

Report of the Advisory Commission on the Administration of Justice



1

Advisory Commission on the Administration of Justice

Members

- Honorable James W. Hardisty, Chief Justice, Nevada Supreme Court, Chair
- Senator Mark Amodeo, Capital Senatorial District
- Assemblyman John C. Carpenter, Assembly District 33
- Senator Steven A. Horsford, Clark District 4
- Assemblyman David R. Parks, Clark District 41
- Catherine Cortez Masto, Attorney General
- Bernard W. Curtis, Chief, Division of Parole and Probation, Department of Public Safety
- Larry Dugan, Representative, State Bar of Nevada
- Gayle W. Farley, Victims Rights Advocate
- Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department
- John Allan Gorska, Chief, Division of Parole and Probation, Department of Public Safety
- Honorable Douglas Herrington, Judge, Eighth Judicial District Court
- Phil Kohn, Clark County Public Defender
- Arthur Mallory, Churchill County District Attorney
- James Miller, Sheriff, Storey County
- Dorla M. Salling, Chair, State Board of Parole Commissioners
- Richard Stoppel, President, American Civil Liberties Union of Nevada
- Howard Skolnik, Director, Department of Corrections

2

Overview of Activities

- **Goal:** To provide a comprehensive review of the entire criminal justice system and make recommendations for improvements where indicated.
- **Meetings:** The Commission held 17 meetings from July 2007 through December 2008, including a visit to Southern Nevada Correctional Facility and the High Desert Facility.
- **Subcommittees:** Various Subcommittees were formed to consider specific topics in more detail.
 - Steering Committee
 - Subcommittee to Consider Issues Related to a Study of "Truth in Sentencing"
 - Subcommittee on Juvenile Justice
 - Subcommittee on Rights of Victims and Sources of Funding for Victims of Crime
 - Subcommittee to Study Mandatory Drug Sentencing Statutes and Substantial Assistance Statute
 - Subcommittee to Study Data Collection
 - Subcommittee to Consider Alternatives to Incarceration and Intermediate Sanctions
 - Subcommittee to Study Burglary Statutes
 - Subcommittee to Study Recency Issues

3

Overview of Topics Considered

- Inmate Population, including Consideration of the Impact of Assembly Bill 510
- Prison Facilities
- Department of Corrections
- Programs for Offenders
- Reentry Programs
- Parole Board
- Division of Parole and Probation
- State Board of Parole and Pardon Commission
- Specific Crimes and Sentencing
- Sentencing Issues, including Sentencing Patterns
- Data Collection and Reports
- Intensive Review of Sentencing Options and the Effect of Truth in Sentencing
- Specialty Courts
- Collection of Fees, Fines and Restitution
- Juvenile Justice System
- Victims and Programs for Victims
- Preservation of Biological Evidence

4

Steering Committee

Members

- Honorable James W. Hardesty, Chief Justice, Nevada Supreme Court, Chair
- Assemblyman David R. Parks, Clark District 41
- Bernard W. Curtis, Chief, Division of Parole and Probation, Department of Public Safety
- Gayle W. Farley, Victims Rights Advocate
- Arthur E. Mallory, Churchill County District Attorney
- Richard Siegel, President, American Civil Liberties Union of Nevada

- **Purpose:** To provide organizational support to the Advisory Commission
 - Considered future agendas, including topics, speakers, and consultants
 - Prioritized recommendations
 - Considered organizational matters

- **Meetings:** The Subcommittee held two meetings

5

Subcommittee to Consider Issues Related to a Study of "Truth in Sentencing"

Members:

- Honorable James W. Hardesty, Chief Justice, Nevada Supreme Court, Chair
- Assemblyman David R. Parks, Clark District 41
- Jeremy Bosler, Washoe County Public Defender
- Bernard W. Curtis, Chief, Division of Parole and Probation, Department of Public Safety
- John Helzer, Assistant District Attorney, Washoe County Criminal Division
- Honorable Douglas W. Herndon, Judge, Eighth Judicial District Court
- Phil Kohn, Clark County Public Defender
- Christopher Lalli, Assistant District Attorney, Clark County
- Richard Siegel, President, American Civil Liberties Union of Nevada
- Howard Skolnik, Director, Department of Corrections

6

Subcommittee to Consider Issues Related to a Study of "Truth in Sentencing"

- **Purpose** To perform a comprehensive review of the impact of Senate Bill 416 (1995) which created "Truth in Sentencing" (TIS)
- **Meetings** The Subcommittee held six meetings from March 2007 through December 2008
- **Consultant** The Advisory Commission approved using appropriated funds to enter into an agreement with Dr. James Austin, JFA Institute to assist the Subcommittee. Dr. Austin was assisted by the Grant Sawyer Center for Justice Studies, UNR. Substantial additional funding for this research was also provided by the PEW Charitable Trust for this purpose
- **Topics Considered**
 - Population trends
 - Crime rates in Nevada
 - Trends in the Criminal Justice System
 - Impact of TIS on the correctional population
 - Trends in sentencing and current sentencing practices
 - Overall impact of TIS

7

Population Trends in Nevada

- Nevada experienced staggering growth from 2000 to 2007

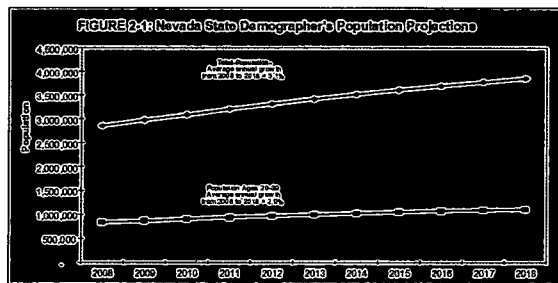
Year	Population Estimates (U.S. Census)	% change	Population Estimates (Nevada State Demographer)	% change
2000	1,998,257 *		1,998,257 *	
2001	2,095,531	4.9%	2,112,498	6.7%
2002	2,167,635	3.5%	2,204,622	4.3%
2003	2,238,536	3.3%	2,297,566	4.2%
2004	2,329,560	4.1%	2,410,708	5.0%
2005	2,409,548	3.4%	2,518,869	4.5%
2006	2,492,427	3.5%	2,624,050	4.2%
2007	2,565,382	3.0%	2,718,337	3.6%
Numeric Change 2000-2007	567,125		720,080	
Percent Change 2000-2007		28.4%		36.0%
Average Annual Change 2000-2007		3.5%		4.5%

* Actual April 1, 2000 U.S. Census figure. All other figures are July 1 estimates from the U.S. Census Bureau and the Nevada State Demographer.
*Note that the U.S. Census Bureau's annual update annual estimates use a (or) prior most recent census

8

Population Trends in Nevada

- Growth is projected to continue to grow 3.1 percent annually through 2018
- The increase in population of persons 20 to 39 years of age is 2.9 percent through 2018

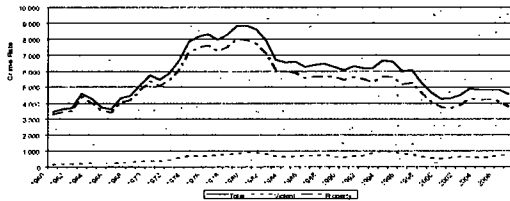


9

Crime Rates in Nevada

- The total crime rate in Nevada increased steadily from 1960 to 1981, and has steadily declined since then, but increased after 2000

Nevada Crime Rates 1960-2007*



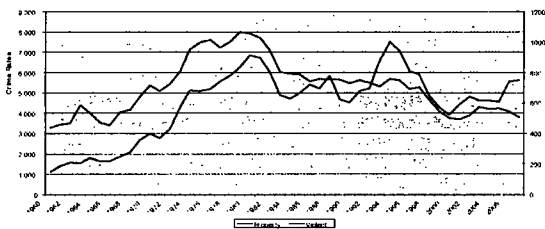
*Uniform Crime Reports, FBI, US Department of Justice

10

Crime Rates in Nevada

- Violent crime has increased sharply in recent years*

Property and Violent Crimes 1960-2007*

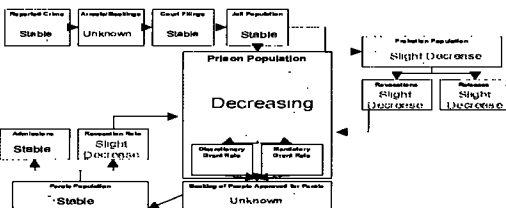


*Uniform Crime Reports, FBI, US Department of Justice

11

Trends in the Nevada Criminal Justice System

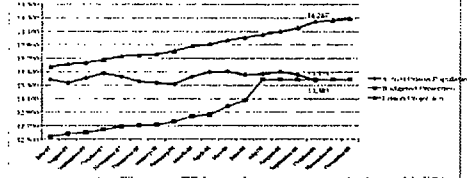
- Crime, arrest, jail bookings and court filings have become stable
- The prison population and probation population has also declined



12

Trends in the Nevada Criminal Justice System

Figure 1-8: Nevada End of Month Prison Population vs. Budgeted Projections



13

Impact of TIS on the Correctional Population

- The Truth in Sentencing legislation generally has accomplished what it was intended to achieve
- Substantial increase in the correctional population, but the increase has been relatively proportional to the overall growth in population in the State
- Approximately 18% increase in the length of stay of offenders
- Little impact on crimes committed

14

Impact of TIS on Correctional Population

- The substantial increase in the correctional population has been relatively proportional to the growth experienced in the general population
- Truth in sentencing caused the length of stay in prison to increase

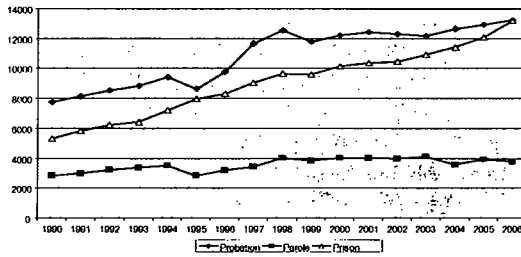
Attribute	1995	2006	% Change
Nevada Population	1,611,591	2,621,050	+39%
Prison Population	7,487	12,328	+65%
Incarceration Rate Per 100,000	468	474	0%
Prison Admissions	1,722	5,860	+30%
Average Maximum Sentence	7.8	6.9	-12%
Length of Stay	1.7 yrs	2.0 yrs	+18%

15

Impact of TIS on Correctional Population

- From 1995 to 2004, the correctional population was relatively stable, but has been increasing since then

Figure 3-1 Nevada Correctional Populations 1990-2006



10

CLASSIFICATION OF OFFENSES (Part 1 Classes)	January to December 2006		Same Period Last Year (2005)		Last Year's % of Actual		Same Period 5 Years Ago (2002)		Same Year's % of Actual	
	Actual Occurred	Crime Rate per 100 pop. Population	Actual Occurred	Crime Rate per 100 pop. Population	2005 % of Actual	2005	Actual Occurred	Crime Rate per 100 pop. Population	2002 % of Actual	2002
Murder and non-negligent manslaughter	111	7.1	96	6.0	95%	144	1148	30%		
Sexual Abuse	294	46.7%	275	44.2%	93%	457	40.7%	17%		
Robbery	4732	292.0	5251	331.2	107%	3955	195.42	70%		
Aggravated Assault	7541	471.5	7148	451.5%	95%	4751	302.9%	70%		
Burglary	12922	817.2	14296	894.2%	76%	12792	1219.48	64%		
Motor Vehicle Theft	4064	122.8%	22164	1384.1%	10%	35567	2796.73	28%		
Auto Theft	11422	714.2%	10185	635.9%	88%	14718	1231.42	58%		
CRIME INDEX TOTAL	68,478	4,263.30	72,538	4,878.03	+13%	68,713	5,323.55	+23%		
Crimes Against Persons Total	13,316	853.59	13,841	917.23	7%	9,961	782.82	17%		
Crimes Against Property Total	41,605	2,609.51	48,697	3,060.8%	12%	57,752	4,540.73	29%		
Population	7,668,282		7,487,428		1%	7,254,873		24%		

17

Sentencing Trends and Practices

Overview

- 48 percent of prison admissions are serving their first prison term, and in nearly every case the defendant had a substantial number of prior misdemeanor violations or had a probation violation
- Certain crimes have mandatory terms of imprisonment but very few of the overall population of convicted persons are sentenced under those statutes, and probation is often granted
- Category E felons are to be placed on probation, yet 94% were incarcerated as of the last reporting to the Commission. A number of these sentences may have been avoided had there been less expensive treatment alternatives available
- The disposition rate for Nevada courts is lower than in other states, but the same when compared to large urban courts
- Most prison dispositions are for category B and D felons
- Different disposition rates are found among District Court Judges

18

The disposition rate for Nevada is lower than in other states,
but the same when compared to large urban courts

Nevada Court Disposition Summary
USA v. Nevada

Disposition	USA*		Nevada
	Large Urban Courts	State Courts	
Prison	32%	34%	33%
Jail	39%	30%	29%
Non-Incarceration	29%	36%	31%
Probation	29%	24%	39%
Other (e.g. fines, restitution, etc.)	3%	1%	2%

*Source: Prison & Probation Rates (1990-2002) Bureau of Justice Statistics, US Department of Justice, February 2004, and, Prison
Sentences in State Courts, 2004, Bureau of Justice Statistics, US Department of Justice, July 2007

19

Most sentence dispositions are for category B and D felonies

Nevada Felony Court Dispositions by Crime Category - 2007

Disposition	Crime Category					Gross Mid	Total
	A	B	C	D	E		
Prison	175	1,922	652	644	181	65	3,641
% of All Prison Dispositions	5%	58%	18%	18%	6%	2%	100%
Probation	11	1,205	893	2,755	1,160	1,043	6,367
Jail	0	19	16	144	55	363	547
Other	0	4	5	41	24	188	266
Total	186	3,150	1,566	2,884	1,420	1,639	10,871
% of Total	2%	29%	14%	27%	13%	15%	100%
Prison Rate	94%	61%	42%	22%	13%	4%	33%

20

There is little variation in minimum sentences,
especially for category C, D and E felonies

Category B felonies have a median minimum sentence
that is twice as high as 24 months

Offense Class	Minimum Sentence in Months		Maximum Sentence in Months	
	Average-Mean	Median	Average-Mean	Median
Prison				
A	123	108	314	240
B	28	24	85	60
C	18	12	51	47
D	23	12	81	40
E	15	12	43	36
Probation				
A	NA	NA	181	54
B	NA	NA	74	36
C	NA	NA	66	36
D	NA	NA	61	36
E	NA	NA	91	36

21

Nevada Felony Sentence Lengths by Disposition - 2007

Disposition	Minimum Sentence In Months		Maximum Sentence In Months	
	Average-Mean	Median	Average-Mean	Median
Prison	28 mos	14 mos	81 mos	48 mos
Jail	9 mos	9 mos	10 mos	9 mos
Probation	NA	NA	67 mos	36 mos

22

Different disposition rates are found among District Courts

District	Disposition	Prison Rate	County	Disposition	Prison Rate
1	209	38%	Clatsop County	188	38%
2 - Washoe	2,789	13%	Clatsop County	34	13%
3	196	43%	Clark County	7,009	13%
4	201	41%	Elko County	116	42%
5	156	29%	Elko	201	41%
6	220	27%	Humboldt	40	28%
7	74	37%	Lyon	152	47%
8 - Clark	7,000	13%	Nye	156	29%
9	116	42%	Perkins	70	28%
			Stacy	31	41%
			Washoe	2,700	13%
			White Pine	71	37%

23

Recommended Sentencing Reforms

1. In the future, all proposed changes to the sentencing structure need to be fully debated and assessed with their expected impact on the correctional system, state resources and public safety. The lack of such a debate will necessarily lead to the implementation of ineffective or counter-productive reforms.
2. The Commission should continue to revisit and re-examine the proportionality of the numerous forms of punishment set forth in the NRS. Such a re-examination should include a special focus on category B crimes, the threshold for drug trafficking (amount), other victimless crimes, theft (dollar amount for a felony), burglary, and sex crimes.
3. The criteria used by the Division of Parole and Probation to determine whether to recommend probation or incarceration needs to be revised to meet the criteria being used by the courts.
4. If the current criteria used by the Division of Parole and Probation is to be continued, overly subjective items such as "Honesty" and "Motive" should be removed.

24

Recommended Sentencing Reforms

5. Approximately \$7,000,000 to \$8,000,000 is being spent to incarcerate category E felons, which is due in part because of a lack of treatment and alternatives to incarceration in Clark County and the rural counties.
6. Additional tools need to be available to the District Courts so that they may impose interim sanctions before incarcerating category E felons and other defendants who may be amenable to probation after a short period of incarceration. The interim sanctions should include reinstating the 120-day evaluation used by District Courts before the 1995 TBS legislation.
7. Revisit the Department of Correction's regulations on regimental discipline and expand funding and access for this successful program.
8. Limits on the length of probation should be imposed to reflect the seriousness of the crime.
9. After reviewing the various category B felonies, provide for certain category B felonies to have accelerated parole eligibility dates using similar but not identical formulas now applied to category C, D, and E felonies.

25

Recommended Improvements for Information Systems and Technology

1. The Division of Parole and Probation must add the ethnicity variable of Hispanic to the data collected concerning offenders which is consistent with the U.S. Census Bureau. This information could easily be taken from the court documents during the data entry process when a person is placed on parole or probation.
2. The NRS should be revised to provide more detailed specification of the crimes for which the person has been charged and convicted.
3. All Nevada criminal courts should complete a standard sentencing form that reflects the disposition of all felony and gross misdemeanor cases after charges have been filed.
4. Mental health data needs to be collected and maintained by all of the criminal justice agencies.

26

Subcommittee to Study Mandatory Drug Sentencing Statutes and Substantial Assistance Statute

Members:

- Honorable Douglas W. Herndon, Judge, Eighth Judicial District Court, Chair
- Assemblyman John C. Carpenter, Assembly District 33
- Tom Carroll, Chief Deputy District Attorney, Clark County District Attorney's Office
- David Chesnoff, Esq.
- Scott Freeman, Esq.
- Gerald Gardner, Assistant District Attorney, Carson City District Attorney's Office
- Gregory W. Smith, Correctional Classification and Planning Specialist, Department of Corrections
- Brett Zimmerman, Captain, Las Vegas Metropolitan Police Department

27

Subcommittee to Study Mandatory Drug Sentencing Statutes and the Substantial Assistance Statute

- **Purpose** To review sentences imposed for certain drug crimes and other related matters
- **Meetings** The Subcommittee held three meetings from June 2008 through July 2008
- **Topics considered:**
 - Reviewed statutory sentences for criminal offenses involving narcotics in this State and compared those to the sentences set forth in federal law
 - Reviewed statistical information concerning the number of prisoners convicted of drug-related offenses
 - In 2007, 1,857 prisoners (13.10%) had been convicted of a drug-related offense
 - 532 prisoners (3.96%) were convicted of trafficking in controlled substances
 - Approximately 38% of prisoners had no prior felony conviction and were serving a single sentence
 - The average maximum sentence was 3.13 years, and the average minimum sentence was 8.66

28

■ Topics Considered (cont.)

- Reviewed the number of cases involving drug trafficking that are heard in District Court
 - **English Judicial District Court** 950 cases, or 9.4% of all cases filed, involved a charge of trafficking in a controlled substance, 11% had a prison disposition and 37% had a probation disposition
 - **Third Judicial District Court** 5 cases, or .3% of all cases filed, involved a charge of trafficking in a controlled substance, 80% had a prison disposition
 - **First Judicial District Court** 52 cases, or 9.4% of all cases filed, involved a charge of trafficking in a controlled substance, 21.2% had a prison disposition
- Reviewed the substantial assistance statute (NRS 453.3405): This statute authorizes courts to reduce or suspend the sentence of a person convicted of a certain drug-related offense if he provides substantial assistance in the identification, arrest or conviction of any of his accomplices, accessories, co-conspirators or principals or other person involved in trafficking in a controlled substance

29

Recommendations

- Revise the substantial assistance statute to mirror the federal sentencing guidelines
- Impose an additional fee in felony and gross misdemeanor cases to help fund specialty courts

30

Subcommittee on Juvenile Justice

Members:

- Senator Steven Horsford, Clark District 4, Chair
- Honorable Frances Doherty, Judge, Second Judicial District Court
- Phil Kohn, Clark County Public Defender
- Teresa Lowry, Chief Deputy District Attorney, Clark County District Attorney's Office
- Catherine Cortez Masto, Attorney General
- Mike Poma, Director, Washoe County Department of Juvenile Services
- Daniel Prince, Deputy Administrator, Division of Child and Family Services, Department of Health and Human Services
- Fritz Reese, Interim Director, Clark County Department of Juvenile Justice Services
- Fernando Serrano, Deputy Administrator, Juvenile Services, Division of Child and Family Services, Department of Health and Human Services
- Scott Shack, Chief Probation Officer, Douglas County
- Ryan Sullivan, Chief Deputy Public Defender, Washoe County Public Defender's Office
- Cheryn Townsend, Director, Clark County Department of Juvenile Justice Services
- Honorable William O. Voy, District Judge, Eighth Judicial District Court
- Jo Lee Wickes, Chief Deputy District Attorney, Juvenile Division, Washoe County District Attorney's Office
- Susan Rodde, Chief Deputy Public Defender, Clark County Juvenile Division, Clark County District Attorney's Office (alternate member)
- Pauline Salia, State Juvenile Justice Specialist, Division of Child and Family Services, Department of Health and Human Services (alternate member)

31

Subcommittee on Juvenile Justice

- **Purpose:** To consider various issues relating to the juvenile justice system in Nevada and report recommendations to the Advisory Commission
- **Meetings:** The Subcommittee met six times from April 2008 through January 2009, and intends to continue holding meetings
- **Topics Considered**
 - **Priorities identified for the juvenile justice system**
 - Improved mental health services
 - Alternatives to detention and incarceration
 - Aftercare and reentry services
 - Evidence-based programs focus on reducing recidivism and out-of-home placements
 - **Funding and Other Requirements**
 - Funding is a major obstacle
 - Reallocation of funding from the adult criminal justice system is necessary to fund evidence-based practices and programs
 - Collection of data and tracking the outcome of youth in domains that predict successful transitions is needed
 - Need to reduce future growth of adult prison by investing in the juvenile justice system

32

Topics Considered (cont.)

- **Juveniles in the Adult Criminal Justice System**
 - Issues relating to certification of juveniles as adults
 - Jurisdictional issues with juvenile offenders who are not identified until after their 21st birthday
 - Difficulties in incarcerating youth in adult prison and supervising youthful offenders released on probation or parole
- **Racial disparity in referrals to the juvenile justice system**

33

CERTIFICATIONS 2004 - 2007					
Summary Cross Table					
Accredited Facilities by State	2004	2005	2006	2007	
Alabama	1	2	2	2	
Arkansas	1	1	1	1	
California	1	1	1	1	
Florida	1	1	1	1	
Georgia	1	1	1	1	
Illinois	1	1	1	1	
Indiana	1	1	1	1	
Iowa	1	1	1	1	
Kansas	1	1	1	1	
Michigan	1	1	1	1	
Minnesota	1	1	1	1	
Mississippi	1	1	1	1	
Missouri	1	1	1	1	
Montana	1	1	1	1	
Nebraska	1	1	1	1	
Nevada	1	1	1	1	
New Hampshire	1	1	1	1	
New Jersey	1	1	1	1	
New Mexico	1	1	1	1	
New York	1	1	1	1	
North Carolina	1	1	1	1	
North Dakota	1	1	1	1	
Ohio	1	1	1	1	
Oklahoma	1	1	1	1	
Oregon	1	1	1	1	
Pennsylvania	1	1	1	1	
Rhode Island	1	1	1	1	
South Carolina	1	1	1	1	
South Dakota	1	1	1	1	
Tennessee	1	1	1	1	
Texas	1	1	1	1	
Utah	1	1	1	1	
Vermont	1	1	1	1	
Virginia	1	1	1	1	
Washington	1	1	1	1	
West Virginia	1	1	1	1	
Wisconsin	1	1	1	1	
Wyoming	1	1	1	1	
Total	36	36	36	36	

REFERRAL STATISTICS 2004 - 2007					
Summary Cross Table					
Referrals by Facility	2004	2005	2006	2007	
Alabama	1,212	1,311	1,188	1,312	
Arkansas	1,212	1,311	1,188	1,312	
California	1,212	1,311	1,188	1,312	
Florida	1,212	1,311	1,188	1,312	
Georgia	1,212	1,311	1,188	1,312	
Illinois	1,212	1,311	1,188	1,312	
Indiana	1,212	1,311	1,188	1,312	
Iowa	1,212	1,311	1,188	1,312	
Kansas	1,212	1,311	1,188	1,312	
Michigan	1,212	1,311	1,188	1,312	
Minnesota	1,212	1,311	1,188	1,312	
Mississippi	1,212	1,311	1,188	1,312	
Missouri	1,212	1,311	1,188	1,312	
Montana	1,212	1,311	1,188	1,312	
Nebraska	1,212	1,311	1,188	1,312	
Nevada	1,212	1,311	1,188	1,312	
New Hampshire	1,212	1,311	1,188	1,312	
New Jersey	1,212	1,311	1,188	1,312	
New Mexico	1,212	1,311	1,188	1,312	
New York	1,212	1,311	1,188	1,312	
North Carolina	1,212	1,311	1,188	1,312	
North Dakota	1,212	1,311	1,188	1,312	
Ohio	1,212	1,311	1,188	1,312	
Oklahoma	1,212	1,311	1,188	1,312	
Oregon	1,212	1,311	1,188	1,312	
Pennsylvania	1,212	1,311	1,188	1,312	
Rhode Island	1,212	1,311	1,188	1,312	
South Carolina	1,212	1,311	1,188	1,312	
South Dakota	1,212	1,311	1,188	1,312	
Tennessee	1,212	1,311	1,188	1,312	
Texas	1,212	1,311	1,188	1,312	
Utah	1,212	1,311	1,188	1,312	
Vermont	1,212	1,311	1,188	1,312	
Virginia	1,212	1,311	1,188	1,312	
Washington	1,212	1,311	1,188	1,312	
West Virginia	1,212	1,311	1,188	1,312	
Wisconsin	1,212	1,311	1,188	1,312	
Wyoming	1,212	1,311	1,188	1,312	
Total	36,827	36,791	32,725	36,669	

Referral Statistics					
Referrals by Facility	2004	2005	2006	2007	
Alabama	1,212	1,311	1,188	1,312	
Arkansas	1,212	1,311	1,188	1,312	
California	1,212	1,311	1,188	1,312	
Florida	1,212	1,311	1,188	1,312	
Georgia	1,212	1,311	1,188	1,312	
Illinois	1,212	1,311	1,188	1,312	
Indiana	1,212	1,311	1,188	1,312	
Iowa	1,212	1,311	1,188	1,312	
Kansas	1,212	1,311	1,188	1,312	
Michigan	1,212	1,311	1,188	1,312	
Minnesota	1,212	1,311	1,188	1,312	
Mississippi	1,212	1,311	1,188	1,312	
Missouri	1,212	1,311	1,188	1,312	
Montana	1,212	1,311	1,188	1,312	
Nebraska	1,212	1,311	1,188	1,312	
Nevada	1,212	1,311	1,188	1,312	
New Hampshire	1,212	1,311	1,188	1,312	
New Jersey	1,212	1,311	1,188	1,312	
New Mexico	1,212	1,311	1,188	1,312	
New York	1,212	1,311	1,188	1,312	
North Carolina	1,212	1,311	1,188	1,312	
North Dakota	1,212	1,311	1,188	1,312	
Ohio	1,212	1,311	1,188	1,312	
Oklahoma	1,212	1,311	1,188	1,312	
Oregon	1,212	1,311	1,188	1,312	
Pennsylvania	1,212	1,311	1,188	1,312	
Rhode Island	1,212	1,311	1,188	1,312	
South Carolina	1,212	1,311	1,188	1,312	
South Dakota	1,212	1,311	1,188	1,312	
Tennessee	1,212	1,311	1,188	1,312	
Texas	1,212	1,311	1,188	1,312	
Utah	1,212	1,311	1,188	1,312	
Vermont	1,212	1,311	1,188	1,312	
Virginia	1,212	1,311	1,188	1,312	
Washington	1,212	1,311	1,188	1,312	
West Virginia	1,212	1,311	1,188	1,312	
Wisconsin	1,212	1,311	1,188	1,312	
Wyoming	1,212	1,311	1,188	1,312	
Total	36,827	36,791	32,725	36,669	

WARDEN COUNTY DEPARTMENT OF JUVENILE SERVICES
ADJUDICATIONS BY GENDER, OFFENSE SEVERITY AND OFFENSE TYPE
2006 TO 2007

2006 ADJUDICATIONS BY GENDER, RACE AND OFFENSE SEVERITY

Gender	Race	Adjudication Type	Drug Possession	Parole	Sexual Abuse	Other	Total	Gender Total
Female	White	Adjudication Type	1	1	1	1	4	4
	Black	Adjudication Type	1	1	1	1	4	4
	Hispanic	Adjudication Type	1	1	1	1	4	4
	Other	Adjudication Type	1	1	1	1	4	4
Male	White	Adjudication Type	1	1	1	1	4	4
	Black	Adjudication Type	1	1	1	1	4	4
	Hispanic	Adjudication Type	1	1	1	1	4	4
	Other	Adjudication Type	1	1	1	1	4	4
Total	White	Adjudication Type	2	2	2	2	8	8
	Black	Adjudication Type	2	2	2	2	8	8
	Hispanic	Adjudication Type	2	2	2	2	8	8
	Other	Adjudication Type	2	2	2	2	8	8

2007 ADJUDICATIONS BY GENDER, RACE AND OFFENSE SEVERITY

Gender	Race	Adjudication Type	Drug Possession	Parole	Sexual Abuse	Other	Total	Gender Total
Female	White	Adjudication Type	1	1	1	1	4	4
	Black	Adjudication Type	1	1	1	1	4	4
	Hispanic	Adjudication Type	1	1	1	1	4	4
	Other	Adjudication Type	1	1	1	1	4	4
Male	White	Adjudication Type	1	1	1	1	4	4
	Black	Adjudication Type	1	1	1	1	4	4
	Hispanic	Adjudication Type	1	1	1	1	4	4
	Other	Adjudication Type	1	1	1	1	4	4
Total	White	Adjudication Type	2	2	2	2	8	8
	Black	Adjudication Type	2	2	2	2	8	8
	Hispanic	Adjudication Type	2	2	2	2	8	8
	Other	Adjudication Type	2	2	2	2	8	8

2007 ADJUDICATIONS BY GENDER, RACE AND OFFENSE SEVERITY

Gender	Race	Adjudication Type	Drug Possession	Parole	Sexual Abuse	Other	Total	Gender Total
Female	White	Adjudication Type	1	1	1	1	4	4
	Black	Adjudication Type	1	1	1	1	4	4
	Hispanic	Adjudication Type	1	1	1	1	4	4
	Other	Adjudication Type	1	1	1	1	4	4
Male	White	Adjudication Type	1	1	1	1	4	4
	Black	Adjudication Type	1	1	1	1	4	4
	Hispanic	Adjudication Type	1	1	1	1	4	4
	Other	Adjudication Type	1	1	1	1	4	4
Total	White	Adjudication Type	2	2	2	2	8	8
	Black	Adjudication Type	2	2	2	2	8	8
	Hispanic	Adjudication Type	2	2	2	2	8	8
	Other	Adjudication Type	2	2	2	2	8	8

37

- **Topics Considered (cont.)**
 - **Sex offender registration**
 - Assembly Bill 579 (2007) – enacted to comply with the Federal Adam Walsh Act, had anticipated consequences on juvenile sex offenders
 - Support was given to the Attorney General who is working on resolving the issues
 - **Standardized risk assessment tools**
 - **Sexually exploited youth**
 - Nevada has been identified as a major destination for children involved in prostitution
 - 80-90 percent of youth arrested for prostitution come from other jurisdictions
 - Appropriate programs are needed to assist these youth
 - More study recommended

38

- **Topics Considered (cont.)**
 - **Truancy and Dropout Rates**
 - Annual dropout rate is one of the highest in the country
 - 2004-2005 5.8%
 - 2005-2006 5.7%
 - 2006-2007 4.6%
 - 2007-2008 4.8%
 - Re-engaging youth could reduce criminal activity
 - Support services are needed for reentry into schools
 - High rate of truancy in Nevada
 - More study on this issue was recommended

39

Recommendations

■ Ongoing study of issues is needed

- Propose a bill draft request to create a permanent ongoing Subcommittee on Juvenile Justice of the Advisory Commission on the Administration of Justice to review issues relating to juvenile justice and report back to the Advisory Commission

The Commission approved this recommendation, which is contained in Senate Bill 113 (2009)

- Propose a bill draft request to create an interim study committee of the Legislature for the 2010 interim to consider issues relating to the juvenile justice system, including, without limitation, certification of juveniles as adults, blended sentencing, jurisdiction of juvenile courts, programs available to juveniles, juveniles in the adult criminal justice system and other related topics

The Commission determined that this was not necessary because the permanent Subcommittee would continue to study these issues

- Provide support in the final report of the Advisory Commission for Senate Bill 3 (2009) submitted by the Legislative Committee on Health Care to create a standing committee on issues relating to child welfare and juvenile justice

The Commission agreed to support Senate Bill 3 (2009)

40

Recommendations

■ Ongoing study of issues is needed

- Propose a bill draft request to create an interdisciplinary committee of various stakeholders in the juvenile justice system to address issues relating to juveniles, including, without limitation:
 - Best practices and the manner in which to have the greatest impact on recidivism and the adult prison population
 - Continuation of services to juveniles who enter the juvenile justice system
 - Outcomes of juveniles in the juvenile justice system
 - Racial disparity in the juvenile justice system
 - Programs for sexually exploited youth
 - Tracking of information maintained by the Nevada Juvenile Justice Data Collection
 - The correlation between juvenile delinquency and dropouts and trauma

The commission supported this recommendation which was submitted as HJR-627

41

Recommendations

■ Funding and Support for programs

- Propose a resolution to encourage reform in the juvenile justice system. This should include encouraging the adoption statewide of the Juvenile Detention Alternatives Initiative and support for the Office of Juvenile Justice and Delinquency Prevention Model Program Guide.

The Commission agreed to provide a statement of support in its final report.

- Recommend to the Executive Branch and the Legislature the reallocation of funding that is designated for unmet secured detention into programs for juveniles, including public regional juvenile justice, community-based programs and programs to address mental health issues of juveniles. Encourage the Division of Child and Family Services of the Department of Health and Human Services to work with stakeholders to develop an alternative funding formula to present in the 2009 Legislature. This alternative funding formula should provide for the reallocation of funds and identify additional funds where possible that can be made available to the juvenile justice system.

The Commission approved to carry this recommendation as a recommendation of the Commission

42

Recommendations

■ Funding and support for programs

- Recommend that the Executive Branch increase the budget for the juvenile justice system in proportion to any increase in the budget for the adult justice system, including corrections and in any amount in which the Department of Corrections budget is reduced because of fewer offenders.

The Commission asked the Subcommittee to continue reviewing this recommendation and the various funding options, including a determination of whether an independent funding formula for juvenile justice could be established.

■ Jurisdictional Issue

- Propose a bill draft request to address the jurisdiction of a person who committed a crime while under the age of 18 years, but who is not apprehended until after the person reaches 21 years of age.

The Commission requested the Subcommittee to continue to study this issue and propose solutions.

■ Sex offender registration

- Provide support to the Attorney General in developing a bill draft request relating to the registration and notification of juvenile sex offenders in Nevada.

The Commission agreed to support Assembly Bill 85 of the Office of the Attorney General that was submitted to address this issue.

43

Subcommittee on the Rights of Victims and Sources of Funding for Victims of Crime

Members

- Catherine Cortez Masto, Attorney General, Chair
- Gayle W. Farley, Victims Rights Advocate
- Barbara Apperle, Program Administrator, Victim-Witness Assistance Center, Clark County District Attorney's Office
- Christine Conti, Program Coordinator, Victim-Witness Assistance Center, Washoe County District Attorney's Office
- Traci Dory, Victim Services Officer, Nevada Department of Corrections
- Lon Fralick, Victim Services Unit, Reno Police Department
- Sandy Heverly, Executive Director, Step DUI
- Anne Holmes, Member of the Public
- Jon Holmes, Member of the Public
- Kathy Jacobs, Executive Director, Crisis Call Center
- Maxine Lantz, Program Coordinator, Victim-Witness Services, White Pine, Lincoln and Esmeralda Counties

44

Members (cont.)

- Chris Lovass-Nagy, Division of Child and Family Services, Department of Health and Human Services
- Sue Meuschke, Executive Director, Nevada Network Against Domestic Violence
- Bryan Nix, Coordinator, Victims of Crime Program, Department of Administration
- Juliana Ormsby, MSW, Policy Analyst and Lobbyist
- Maria Quicali, Legal Advocate, Safe Nest
- Emilio Parga, M.A., Founder, The Solace Tree-Child and Adolescent Center for Grief and Loss
- Karen Prentice, Domestic Violence Ombudsman, Office of the Attorney General
- Julie Proctor, Executive Director, S.A.F.E. House
- Betty Sealy, Member of the Public
- Sandy Sharp, Executive Director, Families of Murder Victims
- Miranda Smith, Outreach Educator, Family and Child Treatment of Southern Nevada
- Andrea Sundberg, Executive Director, Nevada Coalition Against Sexual Violence
- Kaita Testa-Smith, Member of the Public
- Dorene Whitworth, Grants & Projects Analyst Supervisor, Office of the Attorney General

45

Subcommittee on the Rights of Victims and Sources of Funding for Victims of Crime

- **Purpose:** To identify challenges to victim's rights and services provided to victims in this State and to develop potential solutions to some of those challenges
- **Topics Considered**
 - **Advocates for victims of crime are present throughout the State of Nevada**
 - **Programs for victims of domestic violence:** This category has the largest number of victims
 - In 2007, 14,613 protection orders were issued to victims of domestic violence
 - In 2005, 31,247 incidents of domestic violence were reported by law enforcement
 - 15 domestic violence programs exist to serve all counties in the State
 - Programs have been subject to decreased funding by the State and by supplemental federal funding
 - Programs provide unique services which may include services for children, specialized counseling, batterer intervention, transitional housing, legal advocacy, support groups, hotlines, shelters, peer counseling, education and outreach, information and referrals
 - In fiscal year 2007, more than 37,000 people were served by these programs

46

■ Topics Considered (cont.)

- **Programs for Victims of Sexual Violence**
 - The State has three programs: The Rape Crisis Center in Las Vegas, the Crisis Call Center in Reno and Sexual Assault Advocates based in Carson City
 - Programs have experienced reduced funding and a reduction in services
 - In fiscal year 2007, the programs addressed 1,123 reports of sexual assault and received over 6,200 hotline calls
 - Major service gaps exist, especially in rural areas
- **Programs for Victims of Other Crimes:** These include The Solace Tree, Families of Murder Victims, Northern Nevada DUI Task Force and STOP DUI in Clark County
- **The Nevada Victims of Crime Compensation Program**
 - Established in 1969 and set forth in NRS 217.010-217.270
 - Provides assistance to persons who are victims of violent crimes or their dependents
 - Administered by the State Board of Examiners
 - Provides payments for various needs of victims, including medical services, counseling, lost wages, relocation expenses and other specific items
 - Receives federal funding, court fines and assessments
 - No money from the State General Fund is contributed to the Program, however, excess revenue reverts to the State General Fund

47

Specialty Courts Programs Nevada at a Glance

Honorable Peter Breen, Senior District Court Judge
Honorable Archie Blake, Senior District Court Judge
Honorable Andrew Pascinelli, Judge, Fourth Judicial District
Honorable Kathy Harcastle, Chief Judge, Eighth Judicial District
Honorable Jackie Glass, Judge, Eighth Judicial District

48

Specialty Courts Programs - Nevada at a Glance

Current Service Levels - Western Region

(Carson City, Storey County, Churchill County, Lyon County, Douglas County)

Adult Drug Court Active participants - 209 Cost per participant - \$1,800 Retention - 76% Recidivism - 18%	Dependency Drug Court Active participants - N/A Cost per participant - Retention - Recidivism -
Adult Re-entry Drug Court Active participants - 11 Cost per participant - \$1,800 Retention - 90% est Recidivism - 10% est	Mental Health Court Active Participants - 26 Cost per participant - N/A Retention - Recidivism -
Juvenile Drug Court Active participants - 21 Cost per participant - \$1,800 Retention - Recidivism -	Felony DUI Court Active participants - 10 Cost per participant - \$1,800 Retention - Recidivism -

49

Specialty Courts Programs - Nevada at a Glance

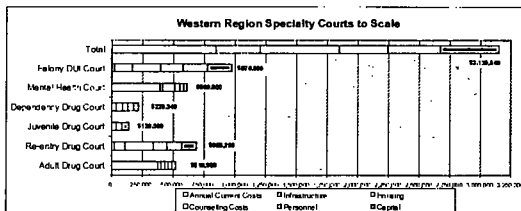
Potential Service Levels- Western Region

(Carson City, Storey County, Churchill County, Lyon County, Douglas County)

Adult Drug Court Potential service level - 225 Analysis - Judicial estimate based on 7% increase in population	Dependency Drug Court Potential service level - 23 (Carson City (5) Churchill (5) Lyon (5) Douglas (5) Mineral (1)) Analysis - Judicial estimate
Adult Re-entry Drug Court Potential service level - 75 Analysis - Judicial estimate based on 15 per county	Mental Health Court Potential service level - 40 Analysis - Judicial estimate based on 20% of adult drug court clients that would be best treated in a MHIC
Juvenile Drug Court Potential service level - 50 Analysis - Judicial estimate	Felony DUI Court Potential service level - 110 (Carson City (35) Churchill (20) Lyon (30) Douglas (20) Mineral (1)) Analysis - Judicial estimate

50

Service Level Group	Specialty Court	Annual Current Costs	Infrastructure	Housing	Co-sponsoring Costs	Personnel	Capital	Specialty Court - In Scale Group 1	Total Annual Costs
15	Adult Drug Court	374,200	22,500	34,200	27,000	30,000	30,000	140,700	656,600
20	Re-entry Drug Court	18,000	80,000	230,000	800,000	120,000	120,000	880,000	1,338,000
25	Juvenile Drug Court	37,000	43,000	0	0	0	0	180,000	259,000
14	Re-entry Drug Court	0	34,000	87,000	43,400	44,000	44,000	239,000	411,400
14	Mental Health Court	300,000	21,000	100,000	40,000	28,000	28,000	738,000	1,429,000
100	Felony DUI Court	18,000	136,000	228,000	192,000	200,000	220,000	996,000	1,780,000
241	Total	854,200	383,500	672,200	955,400	424,000	448,000	2,313,700	5,283,400



Infrastructure: For each 500 clients, 1 judicial department staff, courtroom equivalent of \$150,000 or \$1,800 per client.
 Housing: 10% landline at \$10,000 per client for 6 months, 10% independent living at \$5,000 for 6 months.
 Re-entry Housing: 80% of individuals in 6 months in supportive living at \$4,000.
 Mental Health Court Housing: \$12,000 for 6 months (includes medical services).
 Co-sponsoring Costs: Number of clients times cost per client.
 Personnel: For each 50 clients, 1 probation officer at \$10,000 for each 200 clients, 1 court coordinator @ \$8,000.
 Capital: \$1,000,000 Courtroom added at \$50,000 per client, use Best Case.

51

Specialty Courts Programs - Nevada at a Glance

Current Service Levels - Fourth Judicial District (Elko County)

Adult Drug Court Active participants - 46 Cost per participant - \$1,000-\$1,500 Retention - 75% Recidivism -	Dependency Drug Court Active participants - N/A Cost per participant - Retention - Recidivism -
Adult Re-entry Drug Court Active participants - 1 Cost per participant - N/A Retention - Recidivism -	Mental Health Court Active Participants - N/A Cost per participant - Retention - Recidivism -
Juvenile Drug Court Active participants - 28 Cost per participant - \$2,500-\$3,000 Retention - N/A Recidivism - N/A	Felony DUI Court Active participants - N/A Cost per participant - Retention - Recidivism -

55

Specialty Courts Programs - Nevada at a Glance

Potential Service Levels- Fourth Judicial District (Elko County)

Adult Drug Court Potential service level - 80 Analysis - Judicial estimate based on small movement of target population	Dependency Drug Court Potential service level - 25 Analysis - Judicial estimate
Adult Re-entry Drug Court Potential service level - 10 Analysis - Judicial estimate	Mental Health Court Potential service level - 15-20 Analysis - 15-20% of jail population estimated to have moderate to severe mental illness
Juvenile Drug Court Potential service level - 80 Analysis - On average, 70% of juvenile probationers have a substance abuse related problem or crime	Felony DUI Court Potential service level - 25 Analysis - Judicial estimate if from funded similar to drug courts

56

Service Level	Specialty Court	Annual Current Costs	Infrastructure	Housing	Counseling Costs	Personnel	Capital	Specialty Court to Scale Cap	Total Annual Costs
14	Adult Drug Court	136,000	11,000	11,000	41,200	64,000	88,000	368,200	568,200
10	Dependency Drug Court	3,000	15,000	36,400	18,000	30,000	30,000	111,400	94,400
7	Juvenile Drug Court	84,000	308,300	0	214,000	144,000	144,000	617,200	932,200
26	Dependency Drug Court	0	37,900	57,000	43,000	60,000	60,000	258,900	188,900
20	Mental Health Court	0	30,000	144,000	80,000	40,000	40,000	314,000	274,000
26	Felony DUI Court	0	32,000	32,000	43,000	64,000	60,000	239,000	189,000
100	Total	123,000	274,000	223,400	405,000	272,000	272,000	1,604,200	1,604,200

Fourth District Specialty Courts to Scale					
Service Level	Specialty Court	Annual Current Costs	Infrastructure	Housing	Counseling Costs
14	Adult Drug Court	136,000	11,000	11,000	41,200
10	Dependency Drug Court	3,000	15,000	36,400	18,000
7	Juvenile Drug Court	84,000	308,300	0	214,000
26	Dependency Drug Court	0	37,900	57,000	43,000
20	Mental Health Court	0	30,000	144,000	80,000
26	Felony DUI Court	0	32,000	32,000	43,000
100	Total	123,000	274,000	223,400	405,000

Infrastructure: For each 500 clients, 1 judicial supervisor, staff resources estimated at \$150,000 to \$1,000 per client housing: 10% of clients at \$10,000 per client for 6 months, 10% of clients at \$1,000 for 6 months
 Re-entry Housing: 32% of defendants for 6 months in supervised living at \$4,000
 Mental Health Court Housing: \$12,000 for 6 months (includes medical services)
 Counseling Costs: Number of clients x cost per client
 Personnel: For each 50 clients, 1 supervisor at \$2,500 for each 250 clients 1 court coordinator @ \$0.50
 Capital: \$1,000,000 Courtroom added at \$500,000 to \$2,500 per court room added @ \$50,000

57

Specialty Courts Programs - Nevada at a Glance

Current Service Levels- Fifth Judicial District (Esmeralda County, Nye County)

Adult Drug Court	Dependency Drug Court
Active participants - 40	Active participants - 8
Cost per participant - \$3,000	Cost per participant - \$3,000
Retention - 90%	Retention - 90%
Recidivism - 15%	Recidivism - 15%
Adult Re-entry Drug Court	Mental Health Court
Active participants - N/A	Active Participants - N/A
Cost per participant -	Cost per participant -
Retention -	Retention -
Recidivism -	Recidivism -
Juvenile Drug Court	Felony DUI Court
Active participants - 8	Active participants - N/A
Cost per participant - \$3,000	Cost per participant -
Retention - N/A	Retention -
Recidivism - N/A	Recidivism -

58

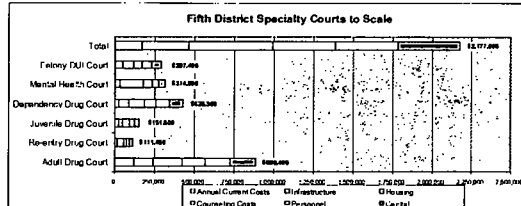
Specialty Courts Programs - Nevada at a Glance

Potential Service Levels- Fifth Judicial District (Esmeralda County, Nye County)

Adult Drug Court	Dependency Drug Court
Potential service level - 120	Potential service level - 50
Analysis - Judicial estimate, 33% of all felony arrests are drug related	Analysis - Judicial estimate
Adult Re-entry Drug Court	Mental Health Court
Potential service level - 10	Potential service level - 20
Analysis - Judicial estimate	Analysis - 15-20% of jail population estimated to have moderate to severe mental illness
Juvenile Drug Court	Felony DUI Court
Potential service level -	Potential service level - 30
Analysis - 39% of juvenile petitions had drug and alcohol related prior offenses	Analysis - Judicial estimate based on front funded drug court model

59

Service Level	Specialty Court	Annual Current Costs	Infrastructure	Housing	Counseling Costs	Personnel	Capital	Specialty Court Total Annual as Single Dept. Costs	Total Annual
18	Adult Drug Court	120,000	120,000	140,400	144,000	480,000	140,000	284,400	1,208,800
10	Re-entry Drug Court	0	10,000	38,400	18,000	70,000	30,000	156,400	81,400
10	Juvenile Drug Court	24,000	24,000	0	48,000	36,000	30,000	138,000	132,000
47	Dependency Drug Court	14,000	63,000	88,700	78,000	44,000	84,000	467,700	345,700
20	Mental Health Court	0	30,000	144,000	80,000	60,000	60,000	334,000	274,000
30	Felony DUI Court	0	45,000	168,000	80,000	60,000	60,000	393,000	277,000
107	Total	158,000	292,000	326,800	380,000	660,000	264,000	\$2,009,800	1,172,900



Infrastructure: 1 to each 100 clients. 1 judicial officer per 100 clients. Personnel: estimated at \$100,000 to \$1,000 per client.
Housing: 12% residential at \$10,000 per client for 6 months. 40% supportive housing at \$4,000 to 6 months.
Re-entry Housing: 50% of participants for 6 months in supportive housing at \$4,000.
Mental Health Court Housing: \$10,000 for 60% of clients (includes residential).
Counseling Costs: 10% of cost of court case.
Personnel: 1 to each 10 clients. 1 probation officer at \$20,000. For each 200 clients 1 court coordinator at \$20,000.
Capital: \$1,000,000. Construction at \$100,000 per client. Case Management.

60

Specialty Courts Programs - Nevada at a Glance

Current Service Levels- Sixth Judicial District (Humboldt County, Lander County, Pershing County)

Adult Drug Court	Dependency Drug Court
Active participants - 60	Active participants - 30
Cost per participant - \$3,000-\$3,500	Cost per participant - \$2,500-\$3,500
Retention - 70%	Retention - N/A
Recidivism -	Recidivism -
Adult Re-entry Drug Court	Mental Health Court
Active participants - N/A	Active Participants - N/A
Cost per participant -	Cost per participant -
Retention -	Retention -
Recidivism -	Recidivism -
Juvenile Drug Court	Felony DUI Court
Active participants - 15	Active participants - 2
Cost per participant - \$2,500-\$3,500	Cost per participant -
Retention -	Retention -
Recidivism -	Recidivism -

61

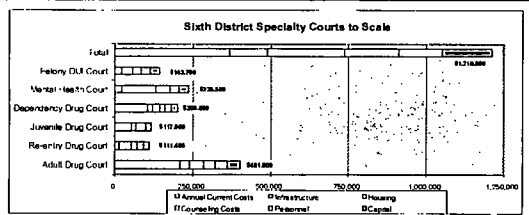
Specialty Courts Programs - Nevada at a Glance

Potential Service Levels- Sixth Judicial District (Humboldt County, Lander County, Pershing County)

Adult Drug Court	Dependency Drug Court
Potential service level - 80	Potential service level - 30
<u>Analysis</u> - Judicial estimate	<u>Analysis</u> - Judicial estimate
Adult Re-entry Drug Court	Mental Health Court
Potential service level - 10	Potential service level -
<u>Analysis</u> - Judicial estimate	<u>Analysis</u> - 15-20% of jail population estimated to have moderate to severe mental illness
Juvenile Drug Court	Felony DUI Court
Potential service level - 25	Potential service level -
<u>Analysis</u> - 30% of juvenile prisoners had drug and alcohol related prior offenses	<u>Analysis</u> - Judicial estimate

62

Service Level	Specialty Court	Annual Current Costs	Infrastructure	Housing	Counseling Costs	Personnel	Capital	Specialty Court Total Annual Costs	Total Annual Costs
20	Adult Drug Court	210,000	30,000	40,000	7,000	40,000	47,000	187,000	347,000
10	Re-entry Drug Court	15,000	30,000	30,000	20,000	30,000	30,000	115,000	91,000
10	Juvenile Drug Court	12,000	15,000	10,000	5,000	5,000	5,000	47,000	67,000
10	Dependency Drug Court	100,000	15,000	70,000	10,000	30,000	30,000	165,000	185,000
15	Mental Health Court	0	77,000	100,000	40,000	70,000	70,000	257,000	293,000
15	Felony DUI Court	0	22,000	30,000	27,000	30,000	30,000	109,000	129,000
60	Total	337,000	174,000	170,000	119,000	145,000	182,000	957,000	1,129,000



Infrastructure: For each 1000 sq. ft. 100 sq. ft. of space in a 400 sq. ft. room is estimated at \$100,000 or \$1,500 per sq. ft.
Housing: 10% of current cost of \$1,500,000 for 10 months, 10% of current cost of \$1,500,000 for 10 months.
Personnel: 10% of current cost of \$1,500,000 for 10 months, 10% of current cost of \$1,500,000 for 10 months.
Counseling Costs: 10% of current cost of \$1,500,000 for 10 months, 10% of current cost of \$1,500,000 for 10 months.
Capital: For each 100 sq. ft. 100 sq. ft. of space in a 400 sq. ft. room is estimated at \$100,000 or \$1,500 per sq. ft.
Personnel: For each 100 sq. ft. 100 sq. ft. of space in a 400 sq. ft. room is estimated at \$100,000 or \$1,500 per sq. ft.
Capital: For each 100 sq. ft. 100 sq. ft. of space in a 400 sq. ft. room is estimated at \$100,000 or \$1,500 per sq. ft.

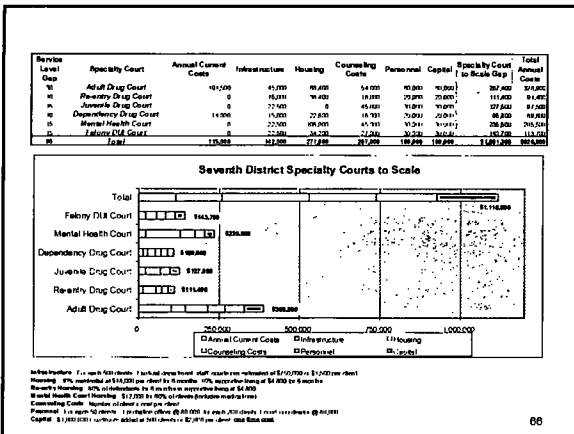
63

Specialty Courts Programs - Nevada at a Glance	
Current Service Levels- Seventh Judicial District (Eureka County, Lincoln County, White Pine County)	
Adult Drug Court Active participants - 29 Cost per participant - \$3,000-\$3,500 Retention - Recidivism -	Dependency Drug Court Active participants - 4 Cost per participant - Retention - Recidivism -
Adult Re-entry Drug Court Active participants - N/A Cost per participant - Retention - Recidivism -	Mental Health Court Active Participants - N/A Cost per participant - Retention - Recidivism -
Juvenile Drug Court Active participants - N/A Cost per participant - Retention - Recidivism -	Felony DUI Court Active participants - N/A Cost per participant - Retention - Recidivism -

64

Specialty Courts Programs - Nevada at a Glance	
Potential Service Levels- Seventh Judicial District (Eureka County, Lincoln County, White Pine County)	
Adult Drug Court Potential service level - 60 Analysis - Judicial estimate	Dependency Drug Court Potential service level - 15 Analysis - Judicial estimate
Adult Re-entry Drug Court Potential service level - 10 Analysis - Judicial estimate	Mental Health Court Potential service level - 15 Analysis - 15-20% of jail population estimated to have moderate to severe mental illness
Juvenile Drug Court Potential service level - 15 Analysis - 39% of juvenile petitions had drug and alcohol related prior offenses	Felony DUI Court Potential service level - 15 Analysis - Judicial estimate

65



66

Specialty Courts Programs - Nevada at a Glance

Current Service Levels- Eighth Judicial District (Clark County)

Adult Drug Court	Dependency Drug Court
Active participants - 597	Active participants - 102
Cost per participant - \$3,374	Cost per participant - \$3,374
Retention - 55%	Retention - 62%
Recidivism - 10%	Recidivism -
Adult Re-entry Drug Court	Mental Health Court
Active participants - 30	Active Participants - 76
Cost per participant - \$4,700	Cost per participant - \$15,000
Retention - 65%	Retention - 69%
Recidivism -	Recidivism - 2%
Juvenile Drug Court	Felony DUI Court
Active participants - 81	Active participants - 245
Cost per participant - \$4,475	Cost per participant - N/A
Retention - 44%	Retention - 67%
Recidivism -	Recidivism - 1%

67

Specialty Courts Programs - Nevada at a Glance

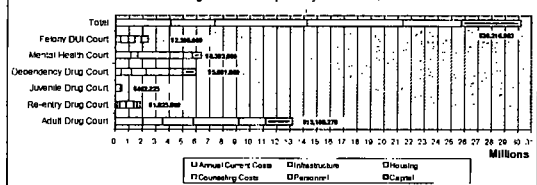
Potential Service Levels- Eighth Judicial District (Clark County)

Adult Drug Court	Dependency Drug Court
Potential service level - 1500	Potential service level - 600
Analysis - Judicial estimate	Analysis - 1,236 petitions in 2007. 59% reflected drug and alcohol use, 15% infant positive. 50% est. entry
Adult Re-entry Drug Court	Mental Health Court
Potential service level - 150	Potential service level - 350-60
Analysis - Judicial estimate	Analysis - 15-20% of jail population estimated to have moderate to severe mental illness, 9% dependency filings SMI, 5% est. entry
Juvenile Drug Court	Felony DUI Court
Potential service level - 91	Potential service level - 500
Analysis - 39% of juvenile petitions had drug and alcohol related prior offenses	Analysis - Judicial estimate of 200 felony DUI's and 64% entry rate

68

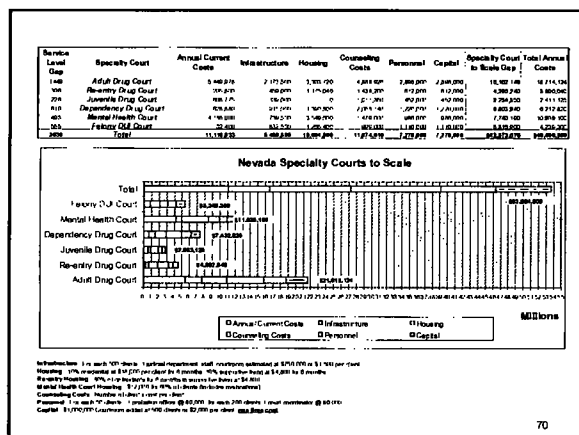
Service Level	Specialty Court	Annual Current Costs	Infrastructure Costs	Housing Costs	Counseling Costs	Personnel Costs	Capital Costs	Specialty Court Annual Costs	Total Annual Costs
000	Adult Drug Court	2,014,274	1,600,000	2,700,000	3,100,000	1,000,000	1,000,000	11,414,274	11,414,274
100	Re-entry Drug Court	141,000	800,000	400,000	800,000	240,000	340,000	2,721,000	2,721,000
10	Juvenile Drug Court	360,000	80,000	0	44,100	10,000	10,000	494,100	494,100
800	Dependency Drug Court	474,800	717,000	1,140,000	1,087,000	1,000,000	1,000,000	6,498,800	6,498,800
314	Mental Health Court	1,140,000	161,000	1,464,000	1,087,000	800,000	800,000	6,392,000	6,392,000
219	Felony DUI Court	0	313,000	210,000	80,000	170,000	800,000	2,393,000	2,393,000
Total	Total	4,990,074	3,551,000	5,454,000	7,121,000	3,880,000	3,640,000	30,930,274	30,930,274

Eighth District Specialty Courts to Scale



Infrastructure: For each 100 clients 1 judicial "courtroom" cost, courtroom estimated at \$250,000 or \$1,000 per client.
Housing: 12% vacancy is at \$18,000 per client for 6 months. 12% supportive living at \$4,000 per 6 months.
Personnel: 10% of infrastructure for 10 months in support living at \$1,000.
Mental Health Court: 10% of infrastructure for 10 months in support living at \$1,000.
Counseling Costs: 10% of infrastructure for 10 months in support living at \$1,000.
Personnel: For each 100 clients 1 court coordinator at \$50,000 for each 100 clients 1 court coordinator at \$50,000.
Capital: \$1,000,000 Courtroom project at \$10,000 per client. \$2,000 per client. \$20,000 per client.

69



Specialty Courts Programs - Nevada at a Glance

Closer look at Mental Health Courts

History of MH Courts in NV

- Authorizing Legislation in 2001
 - Multi-jurisdictional court
 - Charges may be dismissed if eligible
- Pilot project in Reno began in Nov 01
- In 2008, NV has three operating MH Courts

71

Specialty Courts Programs - Nevada at a Glance

Closer look at Mental Health Courts

Goals of Mental Health Court

- Provide comprehensive mental health services to eligible defendants
- Protect public safety
- Reduce recidivism and re-incarceration
- Develop aftercare linkages

72

Specialty Courts Programs - Nevada at a Glance Closer look at Mental Health Courts

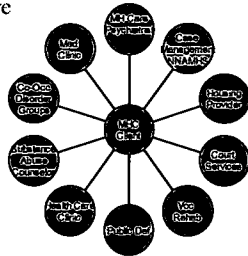
Client Needs

- Housing
- Medications and Medical Care
- Integrated Treatment
- Individualized Treatment Plans
- Income Support and Benefits
- Food and Clothing
- Transportation
- Legal Services

73

Specialty Courts Programs - Nevada at a Glance Closer look at Mental Health Courts

Multi-system Care



74

Specialty Courts Programs - Nevada at a Glance Review of Nevada Revised Statutes/Sentencing

- NRS 432B does not provide for the specific placement of cases into a family dependency specialty court
- Consider Specialty Court Probation Divisions under the jurisdiction of the Courts

75

Specialty Courts Programs - Nevada at a Glance Recommendations

- Create specialty court specific statutory language that can be imbedded within appropriate places within the statutes
- Create sentencing authorization to include specialty court placement in Judgment of Convictions
- Create statutory "true name notification and filing" responsibility to increase expediency transitioning from prisons
- Remove other statutory barriers to entry into specialty courts
- Increase statutory incentives for completion of a specialty court
- Create specialty court statute in dependency cases
- Further study of Nevada Specialty Courts "To Scale" and funding

76

Other Alternatives to Incarceration Considered

- Reinstate the 120-day period to perform a diagnostic assessment of certain offenders before sentencing (BDR-518)
- Expand boot camp programs
- HOPE court for probationers and parolees

77

Division of Parole and Probation of the Department of Public Safety

- **Duties.** Prepares presentence investigation reports and supervises offenders on parole and probation
- **Organization.** The Division of Parole and Probation is within the Department of Public Safety
 - 13 Field Offices, with Headquarters in Carson City, NV
 - 475 Positions, organized into four units
 - Funded through the General Fund and supervision fees
- **No other state agency is organized in this manner.** The structure in other states is as follows
 - Probation is administered at the county level as part of the court system,
 - Probation is administered at the state level as part of the state court system,
 - Probation is administered at the state level as part of a consolidated state correctional system that includes probation, parole and prison, or
 - Parole supervision is administered at the state level by the state parole board

78

Division of Parole and Probation of the Department of Public Safety

Caseload

- Average of 13,500 probationers and 2,700 parolees supervised
- General supervision categories: minimum, medium and maximum
- Special supervision
 - 1,318 sex offenders
 - 525 intensive supervision
 - 588 house arrest
- 3,135 in the "maintenance bank", low-risk offenders who are not supervised
- Ratio of inmates to officers
 - General caseloads 1 to 75
 - Intensive supervision 1 to 30
 - Sex offenders 1 to 45
- Approximately 3,000 offenders have absconded from supervision

70

Offender Caseload

Offender Caseload
As of June 30, 2007

Supervision Levels	Northern Command	Central Command	Eastern Command	Head- quarters	Statewide Total
Offender Caseloads					
Intensive Supervision	118	0	387		505
Minimum, Medium, Maximum Supervision	2,811	0	4,888		7,699
Maintenance Bank	290	0	2,648		2,938
Total Offender Caseloads	3,419	0	7,923		11,342
Sex Offender Caseloads					
Intensive Supervision	62	2	59		123
Minimum, Medium, Maximum Supervision	1	1	0		2
House Arrest	222	28	467		717
Intensive Supervision	52	15	181		248
Total Sex Offender Caseloads	337	46	707		1,090
Headquarters Caseload					
Probation				1,173	1,173
Parole				2,682	2,682
Intensive Supervision Unit				1,110	1,110
Total Headquarters Caseload				5,965	5,965
Total Caseload	3,419	46	7,923	5,965	17,353

Source: Division records.
* Sex offenders must be supervised in residential or higher per Division policy.

80

Division of Parole and Probation of the Department of Public Safety

Presentence Investigation Report

- 12,000 presentence investigations conducted each year
- Concerns noted
 - Significant delays as a result of a shortage of qualified officers
 - Scoring process for recommendations may not be reliable
 - Courts often do not follow the recommendations
- Other issues discussed
 - Intermediate sanctions are necessary to address technical parole and probation violations to avoid incarceration
 - Effective reentry programs are also needed
 - Proposal from the Religious Alliance in Nevada
 - Create an account to pay for reentry programs (NPR-007)
 - Provide for a waiver of fees for obtaining certain forms of identification when released from prison (PR-521)
 - Residential beds needed for offenders in transition from prison and for violators of parole and probation

81

Recommended Organizational Changes

1. The state's correctional services should be re-organized. One model would be for the Division of Parole and Probation to be removed from the Department of Public Safety and placed either within the Judicial Branch or the Department of Corrections.
2. Another model for reorganization would be to assign pre-sentence investigations and probation supervision functions to the Judicial Branch, and the parole supervision functions to the Nevada Parole Board.
3. Additional staff is needed to enhance both the assessment of offenders and the supervision capabilities of the Division of Parole and Probation.
4. The independent and monthly monitoring capability of the State's criminal justice system that has now been developed needs to continue to assess and evaluate current and proposed criminal justice trends and policies.

82

Parole Board

- **Duties:** Determines when a prisoner will be released from prison and whether to revoke parole for violations of terms of parole.
- **Organization**
 - Approximately 8,500 cases heard each year
 - Four members needed to make a decision
 - Hearing officers are used to assist in hearings and make recommendations
- **Caseloads**
 - Caseloads have been steadily increasing as the offender population has increased
 - AB 510 (2007) made certain category C, D and E offenders eligible for release at an earlier date

83

Parole Board

- The overall grant rate has increased from approximately 35 percent before 1995, to the current rate which exceeds 50 percent.
 - Overall rate is approximately 49 percent
 - Discretionary grant rate: 42 percent
 - Mandatory grant rate: 69 percent
 - Successful completion of parole: 85 percent
- **Issues of concern**
 - Lack of intermediate sanctions available
 - Lack of mental health and substance abuse treatment services

84

Bill Draft Requests

BDR 16-1 Assemblyman Carpenter (Assembly Bill 116)

Provides that investigative and police reports must be submitted to a compensation officer who is determining whether a victim is eligible for compensation from the Fund for the Compensation of Victims of Crime within 10 days of the request. Exempts certain contributory conduct of a victim in cases of sexual assault and domestic violence from the consideration of a compensation officer.

BDR -518 Assemblyman Anderson

Provides for a 120-day period to perform a diagnostic assessment of certain offenders before sentencing the offenders to a term of probation or imprisonment. Provides for the preservation of biological evidence collected in certain criminal cases and allows defendants to test such evidence at their own expense.

BDR -521 Assemblyman Anderson

Provides for the waiver of fees for the issuance of certain forms of identifying information for a person who has been released from prison. Allows the State Board of Pardons Commissioners to restore the civil rights of a person without holding a meeting in certain circumstances.

BDR C-552 Assemblyman Parks (Senate Joint Resolution 1)

Proposes to amend the Nevada Constitution to replace the existing State Board of Pardons Commissioners with a Clemency Board, consisting of members appointed by the Governor and meeting at least quarterly.

85

Bill Draft Requests

BDR 16-624 Assembly Committee on Judiciary (Assembly Bill 114)

Extends the time to appeal a compensation officer's denial of a claim seeking compensation from the Fund for the Compensation of Victims of Crime from 15 to 60 days and provides that money in the Fund must not revert to the State General Fund.

BDR 15-625 Assembly Committee on Judiciary (Assembly Bill 120)

Allows a victim of sexual assault to obtain an order or protection against the person who allegedly committed the sexual assault regardless of the relationship to the offender.

BDR 14-626 Senator Horsford (Assembly Bill 113)

Creates two permanent subcommittees of the Advisory Commission on the Administration of Justice: a Subcommittee on Juvenile Justice and a Subcommittee to Consider Issues Related to Victims.

BDR -627 Senator Horsford

Creates an interdisciplinary committee to address issues relating to juveniles.

86

Bill Draft Requests

BDR 16-630 Assembly Select Committee on Corrections, Parole and Probation (Assembly Bill 117)

Makes various changes concerning parole, including (1) exempting certain cases from parole hearings when parole cannot be granted and allowing hearings to be held without the presence of the prisoner in cases when it is anticipated that parole will be granted, (2) revising the term "mandatory parole" in statute to "mandatory consideration," (3) clarifying the use of interpreters at hearings to consider parole or a pardon to include spoken and signed language.

BDR 16-631 Assembly Select Committee on Corrections, Parole and Probation

Makes various changes concerning criminal offenders, including providing good time credits for persons who commit gross misdemeanors, authorizing residential confinement for certain category B felons, allowing courts to revoke good time credits of offenders for violation of parole or probation, defining "serious infraction" for purposes of parole and probation violations, authorizing incarceration in a facility of the Division of Parole and Probation of the Department of Public Safety for up to 6 months as an intermediate measure for parole or probation violations.

87

Bill Draft Requests

BDR -653: Assembly Committee on Judiciary

Revises provisions concerning defendants who provide assistance in the prosecution of certain drug-related offenses

BDR -654: Assembly Committee on Judiciary

Revises statutory language that refers to specialty courts, authorizes courts to sentence offenders to participate in specialty court, increases incentives for completing specialty court programs, provides for specialty courts in certain cases involving child abuse and neglect and makes various other changes relating to specialty courts

BDR-903: Assembly Committee on Judiciary

Provides for the imposition of an additional administrative fee on persons convicted of a felony or gross misdemeanor. Establishes a fund into which money collected from the fee will be deposited with the money to be used to pay for reentry programs for offenders. Provides for the Administrative Office of the Courts to have central collection responsibility for fees and fines imposed in criminal cases involving a conviction for a felony or a gross misdemeanor. Authorizes courts to sentence a person convicted of a felony or a gross misdemeanor to administrative probation for the payment of fees and fines

88

Bill Draft Requests Supported by the Advisory Commission

BDR 17-213: Legislative Committee on Health Care (Senate Bill 3)

Creates the Legislative Committee on Child Welfare and Juvenile Justice

BDR 14-259: Attorney General (Assembly Bill 85)

Revises the provisions governing sex offender registration and notification requirements

BDR 23-304: Department of Corrections (Senate Bill 44)

Provides peace officer powers for the Inspector General and Criminal Investigators of the Department of Corrections (changes the status of the Inspector General and criminal investigators to Category II peace officers)

BDR 23-306: Department of Corrections (Senate Bill 47)

Authorizes random drug testing of employees of the Department of Corrections (allows for periodic tests)

BDR 14-409: Nevada Supreme Court (Assembly Bill 47)

Increases judicial discretion in sentencing for specialty courts and the deferral and sealing of records

89

Statements of Support

- Encourage the Governor, the Legislature and the Board of State Prison Commissioners to support the recommendation of the Department of Corrections to modify the "relief factor" at the Department of Corrections from 1.6 to 1.85
- Encourage the Governor, the Board of State Prison Commissioners, and the Department of Corrections to add employees to avoid the cost of paying overtime and to convert savings from overtime expenditures to replacing and hiring regular employees
- Recommend that the Department of Corrections create a fact sheet which is made available to the public with information concerning the manner in which good time credits are earned and lost, and how the credits apply to minimum and maximum terms. Further recommend that the document be distributed to advocates of victim's rights, public defenders and prosecutors to assist victims in understanding when an inmate may be released

90

Statements of Support

- Encourage the Legislature to consider the concerns and recommendations of the Religious Alliance in Nevada, including considering the addition of language in statute to indicate that one of the purposes of the criminal justice system is to rehabilitate and pursue objectives to promote rehabilitation, developing programs to work with faith-based and other community groups regarding inmate reentry, identifying disincentives and barriers to address inmate reentry issues, and planning action to address identified obstacles to reducing recidivism.
- Encourage the Legislature and the State Treasurer to contract out for the collection of judgments for restitution.
- Recommend that the Grant Sawyer Center for Justice Studies of the University of Nevada, Reno continue to monitor and evaluate the Nevada criminal justice system from January 1, 2009, through June 30, 2009. Justice Hardisty sent a letter to the Board of Examiners requesting monetary support for this.

91

Statements of Support

- Support a study of the fiscal impact of the death penalty in this State.
- Support continuation of the Advisory Commission and encourage the Legislature to seek the input of the Advisory Commission on any legislation which has an impact on the criminal laws in this State.
- Recommend that the Legislature consider providing and funding intermediate sanctions for offenders.

92