and our law enforcement officials and our judges and your Attorney General's Office to implement programming, please afford us the dollar bills necessary to accomplish those goals. Again, I will vote yes with those caveats. Thank you.

**Chair Yeager:**

Thank you, Attorney General Ford. I should have mentioned that I've said on a couple of occasions here in our meetings that obviously a lot of what we're talking about requires funding. That concern has been raised by members of this Commission and it has been raised by members of the public. I assure you that as this bill moves through the Legislature, it is going to have that element of it, the element known as fiscal notes and

money committees, so those are things the Legislature will have to resolve in one way or another. Please know that for today's purposes, this Commission really is a policy commission. We have to move the policy, but the money piece is critically important and will be addressed in the Legislature.

**Ms. Armeni:**

I just wanted to say that I think we are very fortunate that we have the opportunity to be a Justice Reinvestment state. I think that through this process we have learned a lot. We have taken that information and we have tried to vet it as best as possible. We're not perfect and we certainly—I don't think anybody on this Commission would say that we've been able to vet it as thoroughly as we would like. But saying that, I think this is a very good step in the right direction, and these recommendations are the first start to hopefully more vetting and for some of these recommendations to pass, so I will be supporting the recommendations moving forward.

**Ms. Jones Brady:**

I'm going to vote in support of the CJI report and our proposal to advance it. The reasons for this are mainly because the prisons and jails have become our default method of treating people, some of the most vulnerable people in our society with mental health substance abuse problems, people who have had the short end of the stick in life, no access to affordable housing, lack of education, lack of health care. But in reading the report, I learned a lot, and one of the things that was eye-opening to me was the alarming growth of the female prison population. From this process, we learned that the female prison population grew by 4 times as fast as the overall population and that the female prison population in Nevada is about 43 percent above the national average, and recidivism for women is also rising. Why is this happening? The data showed me that sending many people to prison—we're sending too many people too long for lower-level crimes, and this has a disproportionate impact on women who are convicted of nonviolent and lower-level offenses. These are women who are more likely to have been victims of crime themselves during their lifetime and who maybe are dealing with self-medicating over trauma and things that they have suffered as young women growing into adults, and sending them to prison only continues that cycle of trauma for them and for their children, who they often have to leave behind when they go to prison, and then their children may end up in foster care and then they are in the cycle. So, I support this. I think that this is a first step to reversing the trends that are occurring for women and also reversing the trends of increasing incarceration for our Nevada families and citizens, and I think that these policies will help make Nevada a better and safer place for all of us.

**Judge Jim Wilson (Carson City District Court):**

I believe that public safety will be enhanced by the adoption of these recommendations, or a version of them. I believe shifting money from prosecution through incarceration to treating mental health issues and addiction will improve public safety. I don't agree with

all of the recommendations in the report. I do agree with most of them, and I trust the legislative process to further the process that we have started, so I'm going to support the report.

**Mr. Jackson:**

I am opposite of Judge Wilson in believing about the public safety. I'm at a loss for words in expressing my disappointment with the majority of the recommendations in the final report. I know a lot of them are driven by the data that was collected by CJI, but the recommendations were also set forward by CJI to us. Recommendations 14 through 22 were never even vetted by me or other members of the Subcommittee that I sat on. I am reminded of a quote by Vin Scully, who was the voice of the LA Dodgers for 67 years, when he said that statistics are used much like a drunk uses a lamppost: for support, not illumination. It's easy to find some research reports out there that will say all the good that's happened from some of the Justice Reinvestment that's occurred in other states, and we can look just to our sister state to the west, California. It talks about Proposition 47 that I discussed during the Subcommittee meeting, and I know additional material has been provided by CJI kind of in response to that. There was an article in January 30 of 2018 in the *National Review* titled "After Proposition 47: Crime and No Consequences in California." I'm going to quote from a portion of this report ([Agenda Item V C](#)). "The underlying premise of Proposition 47 was to free up funds so the state could focus on violent and serious offenders. Savings would be diverted to school-based prevention and support programs, victim services, and mental health and drug treatment. Therefore, petty thieves who might be drug addicts would avoid costly and ultimately detrimental incarceration. The referendum had the support of the California Democratic Party and the American Civil Liberties Union, and the state's voters passed it into law in 2014. What could possibly go wrong? That question is best asked of the people in California who are robbed and call the police for help. Overall, they're blindsided by the slow or nonresponse. The surprise and anger they feel is tremendous. Nearly \$1,000 in stolen property is hardly minor, especially to those who have little to lose. It's not just the loss of personal possessions that they'll probably never see again that is so distressing, but the ruined trust in the system that they assumed was designed to protect the innocent. For law enforcement, however, there is little incentive to chase down low-level criminals. Even if the person is escorted to the station, odds are great that he'll be back on the street in an hour or so. Outrage in these circumstances is apolitical. A liberal Berkeley student studying in a café whose laptop is swiped from a table feels just as violated as a right-leaning visitor to Los Angeles whose luggage is stolen. A struggling small business owner wonders how long he can withstand the damage done by constant pilfering. 'Every bicycle in our building has been stolen,' says Karen Burns, president of a San Francisco condo association. 'I've caught so many people stealing packages. They don't care. They know nothing will happen to them. It's crazy. It's horrible. I feel like these people need to go to jail.' Proposition 47 didn't stop with theft. The personal use of illegal drugs was also reclassified to a misdemeanor. Although the intent may have been kind—it's cruel to punish people for having an addiction—and practical—they'll emerge from prison hardened, and a felony on their record makes it more difficult to reintegrate into society—



the downstream impact on the community at large has been disastrous. In San Francisco, for example, shooting up in public is commonplace, whether it's on the steps of City Hall, in front of a supermarket or at the entrance to a children's playground. Residents who are experiencing an uptick in so-called low-level crimes in their neighborhoods are baffled by studies that indicate otherwise. For example, a December 2017 Center on Criminal and Juvenile Justice report shows property crimes down an average of 18.1 percent across the state. Those numbers are false, says Michael Rushford, President of the Sacramento-based Criminal Justice Legal Foundation, a nonprofit public interest law organization. 'More, not fewer, of these crimes are being committed, but people aren't reporting them. In most cases, they have to do it online, and they end up not doing it. They don't think anything will happen, so they don't see the point.' In fact, Magnus Lofstrom, a researcher at the Public Policy Institute of California, pointed to a 12 percent jump in larceny theft cases after Proposition 47 took place.

**Chair Yeager:**

Mr. Jackson, I have allowed you to go well over your 4 minutes. I don't know if you want to submit that to the Committee. Feel free. But I want to give you a chance to wrap up your comments, please.

**Mr. Jackson:**

Thank you. I'll be submitting those to the Committee, as well as to the Legislature. I had other articles, but these are far-reaching, sweeping recommendations that will have a negative impact on our community safety. For those reasons, as a packet, there is no way that I can support this final report.

**Chair Yeager:**

Thank you, Mr. Jackson. If you want to submit that article to the Committee secretary, we will make sure it gets posted to the internet.

**Ms. Wood:**

I just wanted to say that this is very difficult for me. I'm a strong supporter of reentry and the reduction of recidivism. I don't believe in building more prisons at all. I think the vision and mission of the Division is reinvestment, intermediate sanctions and avoiding incarceration. With that said, I've been actively engaged, myself and my Division, with CJI. I'm extremely disappointed to see that some of the language request changes did not make it into the recommendations, because I provided testimony throughout the Subcommittees on this. Again, if it was possible to vote by recommendation, I think you would find that I, on behalf of the Division, would support over 23 of these recommendations. I just have difficulty pushing forward as a whole on the package when I have genuine concerns that I believe could simply be rectified by a simple language change. But overall, this is very challenging for me. I'm going to vote no because I feel

extremely rushed despite my testimony. We've reached out to CJI, and I think that my vote could very easily be a yes on 95 percent of these recommendations.

**Christopher DeRicco (Chairman, Board of Parole Commissioners):**

When I was reviewing everything and going back through all of our past meetings, I know we were primarily tasked with collectively as a group reviewing our system. We have the research and we reviewed data so we could recommend a comprehensive crime and recidivism reduction strategy. One of the key points for me in this whole issue is that, to me, I see the main issue as how do we shift the resources as stated towards more cost-effective public safety strategies? I think that, as a whole, these recommendations do just that. They're shifting the resources to other strategies here that would be more cost-effective, but I think that, as many of us have spoken about today, there is another layer other than just being cost-effective. There are going to be some positives and some negatives here, and I think that if we are looking at it fiscally only, we have done our job in making these recommendations. My concern is how it will impact in other areas community safety and some of these other issues that have been previously brought up.

**Assemblywoman Krasner:**

Chair Yeager, I have a question before I make my comments. What does a vote of yes mean today? What does a vote of no mean today?

**Chair Yeager:**

The motion that is on the table by Justice Hardesty is to approve the final report of the Justice Reinvestment Initiative as prepared by the Crime and Justice Institute and all policy recommendations in that report. That is the motion. A yes would be "I approve the final report and the policy recommendations," and a no would be "I do not."

**Assemblywoman Krasner:**

I have a follow-up question. Ms. Wood mentioned that she is in favor of about 95 percent of it, but she just has a couple issues with it. I'm struggling with this as well, because I'm in favor of rehabilitation programs. I'm in favor of reentry programs. I'm in favor of drug treatment programs. I'm in favor of job training. I'm in favor of diversion programs. I'm in favor of reducing recidivism. But there are just a couple things in the recommendations that I have concern with, and so my concern is if I vote yes today, does that mean Assemblywoman Lisa Krasner thinks it's okay for a felon to be in possession of a firearm, or does Assemblywoman Lisa Krasner think it's okay that somebody who was convicted of murder or rape after 10 years, that can't be looked at on their record? Those kind of things give me concern, so I'd like to vote yes to move this forward to the Legislature to continue to be vetted, but if my vote yes means that I'm in favor of those two things that I just brought up, that's where I have concerns. I don't know if you can comment on that or if our Attorney General can comment on that.

**Chair Yeager:**

I can't give you any advice on how to vote. You're going to have to decide that on your own, but I guess I would just note that I think even Chief Wood had mentioned, although she is going to be a no, there are certain policies that she supports. I respect that, and I would just also note that voting on this today does not enact it into law. Only the Legislature and the Governor can do that. Voting on this today sends it to the Legislature where it will be further considered. I believe, Ms. Krasner, you are on Assembly Judiciary, so you will have a chance to continue to further vet this. If you are indeed a no today, my hope is that between now and whenever the Legislature takes this up that we can work together and hopefully get you to a place where you can be a yes. But a yes vote today is a yes to approve the report and advance the policy recommendations that are in that report.

**Amy Rose (ACLU of Nevada, Inmate Advocate):**

I just want to start with a quick question. It seems like some people support these recommendations, like they said, 95 percent or 80 percent or a lot of it, but there are some things here and there they don't support, and because we're taking an up or down vote, they're going to err on the side of caution and say no. Is there any way that we can add in something at the end of this where people can attach to the report that goes to the Legislature what their individual recommendations would be so they have that in writing for something that people are concerned about, so we can give the Legislature, "Here's the report. Here are our recommendations. Some people had some individual comments about changes. Here are those." Is that something that's possible to do?

**Chair Yeager:**

Thank you, Commissioner Rose. That's a great suggestion. I will be clear on what I'm talking about. What I don't want to allow is a 25-page treatise about how this is the worst piece of legislation you've ever seen in your life, but if you have specific comments, Commissioners, that you would like to submit in writing to be part of the record of today's meeting about particular recommendations that you cannot support as written but you may be able to support if changes were made, I think that would be a fine suggestion to include in the record to provide to the Legislature. I also think that would be really helpful to the Legislature in considering these recommendations, so we will allow for that. If, Commission members, you could get that done, we don't have a lot of time, but I would say in the next week or so if you could provide that to either me or staff, we will make sure it is uploaded to the website with materials for today's meeting. Thank you, Commissioner Rose, for that suggestion. Do you have any further comments at this time?

**Ms. Rose:**

The first thing I want to do is just say thank you to CJI for all of their tremendous work. They spent so much time and effort studying our criminal justice program and laws and

statutes and how everything works in Nevada, and the data analysis that they have given us over many, many months is just absolutely invaluable for this session and for all policymakers throughout Nevada. Thank you so much for your hard work and your professionalism and your dedication, and thank you for coming to Nevada. I wanted to just have us all remember a few things today when we're voting on these recommendations. The first is that the entirety of this work is about making our communities safer, making them stronger and deciding where we want our dollars to be spent. Do we want them to be spent on putting people in prison for extended periods of time, or should we decrease the dollars that we're spending on housing people in prison and use those savings to treat the issues that ultimately drive that criminal behavior, like drug addiction, mental health, behavioral problems, etc.? I think from all of the data that we have, it's really clear we need to make these reforms in Nevada. Our prison population is 15 percent higher than the national average. We have an ever-increasing imprisonment rate in relation to overall population, and some of the really alarming statistics to me are that 39 percent of the prison admissions in 2017 are from failed community supervision and 73 percent of those people who have violated parole or probation have a mental health or substance abuse issue. To me, that's saying we are not doing the job of rehabilitating people. We are not doing a good enough job of giving people resources so they can reenter society, so they can find jobs, so they can be a part of their communities. Again, I think this is a really great opportunity for us to address those. The changes that we're making here in Nevada are ones that I think will be incredibly beneficial. We can look at all the research that's been done. There's a really good handout that is in the meeting materials ([Agenda Item V A-2](#)). I won't go through everything, but it says "research on the impact of comparable policy change in other states," and I think a lot of it is very encouraging. We can look at the 37 states that have raised their felony threshold and what the impact of that has been, which is basically there's not an overall increase in crime at all because they've increased that felony theft threshold. I know there's a lot of talk about Proposition 47 here today, but also from this hand out it shows us that the research done on Proposition 47 actually shows that the 2-year rearrest rate declined and conviction rates declined dramatically after Proposition 47 was passed, so this is really just an overall part of what is happening throughout other states, what's happening at the federal level. We saw significant criminal justice reform also happened with the federal First Step Act. They made similar changes to what we're considering here: giving judges more discretion in rejecting mandatory minimums for drug offenses, reducing overall sentences for drug crimes, reducing stacking gun sentences. There are a lot of changes that are happening, and I think we really need to be on the frontlines with that and keep moving forward with Nevada criminal justice reform.

All of that being said, I absolutely will be voting yes, but I did want to just point out a few things where I actually think we could have gone further. I don't think that drug possession should ever be a felony. I don't think we should send people to prison for possession. That's just not a good way to use our resources when we should be addressing addiction in other ways besides incarceration. I also would have really liked to see the trafficking weight threshold increased. It's still significantly under the federal guidelines for that, so I would encourage the Legislature to look at that as well. I also would have liked to see

some more changes to the habitual criminal statute as well. I still think you're going to end up with people, like a nonviolent teenager, they have a drug addiction, who commits several property or drug offenses and they can still end up being habitual criminals and spend significant time in prison. So, although I fully support these recommendations, I also would like to see them go even further. Thank you again to CJI for working so hard, and thank you to the Commission members for all of your hard work on this.

**James Dzurenda (Director, Department of Corrections):**

First of all, I'm going to say publicly that I am going to support this to be pushed through to the Legislature, and it's for a few reasons. First of all, there are bills that are out there that are consistently amended before they actually get signed by the Legislature to get the right language before they go to the Governor. That still happens in this case. Anyone here or anyone in the public still can go in front of the Legislature at any time before they vote on it to give their opinion, to give their language suggestions. All of that will help. Now, I am probably the only one on the Committee that's been through Justice Reinvestment in two states, twice. I've watched this grow up in Connecticut. I ran all the jails in all of Connecticut. I saw Justice Reinvestment there and what it did, same as New York City. I ran all the operations of the jails in New York City, and I just want to give what happened prior to and after Justice Reinvestment in both states. If you look just at New York City, which has 6,000,000 more residents than the entire State of Nevada, in the middle of the 1980s prior to Justice Reinvestment, in New York, they averaged over 2,000 murders a year just in New York City, one of the highest murder rates. In 1984, they had 2,800 murders just in New York City alone. Today, they're doing less than 300. They're averaging the same amount of murders in New York City that they do in Las Vegas. If you see that, there is a reason that was put behind all of this. It was all the Justice Reinvestment. What happened with the money that was reinvested in New York City? All of that money from Justice Reinvestment from the state went back into the city school systems. It went into special education. It went into the programs in the communities that are going to prevent future crime. That's exactly what Justice Reinvestment is. The way it looks today is going to affect 10 years, 20 years down the road by what it's doing with the money to stop crime in the future, and that's what we have to look at when faced with what we're doing here. If we don't change what we're doing, we're not going to do better. When you look at Connecticut Justice Reinvestment, they don't just look at how many arrests, because I'm sure people are thinking they're not going to arrest because they don't want to. It looks at how many reportable crimes, how many times people have called the police department or told a police officer of a crime compared to prior to Justice Reinvestment and looks at those numbers. Data does not lie. Those things are very important, because it's going to show the impact that it can do for the State of Nevada and reinvest in what we can do in the communities that are going to prevent victimization down the road. All this Justice Reinvestment is going to protect me, my family and my community by doing this. Like I said, the language that's written in these, we still have time to change it after we vote. You can still go to your Legislature and voice your opinion. You can still go to the Legislature and voice what you think the language should read. The legislators ultimately will make the final decision on it and go to the Governor for

signature, but it's so important that we do something now so that we can protect our communities down the road. I just want to make sure that was clear, make sure that we still have data to prove that Justice Reinvestment, if you do this correctly, it will work and we will be safer.

### **Justice Hardesty:**

I want to express my reasons for making the motion and supporting the effort here. I fully appreciate that there are differences of opinions that exist with respect to specific recommendations. Indeed, the record will reflect that I disagreed with some of those recommendations as well. But like Attorney General Ford, for whom I have enormous respect, and the Chair, I have great confidence that the Legislature will vet these issues. What hasn't happened in the past though in the 10-plus years that I have had the privilege of being associated with the Advisory Commission, serving as its Chair at various times and Vice Chair at other times, is that the Commission has never presented to the Legislature a squared-up set of issues, recommendations, regardless of the source or data, on which the Legislature could conduct a debate. What I hope will happen by conveying the report to the Legislature is that we will put in front of the Legislature, front and center, the choice that frankly faces the taxpayers of our state: the ongoing expenditure of funds, substantial funds, to the incarceration of defendants versus an alternative that is a proactive approach to reduce that impact and reduce the influence. As I said before, there are some recommendations here—I am on record, for example, about a couple of the drug recommendations. I hope the Sentencing Commission in the next biennium if the Legislature continues that Commission will continue to do a deep dive study into really the difference in the ways we should be addressing the subject of drugs. Weights, in my judgment, are not nearly as relevant as the impact of a small package of opioids or a small package of heroin. I think we need to refocus our direction there, and I've advocated for that before, but I do believe that what this report does is it offers the Legislature an outline of the subject matters and provides detailed data and information behind that. I think the record that has been developed in front of the Advisory Commission, whether it's been offered by Commission members or by CJI, shows pros and cons of the various issues that are at play. I think the benefit in moving the report forward is to have the Legislature once and for all have a debate about these issues and make these policy decisions that they're charged with as the legislative body for this state. I look forward to the ongoing debate, and as the Chair said, I don't know that we're in the beginning. I would hate to think that the last 4 months would be that. What I look forward to is the middle, where the Legislature—Mr. Jackson can come in and offer his comments, which are always productive, and at the same time Ms. Armeni or others can come forward and offer their points of view. Everyone on this Commission has had great suggestions and great ideas, and the one thing I'm confident of is that if the Legislature looks at this seriously and just doesn't rubberstamp the whole report, but takes a look at it and says, "Wait a minute, this is a tremendous outline for a set of reform packages that will redirect this." There's one final comment, and it's been made by a number of Commissioners and I think it's an ongoing, frustrating concern by all of us: please, Legislature, don't pay lip service to the fact that you are reinvesting savings that are

occurring. I think Judge Bateman's comment was spot on. You cannot accomplish any of these objectives if you are not prepared to make the investment that this report urges. All too often, we say, "We are going to save this money," when in fact we don't use it to accomplish the objective. If you're not prepared to put the money up front, then a lot of this is worthless. I strongly urge the Commission to vote yes, primarily for the purpose of continuing this debate and squaring this subject up in front of the Legislature to have the conversation and take action.

**Chair Yeager:**

Before I take the vote, I just had a couple comments of my own. First, I wanted to thank our state leaders for bringing JRI to us, and I wanted to recognize Vice Chair Hardesty. He had more of a role in that than he is probably willing to admit, but it's been a long time coming. I want to thank our state leaders for placing the trust in this Commission to vet this process. We finally have what we have never had here, and that is Nevada-specific data. It's something that this Commission has been asking for well before I was ever a member, and I can't tell you how pleased I am that we have that to advance to our Legislature. I trust that data. I understand the data may not be comfortable. It may be contrary to what people think is happening, but I trust that data, and I trust the recommendations that were made as a result of that data. This package we have in front of us is not a California package. This is not Proposition 47. This is a Nevada-specific package of recommendations for our state based on our state data. Criticisms of Proposition 47 may be warranted. I would just note to this Commission that that was a citizen-initiated up or down vote with no data to back it, so that process that got California to Proposition 47 is not this process that we have been through here.

I think now is the time to act. Our state leaders have asked us to provide solutions for this problem, a \$770,000,000 problem over the course of 10 years. That's what we've done; that's why we're here today. Public safety is paramount. I think these recommendations recognize that and seek to increase public safety. As a good friend of mine has said, "Programming is public safety." We can't simply incarcerate, provide no programming and release to the streets with no programming and think that we're going to get good results. We're not. We're going to get repeat offenders. This effort is about getting at the root of the problem that we are trying to address here and about telling our taxpayers that we are giving you more bang for your buck in your criminal justice system. Just as a side note on the felony drug offenders, the system is failing low-level felony drug offenders. I've been in these courtrooms. They get arrested, they spend 72 hours in jail, they dry out, they come to court, and what happens there? They get a misdemeanor reduction and they get released back to the street to continue drug use. That is a failure of our system. The hope of reducing those to misdemeanors is to get the treatment in the court where it should be given, not just to process people through. That's one example of many where our current system is not doing a good job. It's not to say that drug possession and use isn't serious, but we have to try to get at the root of that problem.

I find comfort knowing that we're not alone. We're not the first state to do this. We won't be the last state to do this. We had many examples from around the country. Director Dzurenda mentioned a couple. Utah, Oklahoma, Louisiana: these are all states that have been through this process and they've had very positive outcomes as a result. My only wish is that 10 years ago there was a commission sitting here, much like we're sitting, who took up these issues so that we wouldn't have to make this choice. But I feel it is our responsibility and my responsibility as Chair to advance these recommendations, because probably 10 years from now I'm not going to be sitting in this seat, and I don't know if any of us will be sitting in these seats, but hopefully a new crop of people will be here and be able to look at the progress that was made over the 10 years. So, I agree with Justice Hardesty that now is the time to act. I again want to thank everyone for the hard work to get here, and with that, I think I have reached my 4 minutes. At this point, I think everyone has had a chance to discuss, so again, I'm going to remind members that the motion that is on the floor from Justice Hardesty was to approve the final report of the Justice Reinvestment Initiative as prepared by the Crime and Justice Institute and all policy recommendations in that report. That motion was seconded by Commission Member Jones Brady, and at this time we are going to take a vote on the motion.

THE MOTION PASSED (COMMISSIONERS BATEMAN, CALLAWAY, JACKSON  
AND KRASNER VOTED NO).

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**Chair Yeager:**

Chief Wood, I didn't hear, were you a yea or a nay on the motion?

**Ms. Wood:**

I just need some clarification. You had stated that the Commission members were in fact able to submit a memo attached to this report specific to each recommendation with our input, as brought up by Amy Rose?

**Chair Yeager:**

Correct. If you would like to sometime after today submit a memo saying, "Here were the recommendations that I couldn't support because of the way they were worded, but I would like to provide the following feedback for additional consideration," we will allow that and we will make it part of the record today.



**Ms. Wood:**

Then I would not be a nay, I would be a yea.

**Chair Yeager:**

We have 11 yeas and 4 nays, so the motion carries. Before we leave this agenda item, Justice Hardesty, any wrap-up comments on this process?

**Justice Hardesty:**

No. I would like to express again my thanks to the staff of the Crime and Justice Institute. It's been a privilege to work with all of them, and as I said in the beginning of the meeting, the amount of resources that have been provided to the state by their personnel and by their operation has been extraordinary, and I thank them for selecting us as a state so we can further this discussion in our Legislature.

**Chair Yeager:**

Thank you, Vice Chair Hardesty. I want to echo those comments. I want to say a real thank you to CJI, some of whom are here in Las Vegas, some are in Carson City and I think some are behind the scenes doing some of the hard work, so I want to thank you. I want to thank the LCB staff. We've never met as a Commission this late into the new year. In fact, we've never met into the new year, so that required a monumental effort from staff, directing them away from what they would otherwise be working on to prepare for the upcoming 80th Session of the Legislature, so thank you to the staff. Thank you to Justice Hardesty as Vice Chair. I couldn't ask for more. Commission members, I want to let you know, obviously you've sat through a lot of these hearings, but there was a lot of behind-the-scenes work that went on. We would generally have a call on a weekly basis, and I know that took folks away from things you'd otherwise be doing, so again, I want to say thank you. I want to say thank you to the members of the public who weighed in on this particular effort. We didn't always agree as a Commission, but I think we were respectful to one another, we were thoughtful and we were civil, and I think we really can't ask for anything more. The public can't ask for anything more, and perhaps that's a model for other states and for our federal government as well, that we can do this and disagree without being disagreeable.

That being said, I would like to now close agenda item V. Commission members, we are almost there. I'm going to open up our second period of public comment under agenda item VI. As promised, it looks like Ms. Samuelson's back for round two of public comment.

**Ms. Samuelson:**

I am Nevada's medical marijuana patient advocate. I want to make it clear that medical patients are definitely behind a new, broader vision for our community. These policies will

be completely vetted. Law enforcement will definitely have its say. There is no doubt when we're talking about law reformation that our Chuck Callaway will see to it that everything is handled as it should be for public safety. I have all the confidence in the world in Chuck Callaway. This is exactly the kind of conversation that patients—and I think, actually, if you want to know, not just patients but medical marijuana users, recreational users, we have been waiting for a new conversation. So, as far as an investment into our population, I think the smart choice is a reinvestment in justice, so it's a vision that we should do anything to make a reality. We have an opportunity to do something intelligent to advance better ideas, and I thank you all for your hard work, and I look forward to following this. I have been following it online and I will be following it in legislation because this is very important. Thank you so much for all your hard work.

**Chair Yeager:**

Thank you, Ms. Samuelson, for your public comment, and thank you for being here with us this morning.

**Ms. Brown:**

I would like to personally thank CJI as well. As you were all speaking, with the comments, I just kind of went online to check out kind of a recent study, and I came across a story that came out in June of 2018, so I'll just briefly touch on what it said. It said the University of California, Irvine study found there is no statistical evidence linking Proposition 47 to increases in larceny and theft crimes. The policy institute study released recidivism rates for crimes have actually decreased in 12 counties. Inmates released after serving sentences for Proposition 14 crimes had a lower 2-year rearrest rate than before the Proposition was passed, from 72.6 percent to 70.8 percent. Jail bookings decreased by 8 percent. I just want to say that at the last meeting that I attended, I received a text the night before. On our street, four cars were burglarized, and everyone—four different homes, four different cars were broken into, one was almost stolen but didn't succeed—all four of these people filed police reports, so I kind of disagree somewhat with what Mr. Jackson says.

**Sergeant Corey Solferino (Washoe County Sheriff's Office):**

I'm representing the Washoe County Sheriff's Office. I too want to commend the Commission and CJI for a comprehensive report and a lot of hard work behind the scenes. Criminal justice reform and criminal justice reinvestment are no small undertaking, and I think all of us are here because we're passionate about that and we care about public safety and we care about our citizens in the State of Nevada. With that being said, I do want to talk about a few things. Philosophically, I couldn't agree more with the Commission with respect to the problems facing our community today with budgets and substance abuse and lack of programs and mental health reform. We truly need those systems in place and the systems behind the scenes to help our officers on the street. I'm also representing the Sheriff's Office and the Washoe County Commissioners and the

Northern Nevada entity, if you will. I would be negligent if I didn't express my opposition to recommendations specifically 7, 8 and 10, in addition to what Executive Director Spratley spoke about, and the public safety risk and the financial burdens that they place on the citizens of Washoe County by reclassifying crimes and just moving them from the state population to the local jurisdictions. With that being said, I do look forward to the upcoming legislative session and working alongside the Assemblymen, Assemblywomen and Senators to correct these issues, but I did want to put my concerns on the record.

**Chair Yeager:**

Seeing no further public comment, I will close agenda item VI. Before I adjourn, again, I just want to thank Commission members. We did something pretty extraordinary that's never been done on this Commission, both in terms of effort and time, and I just want to thank you all for allowing me to be Chair of this Commission. It has been an honor and a pleasure, and all of you contributed tremendously to this effort. I look forward to seeing all of you likely in Carson City come February or at the Grant Sawyer Building. I will adjourn this meeting at 11:14 a.m.

RESPECTFULLY SUBMITTED:

\_\_\_\_\_  
Jordan Haas, Interim Secretary

APPROVED BY:

\_\_\_\_\_  
Steve Yeager, Chair

Date: \_\_\_\_\_

<b>Agenda Item</b>	<b>Witness/Agency</b>	<b>Description</b>
A		Agenda
B		Attendance Roster
<a href="#">Agenda Item III A</a>	Tonja Brown	Public Comment
<a href="#">Agenda Item III B</a>	Paul Corrado	Public Comment
<a href="#">Agenda Item IV</a>	Jordan Haas, Interim Secretary	Draft Minutes of the November 8 Meeting
<a href="#">Agenda Item V A-1</a>	Staff of the Crime and Justice Institute	Final Report on the Justice Reinvestment Initiative
<a href="#">Agenda Item V A-2</a>	Staff of the Crime and Justice Institute	Responses to Questions Posed by Commission Members
<a href="#">Agenda Item V B</a>	Chair Yeager	Communication Sent to Commission Members
<a href="#">Agenda Item V C</a>	Commissioner Mark Jackson	Articles Cited During Testimony
<a href="#">Agenda Item V D</a>	Division of Parole and Probation	Responses to Final Report Recommendations
<a href="#">Agenda Item V E</a>		Summary Report and Priorities of the Victim/Survivor/Advocate Roundtable Meetings
<a href="#">Agenda Item VI A</a>	Commissioner Chuck Callaway	US Department of Justice Report on Time Served in State Prison
<a href="#">Agenda Item VI B</a>	Mercedes Maharis	Public Comment