

**MINUTES OF THE
ADVISORY COMMISSION ON
THE ADMINISTRATION OF JUSTICE
WORK SESSION**

OCTOBER 10, 2012

The meeting of the Advisory Commission on the Administration of Justice was called to order by Assemblyman William C. Horne, Chair, on October 10, 2012, at 9:36 a.m., at 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)

Assemblyman William C. Horne, Chair, Assembly District No. 34
Judge David Barker
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
Lisa Hibbler, Victims Advocate
Phil Kohn, Clark County Public Defender
Catherine Cortez Masto, Attorney General
Assemblyman Richard McArthur, Assembly District No. 4
Senator David R. Parks, District No. 4

COMMISSION MEMBERS PRESENT (CARSON CITY):

Connie Bisbee, Board of Parole Commissioners
Senator Greg Brower, District No. 3
Mark Jackson, Douglas County District Attorney
Justice James Hardesty, Vice Chair, Nevada Supreme Court
Jorge Pierrott, Sergeant, Department of Public Safety, Division of Parole and Probation
Richard Siegel, Legislative Chairperson, ACLU of Nevada, Inmate Advocate
D. Eric Spratley, Lieutenant, Washoe County Sheriff's Office

COMMISSION MEMBERS ABSENT:

Greg Cox, Nevada Department of Corrections
Larry Digesti, Representative, State Bar of Nevada

STAFF MEMBERS PRESENT:

Nicolas C. Anthony, Senior Principal Deputy Legislative Counsel
Melissa Mundy, Deputy Legislative Counsel
Angela Hartzler, Deputy Administrator, Legal Division, Legislative Counsel Bureau
Olivia Lodato, Interim Secretary, Legal Division, Legislative Counsel Bureau

OTHERS PRESENT:

Leonard Nevin, Nevada State Law Enforcement Officers' Association
Tonja Brown, Advocate for the Innocent
Pat Hines
Ron Cuzze, President, Nevada State Law Enforcement Officers' Association
Dane Claussen, American Civil Liberties Union

Chair Horne opened the meeting of the Advisory Commission on the Administration of Justice. He requested Ms. Hartzler call the roll of members present.

Ms. Hartzler called the roll and a quorum was present.

Chair Horne welcomed the members of the Commission to the Work Session. He said they would hear public comment at this time.

Leonard Nevin, Nevada State Law Enforcement Officers' Association, commented on Recommendation No. 4 of the Work Session documents. He said he served in the Senate and the Assembly. He said at the sessions he was in, everybody wanted to move the Division of Parole and Probation from one place to another. There was no need to move it. He said it worked well where it was located.

Tonja Brown presented some documents concerning Recommendations 17, 18, 19 20, and 21. She said the first concerned the DNA issue she requested the Commission consider. She said it was an exhibit from Mr. Klein's trial, ([Exhibit C](#)). She said most of the information was photographs. Prior to his death over 200 pages of exculpatory documents were found. If DNA had been available, it would have shown his innocence. She referenced a letter from Michelle Ravell concerning the Lobato case, ([Exhibit D](#)). Ms. Brown said she also provided a copy of the photo lineup to 165 people. She said the lighting must be the same in photo lineups.

Senator Brower asked Ms. Brown about Ms. Lobato's case. He asked where the case was procedurally and if she could tell the committee.

Ms. Brown said the documents had been filed with the State Supreme Court this week. She said no DNA was allowed.

Senator Brower asked Ms. Brown if she was aware of any federal appeal cases pending.

Ms. Brown said as far as she knew, it was at the State level.

Ms. Brown commented on Recommendation No. 17, the Clemency Board. She was totally in favor of it. She said anyone maintaining innocence should be given the right to appear before the Clemency Board. She provided information regarding the computer glitch in Recommendation No. 18. She still had an issue concerning who was affected by the glitch from 2007 to the present. She said Recommendation No. 20 concerned the ombudsman. She thought an ombudsman was going to be available at the Nevada Department of Corrections. She said nothing had happened. She discussed a case of Michael Spenser dealing with religion. She said it was a damaging piece of evidence by the former Reverend Jane Thompson. She said Reverend Thompson described to the Attorney General her stand on religion. She said it violated free speech. Ms. Brown said the Attorney General's office and the NDOC wanted to retaliate against Mr. Klein. She said an ombudsman was needed for these situations. She said it should go to the Board of Prison Commissioners who oversaw the NDOC. She said Recommendation No. 21 dealt with the photo lineup. She requested everybody conform to the same practices and lighting. She said some photo lineups lead to wrongful convictions over the years. She requested the Commission pass her recommendations.

Chair Horne asked if there were further comments from the public.

Pat Hines said she had advocated for adult sex offenders to receive some kind of training and rehabilitation. She talked about Recommendation No. 9 and she thanked Dr. Siegel for bringing the recommendation forward. Ms. Hines said it discussed intermediate sanctions. She requested sex offenders with some of the technical violations be included in the intermediate sanctions. She said people with technical violations should not be incarcerated for 8 or 9 years.

Chair Horne asked if there was public comment in Las Vegas.

Ron Cuzze, President, Nevada State Law Enforcement Officers' Association, addressed Recommendation No. 4. He said the subject had been discussed for decades. He referenced his letter sent to all the members, ([Exhibit E](#)). He said he also had an alternate proposal putting the NDOC under the Department of Public Safety, ([Exhibit F](#)). He said that was where it should be relocated if necessary. He said they were receiving recommendations based on the California model and that state was in serious financial shape. He said New York and Texas tried the same system and did not keep it. Parole and Probation was not broken, it was underfunded. He said the commission could not do anything about the funding. He was taking people from other positions to fill places at P&P. It was the same thing as referenced in his letter about PSIs, [Exhibit E](#). He said there were too few PSI writers.

Chair Horne asked if there was further public comment.

Dane Claussen, American Civil Liberties Union of Nevada, said the ACLU supported most of the proposals with the exception Recommendation No. 11, the Coroner's Inquest. He said intermediate sanctions had been discussed several years before. He said it seemed that the momentum had decreased in Nevada. He hoped the new large prison population in Nevada was not considered the new normal. He said intermediate sanctions provided alternatives to incarceration while responding to the needs of those on parole or probation. The sanctions could take many forms including electronic surveillance, community service, drug and mental health treatment, drug testing, fines, and others. He said intermediate sanctions addressed the individual's needs and maintained public safety while reducing prison populations and saving money. He said the sanctions decreased crime and prison population.

Chair Horne asked if there was further public comment. He opened Agenda Item 4, approval of the minutes from the August 28, 2012 meeting.

Mr. Spratley requested on page 13, paragraph 2, line 4, under Mr. Jackson's comments the compliance report read it had 4 to 6 agencies, and the report actually had 46 agencies.

Chair Horne asked for a motion to accept the minutes.

MS. MASTO MOVED TO APPROVE THE MINUTES AS AMENDED.

MR. KOHN SECONDED THE MOTION.

THE MOTION PASSED.

Chair Horne opened Agenda Item V, the Work Session, [Exhibit G](#). He requested Mr. Anthony introduce each recommendation.

Mr. Anthony said the Work Session document contained twenty one recommendations compiled throughout the various meetings of the Commission. They were in chronological order as they were presented. He said the Commission was advisory in nature and did not have bill draft requests specifically allocated; however any recommendation for legislation may be picked up by individual legislators or the chairman of a committee. He said each recommendation listed a particular action but the Commission had multiple courses of action concerning the recommendations.

Mr. Anthony said Recommendation No. 1 was presented by Mr. Kohn to draft legislation to expand the use of boot camps, or the regimental discipline program, under NRS 176A.780. He said the statute was attached to the documents as [Exhibit G](#), Tab A. He said there was a recommendation to remove the blanket restriction prohibiting persons convicted of a violent crime from participating in the program.

Chair Horne asked for questions or comments concerning Recommendation No. 1.

Mr. Kohn said it was an attempt to give more discretion to the courts and to the Department of Corrections to allow those young people with a violent felony, not murder or rape, but some battery offenses where a court might be inclined to use regimental discipline programs. He said there needed to be a better way to integrate inmates back into society.

Judge Barker said he supported the idea. He said broader discretion was welcomed by judges. He said it was a good idea.

Mr. McArthur said he did not think it was a bad program, but the recommendation was to expand the program. He said he did not know if the State could afford the current program but did not agree with expanding it.

Ms. Masto said if they agreed to the program, they had to address the initial reason of why they came to them. She said the program lacked staffing. If they were unable to adequately fund the program now, they would not be able to add more people to the program. She said they had to consider making a statement with respect to adequately funding the program.

Mr. Callaway stated he supported boot camps and anything that reduced recidivism was a good thing. He also supported discretion for the people in the judicial branch. He was concerned about putting violent offenders into an understaffed boot camp program with minimal to low level security. He said someone could walk out the door from boot camp.

Chair Horne said violent crime needed definition. He said he did not know if violent crime was easily defined into categories for a judge to be able to make discretionary decision. He supported allowing the judges discretion to make the determination.

Senator Parks supported the recommendation. He said the alternatives to imposing a prison sentence would be far more costly than increasing the cost related with a boot camp program.

Mr. Siegel asked Mr. Kohn to address the question of the overall problem where people were sent to boot camp who might otherwise be given probation. He said boot camp was a punitive treatment.

Mr. Kohn said he believed the courts sent someone to boot camp in lieu of sending them to prison. He said Judge Herndon said that was what he did.

Mr. Siegel asked if a court would send someone to boot camp when they could have sent them home on probation.

Mr. Kohn said it was possible but was not the most likely scenario. He said the people he saw being sent to boot camp were not going home as an alternative option.

Justice Hardesty said subparagraph 1C of the statute made clear a person who committed a felony involving an act of violence did not qualify for the program. He said if trust was being extended to the judicial system it was imperative the Legislature and the Commission recognized the discretion of the judge in making this decision. He said in determining if a defendant was qualified, it would be made by judges with a view toward the crime and the criminal history of the defendant in connection with whether they qualified for the program. The record before the Commission from the statistics made dating back to the 2007 Session was that boot camp saved the prison money. He said it was a tool available to judges to improve outcomes on rehabilitation. He said if a defendant successfully completed boot camp it did not mean they had completed their obligations to the criminal justice system. There was follow-up on supervision instead of housing them in prison. He added the underfunding of the Nevada Department of Corrections and the Division of Parole and Probation by the Legislature was a problem. He said a thorough study was done by Dr. Austin in 2007-2008 evaluating the sentencing patterns of district court judges in the State. The patterns showed approximately 60% to 62% of defendants appearing before the judges went to prison. He said part of the reason was a default because they did not have available alternative means of supervision of the defendant such as boot camp.

Senator Brower commended Mr. Kohn for his work on the issue. He said the Legislators did not always give judges enough discretion. He said it might be because there were not many lawyers in the Legislature. He agreed with Judge Barker. He said programs such as this saved money if they were run properly. He supported the recommendation.

Ms. Bisbee said that Deputy Director Foster had said in her presentation the federal program and many state programs were dropping boot camp due to lack of proof it significantly reduced recidivism. She said there was a study done referred to as *Preventing Crime, What Works, What Doesn't, What is Promising*. It was commissioned by the Federal Government and presented by the National Institute of Justice and reported to Congress. She said it concluded boot camps did not significantly reduce recidivism in comparison to offenders serving time on parole probation. She said the recidivism rates for those who completed boot camp were lower than those dismissed. Programs incorporating therapeutic activities and follow-up in the community may be successful in reducing recidivism, but it was tentative until more research was completed. She said one conversation she had with retired Director Glen Wharton was that none of the intended goals were met by the way boot camps were done in the Department of Corrections in Nevada. She said actual military boot camps were much shorter than boot camp training for six months. She said at the end of military boot camp there was housing, food, clothing, job training, and a pay check. She said none of this happened in boot camp. She said on the positive side of the report, the intensive supervision in the

community was more effective in reducing recidivism. Ms. Bisbee said she would not vote in support for the boot camp process.

Mr. Jackson was in support of providing flexibility to the judges. He said it was not uncommon where a young male offender was arrested and convicted for assault with a deadly weapon. The offender did not have a criminal record, but they abused drugs. He said he saw cases where the judge gave the person probation and allowed them to receive treatment. He said in some cases it could be better to place them in boot camp than putting them on probation. He said the Douglas County boot camp was successful. The prosecutor's office, the two district court judges, and the defense attorneys believed in the boot camp and they have had some good successes. He said from a fiscal impact the underfunding of programs was his number one issue of all the recommendations.

Chair Horne said he was more interested in the positive reports he had heard and seen concerning boot camps in Nevada. He had confidence in the judges making discretionary decisions. He said he had not heard any evidence that expanding the discretion would be harmful and he agreed about the funding issue. Chair Horne said there were funding deficiencies that had a direct impact on Parole and Probation. He said a prior administration told the Commission that they recognized the need for more funding, but failed to submit a budget that included the necessary financing. He would accept a motion including a reference to the funding impacts.

Mr. Siegel said he was very neutral at the beginning of the discussion. He said he wanted to make a motion supporting both sides of the discussion. He said the Commission supported a bill pointing to a renewal of boot camps with the suggestion certain violent offenders can be considered for boot camp. He wanted to add that the Commission would also support further development of intensive supervision in the community. He said it would give the judges more discretion and give the State more capacity to deal alternatively with criminals.

Mr. Kohn seconded the motion.

Ms. Masto asked for clarification on the motion.

Chair Horne requested Mr. Siegel clarify the motion. He said it was in two parts.

Mr. Siegel said he accepted the expansion of boot camp including violent offenders. He said they might allow the lowest level of violent offenders be considered by the judges. The second part reflected the comment that the most effective thing to do was have a better program of intensive supervision in the community. He said he was aware it was going to take funding. He said it was the Commission's job to tell the committee hearing the BDR what the State needed.

Mr. Jackson opposed the motion as stated based upon the second part of the proposal. He said adding intensive supervision without any discussion as to what that involved was not appropriate at this time. He supported the first part of the motion, but not the second.

Ms. Masto said she echoed Mr. Jackson's comments. She said low level felonies were not really identified. She thought the discussion was allowing the judges the discretion to determine which type of violent crimes they wanted to see in the boot camp. She did not support the motion.

Chair Horne concurred.

Judge Barker mentioned 176A.780, subsection 1 (b), [Exhibit G](#), Tab A, striking the language that does not involve an act of violence. He said that brought them into conformation with what he thought the Commission was discussing. He said it would read has been convicted of a felony, and leaving the discretion as to whether or not the individual was the focus of the boot camp referral. It would be up to the judge and lawyers at that time.

Chair Horne said there was a motion on the table. He said some category B felonies were harsh and some were not so harsh. He recommended leaving it to the discretion of the judges and deleting the language involving acts of violence.

Mr. Siegel withdrew his motion.

Chair Horne said he thought the motion was for Mr. Kohn's proposal, an expansion of boot camp eligibility and giving judges discretion by striking 1 (b) from NRS 176A.780 and drafting a letter on funding boot camps adequately.

Mr. Kohn suggested changing the wording as Judge Barker indicated to exclude category A felonies as opposed to all violence. He said everything revolved around funding probation in a reasonable manner. He said some things will cost more money up front, but save money on the backend. He said rather than put a rider on every motion, the Commission could agree funding was important.

Justice Hardesty said the issue about funding was not something that was difficult to discern. He said the Commission had heard repeatedly what the ratios should be for supervision. He said it was clear the levels were not consistent with best practices. The Commission was wise to make a recommendation regarding funding. The funding recommendations should be consistent with the best practice numbers presented to the Commission multiple times. He said the Commission should endorse best practices. He said once properly funded, how did the Commission plan to address saving money and better directing the resources. The NDOC and P&P were unable to take advantage of extraordinary technology advances due to lack of funds.

Chair Horne reminded the members they deal with policy and funding always came up in the discussion. He said the Commission's job was to send a message on what they believed was a good policy for the State. He said the people who find the funding also debate the issue. He said the Commission can recommend good policy, but it has not been funded and it needs to be properly funded.

Judge Barker made a motion on the boot camp questions.

JUDGE BARKER MOVED TO APPROVE RECOMMENDATION NO. 1, AMENDMENTS TO 176A.780, DELETING SUBSECTION 1 (b) AS IT RELATES TO INDIVIDUAL'S ELIGIBILITY FOR ENROLLMENT IN THE REGIMENTAL DISCIPLINE PROGRAM AND STRIKING THE COMPONENT FOR AN ACT OF VIOLENCE OTHER THAN A CATEGORY.

MR. KOHN SECONDED THE MOTION.

THE MOTION CARRIED. (MS. BISBEE, MR. MCARTHUR, AND MR. CALLAWAY VOTED NO.)

Chair Horne said he sought Legislators to carry the BDRs, or someone else eligible to carry bill drafts that may not be on the Commission. Chair Horne opened discussion on Recommendation No. 2.

Mr. Anthony said Recommendation No. 2 was similar to No.1, but it expanded the use of boot camps to allow youthful offenders to be placed in a boot camp. He said one difference was that youthful offenders were inmates convicted and sentenced to prison terms. He said the boot camp program was a diversionary program lasting 190 days. He said it was a policy decision to place youthful offenders in boot camp.

Justice Hardesty said he took an opposite view of the recommendation. He said this measure would extend to those involved in the juvenile justice system. He said the JDAI principles called for alternatives to incarceration as a primary goal to reforming youthful offenders. He said this measure was counterproductive.

Ms. Hibbler said there were some questions about what the purpose of the boot camp was and whether or not it was a structured living program or more a re-entry program.

Chair Horne asked if there were further questions, comments or concerns. He said if there was no motion on the recommendation, that was fine. He reiterated there was No Action on Recommendation No. 2. He opened discussion on Recommendation No. 3.

Mr. Anthony said the recommendation was to reinstate the 120 day "Safe Keeper Evaluation Program." He said the program was in effect in the 1990s. He said behind Tab B of [Exhibit G](#) was former legislation which enacted the so-called "scared straight program" where individuals went to the NDOC for a 120 day diagnostic period. He said the bill in 1997, S.B. 74, repealed and eliminated the program due to cost. He said the request was to reenact former NRS 176.158.

Vice Chair Hardesty asked if there was comment in support of the recommendation.

Mr. Kohn said he had seen it work in this State. In California, he said it was a 90 day program and that was an acceptable time frame if cost was the concern. He said it had the effect of a scared straight program and it should be done because the offender received a more in-depth mental and physical evaluation as well as the criminal history. He said probation reports had changed in the past 25 years. The reports were not as in-depth as they were in 1980 and the courts were not receiving as much information as they used to get. The judge needed to know more information. He said it was an excellent program that would save money on the backend as people would not be in prison as long. He said the program was never properly staffed or funded.

Judge Barker said prior to taking the bench he worked in the system when the 120 day evaluation program functioned. He said the additional insight was of great value. There was a punitive component, but it gave insight into the future of an individual. He said as a judge it would make a difference in the manner he sentenced.

Justice Hardesty said he assumed Judge Barker's colleagues had a number of defendants before them who were on the bubble about making the decision between prison and probation. He said the decision was significant to the State's budget. He said having the additional information would improve the decision making.

Judge Barker said it would be critical in making the decision. He said the individuals were always on the bubble.

Mr. Spratley asked Judge Barker if he was in favor of the 90 day or the 120 day evaluation period.

Judge Barker said if the report was generated and the insight gained in 90 days, he accepted those days. He said it was more the structure of the information and insight that the NDOC offered.

Justice Hardesty asked if there was further comment in support of the recommendation, or comment in opposition of it. He added a comment saying when the defendants came back before the judge they were often "scared straight."

JUDGE BARKER MOVED TO DRAFT LEGISLATION TO REINSTATE THE
90 DAY DIAGNOSTIC NDOC "SAFE KEEPER EVALUATION PROGRAM."

MR. KOHN SECONDED THE MOTION.

THE MOTION CARRIED. (MR. MCARTHUR VOTED NO.)

Chair Horne opened discussion on Recommendation No. 4.

Mr. Anthony said the recommendation was to draft legislation to combine the Division of Parole and Probation with the Nevada Department of Corrections. The recommendation was proposed by Dr. James Austin. He said there was a letter from Director Cox stating his department met with the National Institute of Corrections (NIC) for technical assistance, [Exhibit H](#). He said they discussed moving the parole function but not the probation function under the NDOC. He said the recommendation was to combine P&P with the NDOC.

Mr. Jackson said based on the letter from the NDOC with respect to the recommendation, he strongly urged the Commission to take no action on Recommendation No. 4.

Mr. Pierrott said the Division of Parole and Probation concurred with Mr. Jackson. He requested that P&P be allowed to continue to study with the NIC to see if it was an appropriate change for P&P.

Ms. Bisbee, on behalf of the Parole Board, concurred with Mr. Jackson to take no action on Recommendation No. 4.

Mr. Siegel requested future study be done in conjunction with the leading agencies, National Conference on Crime and Delinquency, JFA and others and not make the study an internal recommendation of state agencies in Nevada.

Justice Hardesty did not support the recommendation. He urged the Commission to examine what 22 or 23 states effectively did in placing their probation departments under the judiciary. He said Arizona did it and they were the best and most accessible example of the successful approach. He said the Commission should study the fiscal and supervision implications in future meetings.

Senator Brower said the federal system put P&P within the court system. He supported studying the proposal for the State system.

Chair Horne Moved No Action on Recommendation No. 4.

Chair Horne opened discussion on Recommendation No. 5.

Mr. Anthony said the recommendation came from the Subcommittee to Review the PSI Report Process. The recommendation was to draft legislation to enact statutory time frames relating to when PSI reports must be given to counsel and all the parties before sentencing. He said in [Exhibit G](#), Tab C, the subcommittee met several times and this was an attempt to enact new legislation amending Chapter 176. It required reports be given to parties at least 21 days before sentencing, with an additional 7 days to state objections.

Mr. Kohn asked the Commission to consider Recommendation No. 6 at the same time. He said the concern of P&P was that they had enough officers and the means to prepare the reports 21 days in advance. He asked a that letter be drafted to the Governor requesting the proper money. He asked that they amend NRS 176 pursuant to earlier discussions concerning the Nevada Supreme Court case *Stockmeier*. He said at this time there was no rule concerning the time the reports were given to the parties involved. He said one half of the reports last year were given within 3 or 4 days before the court appearance. He said it was not enough time to do the required job. He requested the Commission amend NRS 176 in a manner requiring reports be given 21 days in advance and also consider extending the time that P&P had to complete out-of-custody reports.

Chair Horne asked if there was further comment on the recommendation.

Mr. Pierrott said of the 5, 975 reports written, 5,821 reports were delivered within the 3 days prior to sentencing. He said the Division of Parole and Probation had proven and provided enough information to show they were successful providing the information requested within the allotted time provided by the Division. He said they recommended extending it to 7 days based on the data base. He said it would increase the days from 3 to 7 days. He said it would not create a financial impact on the State and it would allow the court to have more time to review.

Senator Brower asked if 21 days was the requested amount of time by the Subcommittee. He said there had to be a rule and he supported the Subcommittee's decision.

Judge Barker said it was a functional reality already in court. If a defense attorney told the judge they had not had enough time to review the PSI with their client he continued sentencing. He said it was important information.

Mr. Callaway said he saw a potential problem that needed to be fixed. He wanted to clarify for the record that the 21 day period was still within the current statutory time frame so there was no fiscal impact from keeping the people in the Clark County Detention Center longer than they are currently being held.

Mr. Kohn said if they received the report 3 or 4 days in advance and needed more time, someone stayed in the detention center for a longer length of time. It cost the counties

more money. He said there would be fewer continuances and he hoped it kept people in custody for a shorter time. He recommended amending the time allowed to do out-of-custody reports.

Mr. Callaway said if it potentially saved the County money and reduced the amount of time in the Clark County Detention Center, and P&P had the necessary resources needed, he was inclined to support the Recommendation. He said if those components were not there during the Legislative session, he would change his position.

Mr. Spratley said he concurred with Mr. Callaway. He said he could not support the proposal if inmates were kept in custody for a longer amount of time. He said it cost \$111.00 a day to keep an inmate in custody and it was a huge financial burden. He said if Washoe County had 1150 inmates for a 30 day period, their medical contract went up by \$1 million.

Ms. Masto asked if it became law and NRS 176 was amended, what were the consequences to the Division if they did not comply with any of the timelines.

Mr. Kohn said the Subcommittee did not discuss a consequence. He said the Department of Parole and Probation would do the best they could and they were not asking for sanctions. He said the sanction was what Judge Barker said occurred now. If it was not received in the proper amount of time and there is not enough time to make a correction, they would ask for a continuance. He said someone stayed in custody longer which was bad for the inmate and bad for the detention centers throughout the State.

Ms. Masto said she did not want sanctions either. She understood the benefits but was concerned if it was amended into statute and the Division did not comply, they would be held accountable. She was concerned about the component if they did not comply and what it meant.

Justice Hardesty said there were currently deadlines in the statute for the production of PSIs that do not carry consequences. He said the default position for the judiciary had been to continue sentencing. He said it backed up jails and delayed transporting inmates to prisons who were going to go to prison, and delayed putting people on probation. He felt it was not necessary to be concerned about sanctions. He knew of no district court judge who had sanctioned P&P for not producing a report required under the statute within 45 days. He said it was not an issue.

Ms. Masto said her concern was not the judiciary. She was concerned there was somewhere an advocate representing a defendant trying to make an argument before the court that the statute had been violated. She was comfortable the intent was not to impose any type of sanctions upon P&P for failure to comply with the statutory requirements.

Mr. Pierrott said 3,752 continuances were provided by the court, 62 were requested by the Division in Las Vegas and 7 from the Northern Command and none were requested in the rural areas. He said the continuances were minimal statewide. They were complying with the required time allotted to provide the reports. The Division was doing a very good job and were providing the reports on time

Justice Hardesty said 3,000 continuances of the criminal cases in the State was huge. He suspected the continuances were requested because the defendant or the prosecution had two or three days to react to a PSI. He said it was not criticism of P&P's efforts given the fiscal constraints. The Division may request a continuance to prepare its PSI. He said it overlooked the real problem which was the need of the defendant and the prosecutor to be able to examine the PSI. He said it was necessary to have a PSI without errors and it affected the decision making of the Parole Board.

Chair Horne said they were ready to entertain a motion on Recommendation No. 5.

MR. KOHN MOVED TO AMEND NRS 176 TO REQUIRE CERTAIN
TIME FRAMES RELATING TO PRESENTENCE INVESTIGATION
REPORTS.

MS. BISBEE SECONDED THE MOTION.

Chair Horne asked if there was discussion on the motion.

Mr. Jackson asked if there was an actual proposed conceptual legislation to amend Chapter 176 of the NRS including paragraphs 1 through 7. He wanted assurance it was part of the report referred to in the motion.

Mr. Kohn replied it was.

MOTION CARRIED. (MR. PIERROTT VOTED NO AND MR. SPRATLEY
ABSTAINED FROM THE VOTE.)

Chair Horne opened discussion on Recommendation No. 6. He said Mr. Kohn referenced a letter to the Governor urging him to provide additional funding in the executive budget for the Division of Parole and Probation.

Mr. Anthony said the recommendation was as stated to draft a letter to the Governor urging him to provide additional funding for personnel positions within the department of the Division of Parole and Probation to assist with PSI reports.

Chair Horne said there were a number of recommendations on drafting letters to the Governor for funding for the budget. He asked if the Commission could agree all the letters for funding could be in one letter identifying the areas.

Mr. McArthur said he was not sure why they were drafting the letters. He said they were making policy decisions, not fiscal decisions. They knew all the organizations and groups wanted more money. He did not see the reason for the letters.

Chair Horne said the Commission advised the Governor and the Legislature when they recognized proposed policy measures also had a funding formula which the Commission believed as inadequate for the proposed policies.

Mr. Jackson asked if the Commission had drafted letters previously to the Governor urging any type of funding. He also asked who drafted the letter and did the Commission members have an opportunity to see the letter before it was forwarded to the Governor.

Chair Horne replied Mr. Anthony usually drafted the letter of recommendations and the Commission members saw the letter before it was sent.

Mr. Pierrott agreed Parole and Probation needed additional funds to fulfill the change recommended in Recommendation No. 5. He said they were not able to fulfill the request with their current staffing levels. He requested if it was passed, the letter should include the change would go into effect July 1, 2014. That would allow the Division to appropriately staff and train the new PSI writers.

Chair Horne said the effective date was a policy and it was a totally different issue. He said the letter for additional funding was not the appropriate place for a policy request.

Ms. Masto supported the letter to the Governor. She said the Commission also testified before some of the money committees on the policy and the need for the funding. She said it was an important part of the Commission.

Chair Horne asked for a motion on Recommendation No. 6.

MS. MASTO MOVED TO APPROVE POLICY ITEMS SUPPORTED WITH
LETTERS TO THE GOVERNOR AND THE LEGISLATIVE LEADERS AND
MONEY COMMITTEES SUPPORTING THE FISCAL FUNDING
ASSOCIATED WITH THE POLICY DECISIONS.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED.

Chair Horne said there was an added component in Recommendation No. 7.

Mr. Anthony said he understood Ms. Masto's motion was to draft a letter to the Governor and the policy committees on all recommendations approved and the funding for the recommendations. He said Recommendation No. 7 was slightly different, so it should be looked at separately as it related to post conviction reports. He said there was discussion at the July meeting concerning an additional burden asking for post conviction reports when the PSI reports were waived. He requested any further discussion on Recommendation No. 7 be included in that letter.

Mr. Siegel said in 2012 post conviction reports were two to three times the rate of the reports the agency was able to complete. He said there was an obvious deficiency of staffing that was available and assigned for this function. He said there was also clear testimony of the cost to the State of delaying the release of prisoners who were going to be paroled or were paroled. He said the actual case for making a policy decision for post conviction was even clearer than for PSI reports.

Ms. Bisbee said she was looking at Tab D of Recommendation No. 7. She said she met with Chief Curtis and they discussed the issue. The number of pardons candidates had been greatly reduced. She said Chief Curtis agreed to put people to work on the post-conviction reports adding that the backlog was significantly reduced. She said many of the requests were not for a full report, but rather an offense summary. She said they had a current enough PSI to use it, but needed the specifics of the new event. The impact of the post conviction reports were not as bad as originally presented.

Mr. Pierrott said they were requested to fulfill the new obligation. He requested it be approved and they receive the additional funds and the letter written to the Governor requesting those additional positions to fulfill the need.

Chair Horne asked if there were other comments or concerns.

MR. SIEGEL MOVED TO DRAFT A LETTER TO THE GOVERNOR TO
FUND ADDITIONAL PERSONNEL POSITIONS TO ASSIST WITH THE
POST-CONVICTION REPORTS AS STATED IN RECOMMENDATION
NO. 7.

MR PIERROTT SECONDED THE MOTION.

THE MOTION PASSED.

Chair Horne opened discussion on Recommendation No. 8.

Mr. Anthony said it was a recommendation to draft legislation to extend the sunset date or expand the pilot diversionary program. He said it was also known as the O.P.E.N. Program. He said it was a pilot program being run in Southern Nevada through Casa Grande. The program was limited to 50 offenders and set to expire by limitation July 1, 2015. He said the recommendation looked at expanding the scope beyond 50 offenders and/or extending the sunset.

Chair Horne said Tab E of [Exhibit G](#) looked at Assembly Bill 93.

Justice Hardesty said in the information previously learned, the program confirmed what was happening in Hawaii under their H.O.P.E. program. He said it addressed that early intervention into those might be subject to revocation of probation. He said the program was extremely successful. The effort needed to be continued. He said the program was successful in reducing permanent revocation for some inmates. It was a great intermediate solution rather than sending people back to prison.

Mr. McArthur asked about expanding another program without funding. He had problems with the word “expand”. He said to extend the sunset beyond 2015 did not require immediate action. He reiterated he could not vote for something that was unfunded.

Justice Hardesty commented on the O.P.E.N. program which was initiated without funding as was the Mental Health Court as a pilot measure to determine whether it would be successful and could impact people going to prison. and save money. He said of the 21 people who successfully graduated from the O.P.E.N. program, they did not have their probations revoked. They were now supervised under probation without being sent back to prison. He said the amount of money saved was out waived by the costs to supervise the program.

Mr. Jackson referenced Tab E of [Exhibit G](#) which specifically referred to the costs. He said it cost approximately \$28.75 a day to house someone at Casa Grande. He said housing the same person at the Clark County Detention Center was \$114 a day. He added housing the person at the NDOC was \$58 a day. He said the program was one of the most cost efficient programs. He supported the Recommendation.

Mr. Siegel reiterated the positive comments. He said it was the most tangible intermediate sanction program the Commission had reviewed. He said everything about the program was positive. He said this program was working, and saving money. He said by saving money in the program, it was funding the program.

Senator Brower said the mission of the Commission was to give the Legislature and the Governor a sense of what they thought were the priorities. He said not everything recommended to the Legislature was going to be funded. He supported the program as a policy initiative.

SENATOR PARKS MOVED TO ADOPT RECOMMENDATION NO. 8.

MS. MASTO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Horne opened discussion on Recommendation No. 9.

Mr. Anthony said Recommendation No. 9 drafted legislation to reintroduce Assembly Bill 135 from the 2011 Legislative Session. He said the bill dealt with probation. The bill was passed by the Legislature and enrolled, then vetoed by the Governor. He said Tab F of [Exhibit G](#) was a copy of the enrolled version of [A.B. 135](#). The BDR provided that a court may not revoke the probation and suspend the sentence of a probationer for a mere violation of a technical violation.

Mr. Siegel said the bill tried to limit the number of people moving into prison on technical violations. He said it was a narrow definition of technical violation. He emphasized the bill was approved by both Houses of the Legislature. He added the Governor's letter concurred with part of the bill, and he disagreed with part of the bill. He said it did not assure any prisoner would be assigned to intermediate sanctions. He said it was a minimalistic approach to make incremental progress on intermediate sanctions. The Legislature agreed with it and the Governor agreed with parts of it.

Judge Barker said when [A.B. 135](#) was first introduced, the District Judge's Association stood in opposition to the bill. He said it appeared to attack the judge's discretion. He said the State did not have debtors prison. He supported judicial discretion.

Mr. Jackson said everyone was in favor of providing judges with more flexibility and discretion. He did not support the Recommendation that would take discretion away from the sentencing judge.

Senator Brower concurred with Mr. Jackson. He voted no on the bill in the Senate. He was again opposed to the bill.

Mr. Pierrott agreed with Judge Barker, Mr. Jackson, and Senator Brower. He did not support the Recommendation. He said P&P did not send violation reports to the courts based on supervision fees. He said they sent reports to the court based on serious technical violations. He opposed the Recommendation.

Mr. McArthur said he voted no on the Recommendation.

CHAIR HORNE MOVED TO TAKE NO ACTION ON RECOMMENDATION NO. 9.

Chair Horne opened discussion on Recommendation No. 10.

Mr. Anthony said Recommendation No. 10 came from the Subcommittee on Victims of Crime, chaired by Attorney General Masto. The Recommendation was behind Tab G of [Exhibit G](#). He said it proposed authorizing the Director of the Department of Administration to enter into interlocal agreements to use the Fund for Compensation of Victims of Crime to reimburse counties for fees associated with sexual assault exams. He said the costs were paid for by the county and the recommendation would allow reimbursement and payment for exams without requiring the victim to file a police report. He said it also permitted non-citizens to be awarded compensation from the fund.

Mr. McArthur asked where the funds for the Compensation of Victims' of Crime were attained.

Chair Horne said he thought the funds were all from penalty fees.

Ms. Masto said it was a combination of funds. Some of it came from federal funds and a lot of it came from administrative assessments. She said the Subcommittee did not have an opportunity to see the final draft being presented. She said the concepts they discussed were in the final draft. They looked at whether the Victims of Crime Compensation Fund was able to cover the costs for the sexual exams statewide. She said they realized it was not possible the Fund was able to fund all of the costs associated with the exams statewide. She said they decided to start by working with some of the rural counties entering into memorandums of understanding (MOU) with them. She said the rural communities already had difficulty covering some of the resources. The recommendation gave the Department of Administration the authority to enter into an interlocal agreement with the county with the Victims of Crimes Compensation Fund. The other part of the bill addressed concerns with the federal Violence Against Women Act Funding (VAWA) received in Nevada. She said to continue receiving funds under VAWA one of the conditions was an individual who was sexually assaulted was entitled to receive an exam free of charge and did not have to file a complaint with a law enforcement agency to make an allegation that they were assaulted. She said this recommendation further clarified that concern. It also clarified the distinction between NRS 449.244 and Chapter 217 to Chapter 310 of the NRS. She said the distinction between the two was the first addressed the immediate needs of a victim, and Chapter 217 dealt with the follow-up care. Ms. Masto said a change in the statute occurred in Section 5 of the recommendation and identified individuals who would not be entitled to an award of compensation if they were not a citizen of the United States. She said the Subcommittee wanted anybody who was a victim in Nevada of sexual assault to be entitled to compensation, whether they were a resident or not.

Mr. McArthur said he agreed with everything Ms. Masto proposed except the part concerning illegal people receiving compensation. He said the State had trouble with money now. He said if it stayed in the proposed BDR he would vote no.

MS. MASTO MOVED TO SUPPORT RECOMMENDATION NO. 10 AS
DRAFTED IN THE BILL DRAFT.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION PASSED. (MR MCARTHUR VOTED NO.)

Chair Horne opened discussion on Recommendation No. 11.

Justice Hardesty recused himself from the discussion on Recommendation No. 11.

Mr. Anthony said Recommendation No. 11 provided draft legislation to establish an independent arm of the prosecutor's office or the Attorney General's office to conduct coroner's inquests.

Ms. Masto said the coroner's inquest process was a local county process, not a state process. She did not believe the Attorney General's office should be involved in the process. She said the office was a law enforcement agency and they did interact with local law enforcement quite frequently. She said her office was not different from the DA's office. She said putting the process into the Attorney General's office made a difference with the concerns expressed by the community with respect to the prosecutor's role in the process. She was not willing to take the process on at her office.

Chair Horne said the proposal was exploratory. He said he was still receiving information from various parties on the issue. He said he was not supportive of legislation because there was insufficient information. He wanted to continue discussions on the issue.

Mr. Callaway agreed with the Attorney General. He said the coroner's inquest process was a local Clark County issue. He said the process was currently under litigation. He did not know if the current problems could be fixed by moving the process to the Attorney General's office or to a special prosecution board. He said LVMPD had made great strides in the past year. They created the Office of Internal Oversight and they were more transparent in releasing reports involving officer's use of deadly force on the website and to the public. He said the sheriff was actively engaged in updating their policies. He said they listened to recommendations by the ACLU, and NAACP. He did not believe it was an issue that should be taken to the Legislature. Mr. Callaway made a motion the body take No Action on the recommendation.

Chair Horne said he was not prepared to move forward on Recommendation No. 11, but he did not believe alleged deadly force misconduct by police officers varied from county to county. He said if there was inappropriate conduct from a police officer that led to the death of another person, the standard should be the same in all the counties. He said there should be a statewide standard. He agreed they should not take action on Recommendation No. 11.

Mr. Siegel said Dean Claussen of the ACLU said they opposed the Recommendation. They concurred on No Action. He said the ACLU was looking for independence, but did not know if it was a solution. They were interested in the litigation going forward and hoped for judicial support for reforms in the coroner's inquest process. He said the issue of police misuse of force was a statewide issue. The process used in Clark County was their issue, but it was a risk all over the state and the nation. He said the federal government was actively involved in the issue in Clark County.

Mr. Jackson said the district attorney's offices were independent arms in the criminal justice system. He said they were separate and apart from the law enforcement agencies in the State. He said he was offended if anyone thought his office was in bed with the law enforcement officers on deadly force cases.

Mr. Siegel said no personal aspersion was intended towards the district attorney. He said the Department of Justice was cognizant of this issue because there had been a certain pattern of treatment of police use of force in Clark County.

Chair Horne opened discussion on Recommendation No. 12.

Mr. Anthony said the recommendation was to include a statement in the final report recognizing the need for the continued study of Nevada's criminal justice system and the identification of additional outside funding sources for the study. He said it was a recommendation included in the 2009-2010 Advisory Commission. He said staff continued to work with Dr. Austin, JFA, and the Pew Charitable Trust Foundation. He said they were able to obtain some funding for study on the category B felonies. The Recommendation was to include a statement of support.

Chair Horne believed the study was important. He said it was something that needed continual work. He said the majority of felonies in the prison population were category B felonies.

Senator Brower said he was unclear what the recommendation included. He said it was a recommendation to continue the study of Nevada's criminal justice system. That made sense, but what did the Chair have in mind concerning the Recommendation.

Chair Horne said he was in favor of continuing to work with Dr. Austin and the Pew Charitable Trust, and specifically focusing on those category B felonies.

Senator Brower asked if the idea was to contract with Dr. Austin to continue to do a study, assuming funding was obtained.

Chair Horne said yes, that was the way he would like the Commission to be able to continue with this work. He said a considerable amount of effort had been spent thus far on this discussion.

Justice Hardesty urged support of Recommendation No. 12. He said studies done by the Commission between 2007, 2009, 2010, and 2011 identified and confirmed by Legislators sitting on the Commission and staff members that the Legislature rarely debated sentencing lengths of the sentences imposed for behavior they chose to make the subject of the penal code. He said most of the time the staff researched or attempted to identify similar crimes in other jurisdictions and fill-in sentencing lengths. He said the Legislature did not debate appropriate punishment lengths for certain criminal behavior. He said the fiscal consequences associated with the sentencing decisions; the percentage of those who might enter the system; the difference between mandatory imprisonment versus probationary opportunities; and judicial discretion in all of it. He said the first step in the process was to determine the prison population by category of offense. He said there were several offenses placed in category B without a considered discussion about whether they should have been category C. He said there were differences in the types of offenses in category B that could be category C. The purpose of the study was to try to identify all the category B offenses and reassess their classification within the category and the sentencing length assigned for the criminal behavior. He said it was part of a broader discussion of the reexamination of the sentencing lengths assigned for many of the crimes. Some mandatory drug trafficking statutes required lengthy sentences at great expense to the citizens of the State and should be a subject of a fiscal discussion. He encouraged the Commission continue to examine the topic and broaden the study.

Ms. Bisbee asked if the study was based upon the Pew Charitable Trust funding it. She said it was funded by the Trust and was not a cost to the state.

Chair Horne replied yes, it was funded outside of the State coffers.

Mr. Jackson concurred with Justice Hardesty. He had an issue with the way the background information was included in the study. He said it appeared to limit it to Dr. Austin. He said he asked Dr. Austin some questions as did Brett Kandt and some rebuttal occurred between them. He said some of the information Dr. Austin relied on might have skewed statistics. Mr. Jackson questioned the support of Dr. Austin's data and recommended a more balanced approach than just Dr. Austin.

Chair Horne asked if Mr. Jackson knew of any other groups compiling this type of data. They chose Dr. Austin and Pew over anyone else.

Mr. Jackson did not know who else was doing studies. He said a lot of the information was contained in certain departments and divisions throughout the State. He said they provided information.

Chair Horne said he would entertain a motion on Recommendation No. 12.

MR. SIEGEL MOVED TO APPROVE RECOMMENDATION NO. 12. TO
INCLUDE A STATEMENT TO CONTINUE STUDY OF THE CRIMINAL
JUSTICE SYSTEM AND SEEK OUTSIDE FUNDING.

Mr. Siegel suggested the Commission be even more creative in looking for funding. He said funding was a critical problem. He said they might be able to find money outside of the Legislative process.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION PASSED.

Chair Horne opened discussion on Recommendation No. 13.

Mr. Anthony said the recommendation was to draft legislation to reintroduce A.B. 136 from the 2011 session. He said it was a bill requested by the Commission. It passed both houses and was enrolled, but the Governor vetoed the bill. He said the bill would have extended A.B. 510 good time credits to certain category B felonies. He said it allowed credits to be taken off both the front and back ends of the sentence. He said now it was limited to category C felonies and below. It allowed certain category B felons to be able to use the credits.

Chair Horne asked for support on Recommendation No. 13. He said the Legislature worked hard in the past session finding compromises with the district attorneys, law enforcement, and judges. He said category B was the largest category with a range of crimes. He said it was applied to nonviolent category B felons. He said there were strong objections to changing some of the crimes to category C felonies. He said A.B. 136 was a good compromise to deal with people other than in the penal system.

Senator Brower said he voted no on the bill in the last session. He said the veto letter from the Governor stated he was concerned the bill allowed dangerous criminals to be prematurely released from prison, thereby increasing risk to Nevada's communities. He said category B felonies were a long list with a wide range of different crimes. He said he did not see the prudence of extending A.B. 510 credits to all B felonies. He said the list included everything from treason, trafficking in persons, child abuse, aggravated stalking, willfully poisoning food, water, or medicine, possession of a bomb, and many others. He

said he understood A.B. 136 excluded certain crimes such as DUI offenses and crimes involving violence. He said until sense was made of the A, B, C lists, it did not make sense from a public safety perspective. He opposed the recommendation.

Chair Horne said he did not believe A.B. 136 would extend to many of the crimes Senator Brower listed. He said burglary was a large area with problems making it difficult to separate. He said burglary could include a person entering a home and committing sexual assault to a person entering a clothing store to steal a blouse. People could be sentenced for a long time for shop lifting and burglary. He said the bill was to address the inequities in some of the category B crimes. He said it was not a pass, but an opportunity to go before the Parole Board.

Senator Brower said a bigger issue was getting rid of parole altogether. He said they needed to think about going to a determinate system of sentencing much like the federal system. He said the judge had the discretion within statutory ranges to pick a sentence. He said when the judge picked the sentence; with the exception of some good time on the backend everybody knew that was going to be the sentence. He said in the federal system parole had not existed since 1980s. He said the bill was too broad for him to support.

Ms. Bisbee said the Parole Board did not have an issue with A.B. 136. She said it brought particular persons before the Board sooner, but it was still the Board's decision whether or not to grant parole. She was concerned that if they did all the work during the Session and if it was passed, it would still be vetoed.

Chair Horne said his position was that no legislative body should act or not act because another branch of the government was going to support it. He said the Commission's job was to support good policy and let the executive branch veto or pass it as they choose. He said they should not acquiesce their responsibilities to the other branch.

Mr. Kohn told Senator Brower he was on a subcommittee that looked at the B felonies. He said there were approximately 210 B felonies. He said the problem was they needed to look at the B felonies but the list was exhaustive. Legislatures in the past continued to add to the B felonies. He said Nevada had a huge group of B felonies with a small number of A felonies and C felonies. He said if Senator Brower knew of some felonies that should not be part of A.B. 136 that needed discussion. He said there were many felonies the Senator did not read to the Commission.

Judge Barker reviewed A.B. 136 last session and they took no position as the judiciary. He appreciated the discussion earlier about the separation of powers. He said they took no position on Recommendation No. 13.

Mr. McArthur said he voted for it in the past session. He said it looked like a good compromise. He said because there were so many B felonies, he would vote no now. He agreed with what Senator Brower said.

Mr. Siegel supported the recommendation and he believed in the legislative process. He said there was a process where objections could be reviewed and considered. He said the important thing was their support of the concept of the bill put the bill in the position for the best parts to survive in committee.

Mr. Jackson said he needed to hear from the voices of the victims. He said people who were abused and exploited had no voice. He said there was a component of the criminal justice system that was about punishment. It dealt with accountability of the offenders. He said it was a much larger list than Senator Brower mentioned. He commented about the burglaries. He said the potential of somebody entering a house was very frightening situation. He mentioned cases in Douglas County of residential burglaries and said they were some of the most potentially lethal and dangerous situations that can occur in society. He said he was not in support of the recommendation.

Mr. Kohn said he was not asking to let everybody out. He said it was important to be consistent. He did not disagree with Mr. Jackson about the seriousness of home invasions. He said not all burglaries were the same.

Senator Brower suggested he looked forward to working with Chair Horne and Mr. Kohn on the judiciary committee. He said A.B. 136 was not the answer. He added for the record he understood the Parole Board made the decision under the A.B. 136 scheme. He reminded the Commission of the scenario that some say does not apply and others may agree it does apply. He stated for the record the Garrido case, the Jaycee Dugard kidnapping, that Garrido was convicted of rape by the Washoe County district attorney. He was also convicted of kidnapping the U. S. Attorneys Office for Nevada. He was sentenced to 50 years in prison on each of the convictions. He was paroled after 11 years. If he had served one half of either term, he would have been in prison on the day Jaycee Dugard was kidnapped. He said there were certain types of category B felonies who should not be eligible for early parole.

Chair Horne asked if there was a motion for Recommendation No. 13.

Senator Parks said the bill last session did not meet all the needs, but should be looked at a different way to address the issue.

SENATOR PARKS MOVED TO CONSIDER A BILL SIMILAIR TO A.B. 136
RELATING TO CREDITS FOR CERTAIN PERSONS CONVICTED OF A
B FELONY.

MR. KOHN SECONDED THE MOTION.

Chair Horne asked if there was further discussion on the motion.

Senator Brower said A.B. 136 was not going to work. He reiterated his commitment to working with Chair Horne and Mr. Kohn to come up with a bill that might work. He said a do-over of A.B. 136 did not have the unanimous support of the Commission.

Chair Horne said any legislation coming before the Legislature can and often was amended, as A.B. 136 was amended. He said the Commission made its recommendation that they address the issue of category B felonies and whether they should be allowed to seek good time credits on the front end. He said it did not prohibit the discussions or amendments from occurring.

Senator Brower asked if the motion was to recommend the Legislature study the issue of category B felonies, or was it that the same language from A.B. 136 was recommended as a bill.

Senator Parks said it was a good idea to consider a different way to address the issue of providing credits to certain persons in the category B felony.

Mr. Jackson said he did not understand the motion. He thought the motion was to submit a bill similar to A.B. 136. He said there were arguments on both sides of the issue.

Chair Horne said the motion was recommending a bill be drafted addressing certain category B felonies receiving 510 credits.

Senator Parks said his interest was in keeping the discussion going and pursuing the possibility of extending credits to certain individuals who had B felonies.

Mr. McArthur said originally they were going to use language close to A.B. 136, but now it had changed. The language reflected a study.

Senator Brower said he still did not understand the motion. He was not going to support a motion that was not clear.

Mr. Siegel said it appeared there was a quandary on how to proceed. He proposed expressing to the judiciary committees that the Commission was in favor of a successful version of a bill extending the good time credit of A.B. 510 to a limited number of B felonies.

Chair Horne said he doubted that was a clear enough concept for drafting purposes. He asked Senator Brower for clarification of how he would propose a bill addressing the problems identified in the meeting. He asked if it was a bill identifying which category B felonies should be re-categorized.

Senator Brower said he was not thinking in terms of the Commission suggesting a bill. He said instead, they should focus on other issues and perhaps make a recommendation.

He said the recommendation to the Legislature of a comprehensive review of the A, B, C, felony categories be conducted with the goal of A.B. 510 credits making sense.

Chair Horne said the recommendation was to draft a letter to the judiciary committees to explore category B crimes.

Senator Brower said that was part of the process. A debate on views expressed supporting and opposing any change in the categories. He said the category B was too broad. It needed review, but did not need to be tied to a particular bill.

Chair Horne moved to take no action on Recommendation No. 13.

Senator Parks withdrew his motion. He said his thinking for the recommendation was he did not want the issue dropped.

Chair Horne said they would take not action on Recommendation No. 13. In the 2013 session he was going to come to Senator Brower to work in identifying category B felonies and work to make better sense of it.

Senator Brower said he gave his word he would work with Chair Horne. He said he would do his best to make sure the Governor's office was engaged, as they were obviously very concerned about this topic.

Chair Horne opened discussion on Recommendation No. 14.

Mr. Anthony said the recommendation was to draft legislation to reintroduce A.B. 96 from 2011 as introduced. He said it was bill from the Subcommittee on Victims of Crime. It related to the prohibition of psychological or psychiatric exams of victims or witnesses to an alleged sexual offense. The bill was introduced in the Legislature, but was not passed in 2011.

Senator Brower asked for a summary of the legislative history of the bill.

Chair Horne said he thought one of the objections was the defense bar objected to such a broad submission of the psychological or psychiatric examination.

Mr. Kohn said his concern was that if the victim had a psychological or mental defect that was well known, it limited cross examination. He said the Sixth Amendment right to confront and cross exam one's accuser was compromised.

Senator Brower asked Mr. Kohn if he still had the same concerns.

Mr. Kohn replied he did have the same concerns.

Mr. Jackson said on behalf of the Nevada District Attorney's Association they were in favor and support of A.B. 96 as it was introduced and appears in [Exhibit G](#), Tab I.

MR. JACKSON MOVED TO REINTRODUCE A.B. 96 AS INTRODUCED
RELATING TO THE USE OF PSYCHOLOGICAL EXAMINATION OF
VICTIMS OR WITNESSES TO AN ALLEGED SEXUAL OFFENSE.

MS. MASTO SECONDED THE MOTION.

Chair Horne asked if there was discussion on the motion.

Ms. Masto said there was a lot of discussion on the issue. She said they tried to fulfill the needs and concerns of everybody with respect to the bill. She was told it did not make it out because the legislature ran out of time. She recommended trying one more time.

Justice Hardesty asked Ms. Masto and Mr. Jackson how this bill differed from existing Supreme Court jurisprudence which involved an extensive examination by the judge of conditions under which a victim was subjected to an examination. He said generally they cannot, without a district court judge evaluating through motion by the defense, that there was a compelling reason to do so. He said the factors were extensive and included the requirement the State intended to use an expert dealing with this area. He asked what needed to be satisfied that was not already in existing jurisprudence. He said he intended to abstain from the vote.

Ms. Masto said she did not have an immediate answer. She said it was a while since she had last looked at the issue.

Chair Horne recalled one of the things in the discussion was taking the examination out of the defense's use. He said Justice Hardesty was correct the standard was discussed. He said the district attorney's office did not want it used as a weapon against the victim.

Justice Hardesty said the current jurisprudence prohibited a psychological examination of the victim absent motion practice in which the judge permits it. He said after reviewing cases at the Supreme Court, it was an extraordinary case when the judge ordered exams. He was unsure of the compelling need for the change. He asked Judge Barker if he was correct.

Judge Barker said he did not remember the name of the case, but the recommendation seemed to follow the earlier case law. He agreed with Justice Hardesty and also agreed it was interesting to watch the Legislative process at work. He said he would have to abstain from the vote. He said the judges would follow the law.

Mr. Kohn said he remembered the discussion. He thought there were 40 or 50 requests in Clark County and the request was granted by the courts 4 or 5 times. He said it was very

rare that it was done. He was concerned how the language was written. He said the jurisprudence was very narrow and had to be put in by the prosecution first. He said it should stay within the purview of the courts. He said the number was insignificantly low.

Mr. Jackson said the matter came before the Commission on a recommendation by Brett Kandt following the Supreme Court opinion *Abbot vs. State* in 2006. He said it subjected sexual assault victims to forced psychological testing. He said the proposed recommendation was to address the Nevada Supreme Court opinion and legislatively overturn the 2006 ruling.

Chair Horne had concerns about the bill. He said he did not have a problem with the discussion. He said he probably would vote no on the Recommendation.

Senator Brower suggested withdrawing the motion. He said he wanted to do more research on the issue.

Mr. Jackson said he still was in support of no forced psychiatric or psychological examinations of victims of sexual assault. He withdrew his motion.

Chair Horne asked if the recommendation was moved to a No Action on Recommendation No. 14.

Chair Horne opened discussion on Recommendation No. 15.

Mr. Anthony said the recommendation was to draft legislation to reintroduce S.B.265 as introduced, relating to the Office of State Public Defender. The bill sought to move the office from the Department of Health and Human Services to the auspices of the Office of the Governor. He said the bill was not passed during the 2011 legislative session.

Justice Hardesty said the Indigent Defense Commission expressed concerns about the inherent conflicts existing in having the Office of the State Public Defender reporting to the Department of Health and Human Services. He said they were concerned the Office of the State Public Defender was underfunded in its ability to handle assigned cases. He added several counties opted out of the system and instead established public defender offices or contract counsel in their jurisdictions because of limitations on the State office to provide services. He said several years ago the State Public Defenders Office's appointments were down to White Pine County and Carson City. He said everybody else used alternative services. He said the funding of the State Public Defender's Office had to be addressed.

Chair Horne said he had concerns about the State Public Defender Office being in the Governor's office. He asked if there were further comments.

Mr. McArthur asked if the Governor's office was the best place for the State Public Defender's Office.

Ms. Masto said she needed to hear from the Governor's office before she commented or supported the recommendation. She did not recall the earlier position of the Governor.

Mr. Siegel said the indigent defense and the rural counties were in a mess. He said the Office of the Public Defender should be moved from the health based agency. The real need was for the Legislature to work on a solution for state-wide indigent defense.

Mr. Kohn said the recommendation had nothing to do with his office. He agreed the Office of the State Public Defender was underfunded. He said earlier the office had been very strong in the rural counties. He said the amount of spending by the State versus the counties was part of the problem. The State had paid 80 percent of the small counties costs and were now paying only 20 percent. He said the Indigent Defense Commission formed by the Nevada Supreme Court had looked at the problem. It was a matter of funding and independence. He said it was a very complex problem with no easy answers.

Chair Horne asked if there were further question.

JUSTICE HARDESTY MOVED TO RECOMMEND TO THE LEGISLATIVE
COMMITTEES TO STUDY AND ADDRESS LOCATION AND ADEQUATE
FUNDING FOR THE OFFICE OF STATE PUBLIC DEFENDER.

MR. KOHN SECONDED THE MOTION.

THE MOTION PASSED.

Chair Horne opened discussion on Recommendation No. 16.

Mr. Anthony said the recommendation was to draft legislation to reintroduce S.B. No. 265 from the 2011 Session relating to the aggregation of consecutive sentences. He said the first reprint of the bill was attached in [Exhibit G](#) under Tab K. He said the bill was introduced by Ms. Bisbee. The bill did not pass in 2011.

Ms. Bisbee said S.B. No. 265 passed the Senate, but was too late for the Assembly. She said Senator Parks first conceived the idea and it was a very complicated issue. She said it was a good bill as it was written. She said one of the issues with the bill was the victim having a say. She said all the sentence minimums were served and then all victims were invited to appear before the Board at the first eligibility for parole. She said if the Commission did not go forward with the bill, she asked them to look at the amendment placed on the bill. The amendment was in reaction to A.B. 474. She said once it was

applied under mandatory parole, they realized there were some unintended consequences. She said S.B. No. 265 had an amendment to correct the problem with A.B. 474.

Chair Horne said there was a BDR already in place.

JUSTICE HARDESTY MOVED THE COMMISSION RENEW ITS SUPPORT TO REINTRODUCE SENATE BILL NO. 265 RELATING TO THE AGGREGATION OF CONSECUTIVE SENTENCES.

MR. SIEGEL SECONDED THE MOTION.

Justice Hardesty said it avoided victims having to be called repeatedly to parole hearings and reduced the number of parole hearings that were a waste of time on consecutive sentences. He said the bill promoted efficiency in the system and reduced the negative impact on victims.

Mr. Siegel said it was one of the most complex proposals the Commission ever received. He said Ms. Bisbee spent hours explaining it to the judiciary committees. He was satisfied the key questions had been answered and it was a matter of the complexity of the bill. He said it was a good bill.

Mr. Jackson agreed he saw the benefit to the victims. He did not understand if there was a net affect in the bill that reduced the amount of time someone spent in prison as a result of aggregating the sentences.

Ms. Bisbee said they could never serve less than the minimum sentence. She said it also aggregated the tail end of the sentence. If someone served all their minimums and were released to the street, it made the period of time of supervision in the community longer. She said it never extended how long someone served, but it aggregated the minimums as well as the maximums. She said there was the opportunity to observe them in the community for a longer period of time.

Justice Hardesty said the other advantage he saw was multiple paroles lost the long tail at the end of the sentence.

Chair Horne asked all those in favor of the motion to state by saying aye.

THE MOTION CARRIED.

Chair Horne asked Mr. Anthony to discuss Recommendation No. 17.

Mr. Anthony said the recommendation was to draft legislation to reintroduce Senate Joint Resolution No. 1 as enrolled, relating to the establishment of a Clemency Board. The resolution was requested by the 2007-2008 Advisory Commission, passed by the 2009 Legislature; however it was not passed by the 2011 Legislature. He said it proposed to amend the Nevada Constitution and needed to pass the Legislature twice before going to the vote of the people. He said S.J.R. 1 would have replaced the State Board of Pardons Commissioners with a Clemency Board with nine members appointed by the Governor, the Chief Justice of the Supreme Court, and the Attorney General.

Justice Hardesty said originally it was thought to be a wise idea and the State had money. He said now it was not a good idea and the State has no money. He said the Pardons Board did not have very many cases. He withdrew his support of the recommendation.

Mr. Siegel said he was strongly persuaded by Justice Hardesty's opinion in the first place. He said he agreed with Justice Hardesty in terms of the funding issue. He said the proposal was four or five years away. He asked Justice Hardesty to consider the time line.

Chair Horne said the Commission would take No Action on Recommendation No. 17.

Chair Horne opened discussion on Recommendation No. 18.

Mr. Anthony said Recommendation No. 18 drafted legislation authorizing an inmate to pay for genetic marker testing at his or her own expense if the court denied a petition for the testing of the inmate. It was brought forward by Tonja Brown at several meetings. He said Tab M under [Exhibit G](#) contained a letter from Ms. Brown and NRS 176.0918 which provided for DNA testing of certain persons. He said if a person was serving a sentence for category A or category B felony, they could petition the court for genetic marker analysis of DNA evidence in the States possession. He said the recommendation authorized an inmate to pay for such testing if the court rejected the petition.

Chair Horne asked if the recommendation extended to those other than A or B felonies.

Mr. Anthony said the recommendation was written fairly broadly, so it would cover any inmate. He said the history of NRS 176.0918 was initially for inmates serving a sentence punishable by death. He said in 2009 the Legislature amended it to extend it to persons under category A or B felonies.

Chair Horne asked if under a fact pattern where a person was denied a genetic marker testing, and then paid for their own testing, the Court would still entertain the results of the testing.

Justice Hardesty said if the court rejected the DNA testing, it rejected it at state expense. He said Ms. Brown had a point and if the defendant wanted to take DNA testing at their own expense he did not know why they could not do so. He said the possible reason for

limiting the testing had to do with the DNA itself. He said sometimes in the testing process the sample was lost. He said controls were needed as to how the material was handled, and who tested it. He said subject to evidentiary control he did not see any reason why a defendant could not have the DNA tested at their own expense. He said often the Innocence Project volunteered to pay for the testing. He said if a defended tested the DNA and it showed they could show actual innocence in a second writ of habeas corpse petition, the court would consider the results.

Mr. Callaway said his agency ran the largest crime lab in Nevada and handled the majority of the DNA work. He had logistical questions about the recommendation. He said if a judge looked at a petition and determined there was insufficient evidence to warrant another testing done, he was concerned about people deciding to pay for their own testing. He asked who searched for the evidence of a DNA nature related to the case. He asked if the sample was sent to a private lab or was the test completed by their crime lab. He said there were chain of custody issues involved, monitoring the evidence, and if it was destroyed when tested the second time. He was concerned how it impacted their resources and ability to do the testing.

Mr. Siegel asked if the court would entertain the evidence in this situation. He said the DNA evidence would be of interest to a clemency board and the public through the media. He said open records and the public were entitled to be informed. The clemency board needed to know about information obtained, regardless of who paid for it.

Mr. Spratley said it would create a burden as far as a backlog was concerned to the crime labs. He said a judicial system was in place by petitioning the judge. He said he did not know the impact on the labs but placing an unfunded mandate on the labs was not a good idea.

Chair Horne said he was unsure how the process would work. He appreciated the concerns Mr. Callaway raised as to who and when they asked for the test. He said sometimes DNA was not an issue. Some crimes typically did not need or have DNA evidence present.

Ms. Bisbee said NRS 176 already took care of category A and B felonies if it was all right with the court. She said the circumstances were narrowly defined under which an inmate paid for his own testing, such as a category A where there was a life or a death penalty sentence. She said most inmates had no money. She did not imagine it would be a large number of inmates.

Mr. Kohn agreed with Ms. Bisbee. He said logistically it did not happen with B felonies. He added by the time the post conviction release process was completed, there were very few people with B felonies imprisoned that long. He said it was more the A felonies in life cases and older cases where DNA was not done at the time of the crime. He was concerned about people who could not afford to pay for the testing.

Senator Brower said it was almost like saying they can have a lawyer if they can afford one. He was concerned about people without money denied the process.

Mr. Siegel said they tried to establish actual innocence. He asked if there was a constitutional issue in terms of pursuit of the evidence that might prove innocence even after the trial.

Justice Hardesty said actual innocence was a basis for avoiding procedural defaults in post conviction writ relief. He said it was incumbent upon the defendant to demonstrate actual innocence in support of the procedural default. He said it was rarely granted because the defendant was unable to demonstrate the elements of actual innocence in many of the petitions. He said in the DNA question it was an issue as to how it affected the crime labs as well as the chain of custody. He said Ms. Brown's position was the wish to test DNA on evidence discovered after the conviction. The defendant wished to initiate it on their own motion in an attempt to demonstrate a basis for innocence. Justice Hardesty said he had a fundamental problem with denying the opportunity for testing.

Chair Horne asked for a motion on the recommendation.

MR. SIEGEL MOVED TO DRAFT LEGISLATION TO AUTHORIZE AN
INMATE TO PAY FOR DNA TESTING AT HIS OR HER OWN EXPENSE.

SENATOR PARKS SECONDED THE MOTION.

Chair Horne asked if there was discussion on the motion.

Mr. Jackson said he voted no on the motion. He said evidence collected was not necessarily exculpatory in nature. He said evidence was collected because they did not know at the time whether or not it had value. He said the statute as written under NRS.176.0918 required a person seeking the DNA testing to establish that nexus.

Ms. Mastro said she had several questions. She asked if the statute under Tab M in [Exhibit G](#) was the current statute under NRS 176.0918. She asked if they were saying if for some reason the person went through the process and were denied by the court they could overcome the statute by having enough money to pay for the testing. She preferred they look at the language in the statute and how they would address it. She said she would vote no.

Senator Brower said he would also vote no on the recommendation.

Ms. Bisbee asked what happened when it was an old case from 20 or 30 years ago. If the court said no, what was the next step?

Justice Hardesty said the court had to be involved whether the DNA testing was paid for by the defendant or not. He said it was up to the court to assure protection of the custody of the evidence and how it was used. He said just because there was no DNA shown on a particular piece of evidence, the court had to assess multiple things. He said the original question was whether a defendant can seek to have the DNA tested. It seemed if he paid for it was less important than how it applied to the case.

Chair Horne said there was a motion on the table. .

THE MOTION FAILED. (JUSTICE HARDESTY ABSTAINED FROM THE VOTE.)

Chair Horne opened discussion on Recommendation No. 19.

Mr. Anthony said the recommendation was to draft a letter to the Legislative Commission encouraging the Commission to create an interim study or hire an independent contractor to investigate the alleged NDOC “computer glitch” for 2007. He said in [Exhibit G](#), Tab N there were a number of articles along with documents supporting Ms. Brown’s position. He said during the meeting held on June 6, 2012, Chair Horne indicated he would request LCB Audit to perform an independent audit of the NDOC specifically related to any problems caused with the computer change-over.

Chair Horne submitted a letter to LCB Audit for the request. He said it was being conducted at this time. He did not know what would be gained by using an independent contractor. He did not doubt the validity of the current audit division.

Ms. Masto pointed out the response from Director Cox and the NDOC. The letter was dated October 10, 2012, [Exhibit H](#). She said he indicated the NDOC was undergoing an audit by the LCB Audit Division. The audit included the specific issues raised by Ms. Brown.

Mr. Siegel said he had confidence in the LCB Audit Division. He said the ACLU trusted their operation.

CHAIR HORNE MOVED TO TAKE NO ACTION ON RECOMMENDATION NO.19.

Chair Horne opened discussion on Recommendation No. 20.

Mr. Anthony said the recommendation was to draft legislation to reintroduce Senate Bill No. 201 from the 2011 session. He said the bill would establish an ombudsman for offenders within the office of the Attorney General. He said during the session the provisions relating to the ombudsman were removed from the bill. He said it would reintroduce the bill as written, not as enrolled and passed.

Ms. Masto questioned why Ms. Brown would want the ombudsman in the Attorney General's office because she did not trust the office. She said she recalled as a member of the Board of Prison Commissioners they talked with Director Skolnik about an ombudsman in the NDOC. She said there was no funding to support the position. She did not disagree with the concept of an ombudsman but her office was not the proper place.

Mr. Jackson did not understand the bill. He said internal procedures were already in place through the NDOC dealing with complaints from any inmate within the NDOC with respect to any policy violation, rules and regulations, health or safety violations. He said there were many avenues already available to the individuals. He believed the State should not be spending taxpayer dollars creating an ombudsman. He said there were sufficient remedies at law including judicial review for certain violations.

Mr. Siegel said much of the litigation against the State originated from the prison system. He said almost all the issues had gone through the grievance system. The system was viewed by those closest to the prison system as perfunctory. He said it was not really the prisoners who the proposal primarily involved, but the State of Nevada.

Chair Horne asked Justice Hardesty to take over the meeting as he had to leave for an emergency.

Ms. Masto responded to Mr. Siegel's concerns and said they had created a mediation program in conjunction with the federal court. She said the program worked very well and they could provide the Commission with a briefing on the program when they were interested in the specific information. She said it was because of the case load that they tried to figure out how to address the concerns. It was one of the first mediation programs in the country between the Attorney General's Office, the Department of Corrections, and the federal courts. She said it was working very well and was being studied by Harvard researchers.

Mr. Siegel said he was very interested in following the process.

Vice Chair Hardesty asked if there were further comments on Recommendation No. 20. He asked if there was a motion on the recommendation. No Action was taken. He asked Mr. Anthony to discuss Recommendation No. 21.

Mr. Anthony said the recommendation was to draft legislation requiring a best practices review every three to five years with regard to eyewitness identification of criminal suspects. He said attached as Tab P, [Exhibit G](#), was A.B. 107 which passed in 2011 and required law enforcement agencies to adopt policies for identification procedures.

Mr. Siegel said it was a minor proposal and they agreed they had made a lot of progress. He said in discussion it was said that best practices were a "moving target." It required review every four years.

MR. SIEGEL MOVED TO REQUIRE A BEST PRACTICES REVIEW EVERY FOUR YEARS.

SENATOR PARKS SECONDED THE MOTION.

Vice Chair Hardesty asked if there was discussion on the motion.

Mr. Callaway said they worked hard with Assemblywoman Lucy Flores during the last session to come to an agreement for law enforcement agencies to develop better policies and procedures for witness identification. He said best practices were a moving target as stated by Mr. Siegel. He said best practices did not always work for all agencies. He added the Lexipol system was online and was a State funded program providing policies and procedures for law enforcement in the State. He said the program strived to use the most current and best practices.

Mr. Kohn said he disagreed with both Mr. Siegel and Mr. Callaway. He said eye witness identification lead to more wrongful convictions than anything else in law enforcement. He said everyone agreed to do eye witness identifications in the best way. He added the State had come a long way. He said A.B. 107 was a huge step in the right direction.

MR. SIEGEL MOVED TO WITHDRAW THE MOTION.

SENATOR PARKS AGREED TO DROP THE MOTION.

Vice Chair Hardesty said the motion was withdrawn. He asked if there was anything they had missed on the Agenda.

Mr. Anthony said Chair Horne asked him to advise the Commission members who were legislators that if they wanted to carry any of the legislation voted on today to contact the Chair. He said he would try to produce the final report by the end of this year along with the letters and submitting the BDRs for drafting. He said he would circulate the letters as soon as he had them drafted for the Commissions approval.

Mr. Spratley wanted the record to show he abstained from voting on Recommendation No. 5.

Vice Chair Hardesty opened the meeting for final public comment.

Ms. Brown said she wanted to briefly touch on the recommendations just discussed. She reiterated her position on the DNA issue. She said it could be named as exculpatory evidence for testing. She said it was previously discussed about who would test the DNA. Ms. Brown repeated her testimony from earlier in the day. She continued her presentation concerning ombudsman for prisoners. She said she was trying to keep litigation from

moving forward by keeping the ombudsman at the NDOC. She said there were no checks and balances.

Ms. Hines stated Chair Horne referenced in previous meetings that violence in the State needed definition. She said she would like to know what each member of the Commission thought violence meant in this State. She asked how long a person had to be a violent offender before the connotation was removed. She said she was disappointed Recommendation No. 9 did not receive a full discussion today. She asked what a technical violation was and was it considered a new crime. She said interim sanctions were not discussed. She said she was disappointed that it was discussed further.

Vice Chair Hardesty asked if there was a motion to adjourn.

MR. SIEGEL MOVED TO ADJOURN.

MR. JACKSON SECONDED THE MOTION.

THE MOTION CARRIED.

The meeting was adjourned at 3:05 p.m. by Vice Chair Hardesty.

SUBMITTED BY:

Olivia Lodato, Interim Secretary

APPROVED BY:

Assemblyman William C. Horne, Chair

DATE: _____

EXHIBITS

Committee Name: Advisory Commission on the Administration of Justice

Date: October 10, 2012

Time of Meeting: 9:36 a.m.

	Exhibit	Witness/Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Tonja Brown	Letter and Testimony
	D	Michelle Ravell	Letter concerning DNA testing
	E	Ron Cuzze	Letter PSI report processing
	F	Ron Cuzze	Proposal for reorganization of the Department of Public Safety
	G		Work Session Document
	H	Director Cox	Response to ACAJ concerning Recommendations