

NDSP Presentation of AB 32

SENATE COMMITTEE ON JUDICIARY

MAY 1, 2023

Purpose and Goals of AB 32

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

Two Types of Supervision

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

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”

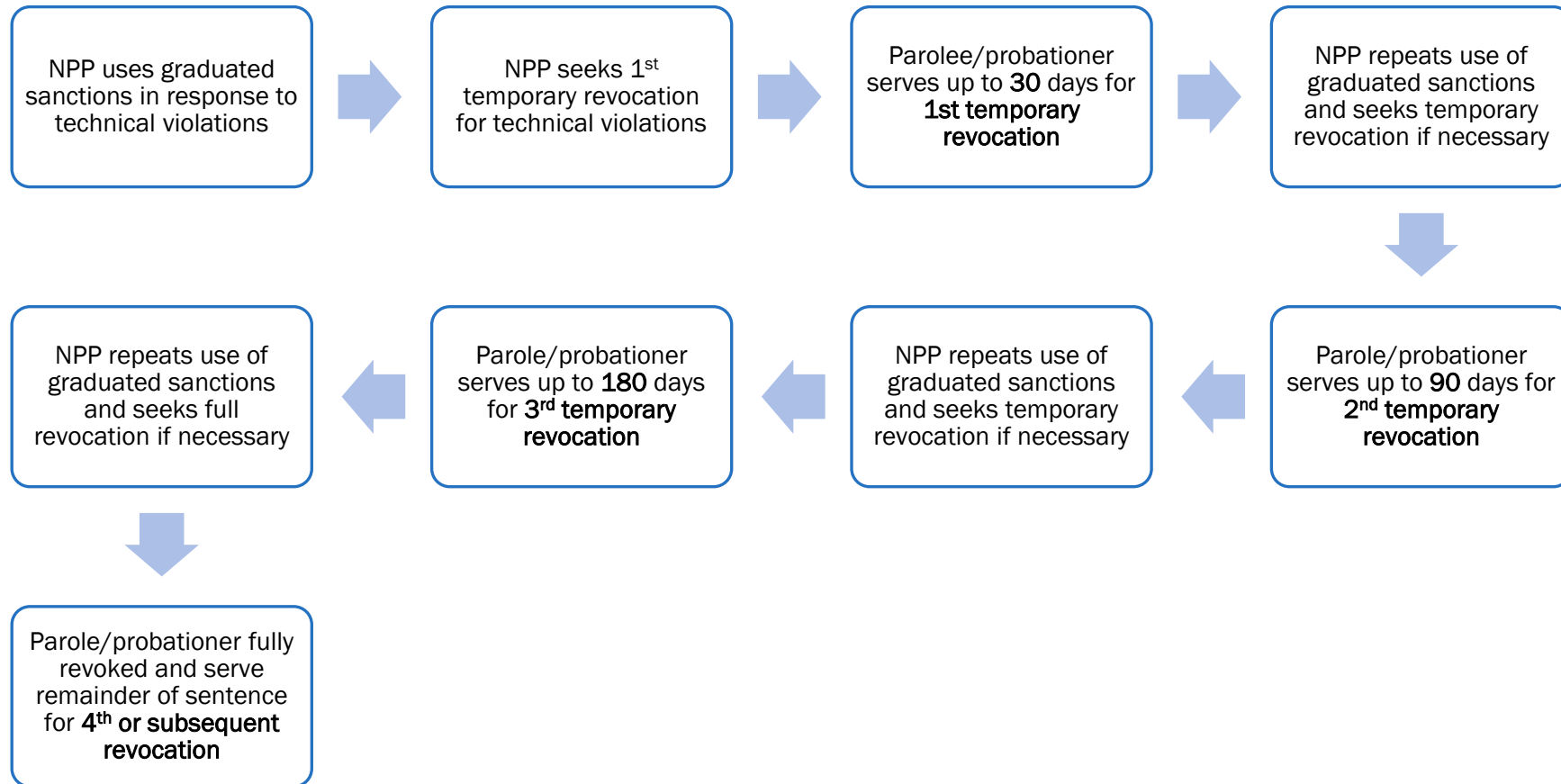
STATUTORILY DEFINED “TECHNICAL VIOLATION”

- 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

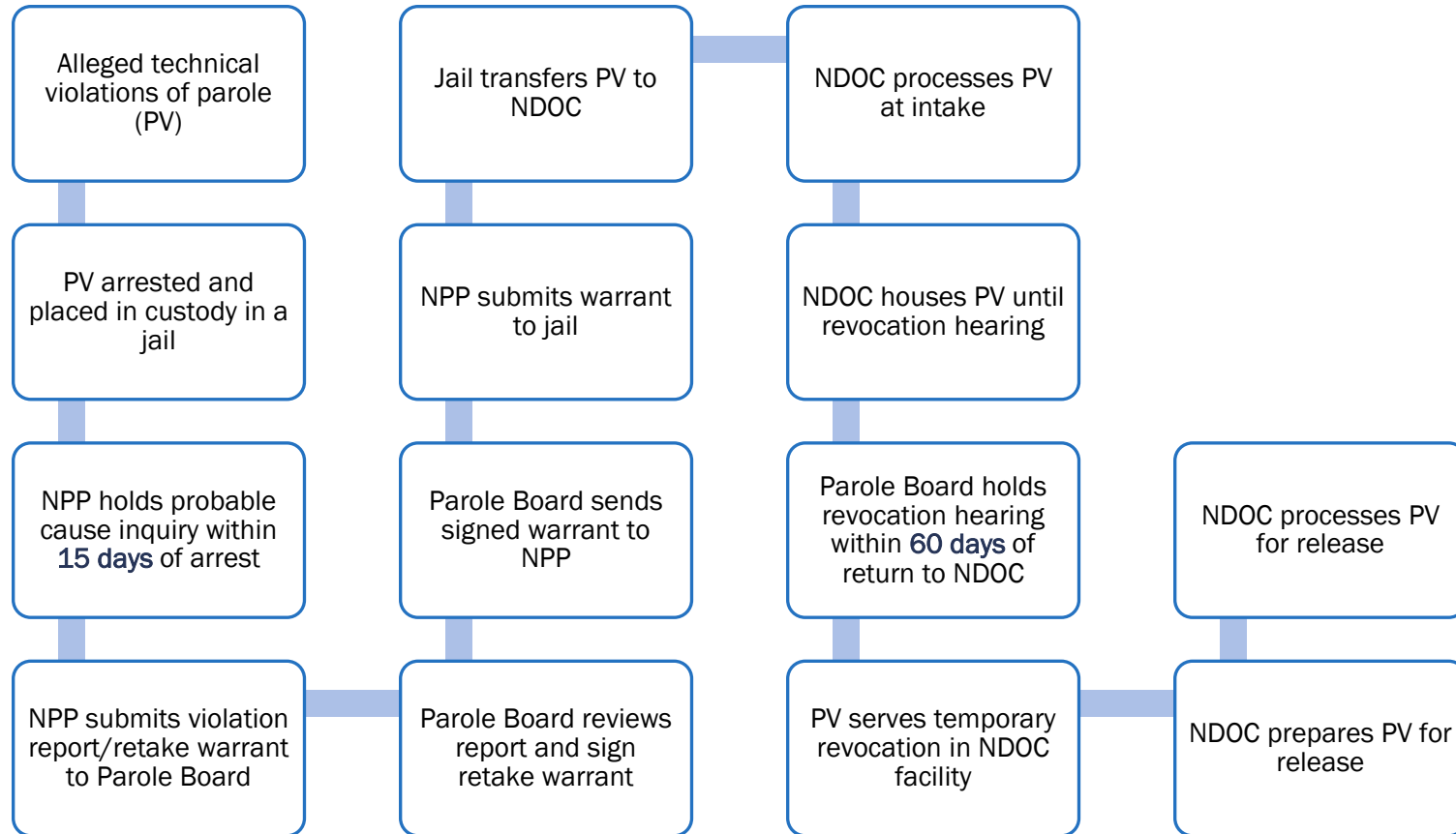
- Matrix of graduated sanctions
 - 176A.510 for probationers
 - 213.15101 for parolees
- Temporary revocations
 - 30 days for 1st
 - 90 days for 2nd
 - 180 days for 3rd
 - Full revocation for 4th or subsequent

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)

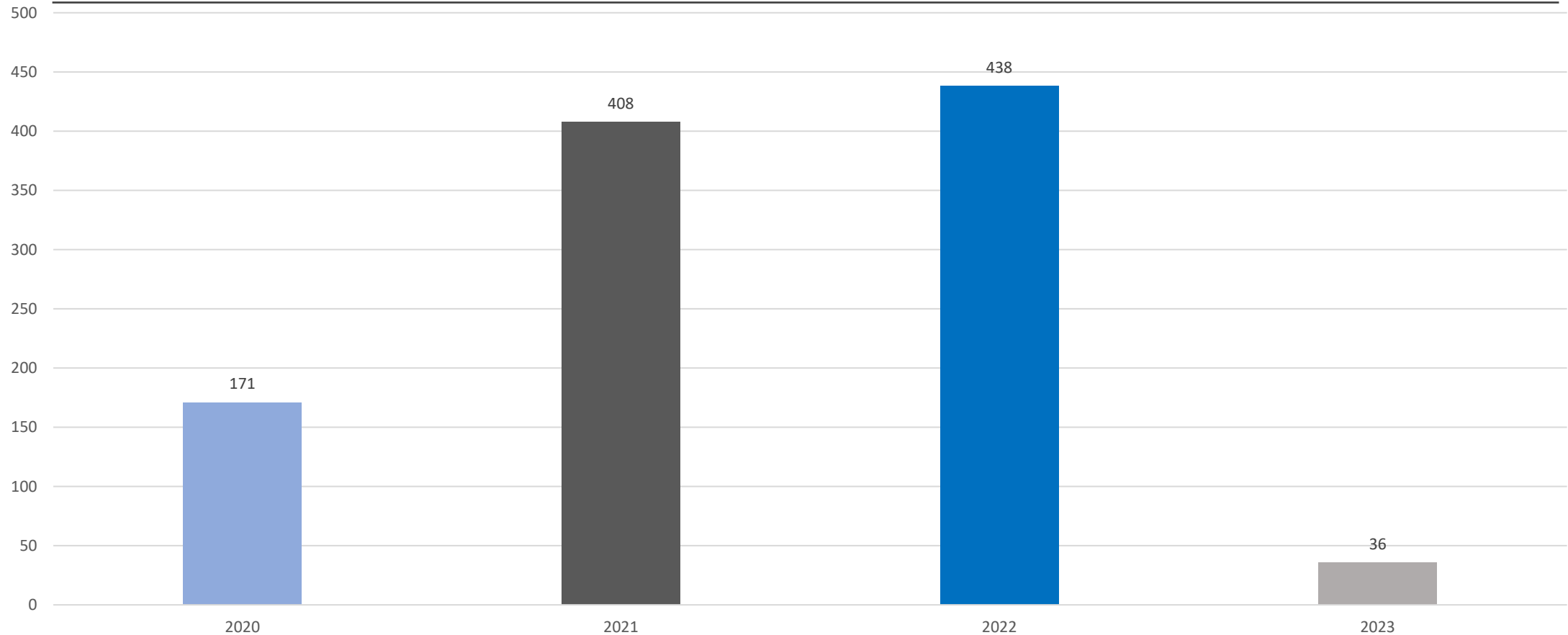
- Up to 30 days in jail waiting for probable cause inquiry and transfer to NDOC
- Average of 45 days between readmission and hearing
- Majority of those who received a 30-day temporary revocation served more than 30 days in NDOC (not including time waiting in jail)

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

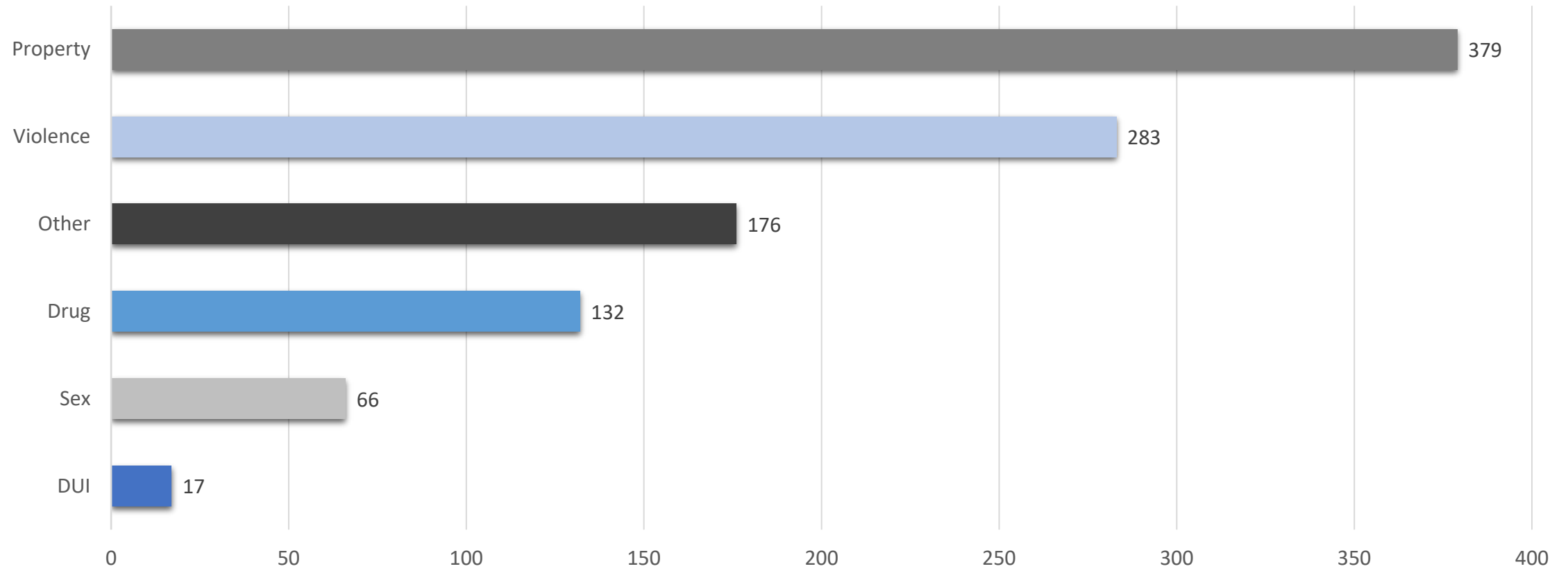
Total Temporary Revocations

30 Day Temporary Revocations (2020 – 2023)



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

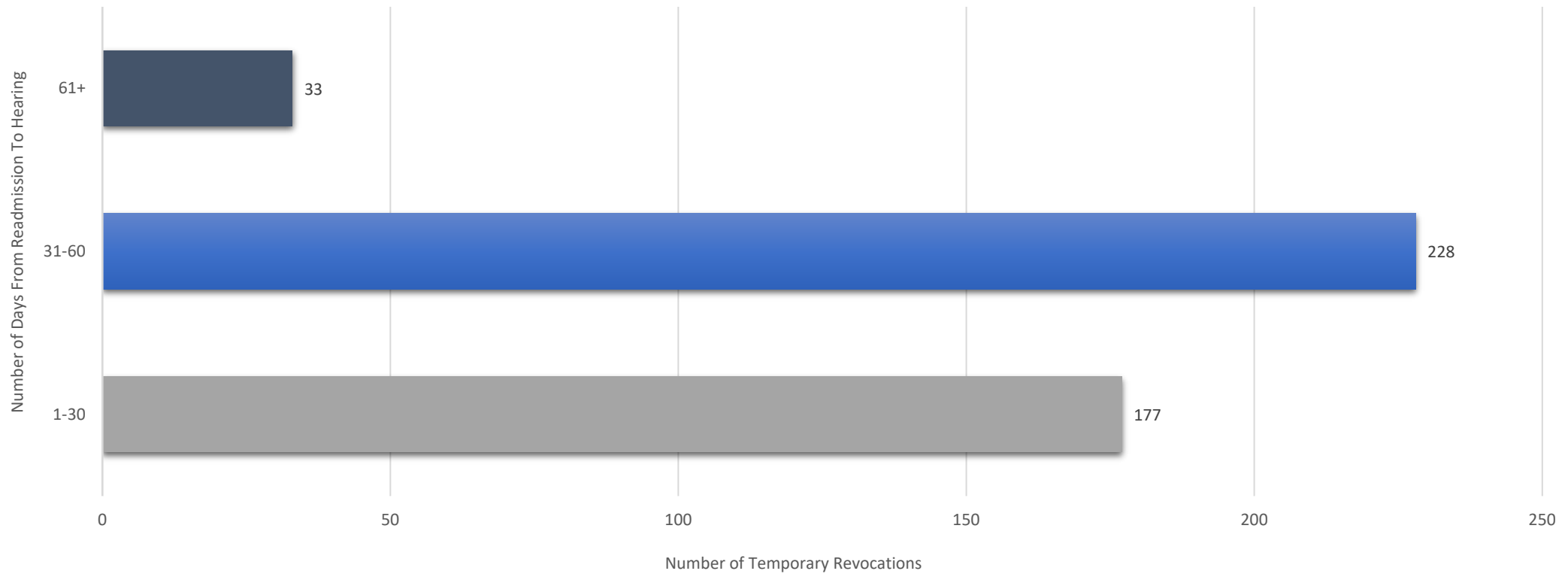
30 Day Temp Rev: By Offense Group (2020-2023)



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

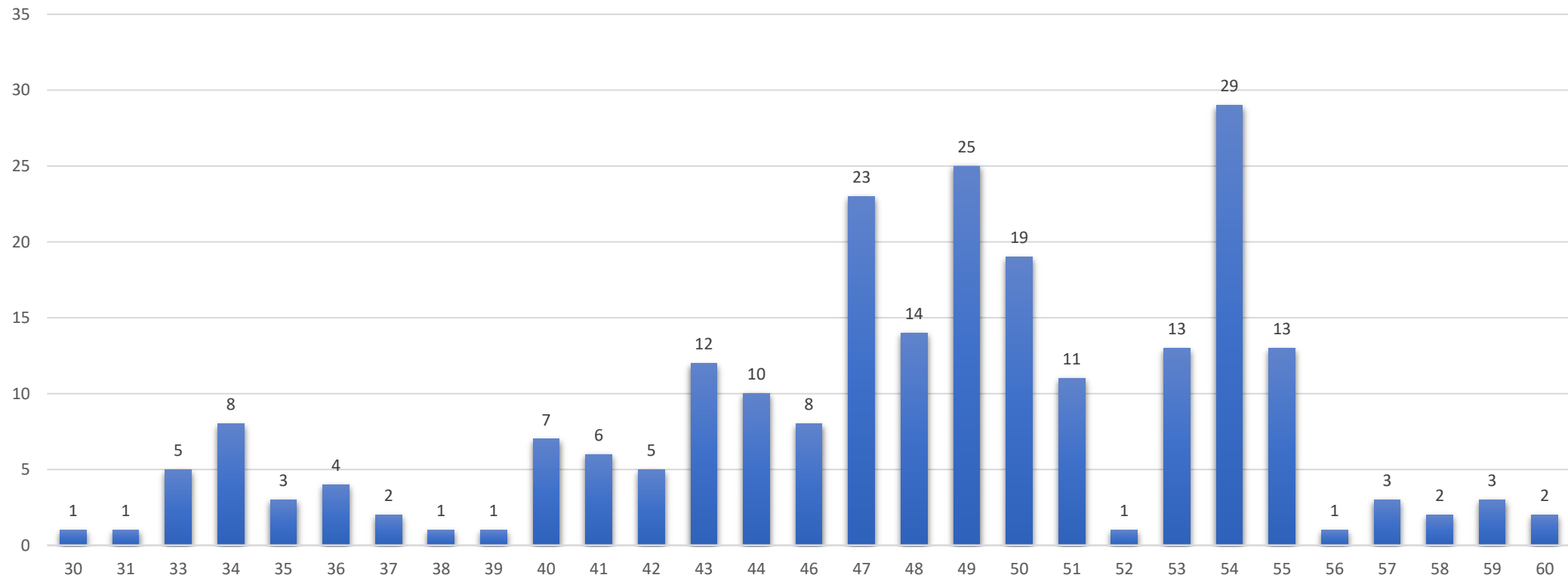
Number of Temporary Revocations

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



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

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

Race	2020	2021	2022	2023	Grand Total
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
Grand Total	171	408	438	36	1053

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

Problem We Are Trying to Solve

- 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

- ❖ Add intermediate sanctions for both probation and parole
 - **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 for parolees only

AB 32 Highlights

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 for both probation and parole	Ensure implementation of swift, certain, and proportional sanctions
4 and 7	Revise the definition of technical violation (for both probation and parole) 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
8	Remove 30-day temporary revocation for parole only	Ensure implementation of swift, certain, and proportional sanctions
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



Questions?
