

# NDSP Presentation of AB 32

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ASSEMBLY COMMITTEE ON  
JUDICIARY

FEBRUARY 15, 2023

# Purpose and Goals of AB 32

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- NDSP helps lawmakers and stakeholders advance data-driven recommendations
- Improve implementation of AB 236 (2019) policies
- Improve sustainability for NDSP and NSC

**NOTE:** We have been working on amendments with stakeholders since AB 32 was introduced.

# Two Types of Supervision

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## PROBATION (CHAPTER 176A OF NRS)

- Convicted of offense
- Sentence suspended
- Follow conditions of supervision
- Judge makes decisions about violations

## PAROLE (CHAPTER 213 OF NRS)

- Convicted of offense and served at least minimum sentence in NDOC facility
- Released to parole to serve remainder of sentence
- Follow conditions of supervision
- Parole Board makes decisions about violations

# Supervision Violations and Consequences

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## WHAT DOES IT MEAN TO VIOLATE SUPERVISION?

- Technical violations
- Commit new offense
- Abscond

## WHAT ARE THE CONSEQUENCES FOR VIOLATING SUPERVISION?

- Technical violations
  - Graduated sanctions
  - Temporary revocations
- New offense
  - Penalty for new charges and/or
  - Revocation
- Abscond
  - Revocation

# AB 236 (2019) – Changes to Certain Supervision Policies to “implement swift, certain, and proportional sanctions”

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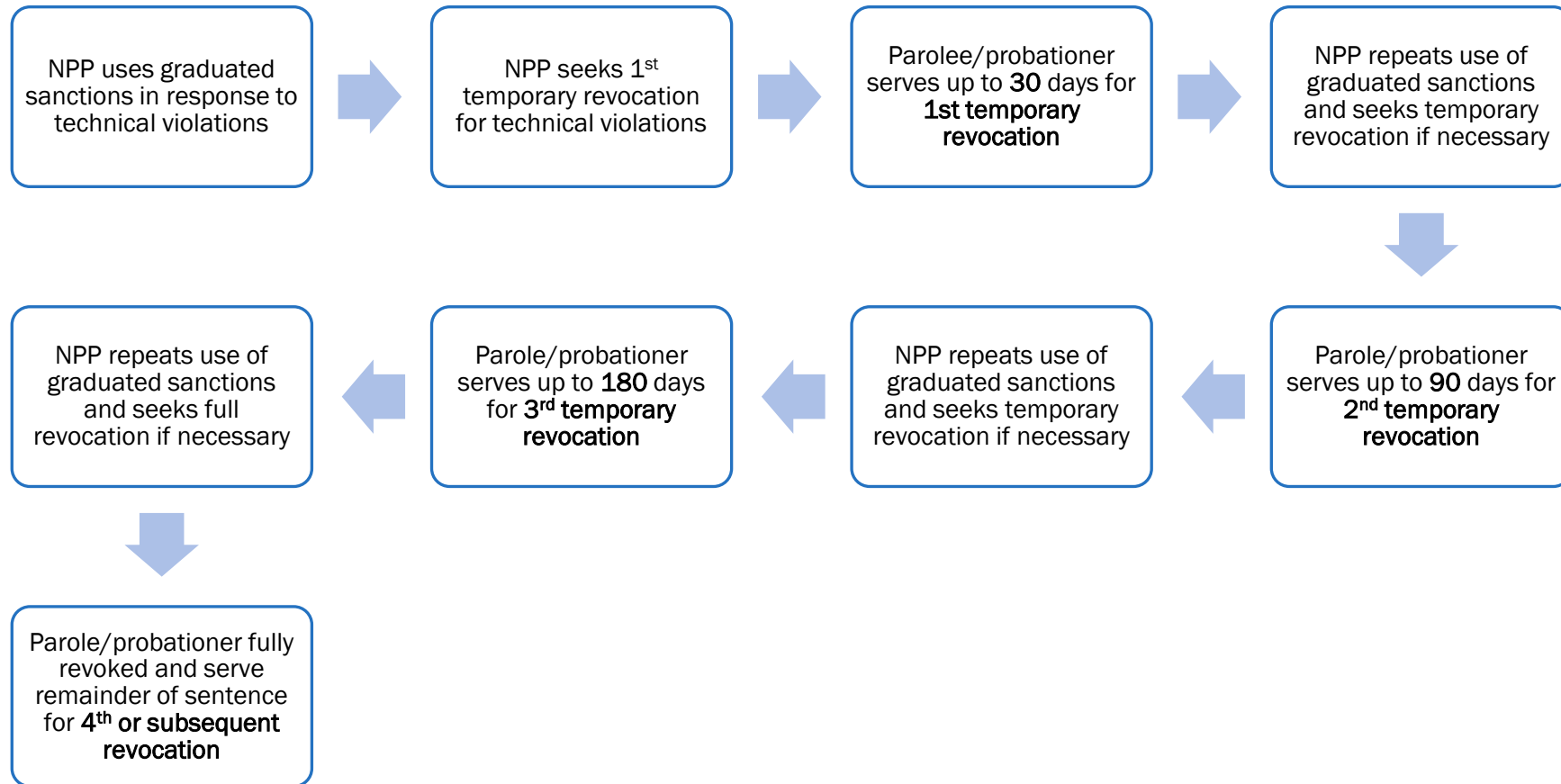
## STATUTORILY DEFINED “TECHNICAL VIOLATION”

- NRS 176A.510 (subsection 8) for probationers
- NRS 213.15101 (subsection 8) for parolees
- Exempts what **IS NOT** a technical violation

## RESPONSE TO TECHNICAL VIOLATIONS

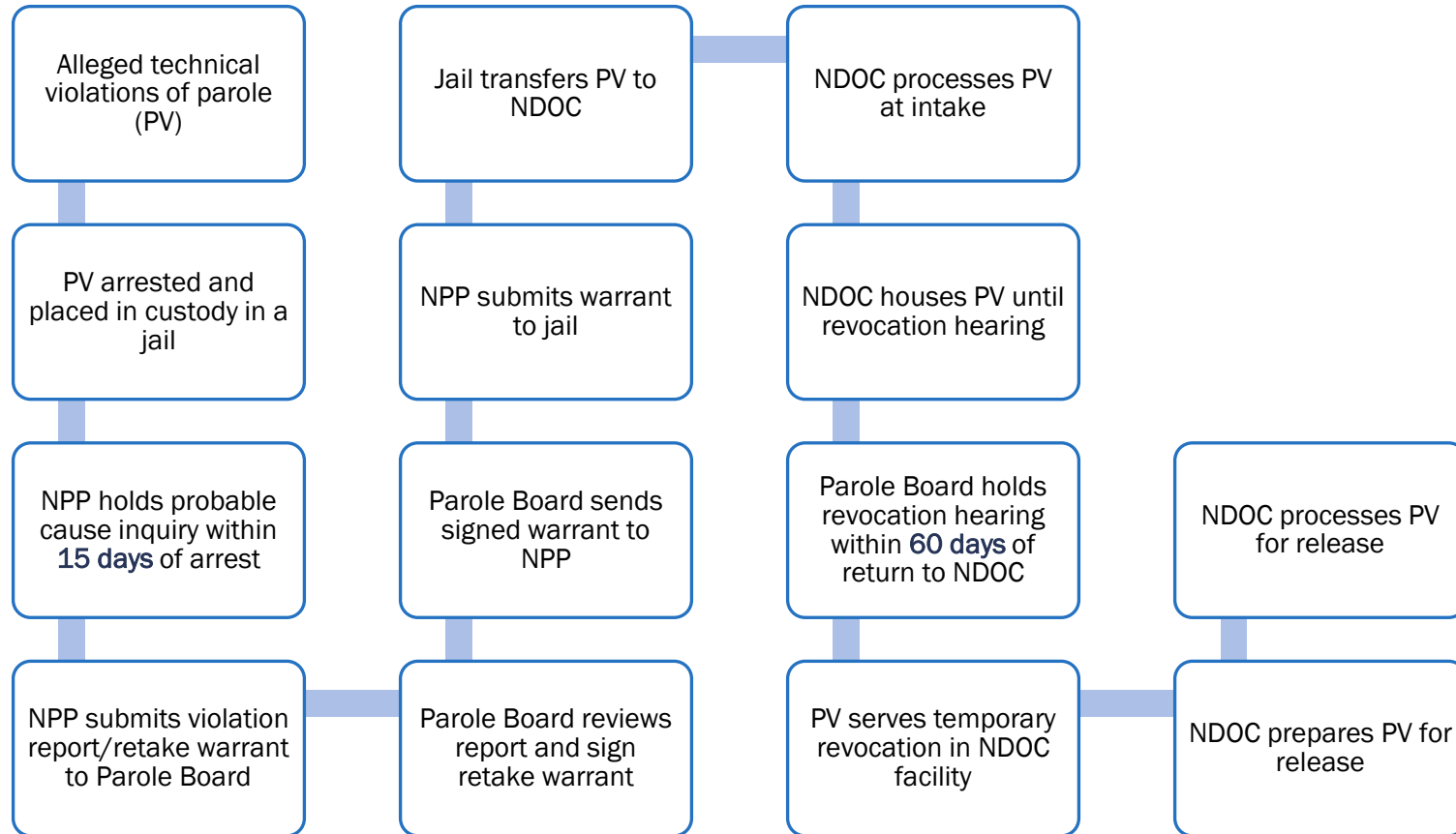
- Matrix of graduated sanctions
  - 176A.510 for probationers
  - 213.15101 for parolees
- Temporary revocations
  - 30 days for 1<sup>st</sup>
  - 90 days for 2<sup>nd</sup>
  - 180 days for 3<sup>rd</sup>
  - Full revocation for 4<sup>th</sup> or subsequent

# How are graduated sanctions and temporary revocations imposed for technical violations?



# Temporary Revocation Process for Parolees\*

\*Probationers do not go through the same process. Probationers must be brought before the court not later than 15 days after arrest.



# Initial Data Findings for 30-Day Temporary Revocation for Parolees (July 2020 to February 2022)

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- Up to 30 days in jail waiting for probable cause inquiry and transfer to NDOC
- Average of 45 days between readmission and hearing
- Majority of those who received a 30-day temporary revocation served more than 30 days in NDOC (not including time waiting in jail)

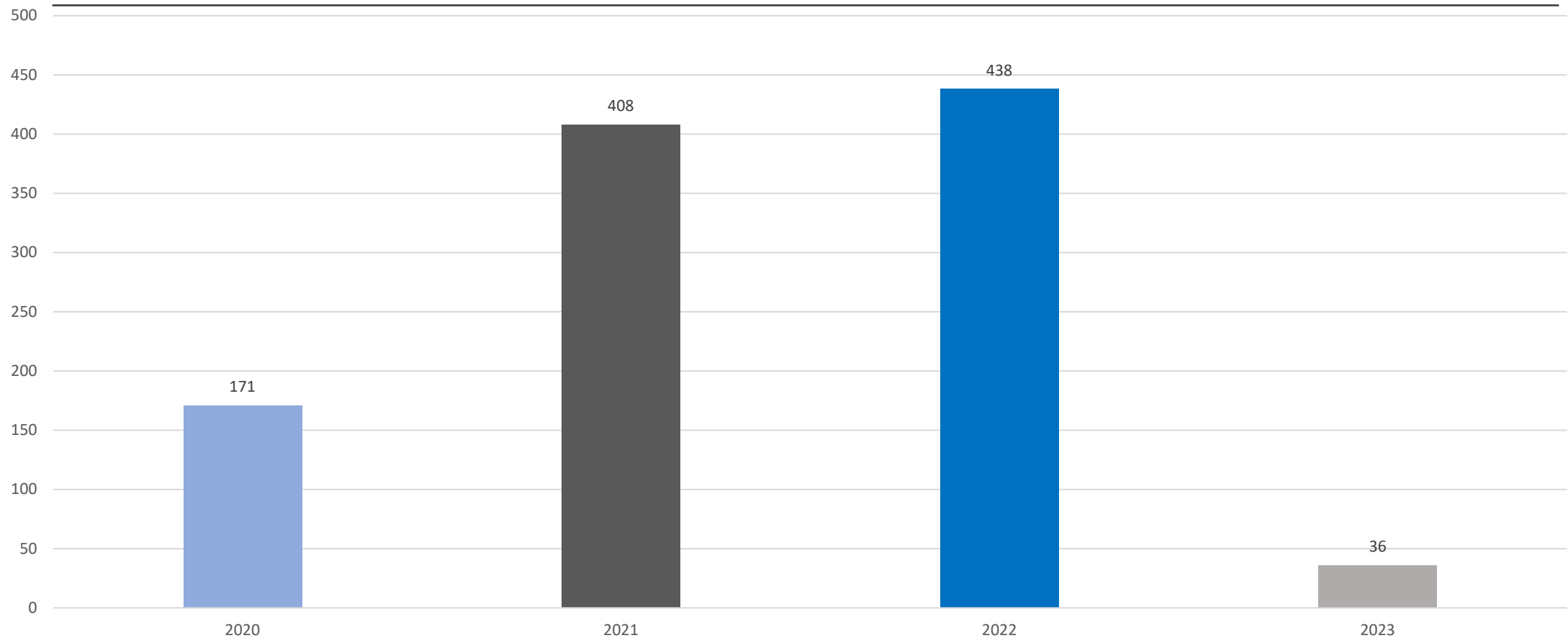


| Temporary Revocation Hearing Action | 2020 | 2021 | 2022 | 2023 | Grand Total |
|-------------------------------------|------|------|------|------|-------------|
| Rev 30: 30 Day Revoke & Reinstate   | 171  | 408  | 438  | 36   | 1053        |
| Rev 90: 90 Day Revoke & Reinstate   | 5    | 66   | 97   | 3    | 171         |
| Rev 180: 180 Day Revoke & Reinstate | 0    | 3    | 21   | 1    | 25          |
| Grand Total                         | 176  | 477  | 556  | 40   | 1249        |

**Note:** Analysis of data from July 1, 2020, through January 31, 2023

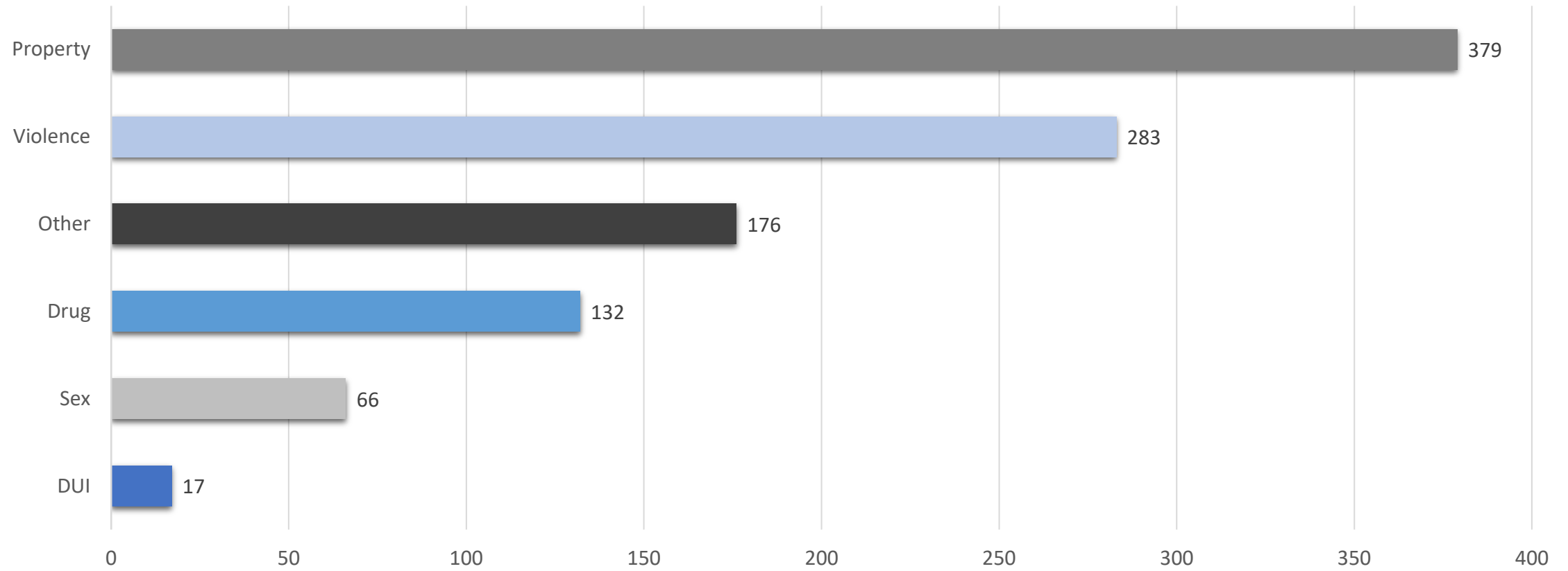
# Total Temporary Revocations

# 30 Day Temporary Revocations (2020 – 2023)



**Note:** Analysis of data from July 1, 2020, through January 31, 2023

# 30 Day Temp Rev: By Offense Group (2020-2023)

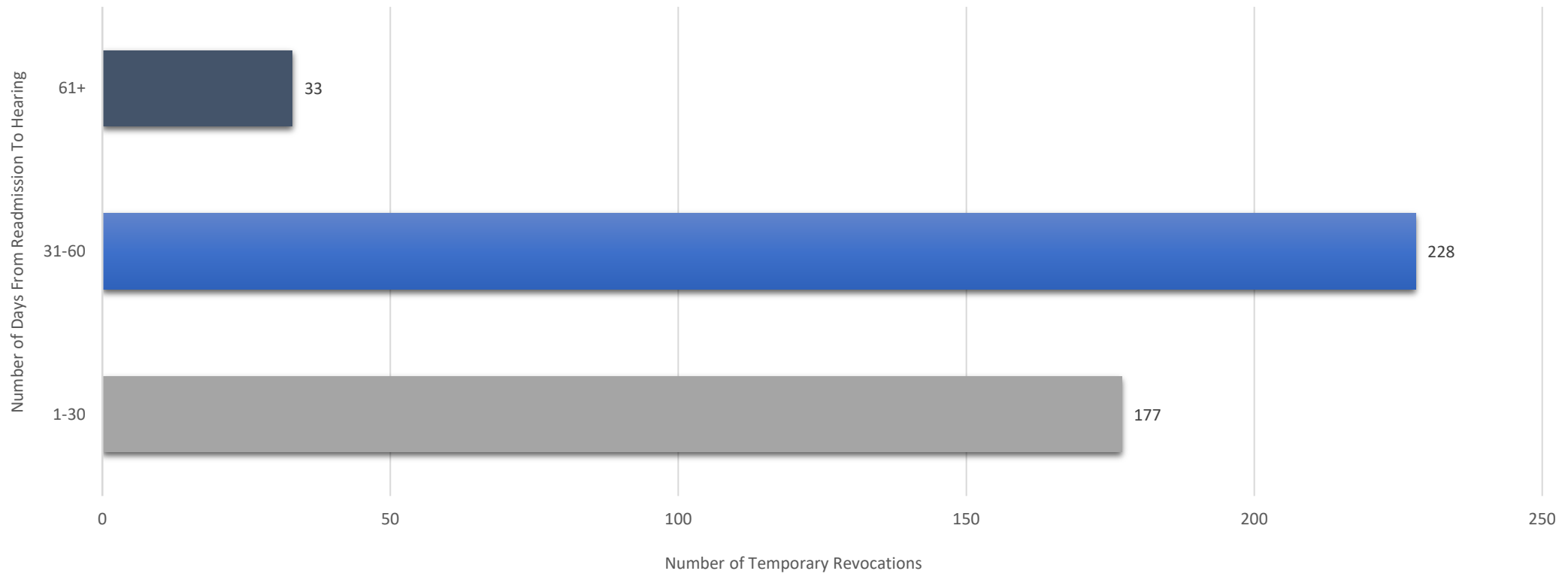


**Note:** Analysis of data from July 1, 2020, through January 31, 2023

Number of Temporary Revocations

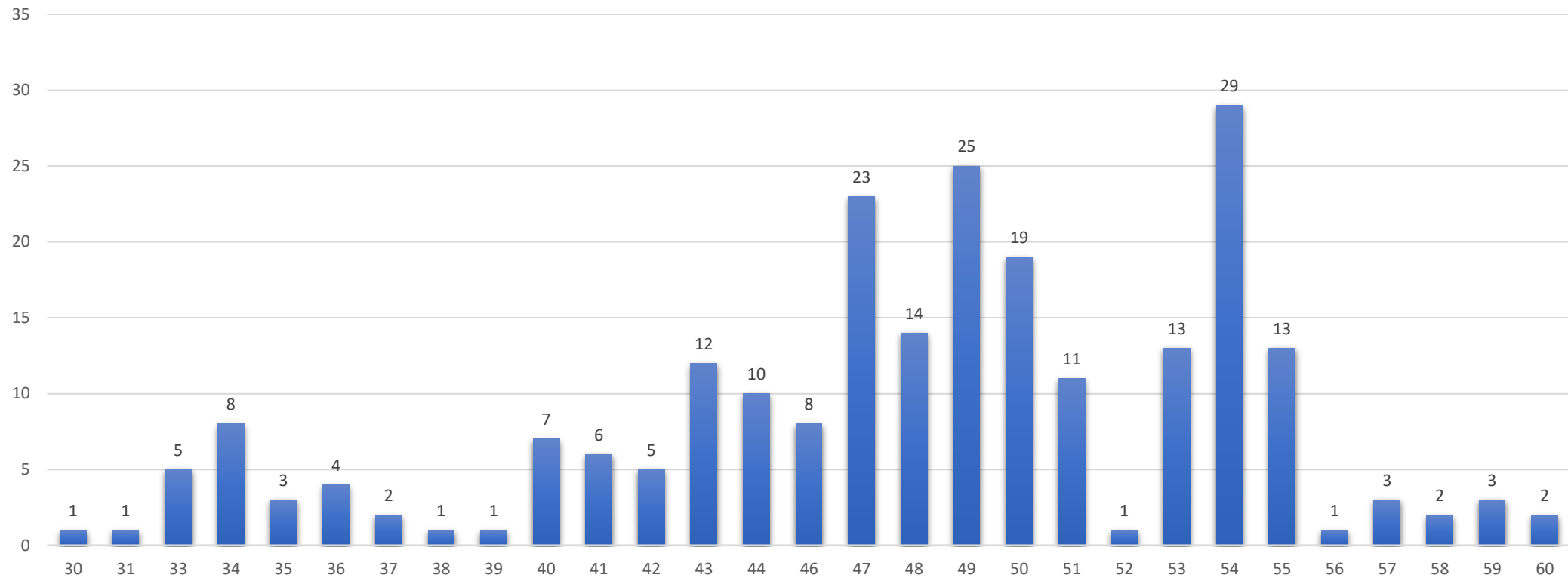
# 30 Day Temp Rev: NDOC Readmission to Hearing (2022)

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**Note:** Analysis of data from July 1, 2020, through January 31, 2023

# 30 Day Temp Rev: NDOC Readmission to Hearing 30-60 days (2022)



**Note:** Analysis of data from July 1, 2020, through January 31, 2023

# 30 Day Temp Rev: Race and Ethnicity

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| <b>Ethnicity</b>   | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>Grand Total</b> |
|--------------------|-------------|-------------|-------------|-------------|--------------------|
| Hispanic Or Latino | 15          | 68          | 81          | 7           | 171                |
| Not Hispanic       | 156         | 338         | 356         | 29          | 879                |
| Unknown            | 0           | 2           | 1           | 0           | 3                  |
| <b>Grand Total</b> | <b>171</b>  | <b>408</b>  | <b>438</b>  | <b>36</b>   | <b>1053</b>        |

| <b>Race</b>                      | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>Grand Total</b> |
|----------------------------------|-------------|-------------|-------------|-------------|--------------------|
| White                            | 81          | 204         | 254         | 23          | 562                |
| Black Or African American        | 68          | 150         | 159         | 13          | 390                |
| Other/Unknown                    | 13          | 32          | 4           | 0           | 49                 |
| American Indian/Alaskan Native   | 4           | 15          | 10          | 0           | 29                 |
| Asian                            | 5           | 5           | 7           | 0           | 17                 |
| Pacific Islander/Native Hawaiian | 0           | 2           | 4           | 0           | 6                  |
| <b>Grand Total</b>               | <b>171</b>  | <b>408</b>  | <b>438</b>  | <b>36</b>   | <b>1053</b>        |

**Note:** Analysis of data from July 1, 2020, through January 31, 2023

# Problem We Are Trying to Solve

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- Data shows that parolees are spending more than 30 days incarcerated for a first temporary revocation
- Current policies do not advance swift, certain, and proportional sanctions
- Impacts to NDOC to effectively process parolees in and out for short stays
- Parolee could lose job, housing, and other support that would promote successful completion of supervision

# Solution

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- ❖ Add intermediate sanctions
  - ❖ BEFORE a temporary revocation
- ❖ Authorize the Division of Parole and Probation to impose jail sanctions (1-10 days) or electronic monitoring
- ❖ Remove 30-day temporary revocation



# AB 32 Summary

| Bill Section (s) | Description  | Rationale   |
|------------------|--|---|
| 1                | Revise duties of Executive Director  | Ensure the Commission can set the qualifications appropriate to run the agency and collect criminal justice data                                  |
| 2                | Revise membership and certain appointing authorities of the Sentencing Commission  | Empower appointing authorities to appoint the appropriate person to the Commission  |
| 3 and 6          | Revise the type of risk assessment used for sex offenders  | Empower the Division of Parole and Probation to use the best risk assessment tool for sex offenders on supervision                                |
| 4 and 7          | Authorize Division of Parole and Probation to use jail and electronic monitoring as part of graduated sanctions            | Ensure implementation of swift, certain, and proportional sanctions   |
| 4 and 7          | Revise the definition of technical violation to exempt certain conditions for sex offenders and termination from a program | These will not be technical violations and will ensure the Division of Parole and Probation can impose swift, certain, and proportional sanctions |
| 5 and 8          | Remove 30-day temporary revocation   | Ensure implementation of swift, certain, and proportional sanctions   |

# Proposed Amendments Related to Criminal Justice Policy

| Section | Description of Amendment  | Rationale  |
|---------|---|--|
| 4       | Add additional conditions to definition of technical violation  | (j) and (k) from NRS 176A.410 – not using aliases or fictitious names and not obtain post office box (these should be technical) |
| 5       | Leave 30-day temporary revocation for probationers  | Qualitative data shows this is currently working and NDSP will collect more data over the next two years                         |
| 5 and 8 | Require the judge and Parole Board to apply credit for time served when ordering a temporary revocation   | This will ensure the sanction is consistent with the intent to impose a swift and certain sanction                               |
| 5 and 8 | Require the judge and the Parole Board to make a finding that the graduated sanctions have been exhausted | Ensure the graduated sanctions have been exhausted   |
| 7       | Add additional conditions to definition of technical violation  | (i) and (j) from NRS 213.1245– not using aliases or fictitious names and not obtain post office box (these should be technical)  |

# Proposed Amendments Related to NDSP and NSC

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| Section                 | Description   | Rationale  |
|-------------------------|---|--|
| New                     | Provide confidentiality for data collected  | NDSP collects data from multiple sources and needs to be protected from public records requests and other requests |
| Amend<br>NRS<br>176.014 | Authorized the Nevada Local Justice Reinvestment Coordinating Council (NLJRCC) to accept grants and gifts | Currently, the NLJRCC can only fund grants from the General Fund, this will allow for other sources of funding     |



Questions?

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