

**MINUTES OF THE
ADVISORY COMMISSION ON
THE ADMINISTRATION OF JUSTICE
MARCH 5, 2014**

The meeting of the Advisory Commission on the Administration of Justice was called to order by Senator Tick Segerblom on March 5, 2014, at 9:08 a.m. in the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada, and via simultaneous videoconference at the Legislative Building, Room 3137, 401 South Carson Street, Carson City, Nevada. The Agenda is included as [Exhibit A](#) and the Attendance Roster is included as [Exhibit B](#). All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMISSION MEMBERS PRESENT (LAS VEGAS):

Judge David Barker
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
Catherine Cortez Masto, Attorney General
Assemblyman Wesley K. Duncan, District No. 37
Lisa Morris Hibbler, Victims Rights Advocate
Assemblyman Jason Frierson, District No. 8
Justice James W. Hardesty, Nevada Supreme Court
Phil Kohn, Clark County Public Defender
Senator Tick Segerblom, Chair, District 3

COMMISSION MEMBERS PRESENT (CARSON CITY):

Connie Bisbee, Chairman, Board of Parole Commissioners
Senator Greg Brower, District No. 15
Greg Cox, Director, Nevada Department of Corrections
Mark Jackson, Douglas County District Attorney
Jorge Pierrott, Sergeant, Department of Public Safety, Division of Parole and Probation
Richard Siegel, American Civil Liberties Union of Nevada

COMMISSION MEMBERS ABSENT:

Larry Digesti, Representative, State Bar of Nevada
D. Eric Spratley, Lieutenant, Washoe County Sheriff

STAFF MEMBERS PRESENT:

Nicolas C. Anthony, Senior Principal Deputy Legislative Counsel

Angela Hartzler, Deputy Administrator, Legal Division, Legislative Counsel Bureau
Olivia Lodato, Interim Secretary, Legal Division, Legislative Counsel Bureau

OTHERS PRESENT:

Marshall Clement, Director, State Initiatives, Justice Center
Craig Prins, Oregon Criminal Justice Commission
Tony DeCrona, Deputy Chief (North), Division of Parole and Probation
James Austin, President, J.F.A. Institute
Elizabeth Ortiz, Executive Director, Arizona Prosecuting Attorneys Advisory Council
Vanessa Spinazola, Legislative and Advocacy Director, A.C.L.U. of Nevada
Terry Kupers, M.D. M.S.P., Professor, The Wright Institute
Martin Horn, Distinguished Lecturer, John Jay College of Criminal Justice
Mike See, Captain, L.V.M.P.D., Clark County Detention Center
E.K. McDaniel, Deputy Director, Operation, Department of Corrections

Chair Segerblom opened the meeting and requested a roll call of members present.

Mrs. Angela Hartzler called the roll. A quorum of members was present.

Chair Segerblom asked if there was any public comment at this time. There was no public comment. He requested approval of the minutes.

ASSEMBLYMAN FRIERSON MOVED TO APPROVE THE MINUTES OF
THE JANUARY 27, 2014, MINUTES.

ASSEMBLYMAN DUNCAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Segerblom asked Justice Hardesty to update the Commission on discussions regarding the Justice Reinvestment Process.

Justice Hardesty said there was approval in the previous meeting to include the Governor as part of each branch of government's request to seek participation from the Justice Reinvestment on a variety of topics. He said he and the Chair met with the Governor on February 19, 2014, and he was receptive to the request. He had reviewed all the material provided in advance of the meeting. He was interested in what occurred in other states. He said they were in the process of developing a letter making the request.

Chair Segerblom said it was impressive that everyone was committed to making the process work. He asked Mr. Anthony if he had further comment.

Mr. Anthony said staff had followed up with the Governor's staff and provided information from several states. He said there was a possible time line of mid-March for a letter from the three branches of government to the Council of State Governments, (CSG).

Chair Segerblom called on Mr. Clement for his presentation on the Justice Reinvestment Initiative Process.

Mr. Marshall Clement, Director, Council of State Government Justice Center, gave testimony via video communication from Seattle. He provided two handouts for the Commission. The first was [Exhibit C](#) discussing their efforts in other states as well as the justice reinvestment approach. The second exhibit, [Exhibit E](#), was a report from 2007 when Nevada went through justice reinvestment and used the approach in 2006 and 2007 to look at the drivers of a fast growing prison population. He recapped the 12 slides in [Exhibit C](#). Page 4 of the presentation described justice reinvestment. He said 18 states used a justice reinvestment approach. He said in April, 2007, a report was published concerning justice reinvestment in Nevada to increase savings. He referred to A.B. 510. Mr. Clement referred to Texas and North Carolina's post-justice reinvestment programs. He said supervision had a huge impact or none at all, depending on use of key principles.

Chair Segerblom noted the video communication was no longer working. He requested Mr. Prins from Oregon give his presentation.

Mr. Craig Prins, Oregon Criminal Justice Commission, said he prepared a slide show for the Commission, [Exhibit D](#). He said he worked for the Oregon legislature for the Judiciary Committee and as a prosecutor in Portland. He said they passed a bill, House Bill 3194, (HB 3194) as a justice reinvestment bill. He referenced [Exhibit D](#).

Chair Segerblom asked if the bill said savings obtained from one end were invested in another end.

Mr. Prins said you could not bind a future legislature, but in the bill they tried to make it clear that the purpose of the savings would be put into local public safety systems. He outlined how the process worked in Oregon. He said they changed their marijuana offenses and that transition leave was very important, [Exhibit D](#). He said Oregon had a big divide between the rural areas and the four populated areas around Portland and Salem. He referred to the justice reinvestment account which started with 15 million dollars. He said it was an outcome based grant process. One of the best parts of the bill was the Oregon Center for Policing Excellence. He said it was assumed that it would work and they could reduce the operational prison budget for 2013-2015. He outlined the areas where the funding was placed, [Exhibit D](#). The last slide of the presentation showed the projected savings in prison costs. He said the project was a lot of work and he was glad they did it.

Justice Hardesty asked about the initial funding allocations to help support the program. The slide showed \$9 million for drug courts. He asked if there was a special allocation of money for mental health courts or mental health support.

Mr. Prins replied that it could be called specialty court inclusive of mental health courts and they will get the funding. The stimulus package from the federal government in 2009 was used to build up their drug courts. He said most of the \$9 million in funding would go to an addiction treatment, sanction, and supervision. He said dual diagnosis goes together with addiction and mental health.

Justice Hardesty asked about victim services. He asked if calculations were made by the stakeholders as to additional resource needs in order to make the program work.

Mr. Prins said there was a needs assessment done by Portland State. He said Oregon's Attorney General and the Director of Corrections were women who dedicated their lives to public safety. They did a listening tour in the counties to learn what was needed. He said the recession hurt the community based victim services. The legislature wanted to buy back some of the lost services. He said part of the bill said future savings at 10 percent needed to go into community based victims services.

Justice Hardesty said a critical component was the early release on a transitional housing basis from prison. He said Nevada had long discussions about problems dealing with transition from prison. He asked if programs were in place for transition programs.

Mr. Prins said in the bill the transition housing was the largest part of the bed savings. Oregon had a statute that said the DOC could approve an individual offender to do the last 30 days in the community. He said the DOC did not use the statute and the inmate would have to ask about it. The bill made the DOC responsible for the transition programs.

Mr. Callaway asked about sentencing changes. He asked about the rationale behind the identity theft portion of the bill. He said it was a crime often associated with other crimes that go across state borders and it has a long lasting impact on the victims.

Mr. Prins said part of the decision was what drove the prison use. He said among property crimes, identity theft was not a violent crime. They looked at identity theft and the time was 24 months per count. He said during the recession the legislature suspended the time and returned it to 18 months per count. He said they did away with the sunset that would have returned it to 24 months and left it at 18 months. They did not see a prison savings at this time.

Mr. Clement referred to the 2007 study in Nevada. He said the process had changed a great deal since that study, [Exhibit E](#).

Chair Segerblom asked Mr. Clement when the Commission needed to talk to him and what the time frame was for the work. He asked how long and if a draft could be ready for the next session of the legislature in February.

Mr. Clement said they were working with Pew to determine the best place to put their resources in terms of technical assistance. He said several other states were requesting assistance. A letter needed to be submitted before the April meeting for possible assistance in February. He said the process took at least 9 months to gather the data and a letter was needed to trigger the process. Justice Hardesty asked if the Commission should undertake a lot of groundwork to get things started and involve stakeholders while the process was pending. He said they did not need to wait for several months to start the process.

Mr. Clement said a lot can be done in advance. He said a clear sense of where the data was in the system was important.

Mr. Jackson asked Mr. Clement about a report from his agency titled "Increasing Public Safety and Generating Savings: Options for Nevada Policy Makers", [Exhibit E](#).

Mr. Clement said it was a report he worked with on the Commission in 2007.

Mr. Jackson said on pages 8 and 9 there were eight recommendations based upon the report and if implemented had the potential to avert some of the growth in the prison population. He asked if the recommendations from the Justice Center were based on the information at the time as well as the last 5 to 6 years.

Mr. Clement said it represented consensus and discussion reached in 2007. He said whether they still made sense or had been implemented in Nevada he did not know as he had not reviewed the data in the last 7 years.

Mr. Frierson asked Mr. Clement about the studies done in multiple states concerning some areas being consistent that could be used in Nevada.

Mr. Clement said a common theme in many states was the continued need to bring research into practice and administrative policy. He said the work was complex, difficult and important.

Justice Hardesty asked about their evaluations of other states. He asked if they were involved in the risk assessment instruments the states were using.

Mr. Clement said yes they had been involved and it was a critical component. He said they did not choose one assessment tool over the other, there were a lot of good tools.

Chair Segerblom thanked Mr. Clement and said they would issue a letter as fast as possible.

Mr. Siegel asked about the resources Director Cox had to respond to the Commission's request for data. He said Mr. Cox had said he had inadequate resources to respond to the Commission's needs for data. He said they also had to deal with the agencies trying to provide the information. He suggested putting an item on the Agenda for additional resources to provide the data.

Mr. Cox said they had contacted the Department of Justice's Office of Justice Program (OJP). He said it was a diagnostic center. He met with Steve Rickman concerning gathering data about felons in the system. They were going to meet with another group to discuss how to gather the data. He said they tried to gather the information requested, however many people may have said they could provide information, but they were unable to actually do so. He said they had a limited amount of resources and in some cases were unable to gather the information.

Mr. Siegel said his conversation with Mr. Cox was very cordial and constructive. He said they cannot be as successful as they want to be if they do not get resources to the DOC and P&P so they can fulfill their side of the data collection and analysis.

Chair Segerblom said they had limited resources, but they also had people willing to do whatever they could to get the money. He said they were usually underfunded and overworked.

Mr. Cox said he hoped to drill down and answer a number of questions from members. The Department of Justice and OJP could help them drill down at no cost to the state or taxpayers.

Mr. Jackson commented on sentencing changes. He understood there were issues in Oregon about persons sent to prison for marijuana offenses or felony driving while suspended. He asked Mr. Prins if that was correct. Mr. Jackson was unaware of a single person in Nevada in prison for a marijuana offense or driving while suspended. He asked about a critical component being an early release from prison and transitional housing. He said there was a two to three year supervision in Oregon for inmates released on parole.

Mr. Prins said they had a sentencing guideline where the duration of post-prison is set by the severity of the crime.

Mr. Jackson said Nevada had five levels of felonies. He said all the mandatory E felonies were probation type offenses. In 2007, AB510 was enacted which provided for good time credits applied to the front end as well as the back end of C and D type felonies. AB510 provided a reduction in the number of inmates in prison. He said if the purpose of AB510 was to provide for safer communities and reform and reduce recidivism then in his opinion AB510 failed. He said the issue was that the people who earned the good times credits were on parole for about three months. He asked Mr. Prins if he thought it was a good practice to have early releases and people on parole for approximately 90 days.

Mr. Prins said he did not know Nevada's system, but he saw a problem. If the state did not have a supervision system for those coming out of prison it would not make sense. He said this was why each state had to assess its own system. Oregon released about 4,000 inmates a

year. The state paid for their supervision for two to three years. They had a sanctioning grid and they mainly went to jail, not back to prison. He encouraged Nevada look at all the areas and what drives the system. He said they had polled citizens and asked them what they would or would not support.

Mr. Jackson asked Mr. Prins to provide the polling information to the Commission.

Ms. Cortez Masto asked about the \$15 million set aside by the Governor in the legislature for the Justice Reinvestment Account. She asked how they arrived at the number and if there was a needs assessment done of the counties to help determine the number.

Mr. Prins said the number was arrived at through hard lobbying. The needs assessment was for the victim services which were another \$7 million. The justice reinvestment was part of the mix of the legislature.

Ms. Cortez Masto asked which was more difficult; selling the policy behind justice reinvestment or getting the dollar amount needed to support the funding for the reinvestment account and victims services, the jails and others.

Mr. Prins replied it was a difficult conversation. He said the hard part was quantifying what they could expect in dollar amounts if it worked and what it would mean. He said trust in the budget people at the DOC and the legislature was important. Oregon did not have union problems because they were talking about “not growing” rather than talking about laying-off correctional officers.

Justice Hardesty asked Mr. Prins about slide 14 of [Exhibit D](#) that included a new definition for recidivism. He said he assumed the definition was part of HB 3194. He asked what sources were consulted for the definition and stated they needed to agree on the measuring stick for success. He said Nevada had not come to an agreement about what recidivism was.

Mr. Prins said it was important, but that section was the one causing the most discussion. He said the argument was a place for people to disagree and not do anything. He said everyone looked at the definition for different things. The DOC said it was one of their performance measures for the percentage of people on probation that were convicted of a felony within three years. That was a traditional measure. He said there was lot of discussion. Their source was the Bureau of Justice Statistics from 1994. He said the language on the bill had created a lot of argument about whether they went too far. They counted recidivism as any arrest whatsoever. He said they defined recidivism as the things they do not do. He said different measures were needed for different things.

Mr. Frierson asked about the Academy for Law Enforcement. He asked if Oregon created an academy specifically related to the issues of reinvestment.

Mr. Prins replied that it was the existing academy. He said during the recession they lost a lot of their leadership training. They wanted to buy-back their leadership and core courses and make sure they were training the leaders to look at evidence and data on how they do policing. He said all Oregon candidates go to one academy.

Mr. Frierson asked if the leadership development was created legislatively and then cut legislatively. Did the bill legislatively mandate it?

Mr. Prins said the legislature did not want to cut it, but it was administratively cut. He said in buying it back the legislature wanted to make sure they were training on these principles.

Mr. Pierrott said Parole and Probation were concerned about the finances and how P&P would be funded for the changes. Were the changes implemented through phases where P&P did the hiring and the training?

Mr. Prins said the budget got set and they worked with P&P to put the budget together. The counties had handled training people, but they had to lay-off some people especially in the rural counties. He said they built a budget that brought them back to where they were before the recession. He said it was an ongoing process with a two year budget in place.

Mr. Pierrott asked about who supervised the people in transitional housing when they were in the community.

Mr. Prins said the county supervised them. He said if they failed they went back to prison.

Mr. Pierrott asked if it was a zero tolerance program. He said Nevada had a zero tolerance program that was very effective.

Mr. Prins said they did not call it a zero tolerance program, but it was a very stringent program.

Justice Hardesty asked about risk assessment instruments. He asked if it was part of the bill.

Mr. Prins replied there was a lot of discussion of risk assessment. Risk assessment was the biggest item for the court rooms. He said they had a risk assessment tool they designed and used in supervision. The \$15 million grant included assessing offenders. He said it required looking at the entire picture including victim impact. He said it was difficult discussion.

Chair Segerblom thanked Mr. Prins and opened discussion on Agenda Item VIII.

Ms. Cortez Masto explained Ted Talks. She said it was nonprofit organization spreading information through short powerful talks. She said the Ted Talk was from a former Attorney General of New Jersey, Anne Milgram. Ms. Milgram had determined a way to use data and analytics to fight crime. She also had some risk assessment tools for judges for law enforcement.

Ms. Milgram was presented on a video with her Ted Talk, [Exhibit F](#). She wanted to understand who was arrested and charged and who was put in the jails and prisons. She said she was unable to get the information. She said they did not track the things that mattered. She said they were not using data system policing. Decisions were generally made based on instincts and experience. She wanted to introduce data, analytics, and rigorous statistical analysis into their work. She said she wanted to “money ball” criminal justice. She said it worked in Camden, New Jersey. Public safety was the most important function of government. She said less than 5 percent of all arrests were for violent crime. She said we spend \$75 billion a year on state and local corrections costs and the recidivism rate was among the highest in the world. She said she focused on how to use data and analytical information to help make the most critical decision in public safety. The decision was when someone had been arrested whether they posed a risk to public safety and should be detained or did not pose a risk and should be released. She said up to 50 percent of the jail population was low risk offenders. She said judges made subjective decisions and were often wrong. She looked for an assessment tool for decisions. She said she had built a tool for assessment. There were 900 plus risk factors that mattered. She said there were nine specific things that mattered across the country. They built a tool useful everywhere. The tool helped predict three things: first, if someone will commit a new crime if they are released; second, ability to predict whether someone will commit an act of violence; third, predict whether someone will come back to court. She said she did not think the judge’s instincts and experience should be eliminated from the process. She said their goal was that all judges would use a data driven risk system within five years.

Ms. Cortez Masto asked if the Commission was interested in further information from Ms. Milgram.

Mr. Siegel said he agreed with everything Ms. Milgram said in her talk. He said America made a decision to abandon criminal justice research 30 or 45 years ago. He said the decision was made to exploit the politics of crime. The prison rate in the U.S. went up by a factor of ten. He said there was better quality available now. He added that UNR and UNLV could provide help.

Mr. Jackson said the presentation discussed key factors. He said decisions should be driven by data. The employees of Parole and Probation performed the presentence investigations in Douglas County and their reports specifically addressed every factor discussed in the Ted Talk. He said they look at the criminal history, previous violent offenses, failure to appear, and previous probation and parole failures.

Mr. Frierson thanked the Attorney General for the presentation.

Justice Hardesty said the Commission in 2009 or 2010 had looked at Nevada’s risk assessment tools. He said they looked at the one used by Parole and Probation. He said some changes were made to it. The primary change was the requirement that the scoring system be made available and public to the D.A. and the public defender. He said prior to that time the scoring system was not a part of the P&P reports. He recommended bringing Ms. Milgram to Nevada. He asked Mr. Jackson and Mr. Kohn if they received scores and a break down in the PSI reports.

Mr. Kohn said the tools used in Nevada were at least 20 years old. The reports he saw over the past year did not have any numbers. He said it was critical they look at the tool and use it state wide.

Mr. Jackson said he had not seen any numbers or calculations in Douglas County.

Ms. Bisbee said the Parole Board risk assessment was revalidated every two years and it was current. She said Chief Curtis and Mr. Cox also worked on ORIS which was a validated risk instrument. They had come a long way with standardize risk assessment. She said three agencies were working together for the standardization.

Mr. Callaway agreed data driven policing was critical. He said LVMPD was engaged in this for some time. He said they currently use a process they call ACTION. They identify specific hot spots where crime is occurring so they can allocate their resources in those areas. He invited the Commission members to sit in on a meeting.

Justice Hardesty asked why the scoring systems were dropped from the PSI. He asked Ms. Bisbee if it would be worthwhile to get information on the Ohio Risk Assessment. He asked if her efforts were connecting with law enforcement, also.

Mr. Cox said they had been working on the Ohio Risk Assessment, (ORA) system for 18 months. He said they recently worked with the Washoe county courts training the staff on the implementation of ORA. It said it was a nonproprietary risk assessment. The cost was receiving the training from the University of Cincinnati. He said they were not paying for each document.

Deputy Chief DeCrona said the scores had been in the PSI reports for a period of time. He did not recall why it stopped being in the reports. They used a scoring mechanism they had used for a number of years. He said they had a risk and needs tool they used for sentencing and for when people were released to the street. They also worked with the Parole Board to furnish a risk factor when the violator went before the Board. He said they had worked on ORA for a number of months.

Justice Hardesty said the concern about the scores was an issue for parties in litigation. He said the Commission needed to examine the assessment tools and how they were being used. He reiterated his support of bringing Ms. Milgram and her foundation to the meeting.

Chair Segerblom asked if this could be applied to the sex offender laws also.

Ms. Cortez Masto said Nevada had some incredible assessment tools already being used. Her concern was sometimes they did not use the same data set and lacked standardization. She said they needed to use the same assessment tools across the state.

Mr. Callaway added LVMPD was trying to improve the systems. He said the key was how the data was gathered and maintained.

Justice Hardesty said perhaps P&P, Ms. Bisbee, Mr. Callaway and others could make presentations to the Commission at the next meeting. He said Mr. Jackson and Mr. Kohn could reach out to the lawyers in the criminal justice system that had an understanding of the assessment tools and how it affected them.

Chair Segerblom asked Mr. Anthony to work with Justice Hardesty for the next meeting. He opened discussion of Agenda Item X, J.F.A. Institute.

Dr. Austin said the risk instrument Ms. Milgram discussed was designed for pretrial release decisions. He said it would be used by the counties at the point of first appearance. He said it would add something Nevada did not have at that level. It was not designed for sentencing or parole or probation supervision.

Dr. Austin said he had a power point presentation, [Exhibit G](#). He referred to the crime rate in Nevada which had a remarkable steady decline in the serious crime rate. He said every state's crime rate had dropped. Crime rates were not related to incarceration rates. He said older people stopped committing crimes. Things needed to happen at the local level. He said the violent crime rate in Nevada was about half of one percent, which was really low. He said the crime rate was below what it was in 1960. Aggregated assault was on the rise in Nevada. He said whatever could be done in Las Vegas would have a dramatic impact on the entire state. He talked about New York state and the way they policed. They focused on quality of life arrests. The felony arrests started going down in New York City. The prison population had the largest drop in the country. He recommended Nevada look at New York and what they did at a local level. He discussed the standard three measures of recidivism. He said Nevada's rate was low, about half the national rate.

Mr. Kohn asked about the transient population in Nevada. He asked about the 24 percent of the prison population returning to prison and if it was any state's prison or Nevada's prison.

Dr. Austin said there were two reasons why Nevada had a low rate. One was California and people from there made up about 24 or 25 percent of the prison population. When they left prison they returned to California. Immigration was the other issue for Nevada. He said Nevada had about 1,400 inmates in the system under an ICE hold and would be deported. The costs of Nevada's prison system was low, [Exhibit G](#). He said the Parole Board had validated risk base guidelines they used. He said in-determinate sentencing allowed for flexibility. Decision makers needed to use the risk instruments. He said Parole and Probation was part of the Department of Public Safety. He said it did not contribute to unified decisions.

Mr. Jackson commented on the New York crime rates. He said he understood they redirected the limited law enforcement resources to only investigating certain types of crimes. The crimes still occurred but they did not keep track of them. He said it did not mean it was a safer community or that the crimes were not being committed.

Dr. Austin said crimes were reported by citizens to the police whether there were arrests or not. He said the victimization survey interviewed people and households and showed that crimes are going down nationally.

Mr. Jackson asked about the graphs in the exhibit.

Dr. Austin said the population numbers came from the U.S. Census Bureau; the crime rates came from the FBI; the incarceration rates came from the Bureau of Justice Statistics; the three year return to prison rate came from the Nevada Department of Corrections; the U.S. rate came from the Pew Charitable Trust on recidivism; and the Arizona rate came from Daryl Fischer.

Mr. Jackson discussed the statistics in the slides in [Exhibit G](#). He said the numbers did not all agree.

Dr. Austin said one of the slides he jumped to were class B felons.

Mr. Jackson asked what aggregated assault meant, and if it was a category he was using.

Dr. Austin said the U.S. Department of Justice, FBI, and UCR publication had used that name since 1931.

Ms. Bisbee asked about the low recidivism rate and flat prison population in Nevada. She said the current system seemed to work well.

Dr. Austin said Nevada was as low as they could get on recidivism rates. He said a large percentage of the offenders were low risk.

Ms. Bisbee said Nevada had a system they could be very proud of and asked why it should be changed.

Dr. Austin said a lot of good things happened here, but the class B category was large.

Chair Segerblom commented that Nevada put a lot of people in prison who do not need to be there.

Dr. Austin agreed Nevada had low risk people in prison. He said how long people stayed in prison did not affect the recidivism rate.

Justice Hardesty said there were many things in the Nevada system that were done well, Nevada was ahead of other states in many areas. He said there were some areas where they can enhance what they are doing.

Dr. Austin referenced the last slide in [Exhibit G](#) showing the Class B crimes. The number one crime was burglary and the least was possession of a stolen vehicle. He said there were 144 crimes in the Class B category.

Senator Brower said parole was an issue for a separate agenda item. He said the federal system had not had parole for the past 30 years and several states had abolished parole. He referenced Arizona and the 85% rule. He said they did 85 percent of their time without parole for certain offenses.

Dr. Austin replied that the states with the 85 percent had surges in their prison populations. He said it did not affect the recidivism rate. He said it took discretion out of the system at the point of sentencing.

Senator Brower said except for judicial discretion.

Dr. Austin said it aided prosecutorial discretion because they can plea bargain very effectively with the longer terms.

Mr. Siegel said there was nobody in the country that was relied on more than Dr. Austin for criminal justice presentations and analysis. He provided break-through analysis. He asked if the use of habitual criminal was relatively high or low and was the use of life with or without parole relatively high or low.

Dr. Austin said he did not know the answers to the questions, but he would do further research. He said when he started, habitual sentences were not used. Habitual sentences were very expensive from a risk point of view.

Mr. Kohn asked about assessment tools for prosecutors. He said they had never talked about it on the Commission. He asked Mr. Jackson if they used an assessment tool in Douglas County. He said the U.S. Supreme Court observed most cases were plea bargained. He said young prosecutors and defense attorneys were making decisions without using any assessment tools.

Dr. Austin said if Ms. Milgram came to the Commission she would speak to that issue. He said it was a new idea. He said Steve Rickman could get resources from the federal government.

Dr. Austin said the new systems made it easier to assess the risk management. He said it may be hard to get people to change the way they work.

Mr. Callaway asked about the class B crime population. He said Nevada did not take into account the plea bargains when looking at the numbers.

Dr. Austin said in 2009 they worked with people at UNR to get an answer.

Mr. Callaway said maybe it would be easier to get an answer by doing the opposite and finding out how many of them had a first offense and if it was a burglary, not some greater offense, plea bargained down to a burglary. He also wondered about the recidivism rate as opposed to their risk factor when they first entered the system.

Dr. Austin replied that the amount of time spent in prison did not predict the recidivism rate. He said he was discussing a period of months.

Mr. Callaway said it was safe to assume most people who commit a crime of passion will not go out and recommit when they are released.

Chair Segerblom opened discussion on Agenda Item IX.

Elizabeth Ortiz, Arizona Prosecuting Attorneys Advisory Council, said she was a career prosecutor. She said it was important to make data driven decisions. Her council did not receive any General Fund money, but were funded by a small percentage of the surcharges the defendants paid. Their primary purpose was to train prosecutors across Arizona. She said Arizona and Nevada had many similarities and were both searching for data driven decisions. She opened discussion on the Fischer Report, [Exhibit H](#).

Ms. Ortiz said in 2009 Arizona was in a recession and looking for money, [Exhibit I](#). She said one of the areas explored was cutting the prison budget and reducing the prison population. They did not have first or second time drug offenders to prison. She said Dr. Daryl Fischer was asked to do a study concerning who was in the prisons. She said he picked a date and time and extracted data from the Arizona Department of Corrections. The Commission had a handout of the report, [Exhibit H](#). She said the snapshot showed 94.2 percent of the prison population were either repeat felony offenders or felony offenders with a history of felony violence; 5.8 percent of the prisoners were categorized as nonviolent felony offenders. She said they learned some things and decided to expand the report with Dr. Fischer. The 2012 report showed the prison population continued to trend down. The majority of prisoners were consistently violent and repeat offenders. She said they now had two Fischer reports that did not contradict each other. She said a third report was being done to help identify the risk factors and look at the “who” and the “why” [Exhibit I](#). She said the goal was data driven decisions. She had an abridged report of the Fischer report, [Exhibit J](#).

Chair Segerblom asked for an example of legislation proposed or enacted based upon the Fischer Report.

Ms. Ortiz said some of the legislation was proposed but not enacted; such as sentencing reforms to reduce certain sentences for some offenses that were disproportionately represented in the prison.

Chair Segerblom asked what the sense was concerning disproportion.

Ms. Ortiz said it was not based on anything personal about the offenders. She said she was referring to misinformation that was bantered about but not proven by the report.

Chair Segerblom asked what percentage were nonviolent.

Ms. Ortiz said the first report showed 5.8 percent were nonviolent first offenders.

Mr. Jackson asked about defining violent offenses on page 2 of [Exhibit J](#) as written in the footnote from Dr. Fischer. He asked how much discussion was involved in how violent offenses were defined for Dr. Fischer.

Ms. Ortiz said the definition resulted from a conversation between her council and Dr. Fischer. He recommended using the definition.

Justice Hardesty asked about the recidivism rate established by Dr. Fischer under the report. He said the definition of recidivism can have a huge impact on all the reports.

Ms. Ortiz said she did not know how the definition was originally agreed upon, but it was the consistent definition. She said it was important to have a key to use the term to make sure everyone agreed.

Justice Hardesty said it seemed if the definition of recidivism was 5 years as opposed to 3 years that the rate of recidivism was higher in the former than the latter. He said it was a critical decision. He asked if she had recommendations for Nevada in arriving at a statewide definition.

Ms. Ortiz said the definition was established with the first report. She did not know how they arrived at the definition.

Mr. Frierson asked if recidivism was mirrored to any other statutory time frame.

Ms. Ortiz said it was not tied to anything else.

Mr. Frierson asked about buy-in to new ideas.

Ms. Ortiz said it was a “journey” from the beginning. She said they learned that buy-in was very important. She said they talked to many different organizations and listened to their opinions. She said they had interest group meetings.

Justice Hardesty asked if Arizona had a post-relieve supervision system.

Ms. Ortiz said they call it community supervision. They do not use the word parole anymore. It was not applicable to all defendants. She said certain serious offenses were not eligible.

Chair Segerblom asked if Arizona’s parole system was under the supreme court.

Ms. Ortiz replied that it was under the supreme court.

Chair Segerblom opened the discussion on Agenda Item XI.

Vanessa Spinazola, A.C.L.U of Nevada, said she was present to talk about solitary confinement, Senate Bill 107. She said SB 107 was a bill concerning juveniles. It put some caps on how long kids could be in corrective room restriction. She said they had a study for adult facilities, the experts were here to provide guidance, [Exhibit K](#). There may be a disconnect between what was actually happening in the prisons and the administrative regulations. She said the other thing was that the operating procedures in the prisons were different. She introduced the experts on the panel.

Dr. Terry Kupers, forensic psychiatrist, said he was discussing isolated confinement, [Exhibit L](#). He said 2.3 million people were in jail and prison. He said a higher proportion were in isolated confinement than in any other country in the world. He said the proportion of people with mental illness had risen substantially. He mentioned three closely related issues: crowding, rehabilitation programing, and isolated confinement. He said crowding grew because the population was 10 times what it was in the 1970s. He said in the same 30 or 40 years, rehabilitation programs were dismantled. There was an outbreak of violence and mental illness in the 1980s that was uncontrollable. The solution was providing meaningful activities for the prisoners and cutting down on the crowding. He said the correction system turned to identifying certain prisoners who were the source of the violence and putting them in isolated confinement. He said it was the advent of the supermax prison. They should have decreased the population and increased the rehabilitation. He said isolation was an accelerating factor in mental breakdown and future criminality, it damaged people to be in isolated confinement. He said isolated confinement did not seem to do any good and instead there was a huge amount of damage. He said supermax prisons were dedicated to isolated confinement. There was a breakdown in thinking and anger built. He said there was a large population in the prisons and jails of people with serious mental illness. The stress in the isolated setting caused psychiatric decompensation and they never obtained remission. He said 50 percent of all successful suicides in prison occurred among the 3 to 7 percent of the population in isolated confinement. He mentioned Nevada's suicide rates showed 5 suicides in the general population and 6 in isolated confinement. He talked about the tickets the prisoners received that kept them in isolation.

Chair Segerblom asked about prisoners who were a danger to the rest of the population.

Dr. Kupers said separation was different than isolation. He said it was rare an individual needed to be in isolation for quarantine purpose. There were 80,000 people in solitary in the country. He said the situation needed to be managed on a case by case basis. He said the main problem with solitary confinement was that people were not prepared to succeed at going straight when they were released. He mentioned protective isolation. He said there was no reason to put someone in a single cell and leave them there 24 hours a day for their protection. He said protection in prison should be a matter of separating people who are a risk when they are put together. People should

be separated from the group that was a risk to them and given all of the activities and amenities that they were entitled to because of their level of classification.

Chair Segerblom asked if people were actually segregated based upon their sexual orientation.

Dr. Kupers said in the Prison Rape Elimination Act there were hearings concerning the issue. He said if a woman accused a staff member of sexual assault, she was immediately put in isolation. He said it prevented women reporting the assault because they did not want to go to isolation. He said it was an example of protection meaning segregation. The women could have been moved to another facility. He said the population in solitary confinement could be reduced dramatically. He recommended no dead time for anyone. He said there needed to be short times in isolation. He said they should have the opportunity to improve their situation.

Dr. Kupers listed some of the organizations to which he belonged.

Mr. Siegel asked whether we were inflicting torture and were we inflicting cruel and unusual punishment.

Dr. Kupers said there were multiple class action lawsuits in multiple states. He said there was a robust discussion of that now. He said courts have ruled that people with serious mental illness needed to be excluded from long term isolated confinement.

Mr. Siegel said it had been addressed for juveniles and moved on to adults.

Dr. Kupers said it was a special problem for juveniles. The teen years were essential for learning social and job skills. He said the best chance of affecting someone occurred during the earlier years. The youth authorities and facilities were overcrowded and they tended to be out of control. He said it made problems much worse when kids were put in isolation because they were deprived of the rehabilitation that should be occurring during this age.

Chair Segerblom asked if there were countries doing it right.

Dr. Kupers said there were countries that did not use isolated confinement. Unfortunately, they used other things we would not approve of on Eighth Amendment or torture grounds. He said there were model systems and prisons. The Scandinavian prisons sent very few people, only the most serious violent offenders, to prison. He said they require prison staff to have a master's degree.

Mr. Siegel asked Dr. Kupers to address the politics of the last 5 years.

Dr. Kupers said there was a lot of political attention at this time. He said lawsuits had shone a light on what occurred in isolated confinement. He said what occurred was mostly secret. He said supermax facilities were being closed.

Mr. Callaway asked Dr. Kupers if an inmate threatened to kill another inmate and they put the inmate in solitary confinement, after a period of time should they put the inmate back into the general population.

Dr. Kupers said 95 to 97 percent of prisoners will go free. He said the question was how to make the prisoner safe at the end of their term. Attention needed to be put into a management plan for that population. He said the more trouble someone caused in prison, the more time was needed to think about collaborative meetings between custody and mental health staff. He said they had to attend to safety first of all.

Mr. Callaway asked how they balanced the safety and liability of other inmates with not wanting to put someone in solitary confinement.

Dr. Kupers said they needed to balance the two elements. He said there needed to be a program that maintained safety in the prison.

Justice Hardesty said he was trying to connect the presentation with Nevada's system. He asked what the connection was and if Nevada's system was suffering from some or all of the parts presented. He said he was unaware of wide-spread isolation of Nevada's inmate population.

Dr. Kupers said he had seen complaints that were gathered by the A.C.L.U. from individuals. He said they were antidotal complaints, but they touched on all the points he discussed. He believed Nevada had all the problems the other states had. He said Nevada had less of a problem because of the low recidivism rates and lower prison population rate. He said S.B. 107 was to do a study to determine the problem.

Chair Segerblom opened discussion from the next presenter.

Senator Brower said Mr. Duncan left the meeting at 12:45.

Martin Horn said his adult life was spent working in prisons, jails, probation and parole. He said prisons were an unnatural and flawed institution. People were not meant to be confined and forced to live with strangers. He said prisoners brought their problems with them to the prisons. He believed as a society we relied too heavily on imprisonment. The challenge was how to manage prisons in a just and humane fashion. Solitary confinement was prohibited by the national standards of the American Correctional Association's Commission on Accreditation for Corrections, [Exhibit M](#). He said he understood those standards were adhered to by the Nevada DOC. He said he had not witnessed solitary confinement in his 40 years of experience. Restrictive housing, isolation, or segregation was used too much and often was unjustified. He said it should not be used for juveniles or mental illness. Correctional administrators were responsible for the health and well-being of the prisoners committed to their custody. He said safety for everyone was the primary responsibility of the prisons. Prisons were small communities and they had rules. He said the challenge was how to protect the vulnerable without making the predatory worse. He said prison authority had a duty to protect those in their custody.

He said if physical segregation was used, it should be used consistent with the precepts adopted by the ACA, [Exhibit M](#). Mr. Horn referred to an article by Rick Raemisch, [Exhibit N](#). He said in New York State they had adopted a statute prohibiting the confinement of prisoners with serious mental illness. They created residential mental health units for the prisoners with mental health issues. They were offered four hours of structured, out of cell, therapeutic programming daily, and mental health treatment on a daily basis. He said the criteria for the separation of prisoners must be behavioral and not based on status. Juveniles should not be housed in adult prisons. He said the use of restrictive housing should be based upon behavior and not upon associations or status. He added that last week New York and the New York A.C.L.U. agreed to a stipulation that was an example of how corrections officials and advocates can begin to achieve the reforms. He said the most important part of the stipulation recognized the DOC cannot do it alone and needed sufficient budgetary support from the executive and the legislative divisions to implement the reforms. He said prisons were closed worlds designed to keep prisoners out of sight and out of the public mind. He said we should adopt a standard of care for prisoners that called for them to be treated as we want our own child treated. He said in 2008 the American Bar Association adopted a resolution, [Exhibit O](#). Section 7 of SB 107 called for the Commission to study the use of restrictive housing in Nevada prisons.

Chair Segerblom asked if New York was a model Nevada should look at for guidance.

Mr. Horn said the stipulation New York entered into was a good starting place.

Chair Segerblom asked if Mr. Horn and others like him act as expert witnesses or expert consultants that come in and analyze the prison system.

Mr. Horn replied on occasion.

Mr. Callaway asked what the fiscal note was that was attached to the New York legislation.

Mr. Horn replied he did not know, but the information could be obtained. He said the residential housing units were built at an enormous cost. They were designed specifically for the purpose of activity areas where the mentally ill inmates with behavioral disorders who engaged in violent activity could interact safely, attend classes, and receive education and counseling.

Mr. Siegel said the Commission may find a minimal number of people have been treated arbitrarily and put into isolation. He asked if, in a state or county system, it mattered if 5 or 10 people were affected rather than 50 or 100 people.

Mr. Horn replied if even one person was treated that way, it was wrong. He said extreme isolation was never justified.

Mike See, Captain, L.V.M.P.D., opened his discussion with brief answers to 19 questions in Section 7 of SB 107, [Exhibit P](#). He said he agreed with many of Mr. Horn's assertions. He said the L.V.M.P.D. including the Clark County Detention Center was accredited by both the A.C.A.

and the NCCHC, which was the National Commission on Correctional Health Care. They had been accredited for many years and strived to improve their score every three years.

Chair Segerblom asked if they looked at solitary confinement or segregation.

Captain See said they had specific standards concerning how that should be accomplished. He said his was a pretrial detention facility. He said almost 80 percent of his population had not been sentenced of anything. They looked at the 14th amendment process, as far as due process, rather than the 8th amendment which was cruel and unusual. He said they had to be very careful. He said they had the review process Mr. Horn mentioned.

Captain See went through the nineteen questions included in S.B. 107, section 7, [Exhibit P](#). The questions referenced the study the Commission conducted concerning detention and incarceration in the State. 1. The three ways an inmate can be place in segregation: through a risk assessment; earn their way into isolation; or administrative transfer. 2. Security threat group identification involves validation by at least three different points. 3. Notification and release procedures were unclear, but they had 19 different release types and the procedure was 106 pages long. 4. Question was in many different parts, it required a due process component.

Justice Hardesty asked Captain See if he had adequate mental health providers or resources available or were they difficult to access. He said he learned there were only 7 pediatric psychiatrists in Clark County.

Captain See said there were very few clinical social workers in Nevada. He said it was very difficult to meet the needs and they planned to add full-time or additional mental health professionals to work within the facility.

Captain See said they were adding additional TV units for more stimulation for those in isolation. Staff had to check on everyone every 30 minutes. The minimum time for people on suicide watch was every 15 minutes for review and those actively suicidal had to be reviewed every 4 minutes. He said substance abuse classes were limited. They were doing a lot of things concerning reentry resources. There were 3 specific classes for veterans and GED programs. He said they had a separate unit for juveniles adjudicated as adults.

Chair Segerblom asked if they were seeing an increase in their population because of the presentence reports.

Captain See said the number of intakes was down over recent years, but the length of stay has gone up. He said they thought it was in the adjudication process.

Mr. Kohn asked if one of the problems was the length of time it takes to get from adjudication to drug court.

Captain See replied perhaps it was a cause. He said question 5 dealt with training. He said the best way to interact with the inmates was inside to communicate with the inmates. Question 6 dealt with the number of inmates referred to mental health professionals. He said in January of

2014 there were over 1,700 mental health visits conducted by the staff, plus 1,112 mental health visits by a nurse or counselor and only 68 were new patients. Question 7 asked about children and he said the numbers applied to everyone, not just children or adults. Question 8 asked for the number of people in isolation with mental health diagnosis. Of the 977 people involved with mental health in some way, 183 were in isolation, and 1 of the 13 juveniles had a mental health diagnosis. Question 9 was already answered. Question 10 and 11 had to do with suicide and suicide attempts. He said in 2010, 10 of the 14 suicide attempts were in an isolation type unit. None of the attempts were successful: in 2011, 9 of 11 attempts were in special housing units. He said in 2011 there was a problem and they implemented the policies explained earlier. As a result, in 2012 of the 17 suicide attempts recorded, only 5 happened in special housing units. He said they learned in 2012 the most aggressive suicide attempts were a gesture with the intent of getting back to a special housing unit.

Chair Segerblom asked about the cells and if there were bars.

Captain See said everything was walls, concrete walls, painted, with doors on them. There were no bars

Mr. Callaway said the isolation cell was identical to a regular cell.

Captain See said it depended on which facility was being discussed. He said they operated three facilities and they were all somewhat different. He recommended the Commission tour the facilities to see the differences.

Mr. Siegel said there were 970 inmates with a mental health diagnosis and 183 were in isolation.

Captain See replied on March 3, 2014, there were 977 in the custody of Clark County detention center and 183 were assigned into special housing units.

Mr. Siegel asked what the least amount of time was that a person could be out of the cell on a typical day.

Captain See said it depended on the unit. Some of them were on a 23 hour lockdown. He did not have a further breakdown of times.

Chair Segerblom said Nevada did not have a strong mental health facility, so the jail system often served in that capacity.

Captain See said questions 12, 13, and 14, [Exhibit P](#), concerning recidivism were unavailable. He said he did not have any idea on how to track the recidivism rates. He had concerns dealing with re-arrest and how it was defined.

Captain See referred to number 15 and the summary of reasons offenders would be placed into special housing. He said they looked at the formal and informal rule violations that could precipitate a housing change. He said he agreed the LGBT were not housed separately due to

their status but on their behavior. He did not have a lot of statistics based on their membership in the LGBT community.

Captain See said he did not have any information on questions 17 and 18 of [Exhibit P](#). Question 19 was difficult to answer because individual housing units were not broken down. He said for budgeting purposes, the per inmate cost per day was \$141.

Chair Segerblom said every 30 days they must evaluate whether someone stays in segregation.

Captain See said that was the maximum time. Their policy generally reviewed every 7 days for the first 2 months and then every 30 days thereafter.

Mr. Siegel said that meant they could be in this kind of isolation for their entire time there.

Captain See replied yes, there were people in a 23 hour lockdown for their entire incarceration. He said the average length of stay as of February of this year was half of the people he took in were less than 24 hours, others were there for many years.

Chair Segerblom said someone charged with the death penalty could stay indefinitely.

Captain See said until their case was adjudicated and sentenced, they would stay in the jail. He said once they were charged with a capital crime and the death penalty imposed, they were moved to segregation.

Chair Segerblom asked how many people were being prosecuted for the death penalty.

Captain See said he did not have that information, but he could get it for the Chair.

Mr. Kohn said Captain See indicated there were 970 plus people with mental health issues. He asked what the total jail population was on that date.

Captain See said the population was 3,563 inmates. He said approximately 25 percent of the population had some type of mental health connection.

Mr. Cox said Deputy Director E. K. McDaniel was at the table with him. He said their presentation was to educate the Commission. The Department had been proactive and they had not waited to be told to do things. He spoke to the entire Legislature concerning SB 107. He said they had many discussions about segregation and the operations of those units and it was important for everyone to realize they had staff who worked those units. He said their obligations were to the safety of the inmate population, staff, and the public. He said it was critical that they had good data in order to make informed decisions. He was an ACA member and so was Deputy Director McDaniel, who was also an ACA auditor. He wanted the Commission to know they did not approve of solitary or isolation. He said the department had never placed someone specifically due to their validation as a security threat group member. A number of states did it,

but Nevada did not. He said actions and behavior of an individual could place them in segregation. He said Mr. McDaniel will review the presentation.

Mr. McDaniel said the definitions people made concerning solitary confinement versus protective segregation or disciplinary segregation did not apply to Nevada. He said they did not have solitary confinement in the Nevada Department of Corrections.

Chair Segerblom asked Mr. McDaniel to explain the difference for the Commission.

Mr. McDaniel said his vision of solitary confinement was a place where an individual was out of sight and sound from any other person. He would not have the ability to see outside, nor talk to someone outside of the cell; he wouldn't have a vision of outside the prison area to the outside world. He would not have access to contact someone, call someone, visit someone, or be exercised outside of his cell. He said the segregation units were distinctly different but all allow the inmates telephone calls, have outside of the cell exercise periods every day, outside people come into the unit including medical sick calls. He cited [Exhibit Q](#) outlining protective segregation and administrative segregation.

Mr. Cox said they had a validated classification instrument that allowed them to place inmates in appropriate housing and institutions. He said the presenters today agreed that the Nevada DOC had a good classification instrument. They worked with others on the classification instrument to make it better.

Mr. McDaniel continued the presentation of [Exhibit Q](#), discussing protective segregation and administrative segregation.

Chair Segerblom asked if there were double celled protective segregation units.

Mr. McDaniel replied yes, they did have double cells as well as single cells. Most of the medium security protective segregation inmates would have a double cell.

Justice Hardesty said he understood there were 13 to 15 inmates in Lovelock under the age of 18.

Mr. Cox said the young inmates had the use of all the things described earlier. He said the criminal justice system has shown consistently over the years that the under 18 population has continually reduced since 2010. The current number was 12 under the age of 18 and they were based at Lovelock. He said based on the Prison Rape Elimination Act effective this year, it has been successful and the numbers have decreased. They have access to education, psychologists, and a psychiatric nurse. They could do more and they were looking at what else they could do. He said they had 20 beds available and he had 8 vacant beds. He said they did not have any female offenders under the age of 18 in the system. He said if they did, he would request the person be placed out of state because the department was not able to house the person without a tremendous cost to the department.

Justice Hardesty complimented Mr. Cox on all the information he provided to the Commission and the Juvenile Justice Commission. He added through the Director's innovation and cooperation they were working on a collaborative effort to try to co-locate the inmates under the age of 18 with the juveniles in the north.

Mr. Siegel wanted to know the worst situation a prisoner could be placed into. He used the example of a death row inmate in a fight. He asked if they were placed in the hole.

Mr. Cox said he never tolerated the use of the hole and did not like that verbiage. He said he had been here over 10 years and operated condemned unit death row operations. He and Mr. McDaniel were interested in how the condemned unit in Ely was different than in Illinois. He said they allowed them to congregate, and be outside their cells.

Mr. Siegel said if anybody was mistreated it was going to be those men when they had made a major infraction. He asked if that was a plausible assumption. He asked if the death row inmates were treated more punitively than the other inmates.

Mr. McDaniel said no, they would not be treated any differently than any other inmate who violated a regulation within the system of their department. He said if an inmate assaulted another inmate they would go through the process. They would be placed in administrative segregation with all the same amenities of the regular cells.

Mr. Siegel asked if somebody with tickets could be in punitive segregation for a period of years. He asked if it was possible to be in that status for 5, 10, or 15 years as a life or death row inmate.

Mr. McDaniel said they did not have punitive segregation. He said someone could be in administrative segregation depending on their behavior. The segregation would not have anything to do with their crime or sentence, but with their continued behavior and if it would be safe for them to be with other inmates. He said it was a classification decision that was decided at a minimum of 180 days.

Mr. Cox said he looked at several documents submitted to the Commission. He said Nevada did not have a supermax prison. He had toured supermax prisons in other states and said we do not have that kind of operation. The New York case represented a supermax operation. He said a lot of the things heard today did not apply to Nevada. He said it was a welcome discussion and should be had in the state. Restrictive housing was the intention of his department. He did not want anyone to think the prison was perfect, but they wanted to do the best possible.

Mr. McDaniel added that when an inmate was placed on administrative segregation, except for being segregated from the population, he had everything else the general population inmate had. He said they did not have freedom to run around.

Ms. Cortez Masto asked what the Commission was tasked to do on SB 107, what the Commission was responsible for doing.

Mr. Anthony replied S.B. 107, Section 7, called for the Commission to study without limitation the use of solitary confinement, administrative segregation, and the like. There were 19 different items for the Commission to study. He said Captain See presented those topics. There was no formal requirement, but rather it was a study by the Advisory Commission and would be referenced in the final report. He said by having the discussion on today's agenda, the Commission had complied with the requirements of SB 107.

Ms. Cortez Masto asked if it was specific data they heard and then put it into a report for the legislature.

Mr. Anthony replied she was correct. There was nothing additional in the statute requiring any affirmative action. It was to conduct a study concerning detention and incarceration in this state. It will be in the final report as a section dedicated to the topic heard today.

Ms. Cortez Masto said it seemed that if Mr. Cox presented the statistics and data the Commission would be better able to ask questions.

Mr. Cox said some questions they could answer with data and others they were not able to do so. He said they anticipated questions about their process from Dr. Siegel and others. The presentation in [Exhibit Q](#) supplied the information possible. He said if it lacked data it was because they did not have it.

Ms. Cortez Masto appreciated all the comments today. She said it helped put in perspective what type of system was in the state of Nevada.

Mr. Kohn said Captain See indicated approximately 25 percent of all the inmates had a significant or serious mental illness. He asked Mr. Cox if he had similar numbers.

Mr. Cox replied that he looked at different types of programs they had in the department. He said it was difficult to assess the level of mental illness for people in prison. He thought most people in corrections thought the number was higher than 25 percent. He did not know the number.

Mr. Kohn said the reason he asked the question was because they could not determine how much money was needed for the mentally ill if they did not know how many there were. He said as a public defender he did not think enough money was devoted to the problem.

Mr. Cox replied they had a lawsuit which allowed the DOC in the state to hire additional psychologists. He said they had dealt with the problem in years past.

Chair Segerblom said the Commission had presented enough data for the present time.

Mr. Cox said he would provide the data whenever it was requested.

Chair Segerblom said the item was on the Agenda because of S.B. 107. He said it was overwhelming to develop the information during the legislature. He asked Ms. Masto if she could make her presentation at this time. He requested Mr. Withrow of Nevada Cure make his presentation at a future meeting and said the Subcommittees would be postponed until the next meeting of the Commission.

Ms. Cortez Masto said with respect to the Subcommittee for Victims Rights, they had over 16 applications from people interested in the subcommittee. She said they tried to identify the total number of members of the subcommittee now that it was statutory, had to meet open meeting law requirements, and have a quorum. They identified 11 people who should be on the subcommittee. She provided a list of the 9 people appointed to the subcommittee, [Exhibit R](#). She said the people were from all over the state. They recommended the names of these people be on the subcommittee and once they were approved, she would call a meeting of the group.

Chair Segerblom said he received an inquiry from Elizabeth McDowell, a professor at Boyd, to be on the subcommittee. He asked if it was limited to 11 people.

Ms. Cortez Masto said they did limit it because if it was too large, the quorum increased and it was difficult when there were too many people. She said if the Chair wanted to add one more person to the subcommittee, they would include that person.

Mr. Frierson recommended they wait to the next meeting to make the decision to approve more people to the subcommittee.

Chair Segerblom asked if they could approve the 11 people named with the caveat they could add people at a later date.

A MOTION WAS MADE AND SECONDED BY THE COMMISSION TO NAME
THE PEOPLE PRESENTED BY MS. MASTO TO THE SUBCOMMITTEE ON
VICTIMS OF CRIME WITH THE CAVEAT OTHERS COULD BE ADDED
AT A LATER DATE.

THE MOTION CARRIED UNANIMOUSLY.

Chair Segerblom opened discussion of potential topics, Agenda Item XV.

Mr. Siegel asked if there was anything the Commission should do concerning marijuana possession and trafficking going beyond medical marijuana. He said they should be looking at the issue giving the way it was being handled by different states. There had been a lot of attention nationally to life with and without parole. He was interested in what the trend was and what was happening within the state both with habitual criminals and murderers.

Chair Segerblom asked if there was any public comment, Agenda Item XVI. As there was no public comment, he adjourned the meeting at 3:58 p.m.

RESPECTFULLY SUBMITTED:

Olivia Lodato, Interim Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

Dated: _____

EXHIBITS

Committee Name: Advisory Commission on the Administration of Justice

Date: March 5, 2014

Time of Meeting: 9:08 a.m.

	Exhibit	Witness/Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Marshall Clement	Justice Reinvestment
	D	Craig Prins	HB 3194
	E	Jackson/Clement	Justice Center
	F	General Masto	Ted Talk
	G	James Austin	Class B & Other Nevada Correction Data
	H	Elizabeth Ortiz	Prisoners in Arizona/Daryl Fischer
	I	Elizabeth Ortiz	Arizona's Fischer Report
	J	Elizabeth Ortiz	Prisoners in Arizona/A Profile
	K	Vanessa Spinazola	ACLU/Stop Solitary
	L	Terry Kupers	Isolated Confinement
	M	Martin Horn	Use of Restrictive Housing
	N	Martin Horn	My Night in Solitary
	O	Martin Horn	ABA Criminal Justice Report
	P	Captain See	S.B. 107
	Q	Cox/McDaniel	Power Point on S.B. 107
	R	Ms. Cortez-Masto	Letter/Subcommittee on Victims of Crime