



NEVADA LEGISLATURE JOINT INTERIM STANDING COMMITTEE ON THE JUDICIARY

(*Nevada Revised Statutes* [NRS] [218E.320](#))

DRAFT MINUTES

February 23, 2024

The second meeting of the Joint Interim Standing Committee on the Judiciary for the 2023-2024 Interim was held on Friday, February 23, 2024, at 8:30 a.m. in Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Brittney Miller, Chair
Senator Melanie Scheible, Vice Chair
Senator Dallas Harris
Assemblywoman Elaine Marzola

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblywoman Selena La Rue Hatch (Alternate for Assemblywoman Cecelia González)
Assemblywoman Alexis Hansen (Alternate for Assemblyman Ken Gray)

COMMITTEE MEMBERS ATTENDING REMOTELY:

Senator Lisa Krasner
Assemblywoman Danielle Gallant

COMMITTEE MEMBERS ABSENT:

Assemblywoman Cecelia González (Excused)
Assemblyman Ken Gray (Excused)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Diane C. Thornton, Chief Principal Policy Analyst, Research Division

Patrick Guinan, Chief Principal Policy Analyst, Research Division

Lisa Creamer, Senior Research Policy Assistant, Research Division

Jen Jacobsen, Research Policy Assistant, Research Division

Karly O’Krent, Senior Principal Deputy Legislative Counsel, Legal Division

Michael Viets, Principal Deputy Legislative Counsel, Legal Division

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—CALL TO ORDER

Chair Miller:

I would like to call this meeting to order and welcome everyone to the second meeting of our Joint Interim Standing Committee on the Judiciary (JISCJ). I would like to acknowledge that today we have Assemblywoman La Rue Hatch covering for Assemblywoman González, and we have Assemblywoman Hansen covering for Assemblyman Gray, both of whom are up in Carson City. We also have two members who are joining in on Zoom.

I want to remind everyone that agenda items may be taken out of order today or combined with other agenda items. Meeting materials may be accessed on the Committee's web page located on the Nevada Legislature's website, and you can also sign up for electronic notifications related to the Committee's activities. Committee members will be using laptops and other electronic devices—please do not take that as a sign of disrespect or a sign that they are not paying attention, but rather, they are doing research regarding the presentations being heard and accessing the meeting materials.

We will have two opportunities for public comment today, with one at the beginning and one at the end of today's meeting. There are multiple ways that you can participate and provide public comment: the first is in person either in Carson City or here in Las Vegas, or you may also call in or submit written comments through email or mail.

For those members on Zoom, please make sure that your camera is on, so we know that everyone is with us. Also, as a reminder, everyone please turn off all the bells and whistles on all our electronic devices, so we are not disrupting anyone.

AGENDA ITEM II—PUBLIC COMMENT

Chair Miller:

Our first item on the agenda is public comment. We will have a maximum of 30 minutes for this first round of public comment. We will also have public comment at the end of today's agenda as well. We ask that people please try to keep their comments to two minutes. You are more than welcome to email or mail in any public comment as well.

Crystal Voight, Volunteer, Return Strong:

Good morning, Chair Miller, and Members of the Committee. Thank you for taking the time to hear us, and we appreciate you and the work you do for our communities. As a teenager and young adult, I struggled with addiction and was in and out of the juvenile systems. Thankfully, eight years ago, Judge Villani gave me a second chance when he sent me to drug court. That was then, and I do not often look backwards, I focus on forwards. After Judge Villani gave me a chance, so did Mears Pipeline, a large construction company. I started working as a flagger, then was promoted to dispatch, then project coordinator, and now I am a senior engineer. I worked with management to build a "Second Chance" employment program. We work with Return Strong to provide opportunities for people to come home from prison and immediately have employment opportunities. Opportunities and hope help to build a community that watches out for each other. People do change, and people in prison are no different. People grow, they learn, they take accountability, and they heal. "Second look" legislation gives a chance to look at who someone is now and what they have done to redeem their stories when they have no guarantee of anything but a glimmer

of hope. You know what I love about the idea of providing a second look at sentences, it is not cut and dry. We can decide in Nevada how to bring real justice back to the justice system. Second look and second chances need to be at the core of that. Second chances promote fairness in an unfair system that we know has been unjust to black, brown, and poor people. Hope is a powerful motivator to change—imagine being able to give people hope. They do not have to live forever with a decision that was made on what might have been the worst day ever. Thank you to everyone who works to bring this topic to the Committee. And one more thing, I am now a 2024 Cohort in the National JustLeadershipUSA-Leading with Conviction. We are here for change. Thank you.

Pamela Browning, Advocate, Return Strong:

I am here to share Jennifer’s story. At a young age, Jennifer learned that she did not have the power to say no to a man. She carried those lessons into adulthood and ultimately leading to the decision she made the night her victim was murdered. Jennifer never intended to hurt anyone that night, but she did intend to lure the victim into the motel for a robbery which ultimately led to his death, although not at her hands. The law requires that she be held equally accountable for his death.

We are advocating for Jennifer for several reasons. First, she is a fantastic woman who has taken responsibility for her healing and mentors other women who come to the prison broken and wounded on their healing journeys. Jennifer takes responsibility, shows remorse, and wants to create a world that allows her to write a new story for her life while redeeming the old one. We also support Jennifer because she has not spent her time in prison waiting to get out to make these changes; she started there with who was around her. Finally, we support Jennifer because her story is one of many where women are held captive by a system that starts long before their crime. We do not believe that this is what justice looks like, and giving Jennifer a second chance is one of the small steps towards addressing the systematic injustice for all women in similar situations.

A “second look” would give Jennifer hope and an opportunity that the pardon board is not giving her for a multitude of reasons, starting with not being able to raise \$50,000 needed to hire a pardons board attorney. So life in prison is the only available option at the moment. Thank you for considering this important legislation.

James Murdoch, Jr., Resident, Las Vegas, Nevada:

Good morning, Chair Miller and the Members of the JISCJ. I got onto the wrong path really young. I do not want to make excuses, but when I experienced a lot of trauma—physical and mental abuse when I was growing up—I did not understand how all of that impacted the path that I was on. I started out doing time in juvenile facilities and eventually ended up in prison, which included three years in juvenile facilities and six years in Nevada’s Department of Corrections (NDOC) with two years of that time in solitary confinement. I silently carry the scars of all of that with me every day.

I spend the majority of my time trying to figure out how to live in society peacefully, lawfully, and productively without giving into my addiction or giving up due to depression and anxiety that never seems to give me space to breathe. I did my time, and I came home determined not to repeat that cycle. I knew when I left, I was never going back. Figuring out exactly how to do that is harder than I thought, and I have been free for years. I have a beautiful five-year-old son and a 20-year-old daughter, and now I am about to be a grandfather. I have gone in circles trying to find employment, but then I am trapped without transportation and childcare, in addition to depression and anxiety, which all make

functioning at a normal level difficult, if not impossible. I applied for jobs and go to interviews only to get rejected due to my prior history. I know some of you will say that my decisions are causing the problems, and to a degree that is definitely true. I also know that the spirit of a human can only be broken so many times before it cannot come back. Employment, housing, education opportunities, treatment for substance abuse and mental health, legal and financial pressure, and ultimately the never-ending discrimination that we are subjected to by police—not all, but some police—some employers, housing, even our families and relationships do not understand—it is so difficult to navigate with nowhere to turn. We talk about recidivism as if it is only the individual's choice to go back to prison. We do not stop and create communities that are ready for us to live, thrive, grow, and heal. That extends to people still incarcerated; there are people who have done all the work to heal, to be accountable, to rehabilitate, and to lead in the community inside in positive ways. There are a few avenues, but not enough, in place to give them a second chance at freedom. Many of them are in situations that they became trapped in when they were too young to actually understand the possible consequences of decisions they were making.

I do not know the answers, but I know this: sometimes people are climbing mountains and are being superheroes just to survive. Sometimes it is not so much that people make good choices, but they had choices. Some of us were out here, with our back against the wall, trying to make any choice that kept us alive and are slaying dragons just to be here today. People need hope—that is my message today, whether it is people in prison, or people who are released. Give us a chance to do better, live better, and be a better part of our communities and families. Thank you and God bless.

Moises Cortez, Advocate, Return Strong:

Good morning to everybody. I worked for Mears Construction with Crystal, and I met Jodi while I was in prison after I had been a victim of abuse by the correctional officers. They told me about today and about some of the things that Return Strong and Mass Liberation are working on to make things more fair. I cannot talk for other people, but I can talk for myself. I went to prison at age 17; I am 29 now. I spent 11.5 years, most of them in solitary confinement, about seven and a half years in solitary confinement. I was scared at a young age to go to prison, and that fear of going to prison made me do things to survive. I was a gang member for a Mexican gang which caused a lot of problems for me while I was in there with correctional officers, staff, and other people. I was able to get my GED for high school and went to college courses while I was there.

I made a lot of bad choices when I was younger which led to prison. I was young, gullible, and ignorant, but I have learned a lot since I was in there—it taught me a lot about how to be responsible. Now I am out here; I have been out here for a year. I started as a flagger with Mears Construction. I went from flagging, to labor, then to pipe fitting, and hopefully soon I will become a plumber. I was one of the people that nobody wanted to give a chance to in prison, but I was never who they said I was. I knew when I got out, I was never going to go back because I have been learning my lesson, and I had a lot of years to do. Now, I am out here, and I have shown in the last year I have been able to accomplish a lot of things short time. I am going to continue. I have big goals, and I am going to accomplish them. I appreciate you guys listening to me. I hope you guys can help other people like me, especially people that went in young—we were dumb, we grew up, and we are going to make better choices. I appreciate your time. Thank you for listening and have a good day.

Amber Foster, Resident, Las Vegas, Nevada:

I am torn about how to start this—talking about who I am today or who I was before I went to prison. Ultimately, who I am is what matters, but where I came from will help you understand what I have walked through to be here in this moment as I try to impress on you how important it is for us as a community and a society to understand why second chances are so important. The first time I was arrested, I was 13 years old. I was gang banging and selling drugs. I went to juvie and using drugs that then grew into an addiction. Juvie is where I found out I was pregnant with my son. After I had my son, I continued using drugs and selling drugs. It led to prostitution to support my family and my addiction. You know where this is going, right? I went to prison for robbery with use of a deadly weapon and conspiracy to commit, which landed me in prison for seven years and eight months. Now I am a violent offender with an addiction. I was also a woman who desperately wanted the opportunity to change. I wanted to celebrate, recover, and did the program. I worked as a firefighter and got my GED high school diploma. I did everything I could to heal and become the woman I was truly meant to be.

In a few weeks, I will graduate from the 184 Program. I am the first violent offender that they allowed to go to the 184 Program. I am living on my own, and I am rebuilding relationships with my children—they are seeing a different person than who I was before I went to prison. I work at Mears Construction and have already received a promotion. I will not go back to prison, and I am living proof that you cannot paint all of us with one brush because we are all different. Going to prison forces you to look in the mirror and make the tough decisions about life's purpose. From what I understand, "Second Look" legislation gives us the chance to stop and look at a sentence that was given that was not fair. Sometimes—most of the time—the justice system is not always just, especially for women, especially for black women. This is desperately needed to equalize what we call justice to give people a chance to be seen for who they are today and not be forever frozen in time on their worst day. Thank you for your time and patience.

Tonja Brown, Advocates for the Inmates and the Innocent:

We would like to briefly discuss Agenda Items VII and XII. Last month, Chair Miller had mentioned that if we wanted to give a presentation, to notify staff. Our board member, Mr. Edward Reed, was asking to have a presentation on emerging youths, and I see that there is an agenda item that is going to be discussing that today, so we would like to rescind that as well. Regarding the discussion by advocacy organizations and their involvement in the implementation of corrections-related legislation enacted during the 2023 legislation—I have looked at the information that is going to be presented. Under the prison public health crisis under 2025 policy changes bill drafts—as a stakeholder, we would like to have some input into this. We have not seen the presentation, so we do not know for sure what it is going to be, but I am hoping it covers this. If it does not, it needs to be created and put into law—that is, regarding highly infectious deadly disease.

Back in 2007—most of you probably do not know this—but NDOC had an outbreak of MRSA which was carried out into the public. People in Reno, Carson City, Northern Nevada were coming down with MRSA. They had no idea where this deadly infectious disease was coming from. I contacted the State health department dealing with infectious diseases about having a protocol in place along with a notification to the public. I can tell you that during that time frame, three inmates contracted it—two died and one survived. I will tell you that when an inmate dies, if they have contracted, but they did not die from it and have other conditions, such as Hepatitis C, for example, on the death certificate, it will not say that MRSA was a contributing factor to the death. I think that also needs to be placed on the death certificate

because it does play a factor, but they do not do that. These are some of the things that we would like to see done as a policy and protocol in place for NDOC—a statewide notification to the public so that people can be aware of it. To explain really briefly on how it spreads, if I sneezed, and I just took a paper towel or whatever and wiped it, somebody comes along touches it, they could get it, and it can be deadly. There were advocates and visitors who were exposed. Thank you very much.

Christie Kovello, Advocate, Return Strong:

Good morning. Thank you for taking the time to speak with us. I want to share a story about a guy that we know through Return Strong. His name is Raymond Rosas. He is incarcerated at NNCC (Northern Nevada Correctional Center). Raymond applied to be part of Return Strong's Pardon Advocacy Project. Unfortunately, he did not qualify because his crime occurred after 1995 and the implementation of Nevada's truth-in-sentencing law. Mr. Rosas has completed over two decades, has had no disciplinary issues, states he has been a model inmate, has attended college, maintained employment in the prison industries, worked as a lead sewer/sewist at the mattress factory, and this is what he wrote to us:

I do not know if you will be able to eventually get me on a pardons board agenda, but I will appreciate every little bit of effort. I know that they will not even look at my pardon board application once they see that I was sentenced to life without after 1995 because of the State of Nevada's truth-in-sentencing laws. However, like I have stated before, why does a person who committed a murder in 1994 get action at the pardons board, regardless of age, gender, or extent of the crime, but a person who committed a murder in 1999 is locked away forever? What is the difference between someone who has life without and someone who is sentenced to five consecutive 20-to-life sentences? Who is going to live 100 years from the day that they came to prison? The only difference is that a person with five consecutive 20-to-life can apply to the pardons board, but not me. The justice system and the pardons board have their priorities backward. People get let out of prison—who I know firsthand should not be—yet there is a smaller handful, if only given a second look, a second chance. Could we and would we get out and be a very positive, productive citizen in society? But right now, there is no avenue to even get our cases reviewed, let alone get access to the only place our stories can be redeemed at the pardon board. We need to find ways to change.

Thank you for listening to his letter.

Vejett Sem, Resident, Las Vegas, Nevada:

Good morning. This is the first time I have ever done anything like this. But I heard about this from my coworkers and my boss, Crystal. Thank you for listening to us and to me. I never really thought that people in the government actually wanted to hear from people like me, who have not always made the best decisions and have been in and out of jail and prison for a lot of my life. Recently, I had an experience in court that gave me a second chance and reality check that I needed a change in my path in life. That is what I am doing now. I am turning my life around to be a better man, a better neighbor, and coworker. Because I never worked, I hustled all my life and that requires to put you first. It is about survival at all costs. Thankfully, I am not going to prison, but it has made me think a lot about what I would do, what people I know are doing to try to get a second chance after

some serious crime, and where in the justice system there is justice. Thank you for hearing me today and God bless.

Jodi Hocking, Executive Director, Return Strong:

I am sharing a comment for somebody that was not able to read today. We are here today to make sure that while we talk about second looks, we also want to make sure that we do not forget the fragility of life. I am going to share a quick story of a man who was part of Return Strong's Pardon Advocacy Project. He was an amazing person and just a great human being. He used every moment to serve his community while in prison. He overcame addiction, went to school, served at the chapel, held a job for the entire time of his incarceration. He loved his family and maintained a strong, solid bond with them. Even during his incarceration, he used his job as a barber to mentor, encourage, and counsel men that came through his shop. He built a community of love in a place where darkness prevailed. His name was Christian Walker. Christian would have been a perfect candidate for second look legislation, but sadly, he is dead. He was killed at High Desert on April 15, 2023. He wrote his biography, which we are going to submit, so if any of you want to read it—it is about 20 pages long where he tells his story. He had sent it to us about three days before he was killed. Hopefully, you will take the time to read it. Many people without death sentences die in prison. One day can be the difference between life and death. There are so many people building lives like Christian did. We need an avenue for people to have their sentences reviewed and to have an opportunity for a second chance to be free. Thank you.

Chair Miller:

Thank you for that. And thank you to everyone who shared your stories and your successes. We are all glad that there is a community and organizations where everyone can come together as a community, because it is that support—especially from those people that have been successful and have a few more years under their belt—to help folks. Thank you so much for sharing your stories. I will close public comment for now. We will return to public comment at the end of our agenda.

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON JANUARY 19, 2024

The next item on the agenda is the approval of minutes (Agenda Item III) for the meeting we had on January 19, 2024. Members of the Committee have all been sent those minutes and had an opportunity to review. Are there any questions? I will entertain a motion to approve the minutes of the Committee meeting from January 19, 2024.

VICE CHAIR SCHEIBLE MOVED TO APPROVE THE MINUTES OF THE MEETING HELD ON JANUARY 19, 2024.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM IV—PRESENTATION BY THE NEVADA PRISON EDUCATION PROJECT ON THE MERITS OF PRISON EDUCATION

Chair Miller:

Our next agenda item is a presentation (Agenda Item IV) by the Nevada Prison Education Project (NPEP) on the merits of prison education. Our presenters today are Doug Unger, a member of the NPEP, and Keisha Westbrooks, also a member of the NPEP.

Doug Unger, Member, NPEP:

Good morning, I am a member of NPEP and Chair of the Government Affairs Committee with the Nevada Faculty Alliance. This will be my 33rd year as a professor at the University of Nevada, Las Vegas (UNLV). Thank you, Chair Miller, Vice Chair Scheible, and Members of the Committee for this opportunity to present this morning. The NPEP is an independent advocacy group organization that includes faculty and administrators from colleges and universities in the Nevada System of Higher Education (NSHE), as well as representatives from nonprofits, community organizations, NDOC, and justice-impacted students. The NPEP, so far, has provided more than \$80,000 in donor-funded tuition scholarships and instructor support for incarcerated students along with books and resources from national organizations, such as PEN America.

We are coordinating with established NSHE programs and NDOC to help with improving access and outcomes and to support adding more college degree and workforce pathway choices for the incarcerated. We aspire to helping expand prison education in our State through established NSHE degree and certificate programs at the College of Southern Nevada (CSN), Western Nevada College (WNC), Great Basin College (GBC), Truckee Meadows Community College (TMCC), and through affiliated efforts to add opportunities at UNLV and the University of Nevada, Reno (UNR). With the passage of AB 35 (2023) that allows tablet computers that should make online course offerings possible plus the expansion of Federal Pell Grant eligibility for incarcerated students who qualify—our ambition is to double and more the numbers of currently enrolled students over the next biennium from about 355 to 750 to 800 at least. We believe this expansion will also help NSHE prison education to meet requirements for private foundation and federal grants. For our State, the benefits should be clear.

A mega study aggregation over 37 years, we cite, shows that individuals who participated in prison education are 28 percent less likely to recidivate. Also, according to the RAND Corporation, for every dollar invested in prison education programs, taxpayers save four to five dollars in re-incarceration costs. Our mission is to offer expanded hope for higher education to transform lives on the inside and out, hope for renewed self-worth through educational achievement, and restored faith in remaking a life. Nevada Prison Education Program member, Keisha Westbrooks, is here today to share with us what that can mean.

Kesha Westbrooks, Member, NPEP:

My name is Kesha Westbrooks, and I am a product of the CSN prison education program. I can personally attest to the life-changing ability of prison education. Personally, I was scared to leave prison because not only was I disabled, but I was also now a felon, and I thought that my life was over. I had been told that I had no worth to society and had nothing to offer—and I believed it. I thought I had ruined my life and that I let everyone down and that I was a failure. I would never commit another crime, but I am grateful for that experience and having had people like those committed to NPEP rooting for me and

supporting me. I am very proud of the things I have been able to accomplish since my release. It has been five years, and I am working on my third college degree, a master's in social work. I am very active on my campus and in my community. I am the president of the Social Work Honor Society and the University Association of Social Work Students. I am also the secretary for the Rebel Vets, the veteran organization on campus. I am a team lead for Peer Advisors for Veteran Education, which is a peer mentoring program for veteran students on campus. I was active in last year's legislative session—I supported AB 292 (2023), which was dignity for incarcerated women. I mentor women in my community and women on my campus. My story does not have to be an anomaly; it could become the norm if people were given the same opportunities that I was given. When I was released, I enrolled at the West Charleston campus of CSN. I was chosen as their 50th graduation speaker. I transferred to UNLV, and I am still going strong. I obtained my bachelor's in social work degree with honors and have been on the Dean's List every semester.

Early on in my reentry, I joined the NPEP as pretty much their lone student voice. That was intimidating to say the least because it is a committee made up of administrators and intellectuals, and here I am, just a felon. But they accepted me with open arms and made me feel welcome and encouraged me to share my story because it illustrates the power of prison education. I do not list my accomplishments to brag—I do it to show you what prison education can do—not only in my life, but as a single mother, it is important to me to be an example for my children, my two beautiful daughters. I am a first-generation college student, and my oldest is 28, and she is now in college as well because she saw me do it. My youngest is 13, and she wants to do the dual-enrollment high school and college program. My children are proud of their mom, and they strive for excellence now because they have seen their mother do it.

Prison education can be the bridge that makes successful reentry possible. It cannot only change the life of the person who was incarcerated, but it can change the trajectory of their entire family. The data shows that it not only saves taxpayer dollars, but it also deters reoffending. My story illustrates that it cannot only positively impact the lives of the person and their families, but that trickles down into the communities that we all live in. Thank you.

Mr. Unger:

Thank you, Kesha. Your testimony about what education can do helps us all to keep it real, as our founder, poet, and activist, Shaun Griffin, often reminds us to do. A poem written by Ismael Santillanes in his 24th year of incarceration shows what this can mean also for those incarcerated for longer sentences, how education can be a lifeline against despair, as well as what Kesha said too, about reinforcing education and the value of education in the family cannot be emphasized enough for those who are serving longer sentences and who have families who see and follow their examples. Advice for teachers who begin their classes inside is to assert that, yes, this class will help provide you knowledge and skills, but most importantly, it will help to get you out, no matter how long you are in for, and that keeps it real too. That is why we are here.

Our NPEP team, which includes all of these representatives of nonprofits, NSHE faculty, NDOC representatives, and administrators from our NDOC institutions are working together to help NSHE expand prison education. We would like to thank Interim Chancellor Patricia Charlton of NSHE and the NDOC Director James Dzurenda for their coordination and collaboration. The Nevada Prison Education Program most respectfully requests the following. As NSHE and the Board of Regents plan toward expanding budgets by what we believe will be a tripling of the current support for prison education programs at CSN, WNC, and GBC from approximately \$1 million to about \$3 million for the next biennium. We ask

the Committee, and its members to support this NSHE budget proposal, whatever it finally turns out to be, as well as our efforts to bring higher education courses and arts and humanities into all of Nevada's prisons. We also most respectfully request that the JISCJ and its members support a possible bill draft request (BDR) to supplement the NDOC budget proposal so as to add three education specialist staff, a professional to assist with overall higher education program assessment, an IT (information technology) specialist to assist in facilitating the expansion of online courses on the tablet computers and other delivery means, and a teacher specialist who can visit each of Nevada's correctional institutions at least two times per month for inmate peer tutor training. Thank you for your consideration and for listening to us, and if you have any questions, we are available.

Vice Chair Scheible:

I thank you for your presentation. And I apologize if you answered this in the presentation, but I was hoping you could be a little bit more specific about what statutorily needs to be changed to help the present education project to receive more federal and grant funding. Could you clarify what changes need to be made?

Mr. Unger:

There is no statutory change that I know of that needs to be made. We had the very shocking experience with one of our institutions, WNC, applying with the Carnegie Mellon Foundation who was awarding grants to prison education projects—only to be told that Nevada does not have a large enough or comprehensive enough prison education program to even qualify for the Carnegie Mellon Foundation grants. Those grants went to larger states with larger programs like Massachusetts and especially Connecticut which are the same states that always get the grant funding. If we expand two or three times, we are hoping that we will qualify for Carnegie Mellon Foundation grants, other private foundation grants, and federal grants.

Vice Chair Scheible:

Thank you. I would love to see the program expand two or three times as well. I hope you will keep us updated on that progress.

Chair Miller:

My question is regarding the correlation because I know that individuals that are incarcerated need both high school completion as well as higher education. I understand that you are representing higher education, but can you talk about what is done regarding high school completion or high school diploma? I know Clark County School District (CCSD) does some things. Can you talk about the correlation between the two, if this is a collaborative effort when it comes to education on both ends?

Mr. Unger:

There is a collaboration, especially with the teacher training. We have learned from Director Dzurenda, and as our instructors go in, they get the same teacher training through basically the CCSD group that trains our instructors as they go in. What we would like to do is act as a bridge organization that is getting everyone together from NSHE, to NDOC, to the private foundations, to the community partners as we are reaching out to CCSD, so we can hopefully provide a full pathway. This will hopefully also solve the issue that sometimes inmates who get an associate degree are then wondering, what to do next, what can I do next? The next piece we are hoping to add is to put UNR and UNLV advanced courses into

prison education so there is a full pathway toward four-year degrees as well as the two-year associate degrees, workforce certificates, and training certificates that are already offered by the individual institutions.

AGENDA ITEM V—PRESENTATION BY NEVADA’S DEPARTMENT OF INDIGENT DEFENSE SERVICES, INCLUDING UPDATES ON THE IMPLEMENTATION OF LEGISLATION ENACTED DURING THE 2023 LEGISLATIVE SESSION AND LEGISLATIVE PRIORITIES FOR THE 2025 LEGISLATIVE SESSION

Marcie Ryba, Executive Director, Nevada’s Department of Indigent Defense Services (DIDS):

Good morning, Chair and members of this Committee again. My name is Marcie Ryba. I currently serve as the executive director for DIDS. We wanted to start with saying that we are so excited to be here today, and we are grateful for the opportunity to give you an update on the good work that we believe we have been doing. (Agenda Item V-1) (Agenda Item V-2)

We will also provide you with an update on that *Davis* Stipulated Consent Judgment (SCJ) that we have talked about so much in that last legislative session, some challenges that we are running into, and then finally, some requests for help that we think we ultimately need the Legislature to help us achieve the final compliance with that *Davis* SCJ.

To begin, here is a little bit of background information. On the screen is our vision, mission, and goals, which you have had an opportunity to read. I think it is important to highlight that what we are really doing is working with our Nevada counties to develop quality, equitable, and sustainable indigent defense solutions that strengthen our local communities and meet or exceed the state and federal constitutional guarantees that protect each of us.

Thomas Qualls, Deputy Director, DIDS:

I will give you a little background reminder of who we are and how we were created. The United States Supreme Court, in *Gideon v. Wainwright* (1963), held that the Sixth Amendment of the *United States Constitution* holds that anyone charged with a criminal offense is entitled to the right to competent counsel at state expense. Moving forward to the *Davis v. Nevada* (2018) lawsuit, which challenged the constitutionality of a lot of the indigent defense systems in rural Nevada. As part of that SCJ, which was entered into officially in 2020, our Department was created along with a list of mandates that our Department needed to comply with. That has been the subject of much of our discussions with the Legislature and the legislative actions in the last session. Marcie will give you an update on those bills. Thank you.

Ms. Ryba:

As Tom said, there was a very successful legislative session in 2023 that helped propel us forward in our mandate, mission, and goals. Senate Bill 479 (2023) provided a supplemental appropriation to fund our maximum contribution formula. As a quick reminder, the maximum contribution formula is like a high deductible health care plan. It sets the maximum amount that counties spend on indigent defense services, and once they spend that amount, anything over and above is reimbursed by the State. The State of Nevada kept its promise and reimbursed over \$2.9 million to our rural counties for improvements they have made. Just a reminder, that maximum contribution formula was

looking at how much was spent on indigent defense services over an average in 2018 and 2019. So that means that our rural indigent defense systems have improved by over \$2.9 million from what they were doing previously. I think we are seeing great improvement.

With SB 39 (2023), this is something that was so important, as it protects the attorney-client privilege for records that our Department receives with changes that were brought about in the 2021 Session. The DIDS in our rural counties reviews billings for indigent defense services providers and reviews requests for experts. Historically, in our rural counties, that was done by the judiciary—a public defender would have to go to a judge and ask for permission to be able to assign or hire an expert. Obviously, ADKT 411 (Nevada Supreme Court’s Indigent Defense Order) calls for a separation from the judiciary, and the Legislature agreed with that and created our Department. One of our goals as a department was to review those records, and SB 39 (2023) protects those records, so we review the billing, and it is ultimately submitted for payment to the counties; attorney-client privileged information can be redacted, which was never allowed to happen before.

Then, AB 454 is one of the biggest things that we see here, as it directed the Board on Indigent Defense Services (BIDS) to establish the hourly rate for indigent defense attorneys. Since 2003, the hourly rate was \$100 per hour for non-capital cases and \$120 for capital. The approved regulation, LCB File No. R033-23, allowed the BIDS to match the American Bar Association’s Criminal Justice Standards panel rate. I see that our next presentation is going to talk about steps that states have taken to encourage individuals into indigent defense services, and one is to match that standard rate. We are there; we are matching at \$172 an hour for non-capital and \$220 an hour for capital cases.

Finally, AB 518 (2023)—this took our maximum contribution formula, which was previously set by regulation, and put it into Section 7 in the statute. It also set aside fundings for *Davis* compliance, and there is about \$13 million that we set aside so far. The Department has gone to the Interim Finance Committee (IFC) to request additional funding for compliance. Specifically, we requested about \$13,000 to provide stipends to law students to come to a rural county. We would pay them \$6,500 for a summer with the hope that this will lead to a pipeline for them to take that future employment in a rural county. For this coming summer, both stipends are filled. We have one student going to Churchill County and one student going to Elko County. We are quite excited by that. We actually do have proof of concept—about two years ago, a second-year law student went to Carson City and took a job as one of these stipend students and is now working at the Carson City Public Defender’s Office. The pipeline is working, and we believe in it.

Another step that this has allowed us to do is to begin our oversight. We obtained funding so we could contract with three attorneys to be able to go into our rural counties and spend time watching what is going on in court and talking to the parties—our small department does not really have the bandwidth to be able to go and do this across all our rural counties. We are so excited for this. The contracts were just approved at the Board of Examiners (BOE) this past month, and we are going to be moving forward next week with actual “boots on the ground” to go in there and talk to the judges, clients, and the attorneys so we can really see what is going on.

We have also been able to obtain funding to improve our data collection, which is one of the items that we are very proud of. We have obtained funding to provide Westlaw to all attorneys that are on the Indigent Defense Services list. Westlaw is a research system that is used by many individuals, but it is quite expensive. If you are a private attorney, that is if you are a solo practitioner, you may choose to not get it because you just cannot afford it,

but the prosecutor has access to it. We are trying to level that playing ground by providing our indigent defense service providers with that free access to Westlaw so they can provide better filings and have that immediate access to research. We are hoping that providing that will encourage them to report the data that we are required to collect under NRS 180.410.

Finally, we received additional funding for training. The funding is to enhance our annual conference that we provide every year. We do not charge for this annual conference—it is free for all indigent defense services attorneys. We also have money that will allow us to pay the travel expenses for indigent defense services attorneys that are practicing in our rural counties so that it is absolutely no cost for them to come to this and to learn with us. We finally have funding to be able to send five students to a nationally accredited trial advocacy college. We are quite excited because there is a brand-new trial college called Mountain West Trial Skills, which will be taking place in Salt Lake City in May. We have been able to have six spots reserved for our rural indigent defense providers, with five of those spots will be going to indigent defense attorneys from the *Davis* counties of Lincoln, Nye, White Pine, Churchill, and Douglas and then the sixth will be going to one from Pershing County. That is my update to the Legislature.

Mr. Qualls:

I will give you a little update and preview on another *Davis* compliance component that has been about three years in the making which is a huge piece of our mission. We have been talking lately about the fact that historically, the story of public defenders was that they were overworked and underpaid. You heard Marcie talk about how we are correcting the underpaid piece of that in a lot of areas, and with the workload study, the challenge before us for the year is to complete that cycle and spread out these caseloads so public defenders are not so overworked. We contracted with the National Center for State Courts (NCSC) under a mandate from *Davis* again to do a caseload/workload study. This is about three years in the making and was delayed a little bit because there was a simultaneous national study going on by the RAND Corporation that NCSC was also involved with. We did a Nevada-specific study to include looking at the data we had collected plus a series of about six months, so that was two different rounds of Delphi studies, talking with providers, judges, and other people in the field to get real data from “boots on the ground.” Anyway, the bottom line is that NCSC came out with a study in which they recommended ten different things, including the numbers of public defenders for each county, which is based upon the case weights. These were divided not just by numbers of cases but types of cases because there is a big difference between a misdemeanor, a gross misdemeanor, a category A felony, or a high B felony. Obviously, murder cases, sex assault, and crimes involving weapons are much higher and more complicated cases. We came up with case weights for all of those and then determined based upon that, how many public defenders need to be in each county for their caseloads to be sustainable and for them to be effective at their work. The recommendations also included things like staffing, which includes investigators, mitigation specialists, and social workers. Our Board adopted the study and these standards on November 1, 2023. Under *Davis*, all of these rural counties have a one-year time frame to comply with that. As you know, there is a crisis of availability of public defenders of indigent defense services providers that we have talked to this Committee about before and that most of the nation is experiencing. We will move into some of the things we are doing for that.

Ms. Ryba:

As Tom said, we are facing some challenges to the workload compliance. The IFC is going to be expecting a little preview of the request for additional staff for the Nevada State Public

Defender's Office (NSPD) so we can bring the number of attorneys in the NSPD into compliance with the workload. There were several recommendations in that report. One recommendation was for counties to consider reducing their workload by transferring some of that workload to the NSPD. We are seeing some counties consider that and to request that some of the appellate workload be transferred to NSPD—we will be requesting those positions. Our problem is that rural Nevada is in what we are calling a “public defender desert.” There is a shortage of indigent defense providers, and even if we can find those indigent defense providers, there is a shortage of housing for them to be able to move into the area. Some things we are looking at internally include creating an office in Clark County for our public defender so we can hire the attorneys locally in Clark County. We are hoping to cover transportation costs for them so they can go into our rural counties. We are thinking creatively about how to address this issue.

The NSPD is not really the safety net when we need it—to be able to come in here and protect our rural communities if something were to take place. We are going to get into that in more depth, but one thing that I thought was very helpful when we got our workload created is that we contacted the State Bar and asked for the number of attorneys that are registered as having an office in the counties they are registered in. This is the data that we received. As you can see, Clark and Washoe are the only counties that have 1,000 attorneys or more, which is expected. These are the biggest population areas in this State. I think it is important to note that just because attorneys are registered as having an office, it does not mean that they live in the State, and it does not mean that they are practicing in the State. One area that I would like to highlight is White Pine. I am highlighting that because that is specifically where the NSPD is setting up services and service is being transferred. Right now, there are 12 attorneys, according to this data, that have been registered as attorneys in White Pine County. When you really look at the data, two of them are retired; four of them are district attorneys; one of them is married to a district attorney so they are not allowed to be indigent defense providers; one of them is an attorney general; and two of them have a private practice. Those two do not want to close their private practice to become State public defenders because private practice is not allowed when you are a State employee. Then finally, there is one attorney that has since moved and another attorney that serves as the county manager. Those are the twelve attorneys that we have to choose from. It provides a showing that we are not going to be able to recruit from within the County to fill these four positions that we need. We need to think more nationally in how we reach out and where we need to pull from. That is why we are taking those steps to set up that Clark County office to serve those positions. I think it is so showing that some of these areas have so few attorneys, like Esmeralda, for example—they need public defenders, and they have one attorney which is the district attorney.

In the information we gave you for the background, we also pulled out information looking at the data showing when they took the bar, and we highlighted how many people in these areas have taken the Bar more than 30 years ago. When you look to our rural counties, and even Clark and Washoe, and you pull out those numbers, you see that we are very reliant on a workforce for attorneys that have been practicing for over 30 years. This is something that we are taking into consideration when we are trying to think of creative ideas of how we can turn this “public defender desert” into an oasis.

Mr. Qualls:

What we are finding is the practice of law is changing and has changed dramatically. The law school admissions are down by a third in a lot of places, and fewer and fewer people are going into public interest and especially public defender jobs. It used to be, 20 years ago, that you could not get a job even at the Washoe County Public Defender's office; there was

a waitlist. They were highly coveted because that was good experience and training ground, plus you got benefits. That trend has shifted. As Marcie mentioned, it is exacerbated in our rural counties. This is a lot of the places where these older attorneys have held the public defense contracts for a decade or two, and there was not really the opportunity to bring in newer and younger attorneys, train them, and have any kind of pipeline there. The Coronavirus Disease of 2019 (COVID-19) moved the retirement of some of these attorneys forward, so many of them have since retired and become deceased. We have started looking at this and talking with other states—then working with Boyd School of Law, we started recognizing that there is not going to be one silver bullet solution to this. Part of our mandate is to work with Boyd School of Law to create a pipeline from there into the rural counties, but that is not going to be sufficient alone, especially given the number of students that are currently interested in that.

As we mentioned, we first went through the bar and now through general funding, set up stipends for summer internships, and we work with Boyd to staff those. For this summer, one has been placed in Churchill County and one in Elko County. The one that is going to Elko County is actually from there, so that will be a nice return. We are going to continue to work to try to expand that. We are working on training programs with our existing public defender list to try and expand that to the law student realm and to bring in brand-new attorneys to our list. Historically, we have done approximately one training a month that is free—it is a first Friday thing that we do to discuss issues that come up. We staff these with public defenders from around the State. We also do our annual conference.

Another thing we are working with expanding the pipeline is by working with the Bar and other stakeholders to expand the “limited practice exceptions” through currently ADKT0611 and ADKT0616. ADKT0611 allows the ability for law students to intern in public defenders’ offices, go to court, and do things under the supervision of the public defenders there, but they were not allowed to continue to practice once they graduated and before they passed the bar. If they were offered a job after their internship, they could not stay there and continue to do that kind of work. What ADKT0611 did was bridge that gap and allows them to stay on in that office. The office can offer them a job, and they can continue to do the supervised work for up to 18 months. They have that 18 months to take and pass the Bar. We went to the hearing yesterday on ADKT0616, which takes an existing limited practice that has a two-year limit in rural county public defender’s offices. For example, someone from Arizona that is a licensed public defender and wants to move here to a rural county could practice in one of these offices without having to take the Nevada Bar as long as they meet certain criteria—but there was a two-year limit on that. ADKT0616 looks to remove that two-year limit so they could practice in these public defender offices, in these rural counties indefinitely. As long as they stay there, they would not have to take the Nevada Bar if they met certain criteria. They would still have to file a different application or renewal every year and stay in good standing. That is another pipeline we can use to recruit people from other states into these rural Nevada offices. What was happening, like in Elko, there was a number of situations where they would get these people, but then they would time out in two years and then leave the office, or if they took the bar, then they would go work for Washoe County or Clark County or something like that. They would spend all this time to train these attorneys, and then they would leave once they passed the Nevada Bar. This is a way that we hope we can bring more experienced attorneys into the rural counties and keep them there.

Other things that we are working on are student loan forgiveness. We are looking at the existing programs used, for example, for teachers and physicians—to bring them into these rural counties, and then we would pay certain amounts of their student loans in exchange for their service in these rural counties. We are going to continue these stipends for

students and put them into the future budget bills we are looking at. We are very interested in the presentation that is coming after ours because we have looked at other states, South Dakota and Texas specifically, about what they are doing for incentives. South Dakota, as you will hear in a little bit, has a five-year stipend plan where they pay students a percentage of the cost for their law school each year to keep them in these rural areas. We are looking at what has been done in a number of those places, including the Washington plans as well. As we alluded to, there is a problem with housing in a lot of these places, so we are looking at these ideas to bring to the Legislature about housing stipends and getting those into our budget so we can allocate those for these rural areas.

Ms. Ryba:

We are reaching out to the other State agencies as well. We should not be working in silos with how to solve this issue, and we have had the opportunity to work with leadership from the Nevada Department of Employment, Training and Rehabilitation (DETR). Although it is not finalized, we will hopefully be on the April agenda with BOE and IFC for a program that we are calling "Lasso." What we are trying to do with Lasso is to try and rope some individuals from outside areas and bring them into our rural Nevada and see if we can keep them here. What the program would do is provide a stipend for a 1L, which is the summer after the first year of law school, to come and work in a rural county and would pay a stipend of \$6,500 for the summer. We have asked for ten stipends for that. We are asking for two 2Ls, which is after their second year, and they have more experience, so we would look to pay them \$10,500 for the summer. The reason that we chose that amount is that is what Legal Aid is paying for many of their fellowships or their summer stipends. Then if a 3L or a graduate took employment in a rural public defender's office, we would provide them a stipend of \$15,500 as an incentive for moving. It would also open a training stipend of \$6,500 to allow them to train and take training for the State Bar exam that they are going to be coming into. So we are very hopeful that that will receive legislative approval when it is presented in front of IFC. That is just one step we are taking in trying to turn this "public defender desert" into an oasis.

That brings us to our public defender's office specifically. Again, this is that safety net that we need to have in place if our local systems start to fail or start to crack. We are seeing this in some places, for example, Elko, which we have talked about. We talked to leadership there yesterday—they have nine positions, and six of them are filled. They are conflicting out about 60 cases a month, which is substantial. It is a substantial number of cases for Elko County, and many of them are category A or B cases. Those are high-level cases that require a lot of experience, and they are unable to handle. In a situation like that, if we had a State public defender that had the bandwidth to come in and provide some relief, we would love to be able to send them in. The reality is we are not able to recruit or staff our public defender's office, and we are seeing a lot of turnover.

At this point in time, the NSPD has resigned, and that position is vacant. It is a Governor appointment, and we have received word that a selection has been made. We should be seeing that coming soon, but this is a concern of the monitor that our public defender's office is leaderless at this point. We have had substantial turnover, and we believe that part of the issue again is lack of pay parity. We are exploring how we can request for pay parity under AB 508 (2023) because it is specifically set out that we could request pay parity, but it is unclear how we can get there. In doing some of that background data, we took the average salaries of our district attorneys for all of the rural counties, for the deputy position—that is the starting position—as well as the chief. If we were to compare that to other state positions, the average salary in a county, a district attorney's office in a rural

county is similar to what the state salary is for our general counsel. The average salary for a chief deputy public defender is a similar salary to what we pay our senior physicians.

We can tell that there is a huge disparity which is leading to some of the crisis that we are seeing in being unable to recruit. We have had positions posted, and we have not received any applicants at all that are qualified to be able to take them. The only way that the NSPD has been able to fill any of those positions is asking individuals that they know to help out until we can get stabilized, but again, that leads to turnover because these are short-term solutions. We are hoping we can turn to national recruitment, which is going to be a request in those AB 518 (2023) funds. If ADKT0616 is approved, we are hoping to be able to pull attorneys from other states and bring them into the NSPD. That is currently our plan. But again, concerns that the NSPD has with being able to staff is that lack of pay parity we are seeing and a lack of recruitment tools. That is all we have for our presentation today, and we are available if you have any questions.

Vice Chair Scheible:

Thank you for all of the work that you have been doing. I know we have been talking about this for years now on how to improve the access to representation in the rural areas, and you really have made strides. As you mentioned, in small counties where you have a handful of attorneys who are reticent to close their private practice in order to start doing indigent defense, would allowing them to do both be a possible solution to the problem, or are there other roadblocks I am not thinking of that would prevent that from working?

Ms. Ryba:

Thank you for that question. In our rural county public defender offices, under NRS 260, counties with a population of less than 100,000 can do private workload. It is only limited to the NSPD that you are not allowed to do a private workload. So, would it make a difference? It may. While we have our workload study coming out, it says that White Pine County needs four full-time equivalent attorneys—there is a workload for four full-time equivalent attorneys to be able to do that. If we allowed them to do a private workload, we would probably have to have an understanding of how much workload they are reserving for our public defender work and how much is private practice workload. In all our rural counties, we are having them specify how many hours this attorney agreeing to provide to this county, and then we also need to know how many hours are available for private workload. So that could be part of the puzzle or part of the solution. I think we would also need to ensure that even if they are salaried public defenders, they have sufficient time to provide to our indigent defense services cases, and they are not filling that time with other workload.

Mr. Qualls:

Chair, if I could add a note to that to give you an idea of the fuller picture there. Those two attorneys we referenced in White Pine County do a considerable amount of indigent defense as part of their private practice. One of them currently has a conflict contract for what the public defender has a conflict with. We have approximately 100 attorneys on our statewide rural indigent defense qualified list, and we use them extensively. Ms. Ryba referenced the approximately 60 conflict cases from the Elko Public Defender's Office over the last 14 months that has been largely absorbed by our private attorneys taking appointments—that is a huge part of what we do in our appointed counsel administrator role.

Assemblywoman La Rue Hatch:

Thank you, Chair, and thank you so much for presenting on these important issues today. I notice on the rural workload assessment, there are all these recommendations, and then it says rural counties must comply with the study by November 1, 2024. We just talked about the struggles they are having with the staffing. My question is, if they do not or cannot comply by that date, what is the consequence, or what are the next steps after that occurs?

Mr. Qualls:

We do not know because we are not the body or the entity that gets to decide what happens with compliance. We can present the extent to which each county has met these numbers to the court monitor. In *Davis*, there is a court monitor that we report to quarterly, and she then prepares quarterly reports that go to the court that oversees this *Davis* settlement. There has not been a lot of feedback from either the plaintiffs or the court on compliance yet, so that is a hard question to answer. We have been talking to counties about efforts towards compliance so we can show what steps these counties are taking and what they are doing to cooperate with us to meet compliance. You heard about all of the ways we are trying to get more people out to these counties, and hopefully we will at least be considered as substantial compliance. But again, we are not the ones that get to decide what that is or is not.

Assemblywoman La Rue Hatch:

My second question is on the solutions and how we are trying to get more folks into these rural areas and especially on the housing stipend. I know you mentioned that there is a critical shortage. My question is, how are you anticipating that those stipends will help if there is not housing to be had in the first place? Have you had those conversations about what you will do in those scenarios?

Ms. Ryba:

We are exploring what other states are doing when we are trying to find creative solutions for this shortage. What we are coming to find out in talking with attorneys that are going or trying to go to these rural counties is that there is not any sort of housing available. We have talked with other State agencies, and it is our understanding that some are allowing individuals to live on State property in a mobile home, for example, or in an RV. I do not know if that is necessarily realistic for public defenders if we are required to be in court and in the city, but it is one possible solution that we could look into. The stipends would be good, but there is no housing for rent in these areas. That is the feedback we are receiving from some public defenders that have tried to move there. When you look at the available housing—there are some houses available, but they are very expensive, especially if you do not know how long you will be in the area. I believe that the stipend could serve as some encouragement for individuals that might be from rural counties or have connection to go back there—it could assist with higher costs of housing if they were to buy something in the area. Other states have had success with stipends. We shared a Soval Solutions Final Deliverables and Recommended Next Steps report where they highlighted, I believe it is South Dakota that provides that stipend, that extra \$1,000 stipend, to be able to get individuals there. We are thinking creatively, but if there is no housing available for people to move there, how can we get attorneys there? That is why we are looking at creating an office in Clark County—it would allow people to drive to court and stay in hotels for the period of time that they are there—as a way to provide that coverage. We are just in that exploratory phase at this point and seeing what other states are doing in order to see what is going to work. This is part of the reason of why we were reaching out to the LCB, to see if

we could use research resources here regarding what other states are doing and what we should try to replicate. I do not think we need to reinvent the wheel if there is something successful in another state which is how we got that idea for "Lasso." I shared with you what Washington is doing of providing stipends for those students to get them out there—we are just trying to find creative solutions of how we can solve this issue.

Chair Miller:

I will go ahead and close this agenda item. Thank you for your presentation.

AGENDA ITEM VI—PRESENTATION ON STATE EFFORTS TO PROMOTE INDIGENT DEFENSE SERVICES IN RURAL AREAS

Chair Miller:

Our next item is the presentation on State efforts to promote indigent defense services in rural areas. Our presenter is Jessica Guarino, Policy Analyst from the National Conference of State Legislators (NCSL). Can you also explain briefly in your introduction what the NCSL is so that everyone is aware? (Agenda Item VI).

Jessica Guarino, Policy Analyst, NCSL:

Good morning, Chair and Members of the Committee. Thank you so much for inviting me to speak with you all today. I work on a number of criminal justice policy issues including indigent defense. Today, I am going to speak with you about state-level efforts to promote indigent defense services in rural areas. The previous presentation set this up really well, and I am excited to provide some additional context from other states.

For those who may not be familiar with NCSL, we are a nonprofit bipartisan organization whose members are all 7,386 legislators and 30,000 legislative staff in 50 states, Washington D.C., and the U.S. territories. We have offices in Denver and Washington D.C. Among our goals is to provide legislatures with information and research about policy issues, both state and federal. Here is a quick little road map of the presentation today. I am going to start off with a brief introduction into how states oversee their right to counsel services. This is going to include looking at oversight commissions, administration of services, and funding of those services. Next, I am going to move into describing the right to counsel and "legal deserts," which were mentioned in the previous presentation, and go into what the research is saying about barriers to legal representation in rural areas. Then we will go into about five different state examples: South Dakota, Maine, Ohio, Texas, and Michigan.

At the outset, I will say that the structural approaches vary greatly from state to state. There are three major components we can think about. The right to counsel services. The first is oversight through setting and enforcing of standards. States employ a variety of approaches here from having no oversight commission at all to having statewide commissions to limited commissions, which fall somewhere in between no commission and a full commission. Thirty-three states right now either have no commission or have a limited commission, meaning that they do not set standards or monitor whether people receive counsel in all cases when they have a right to it.

Next, we have administration of these services, where states take a variety of approaches from administration entirely at the local level, to entirely at the state level, to a mix of administration from state and local. Generally, these services are focused on trial-level

services rather than appellate services, and the administration comes through a variety of manners, such as through non-government organizations (NGOs), through government agencies like public defender offices, or through privately appointed counsel.

Then finally funding—how states are funding the administration of these services. Here it shows how five states have public defense services of trial level, non-capital cases that are funded entirely locally; 30 states have funded public defense services from both state and local sources; and 15 states fund public defense services at the state level. A quick caveat that reimbursement is a big part of the funding component, and we will look at a few of the examples of reimbursement when looking at the states. Here is a chart, for review at a later time, that shows the distribution of how states are funding and administering these services and also whether they have any oversight commissions. A quick note that they make in the distinction of the delivery method that there are public defenders who work as employees of the government or a nonprofit office under the direction of a chief public defender and generally work on public defense cases, but you also have private assigned counsel which work as private attorneys paid by the government to handle cases according to the time they work, the number of cases they take, the activities they perform, or a combination of these factors. Quite a few states use a mix of public defenders and private assigned counsel. Here we have the right to counsel, from *Gideon vs. Wainwright*, which was mentioned previously—reason and reflection require us to recognize that in our adversarial system of criminal justice, any person hailed to court who is too poor to hire a lawyer cannot be assured a fair trial unless counsel is provided to him. The data on whether this target has been met is pretty staggering. We have from the American Bar Association in 2020, that 40 percent of all counties in the United States have less than one lawyer per 1,000 residents. That is what is known as a “legal desert” where there simply are not enough attorneys to provide the public defense services that are required. A *Wayne Law Review* article from the past year noted that rural counties also incarcerate a disproportionate number of people and for longer periods of time compared to metropolitan areas.

One more study I wanted to point out from 2018, which utilized data from the Texas Indigent Defense Commission, found that defendants in rural counties used indigent defense counsel at statistically significantly lower rates than urban defendants. Those numbers came out roughly to about a 40 percent access-to-counsel rate in urban counties compared to 5 percent access-to-counsel rates in rural counties, and of those rural counties, those that had public defender’s offices were rated 11 percent higher regarding access to counsel than those rural counties that did not have a public defender’s office.

While there is no certainty as to why these “legal deserts” are appearing, there are certainly some thoughts in the data that would suggest why this is happening. First, we have low wages—one study showed that average annual wages for attorneys in rural counties are \$20,000 lower than those in urban areas. Next, we have large caseloads—this was brought up in the previous presentation regarding the RAND study from last year. The national caseload guidelines are being exceeded to a pretty great degree, and they have been for a while now. Another factor is frequent travel over long distances for court appearances and client meetings. While I did not initially make a note of this in the presentation, this ties back into the shortage of housing that was discussed earlier. It leads to these huge travel distances for both clients and attorneys. One study from 2018 reported that attorneys in one rural county in central New York traveled an average of 195 miles per case. Additionally, there is a lack of replacements for attorneys who leave or retire, but there is also a lack of specialized representation. Most rural attorneys are generalists because they are providing the legal services for an entire rural area as opposed to urban attorneys who might have more of one type of caseload and therefore are more specialized in it.

The first state example that we are going to look at is South Dakota. In 2013, they passed House Bill 1096 (2013) which created an incentive payment for students who went to the University of South Dakota School of Law, and the payment was in five equal annual installments equal to 90 percent of one year in-state resident tuition and fees. In total, this amounted to about \$12,000 per year and about \$62,000 in total for each attorney to do this. They made an initial appropriation of \$475,000, and in 2019, when they later chose to expand the program, they again appropriated \$500,000 to fund roughly 32 attorneys. The counties they made eligible were those that had a county population of 10,000 or less, municipal populations of 3,500 or less, and they had to agree to provide a portion of the incentive payment. Here is some data on how the program is doing currently. There are 31 current and past participants—15 have graduated, with 12 of those staying in the rural community they went to for practice. I have also included a chart that has the amount of contributions, and from whom, that fund these incentive payments. You can see the state has contributed a portion, the county or municipality has contributed, and they also have the State Bar making a contribution.

Next, we will look at Maine and their rural defender unit. It was originally comprised of five attorneys with just under \$1 million in funding in 2022. As of last year, \$1.6 million had been appropriated to fund a series of positions that I have listed here, to provide public defender services from a rural office. A quote from the agency noted that an estimated \$51 million would be needed to open public defender offices in all 16 counties. A recent agency proposal seeks roughly 2 percent of that \$2.5 million to add public defender offices in several counties. If those counties are established, the proposed offices are designed to handle approximately 30 percent of the adult criminal caseload in the area.

Next, we will look at Ohio. Traditionally, in Ohio, they funded their public defense services with a 50/50 split between state and local funds. Last year, they changed that to funding entirely from the state level. They made \$366 million in appropriations to reimburse counties for indigent defense costs for 2024 and 2025. This is where we get into that reimbursement rate—Ohio set an initial rate set at 85 percent. As of March 2023, they had reimbursed a total of \$18.1 million, but this was limited on their end. They had limited the reimbursement to about \$75 per hour. This did not prevent the state or counties from setting their own payment rates. However, this capped the amount that would be reimbursed. The chart on the slide here, the amounts that were approved for payment versus the amounts that we are reimbursed in the county. Also in Ohio last year, they passed House Bill 150 (2023) which established a legislative task force to study and report on indigent defense—that report should be available within the next couple of months. They also established the Rural Practice Incentive Program. This is a loan repayment style program for attorneys who agree to serve in areas designated as underserved or rural. If the funds are available, participating individuals are to be reimbursed up to \$50,000. In order to fund this, Ohio transferred \$1.5 million from the general revenue fund to the rural practice incentive fund.

Next, we have Texas, which originally created the Texas Task Force on Indigent Defense in 2001. That became the Texas Indigent Defense Commission in 2011. It is tasked with funding, overseeing, and improving public defense in all Texas counties. The Texas Indigent Defense Commission provides sustainability funding to cover two-thirds of counties costs for participating in rural regional public defender programs. In 2020, they awarded \$14.8 million to non-capital regional defender offices and \$3.2 million to regional public defender offices for capital cases. In Texas, they have the Managed Assigned Counsel statute and various program models that fall beneath it. There are three types of programs that can roughly be categorized. They include a program operated by a governmental entity such as a public defender office, a program operated by a nonprofit corporation, or a

program operated by a bar association. I have included two examples here—the Lubbock Private Defender Office and the Capital Area Private Defender Service. The first contracts with Lubbock County to operate most components of their indigent defense system. It includes responsibilities such as attorney appointments, approval of attorney vouchers, and payment of attorney fees. Conversely, we have the Capital Area Private Defender Service that typically does not make attorney appointments but rather establishes who is on the appointment list, which court administration uses to make the most appointments. They also approve attorney vouchers, but payments are still made by the county.

The last state we will look at is Michigan. While these suggestions have not been adopted yet, these are the recommendations their task force is currently looking at. The first would be a Special Assignment Triage Administration, and it would function similarly to Texas with a Managed Assigned Counsel administration system. Those duties would include assigning cases, overseeing the work and needs of attorneys, approving expert and investigator funds, and reviewing approval of attorney invoices. I believe this point was made in the previous presentation as well, but the state agency here made a note that the overwhelming consensus from these attorneys is that there is interest in taking cases if the hourly rate matches the federal Criminal Justice Act (CJA), 18 U.S.C. § 3006A, panel rate with compensation for travel and expenses. Michigan is also looking at creating a network of regional public defenders there. They would act as a backstop to cover cases that get conflicts or are overflows from some rural counties, and this would be accomplished by contracting with nonprofit corporations or establishing some sort of government office. They are also looking at a statewide public defender system that would establish an annual budget, a staff of attorneys, and have the ability to assign cases and regions to attorneys. Finally, they are looking to try to attract younger defense team members to indigent defense services in rural areas. To do so, they are looking at improving tuition repayment programs, establishing prepaid tuition programs, and generally getting high school and college-level participatory programs established to create that pipeline. I have included a slide with all the resources that I have referenced today, including a few more.

Chair Miller:

Thank you so much for your presentation. I am always curious whenever there are programs and incentives to have professionals—it always seems to be to move to rural areas to practice. We see that with medical practitioners; we see that with educators; and of course, now seeing this with attorneys as well. In your presentation for the states that you did review, was there any stipulation of what their commitment of service would be? How long would they remain in the rural areas?

Ms. Guarino:

I have not looked into the stipulations yet, but I would be happy to check and see if they did include anything that might limit that and submit it to you.

Chair Miller:

We would appreciate that because in my experience, I have seen a rural community that hired a new physician and said, “If you stay here for ten years, we will pay off your entire medical school loans.” That was just that individual town that decided to do that. The whole thing is consistency, and we need people to stay there practicing, not just one or two years and out, so if you could, find that information. I know sometimes some communities have amortized your school loan so if you do not meet that commitment, then you will be paying

back that municipality or community at a certain rate. I would appreciate seeing that information.

Ms. Guarino:

Yes, stipulations are in place and I will get you a memo with what those exactly are.

Chair Miller:

Thank you so much. Any additional questions? All right, not seeing any. Thank you so much for presenting with us today, and I will go ahead and close that agenda item. Our next agenda item is Item VII, which is a presentation on "second look" laws and models in the United States and the evidence supporting such reform.

AGENDA ITEM VII—PRESENTATION ON "SECOND LOOK" LAWS AND MODELS IN THE UNITED STATES AND THE EVIDENCE SUPPORTING SUCH REFORMS

Chair Miller:

We will have the Vice President of Policy for Families Against Mandatory Minimums (FAMM), Daniel Landsman, who will be presenting on Zoom. There is also a written testimony on NELIS. (Agenda Item VII).

Daniel Landsman, Vice President of Policy, FAMM:

Thank you, Chair Miller, Vice Chair Scheible, and Members of the JISCJ for the opportunity to present today on behalf of FAMM regarding "second look" sentencing and the need for Nevada to explore these reforms during the 2025 legislative session.

Families Against Mandatory Minimums is a nonpartisan, nonprofit organization that seeks to create a more fair and effective justice system that respects our American values of individual accountability and dignity while keeping communities safe. We advocate sentencing policies that are individualized and fair, protect public safety, and preserve families. As part of our national Second Chances Agenda, FAMM advocates for second look sentencing across the country and at the federal level.

I will begin by talking a little bit about what second look sentencing is. Second look sentencing laws allow courts or other sentencing review boards, such as a parole board, or an indeterminate sentence review board to reevaluate a person's sentence after a significant period of time in prison and determine if that sentence is still necessary. These laws grant people serving lengthy prison sentences the opportunity to have their sentence reviewed and potentially released if they have successfully rehabilitated themselves. Decision-makers retain discretion to reduce the sentence, grant release, or leave the existing sentence in place.

Second look sentencing laws come in many different forms. Legislatures have ample flexibility to determine a mechanism that best fits their existing criminal justice system and prison populations. For example, some second look sentencing laws are limited to people of a certain age. For example, emerging adults who were under the age of 25 at the time of the offense, or people who are considered geriatric by correctional standards. Others can only be initiated by a motion from a state prosecutor, which is often referred to as prosecutor-initiated resentencing.

Families Against Mandatory Minimums has developed principles for second look legislation for legislators when crafting these policies. I provide more in-depth information in my submitted testimony. In the interest of time, I will provide you with the top line principles, which are:

- Broad eligibility criteria;
- Require a reasonable evidence-based minimum time served before eligibility;
- Focused decision-making on the person's situation and condition today, not at the time of their sentencing;
- Include presumptions in favor of release for people who meet certain specific criteria, such as advanced age;
- Avoid unduly long or onerous post-release supervision;
- Provide access to critical reentry programming and supports both during and after incarceration to help ensure that people given second chances are able to successfully transition back into their communities;
- Ensure that victims and victim's families are kept informed about the case and provided with services and resources to help support their healing, as well as provide victim impact statements at resentencing;
- Include a right to counsel on funding for defense attorneys;
- Include a right to appeal;
- Allow people denied release the opportunity to reapply at reasonable intervals, and require that rejections include guidance on what an individual should do to become a strong candidate at their next review;
- Finally, include data collection and reporting requirements.

I will now talk a little bit about why Nevada should be exploring these policy opportunities. Nevada's sentencing policies, like many states in the country, have resulted in a significant proportion of the prison population serving long and life sentences. As of December 2023, there are 560 people serving life without parole sentences, and 1,892 people serving life with parole sentences. Finally, there are 1,888 offenders with sentences longer than 15 years and 1,272 people currently incarcerated that have already served more than 15 years in prison.

Evidence supports the idea that Nevada should give judges—or another determining body—the opportunity to revisit old, lengthy sentences. They can determine if the sentence is still in the interest of justice and an appropriate use of Nevada's finite public safety resources. While not everyone will be ready to come home, many will be.

First, we know that lengthy sentences are not an effective deterrent against criminal behavior. As the Department of Justice's National Institute of Justice states, "the certainty of being caught is a vastly more powerful deterrent than punishment." They go on to say, "prisons are good for punishing criminals and keeping them off the street, but prison sentences, particularly long sentences, are unlikely to deter future crime."

Furthermore, the relationship between age and criminal behavior reveals that lengthy sentences can reach a point of diminishing return as it results to incapacitation and specific deterrence—in other words, prevent an individual from engaging in future criminal behavior. Because young people's brains are still developing through their mid-20s, they are more

impulsive and susceptible to peer influence than older adults and less able to inhibit inappropriate behavior, manage intense emotions, and fully consider consequences of their behavior. Consequently, criminal activity peaks during late teen years and early 20s. In fact, breaking the law is somewhat normal behavior during that period—in self-reporting surveys, most adolescents report they have done so. Fortunately, and thankfully, people grow and change.

As people get older, they become less likely to engage in crime. One recent recidivism study found significantly low recidivism rates, defined in this study as reincarceration for a new criminal offense within three years of release, in people in their 40s, 50s, and beyond. The report found the recidivism rate of 6 percent for people between the ages of 45 and 55 years at release and a recidivism rate of 3 percent for people over the age of 55. This relationship held true for people convicted of violent crimes. Only 4 percent of people convicted of violent crimes released between the ages of 45 and 54 and 1 percent released at 55 or older were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5 percent and 0.4 percent respectively.

There is also promising data in states that have either enacted second look policies or have released a significant number of individuals from lengthy sentence through other means. In Philadelphia, 174 people were resentenced and released after having been sentenced to life without parole for homicides committed as children. After they had been in community for an average of 21 months, only two people, or 1.1 percent, had been reconvicted of any offense. In Maryland, 188 people serving life without parole, mostly for murder, were released after serving 30 or more years because a court ruled the jury instructions in their cases have been unconstitutional. Six years later, only five people, or 2.7 percent, had returned to prison for either violating parole or committing a new crime. In California, of 860 people convicted of murder who were granted parole between 1995 and 2011, only five people, or 0.5 percent, have been reincarcerated for a new crime as of 2011. Lastly, in Washington State as of May 2023, 98 people serving sentences for crimes they committed prior to age 18 had been released from prison prior to their expected release date. Of this group, only two people have been convicted of a new felony crime—both happen to be assault in the third degree—and five people, or 5.2 percent, were returned for a parole violation which is a noncriminal violation of their parole conditions.

Next, I will talk about which states have second look sentencing on the books. Families Against Mandatory Minimums publicly tracks pending second chance legislation and existing second look laws and models. The following states have some form of second look: California, Colorado, Connecticut, District of Columbia, Illinois, Louisiana, Minnesota, New Mexico, Oregon, and Washington. These existing policies vary in scope and structure. As I mentioned earlier, FAMM has long held up the second look policy in Washington, D.C. as the best second look mechanism in the nation. Under their law, people who are serving a sentence for an offense that occurred before their 25th birthdays are eligible to petition the court for resentencing after serving 15 years of their sentence. This mechanism does not exclude anyone based on offense type. Washington, D.C.'s second look law originally only applied to people who were under 18 at the time of the crime, but after seeing the success of people released under that law, the City Counsel extended it to people who were under 25 at the time of the crime.

I have included in my written testimony to the Committee a detailed list of factors judges considered during resentencing, which includes victim impact statements, record of rehabilitation, and critical mitigating factors such as age at the time of the offense. Washington, D.C.'s second look has been a great success allowing that city to safely resentence individuals and loosen its reliance on life and long sentences. As of June 2023,

195 people had been released under this expanded second look law, and only seven people, or 4 percent, had been rearrested. People released under this bill have found employment and success, taking full advantage of their second chances, with some dedicating their time to preventing future violence in their own communities.

As previously mentioned, some second look mechanisms require the prosecuting attorney to bring the motion for resentencing. These policies are often referred to as “prosecutor-initiated resentencing.” Such policies have been enacted in Oregon, Washington, Illinois, and Louisiana, but the first prosecutor-initiated resentencing policy was enacted in California in 2018. The California Legislature passed a bill which granted district attorneys the power to petition the courts for recall and resentencing of an individual. The policy was expanded upon in 2021 with several improvements, including a presumption favoring resentencing for any motions brought by a district attorney.

California further invested in the second look approach through the creation of a three-year, nine-county pilot program that required district attorneys' offices to set up policies for resentencing considerations and a partnership with the county public defender offices. While it is too early to determine recidivism rates for those released, preliminary data analysis from the RAND Corporation show that the California system has resulted in a number of successful resentencing. In the first 18 months of the county pilot program, 105 cases were referred to the court for resentencing, and as of October 1, 2023, 91 cases have resulted in resentencing, with 63 people already released from prison.

Last year saw the continued advancement of second look reforms across the country. Six states passed legislation to either expand or create new second look mechanisms. Colorado, for example, passed a bill which grants people sentenced as habitual offenders the ability to petition for resentencing after serving ten years of the sentence. Additionally, Connecticut expanded their youth parole mechanism to include people sentenced before 2005 for an offense that occurred before their 21st birthdays. Furthermore, Minnesota passed an omnibus criminal justice bill that included a prosecutor-initiated resentencing policy similar to California.

In addition to existing policies, two legal organizations have adopted “model” second look policies for adoption at the state and federal level. The American Legal Institute's *Model Penal Code* includes a provision that would allow incarcerated individuals, regardless of offense type, to petition for resentencing after 15 years, with a reapplication available within ten years of the initial petition. The American Bar Association adopted a resolution urging federal, state, local, territorial, and tribal governments to adopt second look mechanisms that allow people to petition for second look resentencing after serving ten years of their sentence.

Finally, I will talk about what states are considering second look reforms. This year during the 2024 Legislative Sessions, FAMM is currently tracking 82 bills in 23 states that would create or expand upon existing second look mechanisms. These bills, much like the existing ones mentioned before, vary across eligibility and procedure.

As of this testimony, there are many second look sentencing bills working their way through their respective legislatures. Earlier this month, the Virginia Senate has passed Senate Bill 427 (2024)—a bill that would provide people serving long sentences an opportunity for resentencing after serving a set period of time. This bill does not include exclusions based on offense type, but rather has created a tiered system that sets time served requirements of 15, 20, and 25 years based on the severity of the offense.

Additionally, California is considering legislation to provide people serving life without parole sentences an opportunity for resentencing after serving at least 25 years of their sentence. This legislation limits its application to people with an offense that occurred before June 5, 1990. The bill passed the California Senate last year and will be considered by the Assembly during the second year of California's two-year legislative session.

In my written testimony, I provide a breakdown of all 82 bills that FARM is tracking and breaks it down by their parameters and release mechanism type. In the interest of time, I will not go into all those, but FARM stands ready to assist Nevada lawmakers and the various stakeholders as they continue to pursue second look sentencing. I thank you for your time and consideration of our views. I hope this testimony will prove useful as this Committee continues to pursue possible second look legislation during the upcoming 2025 Legislative Session. Thank you so much.

Vice Chair Scheible:

Thank you so much for your presentation. It has been my experience in the criminal justice system, especially in appellate litigation, there are a lot of cases that come before both the district courts and higher level courts of people who are essentially seeking resentencing, and they find creative ways to try to shoehorn their request for essentially resentencing into a motion to correct a legal sentence or a petition for habeas corpus or even a direct appeal of their conviction. I am wondering if states that have the second look legislation, if they have been around long enough, have they seen a reduction in the amount of that kind of litigation? Or do we not have that kind of data?

Mr. Landsman:

I do not have that data on hand. I would imagine that a second look mechanisms such as the District of Columbia's, which has now, at least in its initial form, been around for eight years—I could speak with some stakeholders in the District of Columbia to get a sense of that and respond to you in a timely manner on that question. But I am not able to provide matter-of-fact data at this time.

Vice Chair Scheible:

All right and thank you. I think Senator Harris has a question.

Senator Harris:

Thank you for your presentation. Is there anything regarding rights to legal representation when it comes your turn to have a second look in a lot of these model pieces of legislation across the state? What does that look like? What kind of "heavy lift" is that?

Mr. Landsman:

In the FARM principles for second look, we certainly advocate that people have a right to counsel as they make their petition. I believe the National Association of Criminal Defense Lawyers has their own model that includes, as the name would suggest, strong right-to-counsel provisions. Off the top of my head, I am not aware of the right-to-counsel language in the Washington, D.C. model, for example, but I would be happy to look into that. I know in Washington, D.C., there is an excellent organization called the Second Look Project that provides pro-bono representation to people seeking relief under this. It is certainly FARM's position that people should at the very least have a right to counsel in their initial petition. I would be happy to get more information for you.

Vice Chair Scheible:

Anybody else with follow up questions? I am not seeing any online, in Carson City, or in Las Vegas. Thank you so much for your presentation. That will take us to our next agenda item, which is our overview of the Nevada Board of Parole Commissioners with updates on implementation of legislation enacted during the 2023 Session.

AGENDA ITEM VIII—OVERVIEW OF THE NEVADA BOARD OF PAROLE COMMISSIONERS AND UPDATES ON IMPLEMENTATION OF LEGISLATION ENACTED DURING THE 2023 LEGISLATIVE SESSION

Christopher P. DeRicco, Chairman, Nevada Board of Parole Commissioners:

Good morning, Chair Miller, Vice Chair Scheible, and all Members of the JISCJ. Thank you for the opportunity to provide you with an overview of the Parole Board. The Board of Parole Commissioners consist of six members and one chairman. We are all appointed by the Governor. I have been with the Board since August of 2017, and I have served as the Chairman since July of 2018. Commissioners serve four-year terms. (Agenda Item VIII)

What is parole? Parole is a conditional release from prison. At a sentencing hearing before an individual is confined to prison, a district judge will impose both a minimum and maximum term of imprisonment. After an individual enters the prison system, the NDOC runs calculations to determine when an inmate will be first eligible for parole. The NDOC is the timekeepers, not the Parole Board. Once an inmate is eligible for parole, they are placed onto an eligibility list, and we conduct the parole hearing. Parole is an act of grace, and there is no right to parole. The Parole Board is primarily responsible for making decisions to either grant or deny parole. We make parole decisions, and favorable decisions are passed on to the Division of Parole and Probation (P&P), and they investigate those release plans and subsequently supervise the cases. We also conduct parole violation hearings where we determine whether to return a parolee back to prison or to reinstate them back to the community. We are an independent body. If you look at this organizational chart for the Department of Public Safety management team, you will see that we are included with them. However, the Parole Board sits off to the side, and we are not truly connected to them. We work closely together, and they provide administrative support, but we are an independent body. This is the Parole Board's organizational chart. We are a small agency with two offices, one in Carson City and one in Las Vegas, with 28 full-time employees. The chairman oversees the executive director and the operations of the entire office. Additionally, the Parole Board assists the Pardons Board. The Pardons Board consists of the Governor, Attorney General, and the Justices of the Supreme Court. The Parole Board houses the Pardons Board executive secretary, who also has one assistant.

If an inmate is granted parole, P&P provides parole supervision. Sometimes the Parole Board gets confused with P&P and it needs to be known that we are two separate agencies. Conditions of parole may include drug testing and treatment, residential confinement, no contact with victims, or requirements to pay restitution, to name a few. The Division of Parole and Probation enforces the conditions as ordered by the Board.

The Parole Board is part of the judicial system. Statutes which give us our marching orders and tell us how and what we are supposed to do. The Parole Board offers the system some flexibility—it is not black and white. The court imposes a minimum custodial term dictated when an inmate may first be considered for parole. The Parole Board may then grant parole at any time between the minimum or maximum imposed term of incarceration within statutory authority. In making these decisions, the Parole Board needs to consider many

things, particularly whether an individual can be safely supervised in the community prior to the expiration of their sentence.

We conduct many types of hearings at the Parole Board. A discretionary hearing is exactly that: it is at the discretion of the Board. When an inmate is eligible, the Board will conduct a hearing to determine if it is appropriate to release a particular inmate back to the community with parole supervision. It takes four commissioners to either grant or deny parole. Mandatory parole hearings are generally conducted if an inmate was not granted parole at a discretionary hearing; it is the last chance to get out of prison a little early with supervision. Mandatory parole is set by statute, and the primary consideration is whether the inmate is considered a danger to public safety. While there are many different considerations in a discretionary hearing, the primary concern for mandatory parole, as set by statute, is public safety.

The Board can also conduct geriatric parole hearings for qualified inmates. To qualify, an inmate cannot have been convicted of certain types of crimes—violence, crimes against a child, sexual offenses, or vehicular homicide—nor do they qualify if they have been found guilty to be a habitual criminal. Inmates must be at least 65 years of age and have served a majority of the maximum term of their sentence. The Board also conducts reconsideration hearings. An example of this is when an inmate who was granted parole, but not yet released, is subsequently found guilty of a major violation of prison rules. The inmate will attend another hearing, and the Board will review the details of the violation and determine whether the violation is serious enough to change the previous decision to grant parole.

The Board regularly conducts parole violation hearings which result in either a “return to incarceration” or a “release back to the community to satisfy the requirements of parole.” If a parolee is found guilty at a parole violation hearing for committing certain misdemeanors, gross misdemeanors, felony offenses; or absconding from supervision; or termination from a program indicated in a parole release plan—the Board may revoke parole supervision for an amount of time as authorized by statute. However, if the parolee is found guilty of technical violations only the Board may temporarily revoke parole for a shorter period of time, 90 or 180 days, and then have the parolee reinstated back to the community with any credit for time served. The Board also conducts early discharge hearings. The Division of Parole and Probation initiates this process when appropriate.

Lastly, the Board conducts lifetime supervision hearings. Lifetime supervision hearings are imposed upon certain convicted sex offenders after they have completed the statutory requirements of their underlying offense, either through probation, parole, or completion of sentence. These offenders have an additional term of supervision of at least ten years to life and they are supervised by P&P. The Board, by statute, is required to set the supervision conditions.

This slide reflects our actual numbers for Fiscal Year (FY) 2022–2023. The Parole Board generally has hearings scheduled every day of our work week in both Las Vegas and Carson City. Each of these final decisions required a minimum of four votes to ratify, which equates to approximately 23,608 decisions entered by our commissions in the fiscal year. If you include all our hearings, even those that did not result in a final parole decision, we held 6,912 hearings during FY 2022–2023. We have four hearing rooms, and when necessary, we use all four hearing rooms at the same time to meet our obligations in a timely manner.

This chart shows 4.5 fiscal years of parole consideration hearings by general offense type. This chart represents parole actions by offense group as defined by NDOC. Of note, the above numbers do not include violation hearings, continuances, or hearings resulting in no action. This next chart details the quantity of temporary violation revocations and reinstatements for the first six months of FY 2023–2024. If a parolee is found guilty of technical violations only, there is an incremental maximum revocation period followed by a mandatory reinstatement. In the 2023 Legislative Session, AB 32 (2023) removed the 30-day temporary revocation period, and instead shifted this to P&P. As a part of their system of graduated sanctions, the Division may, in response to a technical violation of the conditions of parole, impose confinement in jail not to exceed 30 days in the aggregate. As of July 1, 2023, a technical violator must now progress through the 90-day and 180-day temporary revocation process before qualifying to be revoked to expiration or within statutory limits on the third or subsequent violation. The statistics on this page only reflect temporary parole revocations and not those with violations that rose to a higher level, such as the commission of a new crime or if they had absconded from supervision.

The next two slides are updates on bills passed in the last session related specifically to the Parole Board. First, AB 32 (2023) removed the Board from setting supervision levels of parolees. This level is now solely determined by P&P based upon an appropriate risk assessment tool. Secondly, violations of certain sex offender conditions or termination from a program indicated in a parole release plan approved by the Division are no longer considered technical violations. Third, the 30-day temporary revocation was removed for parolees, and lastly, temporary violations are credited with any time served. Assembly Bill 462 (2023) added an executive director position to the Parole Board who is appointed and supervised by the chairman. Assembly Bill 479 (2023) made appropriations to the Board for the replacement of computer hardware, software, and related equipment and licenses to upgrade our computer operating systems. The network equipment and software licenses have been upgraded this fiscal year and the computer replacements will occur in the next fiscal year. Senate Bill 67 (2023) revised the definition of “sexual offense” to make the definition consistent with the definition of the term used elsewhere in statute. The purpose of this bill was to clean up legislation so there was one clear definition of a sexual offense, which is captured under NRS 213, and sexual offense meaning ascribed in NRS 179D.097.

In closing, even though we are small, our impact on the State of Nevada is large. Our primary role is to conduct hearings and make decisions to either grant inmates releases to the community under supervision when appropriate or to deny those inmates that may pose a risk to public safety. Certainly, the cost of community supervision is significantly less than supervising individuals in an institutional setting, and our commissioners and support staff are aware of this. Our staff works very hard to do what we can to serve the best interests of all citizens in the State of Nevada. If any of you would care to spend a morning or afternoon with us observing hearings, please feel free to contact me, and I will make sure to set that up. Lastly, our website address is on this slide. Additional information can be found there to include our quarterly and annual reports. Thank you for inviting me today, and if anyone has any questions, please let me know.

Chair Miller:

Thank you. We will go ahead and close the agenda item.

AGENDA ITEM IX—UPDATE ON THE IMPLEMENTATION OF SENATE BILL 307 (2023), WHICH RELATES TO THE HOUSING OF OFFENDERS

Chair Miller:

I will open our next agenda item, which is an update on the implementation of SB 307 (2023) which relates to the housing of offenders. Senator Melanie Scheible, who is also our Vice Chair, will present on that.

Vice Chair Scheible:

Thank you, Chair. For those of you who are not familiar or have not memorized bill numbers, SB 307 (2023) was the bill we passed to move away from solitary confinement in the NDOC. It takes a measured approach with particular goals and particular standards that the NDOC is required to meet in order to eliminate those housing situations.

Over the course of the last six to eight months, I have been talking extensively with our friends at Return Strong and at the Fines and Fees Justice Center (FFJC), as well as other advocacy organizations, along with NDOC and my colleagues from the Legislature to ensure that the standards are being met within NDOC. I think the original implementation date for the bill was January 1, 2024, and it was not 100 percent clear if all the standards had been met by that time. However, as of today, I am happy to report that all the legal standards outlined in SB 307 (2023) have been met. We do not have any more offenders—which is the term we use in statute now for people who are housed in NDOC who are spending more than 22 hours a day in their cell. We do not have any of offenders who are not being assessed at least every 15 days for possible adjustments to their housing if their housing includes significant portions of time being in their cell or being separated from other people. That is the good news. The better news is that NDOC is continuing to work on these policies and exceeding the standards that we set forth in SB 307 (2023). The goal being to ensure that every person who is housed in NDOC has ample time, not just outside of a cell, but to interact with other people such as staff, professionals, or other people who are also incarcerated.

I volunteered to be the point person on this question at the last meeting because I think it is important that we remain in communication during those 18 months that we are not in session as the NDOC continues to implement more policy changes that allow more people to spend more time out of their cells and especially engaging in programming that includes educational programs, workforce development programs, and programs where incarcerated people get to work side-by-side with each other and develop community and social skills and maintain relationships. I think we will continue to exceed the exact requirements of SB 307 (2023), and I will be happy to report back on that again at a future meeting and answer any questions today about the progress on SB 307 (2023).

Chair Miller:

Thank you for that report. It is encouraging to hear that all of the standards have been met. That is what we hope to hear in the interim. Members, do we have any questions? All right, not seeing any questions. Thank you for that. We will go ahead and close this agenda item and place you back on the agenda for later this interim. I will go ahead and open up our next agenda item, which is an overview of NDOC and updates on implementation of legislation enacted during the 2023 Legislative Session.

AGENDA ITEM X—OVERVIEW OF NEVADA’S DEPARTMENT OF CORRECTIONS AND UPDATES ON IMPLEMENTATION OF LEGISLATION ENACTED DURING THE 2023 LEGISLATIVE SESSION

Chair Miller:

We have Director James Dzurenda from NDOC and just a reminder, the meeting materials are on our website, which includes a list of the corrections-related bills from 2023. (Agenda Item X-1).

James Dzurenda, Director, NDOC:

Thank you, Chair Miller, Vice Chair Scheible, and Members of the JISCJ. Today, I am going to go over the future and what was important to me when I first joined NDOC as director in January 2023. The biggest things I faced coming into this agency was the staffing issues as well as the infrastructure issues of the Department and how we were going to tackle all that. First, I am proud to be able to say that our staffing issues, I believe, are going to be going away, which is probably my largest impact on making the facilities safe and making the offenders get their appropriate programs. It results that the communities are safer when my staffing issues are better addressed. The start of the legislative session, we had a 39 percent overall correctional officer vacancy—which we know in Lovelock and Ely were higher—with 52 percent at Ely and 49 percent vacancies at Lovelock. We have hired 100 additional officers since October of 2023. I currently have 96 that are in the academy right now, and believe it or not, I have eight correction officers graduating today.

The reason why we started seeing this uptick and the number of applicants and processing for the graduation was a couple of reasons. One of them is that we hired a national contract company who does recruiting, marketing, hiring, backgrounds, and onboarding—they do everything that a human resources department would do, since we are also short-staffed in our human resources department. Just to get us back on board with a low vacancy rate, we eliminated our human resources department from this application and processing piece. Currently, just to let you know how important this was and how great the company is doing—this morning we pulled up the amount of leads we have for applicants, and we have 5,231 applicants today. That is for correctional officer position, and those are leads, but not all those will be hires. However, it is a great number. Between now and the end of FY 2023-2024, we are looking at hiring up to 400 more correction officers. My goal for FY 2024-2025 is that you will see reductions in vacancy rates up to 10 percent or less. That is enormous for the State of Nevada. It is probably one of the best in the country right now with other states having similar issues as us.

We were able to enact a lot of these bills that were set forth in this last legislative session, and it will help us to create some bills in the future that will be able to make this Department and State a lot better than where we stand. Especially with SB 307 that we just talked about, which hopefully will be eliminating the term solitary confinement forever in the State of Nevada—and I think this is what is going to help us—this and the infrastructure issues that we need help with. (Agenda Item X-2).

Infrastructure, which is our second biggest issue in the NDOC, and we have a lot of capital improvement projects that were approved in the past that are finally coming to fruition. Unfortunately, the whole State has a lot of infrastructure issues that need addressing. We have to go by priority lists. Obviously, I think my priority is the highest, but it is not necessarily public works’ highest priority. We are starting to get those infrastructure issues addressed, such as cell doors at the Southern Desert Correctional Center (SDCC). The cell

doors that were put in place when the facility was built were with the wrong gauge metal so offenders can literally just pop a lot of those doors and open them up. When you are talking about high-security offenders, they are going after other offenders and after staff, so having that problem is a significant security issue. Also, the way the fence line was put in at the SDCC prior to my arrival, with an escape of a violent offender terrorist that escaped from SDCC by being able to go through those fence lines, which should never happen—we have a company that is going to be coming in—this was put on a high priority for public works—to do an infrastructure defense line across the whole facility that is going to be buried in concrete four feet underground. One of our largest issues in the areas where it is close to a mountain and hills is that the water runoff deteriorates and erodes the bottom of the fence lines. This should never have happened. If it was properly put in place when the facility was built, we would not have had these issues today. However, they built the fence lines at the level of the ground, so when the ground erodes below it, holes develop, and animals and people could potentially crawl and go through the fence line. This should never happen in a high security facility. Those infrastructures are being put in place as we speak.

Additional capital improvement projects also included cameras installation in our high security areas where the most potentially violent offenders are and putting them in areas where more potential problems such as assaults, escapes, or incidents have been happening. Those cameras are being prioritized at the High Desert State Prison (HDSP) where those in higher security are more prevalent. We have a four-year plan to increase that across the State so we have more camera coverage. Camera coverage not only helps with security in those areas, but it also helps with safety of individuals so we can monitor from multiple places. They also help with investigations after an incident, to determine how to prevent the next incident, or how to solve a crime, or even how to solve disciplinary issues in the facility if that is all recorded with a camera. My goal this time around is for the infrastructure issues that I was not able to focus on because I was not here when the budget was submitted for those capital improvement projects in 2022. We are doing a full audit of our entire agency's infrastructure which we are going to be prioritizing the capital improvement projects for the upcoming year's budget for the Legislature.

Quickly going over the bills that are the most important, which we have quite a few, but I will go over the most important ones, from my end, that were enacted. First one is SB 307 (2023), which is really a big deal. The intent was not only to increase the out-of-cell time for individuals that are isolated in their cells for 22 or more hours a day (Agenda Item X-2), it is also to protect the wellbeing of the individuals—whether it be the mental health or physical wellbeing of individuals. It will also provide treatment plans for the future so you can pull up any individual in the system that was on solitary confinement status. We have records that show everything, which includes how that commitment has been met. We have it all documented, such as the clinical notes in the medical files documented. The second half of the documentation plan is the future plan for the individuals to make sure they succeed. Those are all important. However, our long-term goals are to safely be able to abolish solitary confinement permanently in the State of Nevada. The only way I can guarantee to do that safely is by increasing recreational areas at each facility in the State, which is what I am going to be presenting in my next budget bill and for the future capital improvement projects. When I do that, it will give me something that was not addressed in the bill, which was socialization and getting individuals to model how it looks in the community. Even abolishing solitary confinement still means individuals could be in segregation—in segregation, they are coming out of their cells more, but the other piece we have to address is trying to get the individuals socialized, especially those with a diagnosis of paranoid schizophrenia, trying to make sure, before they are released, that we can safely get them together with other individuals so when they are released in the community, they do not have these issues where they are scared to be in public, scared to be around

individuals, and cannot socialize properly. In my next budget bill, we want to find ways that we can do this all safely so we do not get anyone hurt but still allow the clinical intervention and program piece to get socialization together, which to me, is going to be just as important as the solitary bill itself.

The next part of this was AB 35 (2023), which was telecommunication devices. Just last week, we signed the contract with ViaPath through the National Association of State Procurement Officials (NASPO), which is the purchase order agreement they do nationally for telephones that is going to lower the cost of each of the phone calls we currently have. This is going to be presented in front of the BOE at the next meeting in March or April.

We are also working on the NRS 233B process with interest groups, such as the FFJC, not just our tablets and phones, but also on commissary. We built into this because it is all involving each other. When we start implementing tablets, there will be some fees for some services. My goal with the tablets is not only the whole piece of programming and education, but there are also ways we can reduce commissary costs. That is all going to be built into the NRS 233B process for the tablets and commissary, which we are hoping to implement by the fall of 2024—full access to tablets for every offender.

Next is AB 156 (2023), which is the Medicaid-assisted treatment for offenders. Nevada Medicaid recently just secured an experienced consulting firm that supports the development of the federal Medicaid waiver application. The goal is to establish an advisory committee to ensure the waiver and federal requirements are achievable. The NDOC will be one of the advisory committee members, and the committee should kick off within this next quarter. That is going to be a big deal for our continuation of Medicaid-assisted therapy that was done in the jail system coming over to us or the ones that were in the community that were just sentenced coming to us, so we have an avenue to continue those services. Then also through after sentencing into the community.

Next is AB 195 (2023), the Nevada Department of Motor Vehicle (DMV) offender reintegration. The DMV has implemented the legislation as directed in this bill which allowed for no-cost licensure to formally incarcerated individuals. Assembly Bill 292 (2023) is another big one which funding became an issue for. It is the incarcerated women's dignity health care bill. Nevada's Department of Corrections has made progress in providing hygiene items, and we have changed the hygiene items that were requested to the female population at the Florence McClure Women's Correctional Center. We have also, as mentioned in this legislative session that just ended, eliminated all hygiene overhead costs—so they are at cost for hygiene items with no marking up. As for funding sources? Not sure what happened in this bill, but we did not get a \$350,000 fiscal note to help, which was for a lot of the women's medical services. We are working on the funding for that right now, so we comply by the end of this year with all the women's services that were mentioned in the bill—this includes mammograms, Pap-smear exams, and gynecological exams. The funding is coming, or at least that is what I have been told.

Anyway, AB 452 (2023), the prison visitation and ombudsman bill—the ombudsman request is currently under review right now and will be presented in March to the Board of State Prison Commissioners (BOPC) meeting for review. Once that request process has been approved by the BOPC, that request will be released to state purchasing. We anticipate full approval of the vendor in the contract by the fall of 2024. We are also recommending a committee to oversee this request which we have asked that—well, I do not know if they have been formally asked yet. We are looking for the American Civil Liberties Union (ACLU) to have a representative on this committee since they have a lot of national knowledge on ombudsmen in the other states. We are also asking the Attorney General's Office to join

since there is already an ombudsman services representative from NDOC—as well as someone from state purchasing so we can make sure we have appropriate requests put out. We want to ask the right questions for these companies to answer. We want to get the right ombudsman that we need for the State to monitor the NDOC pieces of the bill that were advised.

On SB 105 (2023), which is the NRS 233B requirements. We have already collaborated with the Fines and Fees Justice Center, Return Strong, and some other stakeholders in drafting new language in the *Nevada Administrative Code* for these new regulations to prepare for this NRS 233B ruling process. We have done a thorough review of all our fines and fees in the Department statewide, which I think was the first time it was ever done. We have had conversations nationally with other states about best practices to get help from these external partners to make sure that we co-align our fees in the NDOC with fees in other states that are doing it correctly. We anticipate starting our workshops by this summer, so we can go before the full Nevada Legislature in August or September this year. The NRS 233B process will allow us to evaluate not only our current fees with the national fees that I mentioned, but also to put best practices in our Department to make it something that was necessary for many years for not only the offenders, but the offender's families, so they are not being targeted as almost victims of the offender's crime as well.

When you talk about SB 153 (2023), which is our transgender, gender nonconforming, gender non-binary, and intersex bill. The requirement under this bill for cultural competencies has been incorporated in our annual program for of our uniformed staff. The Department has also implemented the new NDOC Administrative Regulation 421, which is the prison rape elimination administrative regulation, which is on the March agenda for the BOPC meeting.

Senate Bill 234 (2023), the offender and family communication bill—this is a great one too. It was important for me to share this because when you look at some of these bills that were pushed through, this is one that made an enormous impact on the offenders and the offenders' families regarding family communication. I did submit on NELIS the study we did and two evaluations that were submitted regarding the enormous impact it made on two different families. (Agenda Item X-3). This bill incorporates the Florence McClure Women's Correctional Facility, which allows one free 15-minute phone call every day per offender. This is especially important for those that could never have afforded a phone call; it gave them phone calls for the very first time. The impact on one of the children of the offender—the child got on the phone with the offender and did not even know her mother existed, so the impact it made was very strong. I think that is important to show the impact that these bills actually make on people's lives and to thank the legislators for submitting bills like this that have huge immediate progress and to show how important it is for this to be expanded. In the report in NELIS, you will see the number of calls that were done, the impact it has made—just to let everybody know we did not stop it at the six-month pilot review; we continued it, and we are continuing it at Florence McClure. This, along with getting the tablets implemented statewide, is why the NRS 233B is going to be important for us. We need to explain how these other fees are going to pay for free phone calls for the rest of the State through the tablet program, which we will start seeing even more of an impact on getting close to the family members and reconnecting the community with the offenders.

The next one was SB 351 (2023), which is about offender visitation and communications. We did a survey on visitation with stakeholders. We got about 1,000 of the surveys back, and they provided great insights on how to improve our visitation process. We currently have a committee that was set up that involved stakeholders, Return Strong, and other

family members of the incarcerated at every institution. They are meeting to get additional feedback and to do best practices regarding our visitor process to make it Department-wide and be consistent from one facility to another. We are currently working on a new website that we will utilize for booking visits, allowing family members to get their appointments in on time, and to schedule them. To me, it was kind of a failure with the website we had and did not address everything that we need or continuously work. We are working toward getting a new website set up with the proper infrastructure for a website in place so that it is more useful, friendly, and will continuously work. It caused a lot of stress for the families when they were trying to set up these appointments. We also are looking at more text communication capabilities, not only with when visits are canceled last minute, which we already set up, but also for scheduling in the future. This will allow the visitors to know ahead of time that their visits were approved, for what time, show them the schedules, and send reminders. I think this is going to be important to keep up with the technology on that. This is a huge improvement to where it has been, which also goes back to the staffing issues. We have had very few cancellations of visits in the past six months because of staffing—that has been a huge change and has reduced a lot of stress with the offenders and families, which also helps with reducing incidents in the facilities. With our continued efforts, hopefully we will never see another—at least when we have our staffing up—cancellation due to lack of staffing.

Next is SB 413 (2023), which is about sentence calculations and credits. We currently are in contract negotiations for a Notice system with a company, Harris Syscon, who currently does our vendor management tracking system. What we can also do with this Notice system is that it will incorporate the automatic sentencing calculations. We need this system upgraded in order to do that though, so we do not have to do it all manually on paper, hoping that we got it accurate. This will all be done through the system, so even people in the public will have access to determine when sentences should be ending or if it gets changed based upon programming or completion of credits. This is going to be a big thing, even for the courts, to be able to determine real sentencing structure. They will be able to know what is happening with the sentences and when the offender will possibly get released, and it is not going to be a guess or done on paper, which could have human error in it. With this software vendor, the plan is to have the executed contract done in the next coming weeks, and we will go in front of the BOE at the March meeting. Once that gets approved, the next steps will be upgrading our system with Notice to bring it up to par with not only the sentencing structure, but what is going to be important for the State is the Notice upgrade. It will actually balance and be able to incorporate into the CCDC as well, which is important to me. It will not incorporate with Washoe because they are on a different system. Harris Syscon is also part of the Clark County, which is our largest county where they have the largest amount of incarcerated individuals. It is going to allow us to connect systems with them and them with us, so we can have shared information back and forth regarding history, behavior, success stories, and programs, which are all going to connect through both of those agencies. It would be great in the future to be able to get funding to be able to incorporate the rest of the county systems to have some type of interface into our Notice system, and back and forth. I think it will be a good plan for the future because it is important for community success and reducing victims when we are all on the same system sharing information.

The last one is SB 416 (2023), the offender store bill. Nevada's Department of Corrections is also working with the FFJC and external stakeholders on this commissary operation to have national research done on best practices nationally, so we can model ours after the best one. We are also reevaluating all of our commissary processes, not just the fees but also how we do it and how they have access to it. This is also going to be part of the request process for the commissary systems—so that we can have a system that allows

commissary vendors to compete with each other at the same time while being on contract so that offenders can actively have multiple avenues to select from in order to get the best prices on the best items and know which items will come into the facility the quickest. Another thing which is going to be changing in the NDOC is the three-cubic-foot measurement for the maximum amount of property allowed by offender. We are having commissary bags made as we speak. The bags are made of a strong mesh material that will be able to store three cubic feet of property. This will be how the staff is going to be able to monitor and make sure there is no excess beyond the three cubic feet of property in the cell from commissary—this could actually become a fire hazard, which is why it was built into this bill.

Those are the most important ones and are the hardest ones that I thought we were able to implement as part of the session. I want to thank everybody because, like I said, these bills made a huge impact, not only on the offenders and the families, but on the staff at our facilities. These bills help with reducing tension and reducing incidents in our facilities and making it safer, not for just our staff, but for the offenders to get back in the community. It is great that you can see the impact you make on public safety today. Thank you.

Chair Miller:

Thank you so much for that, Director Dzurenda. That is exactly why we do this because we know that not only internally for the experience of the staff and but also for those that are incarcerated. The whole idea is to get people to return to society, so this is an investment on that return as well. We have a few questions for you. The first one will be from Assemblywoman Hansen.

Assemblywoman Hansen:

Thank you Chair and thank you Director Dzurenda for being here. It is good to see you, and I am feeling so encouraged to get these updates. I know everyone worked really hard on this legislation, and a lot of the advocates, so it warms my heart to see we are making progress. So we will look forward and hold feet to the fire that things get completed. I was excited to hear about the staffing issue since you and I have talked at length, particularly with Lovelock Prison being in my district. I have a visit there, a tour scheduled in March. I want to let other members know they are welcome to join that day, and I will send in that information offline. We are at 49 percent per what you said earlier, and with the good news of having lots of applicants, do you have a time frame or a vague timeline of when you think we might be able to drop to the less than 10 percent you hope to see in the future?

Kristina Shea, Deputy Director of Support Services, NDOC:

Good morning, everyone. So yes, as the Director reported, prior to starting this session, we were at roughly a 39 percent vacancy in the correctional officer space. We are at about 30 percent now, and we are hoping to hire about 400 by the end of the fiscal year. We are hoping to be at the 10 percent probably going into the next session. So that is our goal.

Assemblywoman Hansen:

That is great news. I am glad to hear about the new website, and we had heard multiple complaints from families about how difficult it was to schedule, or they would make appointments, and they would be canceled after they had driven long distances. Do you have a timeline when you think the website might be up and running?

Deputy Director Shea:

Thank you for the question. Our goal right now is to work with stakeholders and understand best practices with the website. Our goal is to work with stakeholders, the wardens, Return Strong, and with our constituents to understand the need. The goal is to hopefully implement something in the short so we can build the website for now. We are going to be continuing to communicate with all stakeholders about the processes so we have consistency until we do that. The goal is in the next six months to have the website completely done and launched.

Assemblywoman La Rue Hatch:

Thank you Chair and thank you Director for coming and sharing all these positive updates and your very clear passion for improving the lives of the people in your care. I wanted to start with that—thank you for following through. My question is about the devices. I was very heartened to see the testimonials you put in about the free phone calls, and I understand that the device fees are going to help pay for that transformative program. During session, there were some concerns about for-profit device companies, such as ViaPath, and the fees they charge for a lot of their services. I wondered if you could speak more to whether you know what those fees are going to be? Also, about the guardrails you are putting in place to ensure that those are reasonable, and we are not putting an undue burden on folks.

Director Dzurenda:

First of all, the initial fees that are done by ViaPath the company are regulated by NASPO. They are identified fees, no matter what company was selected—whether it was Securus, NCIC, ICSolutions—they are all regulated by what is called NASPO. I can provide the NASPO rulings. The National Association of State Procurement Officials dictates what the company can charge. The above cost is the amount what we can look at charging—so if you are looking at how we could take in revenue and what we use the revenue for. If you want to purchase a movie, what is that going to cost? Or if you want to purchase a video game, what will that cost? What we charge is what we are working on with FFJC and with other stakeholders. We are trying to see what we can charge, and what we charge will dictate the revenue that comes in and what we use it for. If there is not enough revenue, do we go up on fees? Or if there is too much revenue, do we go down with the fees? What I wanted to incorporate into NRS 233B are maximum fees, so we cannot go above that in the future or above a certain fee for a certain item or service. There is going to be a list before all this comes out in front of the BOPC. There is going to be a list of what is going to have a fee and what is not going to have a fee, such as the law library. There are no fees for things that are programs like education. Pell Grants are going to be built into it for college courses, so there will be no fees. The fees are going to be enacted on things that are considered, luxury items like playing video games and watching movies whenever you want. There is going to be a fee on that, almost like a Netflix fee type of thing, but there is going to be fees, which is what we need to determine. Like I said, NASPO has a maximum that the companies can charge, and that is what we are going to do under NRS 233B is a maximum of what we will be looking for. I do not want to do a straight fee because I want to be able to balance the fee if we are getting in more revenue with the purchasing of so many video games and movies. I want to have the option to lower those revenues so we can lower the prices for them as we go on. Hopefully that helps, but it will be clearer when this comes out and after we finish speaking with the FFJC, Return Strong, and the stakeholders, and when that comes out in the NRS 233B process with the actual fees. It will be clearer because it is not set in stone yet.

Chair Miller:

Thank you so much. That is helpful. Members, any additional questions? I am not seeing any. I thank you for your robust updates on what is happening specifically with each bill.

With that, I will go ahead and close this agenda item. Given the time that we have, we are just going to keep on pushing through unless people want us to break for lunch. Our next agenda item is an overview of Silver State Industries and discussion of the Silver State Industry's five-year report.

AGENDA ITEM XI—OVERVIEW OF SILVER STATE INDUSTRIES AND DISCUSSION OF THE SILVER STATE INDUSTRIES FIVE-YEAR REPORT (NRS 209.461)

William Quenga, Deputy Director-Silver State Industries, Public Information Officer, NDOC:

Good morning, Madam Chair, Vice Chair, and Members of the Committee. Thank you for having us here today. My name is Bill Quenga, Deputy Director of Industrial Programs, and to my right, I have Justin Pope, who is a ranch manager and oversees our horse program, dairy cattle, and compost down there.

I am ready to start wherever you want to start with the report. I am happy to answer any questions on that five-year report. I have also included just a brief year-to-date of where we are at and what we are doing in prison industries. (Agenda Item XI-1).

I am happy to answer any questions off the five-year report. (Agenda Item XI-2). If there are any.

Chair Miller:

Members, are there any questions? I ask that you please give us a brief overview, maybe some of the highlights.

Deputy Director Quenga:

As the Deputy Director of Industrial Programs including Prison Industries (PI), and I must say I have great appreciation for my staff, even the offenders that are working in PI. It was an honor to have Senators Scheible and Harris come in and tour the NNCC—it was a pleasure to bring them in. The offenders were surprised, and we love to show what we are doing in there. We take a lot of pride in what we do in PI to provide our population of offenders with certifications and skills. We are working through the college to get more certifications and skills so that they have marketable skills upon release. We are also pairing them up with great jobs out there that are sustainable jobs out there in the community.

Prison Industry's mission is to reduce government operating costs and provide offenders with the skills necessary to successfully reenter society and enhance the safe operation of correctional facilities. At this point in the shops, we have a self-supporting operation providing job training, certifications, and marketable skills for offenders in the production of goods and services at little or no direct cost to the taxpayer. Offender workers are able to receive certifications in American Welding Society, screen printing, and forklift operations to improve employability upon release. The shops that are included are auto, furniture, mattress, metal, garment, print, sanitizer, and the ranch operations. These shops produce

quality products for local, state, and federal government agencies as well as private customers.

In addition to providing marketable skills to the offenders, production offsets government costs. Horses are trained in partnership with the Bureau of Land Management's Wild Horse and Burro Program and are adopted out to private owners and supply working horses to agencies such as U.S. Customs and Border Protection, U.S. Department of Defense, and other law enforcement agencies. To add to that, Mr. Pope and I are heading back to Carson City after this hearing because we have a horse adoption tomorrow in Carson City at NNCC. It starts at 9 a.m., and we have approximately 20 horses and one burro, I think. We are excited to do that and even had KRNV News 4 come out yesterday.

Regarding current contracts we have with private enterprise like Dayton Valley Turf, who leases space up in Reno, and we also have Erickson Framing Solutions. We have approximately four up there, and the numbers dropped because there are some issues with developments out there in the community. What we do with this company is we take offenders from Stewart Conservation Camp, who are minimum custody, and they pay for all the wages where they make minimum wage—Nevada's minimum wage is at the lower tier because they have health insurance and pay for the officer's salary. They built wooden trusses for homes and developments out there, which is a great skill. Upon release, they are eligible to go and work for this company which pays \$17 or more an hour with benefits through Erickson Framing. Game Farm LLC, which used to be RKR Diamond Mountain Distributors, sells cards. Companies down here in Las Vegas collect all the cards from all the casinos, and they bring them to us. We have approximately 180 offenders working at HDSP. These cards come in, they put them in a machine and cut the corners off so they cannot be reintroduced into the casinos. Those cards go out to the casino gift shops, Dollar General, and other stores like that. This company keeps them busy. Nevada Organics is a huge company that just invested over \$1 million in operation up in northern Nevada at the Stewart Ranch. They do composting up there and have approximately 40 offenders working there and learning how to do composting. They also have a fiber operation they brought in that they have a contract with a large company, I will not mention the name, but it is in Northern Nevada. The offenders are learning skills over there and earning a wage. They also learn to drive tractors as well as learning about composting. The owner is just amazing, taking care of the offenders and giving them as much skill as they can. He also has an operation down here in Las Vegas. He uses civilians out here.

Before we can entertain any new companies—I have three companies that have approached me that want to start talking about a contract to do business with PI. One of the companies is Sustainable Reform Solutions. They strive to make positive changes in the communities. They have training programs, but they are an ink cartridge company, they remanufacture ink products. They have an operation out in Virginia with Correctional Industries, and they have one in Wyoming. It is a huge company, and it saves Virginia \$2.3 million in cartridge replacements and purchases. We are trying to negotiate to see what the value is of them coming in with skills that the offenders can get. With this company, we are looking to put them into the Florence McClure Correctional Center. I have been working hard trying to get some kind of industry in there for the female population. It has been a few years since we had Jacobs Trading in there. The owner had passed, and then the company dissolved. We are working hard to get on there. By me mentioning this, I would like to get permission from the Committee to proceed and start communicating and working with these companies before I can engage into trying to negotiate a contract. Advanced Chemicals is another company that comes in to work with the NDOC. They do soaps and cleaning products, so we will see if we can help save the Department some cost on their cleaning supplies, such as detergents, soaps, and laundry. I need to dive into more of what else they can and what

skills can they earn and what the wages are—the days of paying them 50 cents or a dollar an hour is something we are moving away from. The most important thing is not just about the dollar; it is about gaining a skill certification, changing their mindset, and their behavior while they are incarcerated so they are prepared to go into the community. The third company that has approached me is Carson Truss. Their parent company is in California. They just opened a business in Mound House, which is just east of Carson City. They have about a 15,000 square foot facility and have 17 civilian employees, but they cannot retain them. They start them at \$17 plus an hour, they work for a week or two, and then they are gone. They heard about what we are doing with Erickson Truss, so I want to meet with them and find out how we are going to do the same contract and go from there because they pay for everything, the mileage, the officers' pay, the overtime, and all that. I would like to get permission, so we can go and start negotiating, maybe put a contract together. The contract has to go in front of the BOPC, BOE, and IFC. With that said, I know under NRS 209 that we must do an impact analysis, which is because the mission of PI is not to take business away from the private sector, which is very important to me. We are not taking jobs from the private sector out there in the community. We would do a study with DETR, the Governor's Office of Economic Development (GOED), and organized labor. We would communicate and make sure we get an impact analysis from DETR as to what other jobs are here, what other companies produce these products, or do these kinds of trades here in the State so that we do not have the community and companies that are displaced or displace other employees out there. This is very important to us and our mission at PI.

Currently with our offender labor—I will go into the industry part of it—as of January 31, 2024, we have approximately 437 offenders that are working. It has been tough to try to get a lot of offenders into the program, as they are going home sooner rather than later. They come in, and then the next thing we find out is that their sentences have been shortened with the time credits. We have a classification as part of the administrative regulation that sets the criteria and qualifications to work in PI. As of January 2024, 119 Silver State Industries offenders work and made over or above the federal minimum wage. Per SB 416 (2023), the capital improvement program wage assessment, these positions will continue to contribute to the cost of room and board through the wage assessment—all other positions will not have a percentage contribution toward room and board.

Being an enterprise and the mandate to be profitable in the industry program—it gets tough, and I commend my staff. They work hard. We are a small group of staff statewide that works and is dedicated to working with the community and the offenders out there. We are struggling a little bit with our retained earnings. We had some funds swept in August 2020. In FY 2020–2021, they took \$250,000 out of the routine earnings for PI, and \$350,000 was taken out of budget account 3727, which had a negative impact on our retained earnings. We must build and maintain comfortable retained earnings to keep the operations going, and if we do not, then we will not exist. I have concerns about that. I am hoping to work with the Committee or somehow maybe a bill draft request down the road, after I have talked to the Director. When they sweep these funds out of the enterprise and the retained earnings to supplement the State General Fund, I do not know if there is a way we can put a bill together where they can replenish that so we can become whole. We are generating revenue, and generally we do not get any general tax fund dollars, but they come in and sweep it, and then we are left to build it again.

Also on the documents I have provided—I have gone through each shop and shop supervisor—so to enhance the program, we cannot use the same tool, the same screwdriver, that we used 20 years ago. We have got to get with time and provide tools and equipment and machinery for the industry programs. It benefits our offenders that are working in that program when we have new equipment and machinery so when they get

outside and work for a public or private company, they are not standing there looking at this machine like it just dropped out of space. We want to try to give them as much real time on the equipment in our program as we try to mimic the private sector as much as we can and work with companies outside.

Towards the end of the packet is a request to spend approximately \$599,000 out of our capital improvement fund to enhance our program. That fund was dedicated to enhancing PI programs for tools, safety, security, and so on. That is all I have, and I am open for any questions.

Chair Miller:

Thank you, and that seemed to be a lot more than you led us to believe. My first question, before we go to Member questions, is when you are asking the Committee to approve—I just want to clarify that you are referring to us as the JISCJ and that based on what is in the NRS, we would be the ones approving the go-ahead to move forward with these programs. If we were not to move in that direction today, how would this hold up the process of where you are at right now with implementation or starting? Is it fair to believe that these programs you mentioned, have you already begun the process? And what would you need from us in order to continue?

Deputy Director Quenga:

So generally, it would delay the process. With future partners, we just have a brief conversation when they call me, and then I make a visit, but hopefully they understand that we can have a brief discussion, but I have to bring this to the Committee. In the past, I have reported to the Advisory Committee on Industrial Programs. I always present to a company that is coming in that we can start negotiating and talking to do a contract, but it takes, from beginning to completion, anywhere from three to six months to get the contract signed. We have to get the impact analysis back from DETR and GOED then also talk with organized labor. The process takes a long time. I know one of the companies, a truss company, is chomping at the bit since they do not have enough employees up there to work, and they know of our other program with Erickson Truss. All I need is the approval from the Committee to say, "Continue." Then, if I need to come back and report, I do not see that requirement, but I am looking for direction on that. This is a different committee for me than I have historically reported to on the Committee on Industrial Programs.

Chair Miller:

When you say you are looking for us to approve or to continue—what specifically would you be asking us to continue? Where specifically is it in the process? What specifically would you be asking us to approve to continue?

Deputy Director Quenga:

I am just asking for this motion from the Committee to say "proceed to negotiate," or "continue and move on to negotiations."

Chair Miller:

Thank you. We will move to a question from Assemblywoman Hansen.

Assemblywoman Hansen:

Thank you Chair and thank you for being here. I had a question on page five. It was in regard to the chart that shows the farm sales and the wild horse boarding. I was curious on the wild horse boarding. Those figures—who is getting the money? That is money you are receiving for boarding the horses, and who is paying that bill? Are the Feds paying the State this bill for the State boarding the horses? Or are we paying somebody?

Deputy Director Quenga:

We have a contract with the Bureau of Land Management (BLM), and I will defer to Justin Pope, who is the ranch manager that oversees that program.

Justin Pope, Supervisor II and Ranch Manager, PI, NDOC:

That is correct. We have a contract with BLM in which they pay us to house, feed, and care for the horses. We do processing, shipping, adoptions, and other things that are within our contract. Then we also do our training program through which we are also paid from BLM. So that is what you are seeing there is revenue on slide five.

Assemblywoman Hansen:

Ok. Thanks for the clarification. So it is federal dollars coming to the State to board the wild horses. Thank you.

Chair Miller:

Members, are there any other questions? We are going to take a brief pause right now and that brief pause means not a recess.

Thank you for that. We have another question from Assemblywoman La Rue Hatch.

Assemblywoman La Rue Hatch:

Thank you, Chair. I just had a question about Carson Truss and specifically what they are hoping to employ our workers to do? And what their struggles are with getting workers—why is it that people are quitting after a week or two?

Deputy Director Quenga:

If I understand the question correctly, is what skills are we going to provide and what they want us to engage in to partner?

Assemblywoman La Rue Hatch:

That is correct. It is a two-part question. That is the first part. The second part is, is there something going on with the working conditions, with the distance, or with the pay that is causing them to not be able to retain workers?

Deputy Director Quenga:

This company moved, and they have a parent company—I cannot recall the name of the parent company in California, but it is a large parent company. They have been doing this for years. They just set up their operation in September of 2023 in Mound House, Nevada, which is just east of Carson City. They were seeing that there is a lot of development going

on with housing in Nevada, so they set up shop in Mound House. They are struggling, like many other employers out there, to get employees that will stay. The employees they hire are just coming in, working for two weeks, then they get a paycheck, and then they are gone. With their company, they need to be able to stabilize because they have large developments—these homes that are popping up all over the place in Northern Nevada—that they need a sustainable workforce, and they want to use us. Other employers have also reached out to me because they are having issues of not only getting employees but retaining employees out there. It is a win-win for them and us to go out there, and they would earn a wage, they would learn a skill, and then upon release they would work there. It is another opportunity for some of our minimum custody offenders that are out there to get some employment.

Assemblywoman La Rue Hatch:

If I may, what are the skills that they are working on? I do not think I heard the answer to that part of the question.

Deputy Director Quenga:

The skill is carpentry skill. They operate a CNC machine out there. A lot of your homes have these huge trusses, which is the peaks of your homes, in your developments out there. They manufacture these, and they must be built. They must be engineered, so they have their own staff there that does the engineering for it, and then they get all the takeoffs and the designs from the home developers. A lot of these homes that have come out are pretty much cookie cutters, and they all have the same peaks and maybe different square footage. They would learn how to operate these machines, how to put these wood frames together, how to push them out, how to stack them, how to load them on the trucks, and they have their own trucks that deliver these to all the job sites.

We are also working in PI, with Justin Pope here next to me, we are looking at working with DMV about trying to start up a commercial driver's license (CDL) program for these offenders. They could have an opportunity to get their CDL license, and they could probably do some deliveries and work with these guys when they get out. I know the compost company that we have, they have approximately 30 trucks that come in daily from Fernley into Carson City that deliver fiber. The fiber that comes in has to be driven in and maintain a 10 percent or less in moisture content. What a great partnership that would be if we can get a CDL program, get these guys licensed up so they could drive the vehicles back and forth from Fernley back and then stay at the camp overnight. I hope that answered the question.

Chair Miller:

Any additional questions? Not seeing any. I thank you for your presentation, and we will go ahead and close this agenda item. Thank you.

We have our next agenda item, which is a discussion by our advocacy organizations of their involvement in the implementation of corrections-related legislation enacted during the 2023 Legislative Session. We have Nick Shepack from FFJC and Jodi Hocking from Return Strong.

AGENDA ITEM XII—DISCUSSION BY ADVOCACY ORGANIZATIONS OF THEIR INVOLVEMENT IN THE IMPLEMENTATION OF CORRECTIONS-RELATED LEGISLATION ENACTED DURING THE 2023 LEGISLATIVE SESSION

Nick Shepack, Deputy Director, FFJC:

We are going to try to be brief here and get through our updates on the legislation from our point of view and how implementation is going. (Agenda Item XII A-1).

I am going to start with SB 416 (2023), which was our cost of incarceration bill. We have some numbers to start with, and these are a very conservative estimate. Since the passage of this bill, we are saving families over \$1.1 million a year we expect with the continued work. When we dive into these numbers, that number will go up significantly. You have put money back in the pockets of Nevada's families through this reform. Here is a list of fees that were eliminated from that bill, which was many more than we may have even thought of. There were more copays than we knew, including copays for prosthetics, which have now been eliminated and have helped people a lot.

As Director Dzurenda mentioned, we are working closely with them going through the NRS 233B process. The Director and Deputy Director Shea have been excellent in working with us on this. We are going to put caps on all the fees they can charge. We are working on caps as to how much revenue can be held within the Inmate Welfare Fund, which will allow us to reduce prices across the board, as long as revenue continues to come in. We believe this will be long-term protections for families and individuals who are incarcerated. We look forward to continuing that work.

We have continued concerns. The tablet fees—our concerns are not on the end of the Department, but all of our research suggests that these for-profit companies do everything they can to make as much money as they possibly can for their shareholders. We think that the NRS 233B process will offer some protections, but we want to make sure that this Body continues to look at how much money is being generated from these tablets. Also, if it is possible, we need to do some reforms in the future and need to backfill from the State General Fund. Something new that we discovered is individuals who are incarcerated are charged for their work equipment, whether that is boots, certain uniforms, or ServSafe Food Handler Cards. If you take all the work equipment, the physical equipment that we have records of over the last nine years, incarcerated individuals were charged almost \$500,000. Due to poor equipment at one of the firefighting camps, a woman had suffered injuries, and there was a recent lawsuit that the State settled for \$340,000. We essentially lost 70 percent of nine years of collections for these items in a single incident. If the State picked up that tab and provided the equipment—and yes, you would need the money from the State—we would be able to avoid this. People are not making enough money while incarcerated to afford this to begin with. Same thing with the ServSafe cards. The average culinary worker, the median in their pay range, makes \$463 a year, and these ServSafe cards cost \$10 to \$30, which could be anywhere from a month to three months' pay for an individual. If you were to hire an outside individual at the State's minimum wage, it would cost you, for each one of those employees, almost \$18,000 more. They are providing an essential service, and there is no reason that the State should not be picking up the cost of these cards. That is a new concern that we are bringing to you.

Another concern that I think we are going to be able to address with this NRS 233B process that we want to make you aware of is that since 2022, over 100 commissary items have increased by 18 to 20 percent on average. This is hurting the reforms we are doing on the hygiene items because it is essentially erasing the markups there. Again, we hope to work

through the NRS 233B process to adjust these costs, but most of these costs are coming from the commissary provider, but we are seeing pretty large increases, way above inflation, out of cost for items in the NDOC.

We are always concerned about debt upon release. People are being released with large amounts of debts. The collection rates are in the single digit percentage, but these people are being sent to collections. It is hurting their ability to build credit. You saw the wonderful individuals who came here and spoke today. It makes it so much harder for them to do this if they owe the State money when they are released. I went over the recommendation, but essentially, we need to continue to work with NDOC stakeholders to identify those line items that should be paid for by the State, that we need to pay for, then that will take them out of the Inmate Welfare Fund and that will allow NDOC to do the work. The director was talking about reducing costs to everyone. We need to cover the cost of these work-related items. It is not a huge cost to the State, but it would make a huge difference to those individuals who are working, and we need to continue to work on ending debt upon release so we can have more success stories like the ones we heard today. That is the end of my presentation on this. I was asked to give a brief update, and I talked with stakeholders, I talked with Mass Liberation about the dignity for incarcerated women's bill, and essentially, as the Department said, what we need is more data, which includes the timeline for when that funding is going to come. There is a request to know the numbers of services provided, and then we want to partner with the Department in order to do a survey of the women at Florence McClure to see how these services are going. I am happy to facilitate those conversations, but we do not have enough information to provide any sort of real update on that legislation, and I will pass it over to Jodi Hawking.

[Mr. Shepack submitted a link to an article for the record. (Agenda Item XII A-2)]

Jodi Hocking, Founder and Executive Director, Return Strong Nevada:

Good afternoon. Thank you. My name is Jodi Hocking. I want to start by saying that it has been a tremendous improvement in openness and transparency with the communication that is going on between the Department and stakeholders. I do not want the things that I am going to say to be interpreted as negative; I just think there are always two sides to a story. I agree absolutely with everything that Director Dzurenda talked about. We are seeing those positive impacts. I want to take a couple of minutes to talk about some of the areas where we are having implementation issues, and we have talked about all these, so it is not a secret, just so that we know.

Tablets, we already did. This PowerPoint (Agenda Item XII B) was for me. As far as protecting visitation with AB 452 (2023) and SB 351 (2023), as the Director said, we have created a joint committee of senior staff, associate wardens, wardens, and stakeholders representing all of the facilities, and we are collaboratively writing updated visitation administrative regulations. We have feedback from directly impacted people who are in prison as well as families and from members from the Mass Liberation Project. We pulled all of that together into what I call our "student counsel of NDOC visitation" because I do not know how else to explain it. We all are working together and collaborating on how to create policy now that takes the expectations of those bills and ensures they happen. We are doing good, and that is in process.

The Ombudsman, as he said, we are waiting on language and then the administrative processes that need to go through. One of the bills we have seen some areas that are not as smoothly implementing is around AB 121 (2023), which was Assemblywoman Considine's bill around the mail, keep on person (KOP) meds, refilling meds, and then emergency

contacts and medical consent forms. There is not an issue or concern with the mail right now; that is running smoothly. I believe there are some scanners that are going to be purchased to scan, but people will still be delivered their physical mail, which was the point. The KOP medication—there is a concern with that in terms of there was language in it that said critical life-sustaining medications and it has become a disconnect. We thought that all KOP meds would be automatically refilled without people needing to submit kites (internal prison requests or messages), and some facilities are doing it that way, and others are not. I anticipate that we will be able to work through that process and find a solution to it. I think where it seems to be caught is defining what are critical life-sustaining medications, so a person taking a medicine may be considering it life-sustaining, while the medical director or NDOC may not have it on their list, which causes it to not be automatically refilled. I think this is something that can be resolvable though; we just need to do some work on that.

The other thing is around emergency contacts, medical consent, and medical consent implementation—especially around the medical consent forms. A lot of people who are in prison have been in for 30 years, and they have no idea what HIPPA is or do not understand why they need a HIPPA form until they are in the hospital, terminally ill, or until they get injured, and then it is too late, and they cannot get somebody to sign it. What has been happening in a lot of facilities is that forms have just been put out without any type of education or telling them what they are, why they need them, and who to assign your information to. We have had conversations and are working on ways to educate the incarcerated population to be able to help them understand and to educate families on why it is important to open that discussion.

Regarding SB 307 (2023), I would like to add two things. One is in regard to the staffing, and while staffing is improving, and we have all of these applications, and we are hiring people—one of our concerns is that there is a growing inexperienced workforce that are now working in the prisons with an expectation to be able to deescalate situations and deal with crisis intervention. There have been two deaths this year. I talked about Christian earlier, and there was another man that were both having some type of crisis, and it resulted in their death when officers intervened. I pulled the data from our letters from 2023. We had 374 letters that were specifically about excessive use of force, retaliation, and unethical abuse of conduct by the corrections officers (CO). My concern is, do we know what the baseline was before? This is a data question. What was the baseline before all of these staffing changes? Are we going to see patterns of increase? We are tracking. I did not bring the numbers for 2024, but we are going to track quarterly from our letters. This is an important area that we need data collection on in order to see how that happens.

The other thing that I want to say is that SB 307(2023) is a phenomenal bill, and we made some historical strides in it, but it is very much written for the letter of the law. It is 22 hours out, which is a lot of hours to be in a cell. Across the country and in alliances we are working on, it is getting to the heart of the matter, which is what Director Dzurenda was talking about. How do we become a state that does not use solitary confinement? And what is the definition? Is a lockdown solitary? I want to be clear that we are ecstatic about the work that did happen, but we think there is a long way still to go. I do not ever want it to seem like we are done with that—checkmark for us.

This is not about past legislation. When we make changes across the board, whether it is in prisons, or social movements, or any of those things, language matters. That is why in the disability movement, we stopped using certain words. We stopped saying “inmate” and switched to “offender.” I say “people” just to confuse them sometimes. One of the things that has been discussed among families and in our cohorts are the differences between

prisons and correctional centers. It is rooted in cultural change and how we look at it. What is the purpose of prison? If prison is intended to punish and be punitive, or are we looking—these conversations we have all the time lean more towards correctional, and there is programming available, and people are treated humanely. We make sure they have enough food and hopefully quality food that has good nutritional value. I know that it is something that is being talked about a lot, not just to be a word change, not just to be, “Ok, Ely is now a correctional center,” but to also back that up with the cultural changes that would be required to make a commitment to that. I wanted to say that it is something—I do not know if I have ever heard it discussed and do not think I have ever said it—I think it is something that in the course of talking about language and incarceration to think about.

I want to give a shout out for Mass Liberations who is hosting an educational event so people can look at the types of cultural changes happening in other places around the U.S. and in other countries. There is a webinar on March 5 from 10 to 12. I will send you all an email.

Chair Miller:

Thank you for that. Members, are there any questions? I have one question going back to the women's dignity bill. I meant to ask it when Director Dzurenda was presenting, but has there been any consideration or contact or reaching out to additional public grants that may be available? Or even some of the programs that provide mammograms for women? There are programs where they do mammograms right there in trailers and vans that are mobile. Maybe try contacting them and having them come out. Also, medical students—I toured one medical school here where they practice—I hate to use the word “practice,” but they gain their experience on volunteers when it comes to providing pelvic exams and pap smears. We know that students need hours to gain that experience. We should try those avenues as well. I think we can all agree that while there is a financial process to go through, a person experiencing any kind of health issue does not have 6, 9, or 24 months to wait. Could you respond to that?

Deputy Director Shea, Previously Identified:

Yes, Madam Chair. We are working very closely with external partners. Dr. Williams, who joined us a number of months ago, is overseeing our medical program and is working closely with our staff, my staff, and the director to partner with CDR Health. We just recently started bringing in mobile clinics and mobile vans, and all these things are starting to happen. We are working with partners; however, one of the things from my perspective is making sure the funding sources are there, so we can make sure we can pay for things. We are working really hard on that at the moment. Thank you for the question.

Chair Miller:

Thank you for that. Members, any additional questions? All right, not seeing any. I will go ahead and close this agenda item. Thank you for your presentation and thank you for the Department's continued expectation to work with stakeholders and impacted communities. We appreciate your openness to continue that work together. With that, we will move on to our last agenda item.

AGENDA ITEM XIII—PUBLIC COMMENT

Chair Miller:

Our last agenda item is public comment. We will take public comment here in Las Vegas, Carson City, and by the phones.

Tonja Brown, Previously Identified:

Good afternoon, Madam Chair, and Members of the Committee. I want to say thank you to all the presenters. They did such an excellent job on presenting today. I am going to bring up some things that were discussed. I want to give you the creative idea in dealing with NDOC. That is with the DIDS—this has been a long ongoing problem for decades trying to find housing and getting people out there. Housing is a must in order to bring a candidate to work in the rural counties. Would it be possible for you to consider the following: NDOC has offenders who have become paralegals and are very knowledgeable in the law, and some of these offenders have been released and are now working with attorneys. There are some offenders who have been in there for years and will never be released, but perhaps they could be given the opportunity, should they be released, to go out and work in the rural areas, helping the public defender, thereby freeing up the attorney's workload. Also funding a program within NDOC to obtain a paralegal degree and those that have a degree would be able to work within the institutions to help the public defenders with these cases and work on the appeals. We believe offenders would be interested in doing something like this while they are incarcerated and then have the opportunity to move to a rural county when they are released. This would be something I think a lot of them would be interested in doing, especially if they have been in for a long period of time because they do not know how to adapt as they are coming out into a new world, and it might fit them perfectly. Also, if NDOC set up a work camp or housing on State property throughout the State to build housing for these individuals and their staff. I do not know if Nevada allows ex-felons to become attorneys, but maybe that should be changed as well, because you have attorneys that commit crimes, and the Bar will take their license away for a period of time, but they are able to get their license back. Why should we not be able to do this for inmates or for the offenders coming out, if that is possible.

The Susan G. Komen Foundation—I do not know if the NDOC still has the race for the cure that was open to all the institutions where money was raised. The Susan G. Komen Foundation should bring in their mobile van into the women's facility and give free breast exams and mammograms at that time. I can tell you that thousands and thousands of dollars have been raised by the offenders over the years. That money was sent and given to the Susan G. Komen Foundation. I have been present at some of these award presentations over the years—I do not know if it still continues, but that is another area.

Then the BOPC meeting in March which is dealing with the administrative regulations. Whenever they do administrative regulation, you will always notice that it says it is a temporary regulation, so it is subject to change. If you are going to create laws with NDOC, try to enforce it so they cannot come back in 10 or 20 years or when they get a new BOPC and have it changed to make it mandatory that can never be changed. Then it would not be listed as a temporary regulation. I think that is it. Thank you.

Chair Miller:

Thank you so much, Ms. Brown. Is there anyone else there in Carson City that would like to make public comment? I am not seeing anyone there, and there are no callers wishing to

offer public comment at this time. I will go ahead and close public comment. That was our last agenda item for today. I want to thank everyone again, all of the presenters and Members for having such an efficient and quick meeting for today.

[Subsequent to the meeting, public comment was submitted by:

- Amanda Luz Marin, MHA/Informatics (Agenda Item XIII).]

AGENDA ITEM XIV—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:28 pm.

Respectfully submitted,

Jen Jacobsen
Research Policy Assistant

Diane C. Thornton
Chief Principal Policy Analyst

APPROVED BY:

Assemblywoman Brittney Miller, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item III	Assemblywoman Brittney Miller, Chair	Minutes of January 19, 2024, Meeting
Agenda Item IV	Doug Unger, Member, Nevada Prison Education Project (NPEP) Kesha Westbrook, Member, NPEP	Microsoft PowerPoint Presentation
Agenda Item V-1	Marcie Ryba, Executive Director, Nevada’s Department of Indigent Defense Services, Nevada’s Department of Indigent Defense Services (DIDS) Thomas Qualls, Deputy Director, DIDS	Microsoft PowerPoint Presentation
Agenda Item V-2	Marcie Ryba, Executive Director, Nevada’s Department of Indigent Defense Services, DIDS Thomas Qualls, Deputy Director, DIDS	Packet of Information
Agenda Item VI	Jessica Guarino, Policy Analyst, National Conference of State Legislatures	Microsoft PowerPoint Presentation
Agenda VII	Daniel Landsman, Vice President of Policy, Families Against Mandatory Minimums (FAMM)	Written Testimony
Agenda Item VIII	Christopher P. DeRicco, Chairman, Nevada Board of Parole Commissioners	Microsoft PowerPoint Presentation
Agenda Item X-1	James Dzurenda, Director, Nevada’s Department of Corrections (NDOC) Kristina Shea, Deputy Director of Support Services, NDOC	LCB Memo regarding 2023 Correction Legislation

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item X-2	James Dzurenda, Director, NDOC Kristina Shea, Deputy Director of Support Services, NDOC	Chart
Agenda Item X-3	James Dzurenda, Director, NDOC Kristina Shea, Deputy Director of Support Services, NDOC	Report
Agenda Item XI-1	William Quenga, Deputy Director-Silver State Industries, Public Information Officer, NDOC	Written Testimony
Agenda Item XI-2	William Quenga, Deputy Director-Silver State Industries, Public Information Officer, NDOC	Report
Agenda Item XII A-1	Nick Shepack, Deputy Director, Fines and Fees Justice Center (FFJC)	Microsoft PowerPoint Presentation
Agenda Item XII A-2	Nick Shepack, Deputy Director, FFJC	Article
Agenda Item XII B	Jodi Hocking, Executive Director, Return Strong	Microsoft PowerPoint Presentation
Agenda Item XIII	Amanda Luz Marin, MHA/Informatics	Written Public Comment

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