MINUTES OF THE
ADVISORY COMMISSION ON
THE ADMINISTRATION OF JUSTICE

JULY 8, 2014

The meeting of the Advisory Commission on the Administration of Justice was called to order by Senator Tick Segerblom, Chair, on July 8, 2014, at 9:02 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 (CARSON CITY)

Senator Greg Brower, District No. 15
Justice James Hardesty, Vice Chair, Nevada Supreme Court
Mark Jackson, Douglas County District Attorney
Jorge Pierrott, Department of Public Safety, Division of Parole and Probation
Richard Siegel, American Civil Liberties Union of Nevada
D. Eric Spratley, Washoe County Sheriff's Office

COMMISSION MEMBERS PRESENT (LAS VEGAS):

Judge David Barker, Eighth Judicial District Court
Greg Cox, Director, Nevada Department of Corrections
Chuck Callaway, Las Vegas Metropolitan Police
Assemblyman Jason M. Frierson, District No. 8
Phil Kohn, Clark County Public Defender
Senator Tick Segerblom, Chair, Senate District No. 3

COMMISSION MEMBERS ABSENT:

Connie Bisbee, Board of Parole Commissioners
Catherine Cortez Masto, Attorney General
Larry Digesti, Representative, State Bar of Nevada
Assemblyman Wesley K. Duncan, District No. 37
Lisa Hibbler, Victims Advocate

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Rebecca Brown, Director of State Policy Reform, Innocence Project
Assemblywoman Michelle Fiore
Assemblyman Harvey Munford
Rick Faulkner, National Institute of Corrections
Ron Cuzze
Jim Wright, Director of Public Safety
Natalie Wood, Chief, Parole and Probation, Department of Public Safety
Tom Pitaro, Esquire
Alison Lawrence, National Conference of State Legislatures
Kim Madris, Deputy Chief, Division of Parole and Probation
John Collins
Judge Linda Bell
Judge Deborah Schumacher
Judge Michael Montero
Justice Michael Douglas

Chair Segerblom opened the meeting at 9:04 a.m. and requested a roll call.

Mrs. Hartzler called roll and a quorum was present.

Chair Segerblom asked for public comment. There was no comment at this time. He requested approval of the minutes from the May 1, 2014, meeting of the Advisory Commission on the Administration of Justice.

Mr. Frierson moved to approve the minutes. Mr. Cox seconded the motion.

Justice Hardesty requested the vote be held. He offered edits concerning a discussion on pages 15, 16, and 17. He asked to hold the vote while he reviewed his minutes.

Chair Segerblom said Agenda Item V would be skipped at this time. He opened discussion on Agenda Item VI, an update on justice reinvestment.

Justice Hardesty said there was little change since the last meeting. They continued to pursue support for the State in justice reinvestment. He said they made a request to start the process for the State to gain access and do some evaluations.

Mr. Anthony said he had not heard from the people. He said he received a request for addresses so they could send a letter, but he had not yet seen a letter. He said a memorandum had been issued to the members concerning requests, Exhibit F.

Chair Segerblom opened discussion on Agenda Item VI, an update on a grant application.

Mr. Cox said they were laying groundwork for the Class B category. He said the grant application included looking at issues giving them financial information about money for the OPEN program. The Department was unable to put together a package they believed met the needs of the grant. He said they were not successful with the grant.

Chair Segerblom opened discussion on Agenda Item VIII, eyewitness misidentification and wrongful convictions.

Rebecca Brown, Director, Innocence Project, said they were excited to make a presentation in Nevada. She offered a brief presentation on the Innocence Project. She said it was a national litigation and public policy organization based in New York, but working nationally. They were dedicated to exonerating innocent people through post-conviction DNA testing. She said there were 65 network projects litigating claims of innocence. She said the Rocky Mountain Innocence Center worked locally. There were 317 DNA exonerations across America. Ms. Brown said most clients did not spend time on death row, Exhibit C. She said real perpetrators who were not identified continued to commit crimes including rape, murder and other additional violent crimes. Ms. Brown said Nevada had a good post-conviction DNA testing law. She said most wrongful conviction causes in DNA cases were eyewitness misidentification, Exhibit C. She said it was not anything law enforcement was doing wrong. Eyewitness identification was fallible. She said they were seeking a series of reforms to the system, system variables and estimator variables. They focused on noncontroversial reforms. The first was blind administration of lineups. She said the folder shuffle was another option. She continued discussion of Exhibit C. She said law enforcement leadership had occurred around the country. She mentioned the acronyms in Exhibit C. Their goal was adoption of evidence based practices in Clark and Washoe Counties. She said they met in Clark County for productive exchanges of ideas and training. She said she did not think a law was necessary.

Chair Segerblom asked if there was a model bill she recommended.

Ms. Brown said they had model legislation. She said Maryland and Vermont passed laws that keyed written policies to a model policy.

Mr. Callaway said the point of voluntary acceptance of policies versus mandates through legislation was the discussion of the evolving science of witness identification. He said best practices today may not be best tomorrow. When things were codified in state law, it did not allow for changes. He preferred to use voluntary cooperation with law enforcement.

Ms. Brown agreed that voluntary cooperation was an acceptable way to go.

Mr. Kohn asked Ms. Brown to explain what sequential identification meant and why she believed it was superior to the way it was currently done with the six packs.

Ms. Brown said the traditional six packs presented all the lineup members at the same time. The sequential presentation shows the lineup members one at a time. She said scientists based that presentation on lab studies, confirmed in the field, that people exercise relative judgment when looking at six photos at the same time. She said they chose the person who looked most like the perpetrator in the lineup. She said the folder shuffle method was an alternative to blind administration and was a de facto sequential presentation because the lineup members were in individual folders.

Mr. Frierson said he thought the national model legislation was proposed in 2011. He asked if positioning in the six packs was consistent or if dress was part of the identification process, whether those issues were addressed.

Ms. Brown said she understood LVMPD already made sure there was consistency in background and dress. She said the show-up procedure could use some suggestions to make it a less suggestive procedure.

Mr. Siegel said he was concerned about the two county focuses. He said the ACLU would be looking for a broader application of the voluntary approach. The material on eyewitness made a person feel a lack of confidence in that testimony in general. The problem was in eyewitness identification itself. He said it seemed people were terrible at eyewitness identification.

Ms. Brown said about one third of the time eye witnesses get it wrong. She said implementing the reforms will drive down the misidentification rate dramatically. We cannot do away with eyewitness identification. She said they should always look for further evidence. She recommended putting reforms in place to enhance the accuracy of the evidence.

Mr. Callaway stated that the Sheriffs and Chiefs Association was actively involved in this since the passage of AB 107. He said about 99 percent of the law enforcement agencies in the state were in compliance with the bill. He said the bill required law enforcement agencies to have a policy and that it may include Fish and Game or animal control officers who never do witness identification.

Chair Segerblom asked if some entity reviewed the written policy.

Mr. Callaway said the Nevada Sheriffs and Chiefs Association was tasked with reaching out to all the law enforcement agencies in the state. He said the bill required the agency to have a policy and it was up to them to adopt the policy.

Ms. Brown said they had an eyewitness tool kit which had different policies for different sized agencies. She said the current law only required a written policy.
Mr. Spratley thanked Ms. Brown for her support in bringing law enforcement into a partnership in this regard. He said things change and they had a proactive and

voluntary opportunity with the law enforcement agencies of the State. He said Washoe County agreed with everything Ms. Brown suggested in her handout.

Ms. Brown said she did not see the profound need for legislation.

Mr. Jackson said the District Attorneys in the State fully believed in the ABA standard to seek justice and not merely to convict. He said they were topics discussed on a monthly or even a weekly basis. A case solely based upon a single eye witness identification with no other evidence was subject to close scrutiny. He said of the 317 misidentifications identified through DNA exonerations there were obviously other cases of exoneration without DNA.

Ms. Brown said there was a national registry of exonerations. The numbers she could speak to were the DNA exonerations.

Mr. Jackson asked how many of the 317 cases were from Nevada.

Ms. Brown said she did not have the number. She said misidentification did not necessarily mean people were doing wrong; it was because of human memory and the fallibility of memory.

Mr. Jackson appreciated the Las Vegas policy. He concurred with Mr. Callaway about how well the voluntary approach had worked. He said Douglas County adopted Las Vegas Metro's policy. There was a major problem trying to legislate this. He said lessening identification evidence failed to recognize that there were victims of crimes where the only evidence was eyewitness identification.

Ms. Brown said no one was totally educated in eyewitness identification. She said they could collaborate on what made the most sense for public good.

Justice Hardesty asked Ms. Brown if she would supplement her presentation by identifying any of the 317 innocents from Nevada.

She said it had little to do with the stakeholders in the criminal justice system and more to do with how people remember information. She said the simple reform helped reduce eyewitness misidentification.

Mr. Callaway said it would be interesting to discover how many of the exonerations had eyewitness testimony as the sole reason for prosecution.

Ms. Brown said it was a key point. Most cases had a number of contributing factors. The goal with eyewitness identification was to mitigate the evidence to make it the most powerful form.

Mr. Kohn said he thought there were zero cases from Nevada. One reason was because there was not an innocence project based in Nevada. He said Nevada lacked

the resources to study all cases. He said an interesting point was how many of the cases were from false confessions. The FBI announced they would record all confessions. He said the Commission should look at that, everything should be taped.

Ms. Brown said nearly 30 percent were false confessions.

Mr. Kohn said that was a problem. DNA was a science and it can be looked at. A false confession was a difficult issue in trial. He said people with the lowest IQs were the most concerning for him. The Commission should study the issue.

Ms. Brown said it was a counterintuitive phenomenon. It was difficult to accept that innocent people provided confessions to crimes they did not commit. She said there were certain vulnerable populations, the mentally ill or challenged, young people seeking to please, and cases where mentally capable adults provided false confessions.

Senator Brower said some confession cases were made by someone who was of diminished capacity. He said the cross examination was the foundation of the criminal justice system. It was impossible to achieve perfection in terms of eyewitness identification. He said at trial there was opportunity to question the witness.

Chair Segerblom thanked Ms. Brown for her presentation. He asked Assemblywoman Fiore to present Agenda Item X.

Ms. Fiore read a quote from the research department. She said more than one in four people in the United States had a rap sheet. She said the nation's incarceration rates were the highest in the world. She wanted to talk about AB 248 from last session, Exhibit D. She said the bill took minor traffic violations from a criminal violation and treated them as a civil fine. Ms. Fiore read her written presentation to the Commission, Exhibit E. She said she was open for questions.

Senator Brower said he did not understand *he*r connection between her first statement and the bill. He asked if she was suggesting there were people incarcerated in Nevada for minor traffic violations.

Ms. Fiore replied yes, she was. She said, for example, last week one of her constituents was hit by a drunk driver. Police arrived and arrested the drunk driver. Her constituent had an unpaid speeding ticket and a bench warrant for his arrest. She said he paid the speeding ticket, went to jail, and it took 15 hours to get out of jail. She said they were 800,000 records behind in implementing.

Senator Brower said he knew about arrests about probable cause. He said the example she cited, the person was not incarcerated currently. He thought her bill tried to address the issue of whether minor traffic violations should be criminal offenses or not.

Ms. Fiore replied that was correct. In the states around Nevada they were civil violations not criminal infractions.
Senator Brower asked her if people were in prison today for minor traffic violations. He asked for examples.

Ms. Fiore said there were people today in Nevada incarcerated for minor traffic violations.

Mr. Jackson said in Douglas County when a person was pulled over for a traffic violation, in lieu of an arrest they signed a citation which was a promise to appear. If they failed to appear, typically an order to show cause or a notice of intent for a bench warrant was issued. The issue about a failure to appear was separate and apart from the underlying offense. He asked Ms. Fiore if the legislation addressed if a person was cited, even if it was a civil penalty, and they failed to appear or pay, can they then be arrested on that failure.

Ms. Fiore said yes there were progressive steps they can take. She said this bill offered processes and steps. She was open to suggestions for the bill.

Mr. Jackson asked what happened to the bill last session.

Ms. Fiore replied that the judges thought they were going to take their money from them and they contested the bill.

Mr. Siegel wanted to hear about criminal sanctions for the most minor traffic violations.

Chair Segerblom said the reality was that the judicial system was concerned that if it was changed to a civil penalty it would cause people to not pay their fines. He asked Ms. Fiore if she talked to any of the courts.

Ms. Fiore said the other concern was a software program and its implementation. The money had to be collected either way, it might take an extra month or six months. She said arresting citizens was a big fiscal burden.

Mr. Callaway asked if she saw any change for the law enforcement officer in the field. He assumed the courts would determine whether it was civil or criminal. He said a minor traffic offense was often the probable cause for a more serious offense. He asked if the bill would impact an officer's ability to use that civil infraction for probable cause.

Ms. Fiore said when an officer pulled someone over and someone displayed disorderly conduct, it was not a traffic violation it was an arrest offense.

Mr. Callaway said with the adoption of this law the officer's actions would be exactly the same. They would mark a civil box rather than a criminal box.

Mr. Kohn said the problem was that all traffic violations are misdemeanors. He said resisting arrest, fleeing the scene, failure to sign the citation was still a misdemeanor. He said anytime an officer can articulate probable cause, it did not change the outcome of any of the horrible cases.

Mr. Frierson said the reason the bill was held up was a concern about the creation of an offense called an infraction. He said everything would have to be reprinted to meet the definition of an infraction. He spoke with some members of law enforcement and traffic offenses were often the failure to appear issue. He said some people spent a few days in jail. Their children were sent to child protection because there was nobody to care for them and some people lost their jobs or their apartments. They also lost the ability to pay. He said there was a BDR attempting to address the issue. He said it defined the punishment for a misdemeanor as what it currently was except for actual violations. He said in the Assembly the spirit was to help local government and not waste resources on non-violent offenses and recoup their costs. He said there was an opportunity to save local government a significant amount of money and not affect law enforcements duties.

Justice Hardesty said using the criminal justice system to effectuate collections of minor fees and fines was bad policy. There were many ramifications associated with this proposal. He urged the Commission to acquire additional information from other states referenced by Ms. Fiore. He said there was an assumption the court system was equipped to handle the collections of fines and fees. He said the court was not equipped to do so. The State's collection system was problematic. The concerns expressed by judges were not to protect their budgets or money. The judges were trying to convey the fiscal consequences that flow from a collection system that does not work. He said the question needed to be addressed whether or not the failure to collect should be addressed and the failure to appear which carried separate criminal consequences. The other point was raising administrative assessments as a way to fund the judicial system. He said about 40 percent of the Supreme Court's budget came from administrative assessments. He said there was a serious drop-off in administrative assessments in Nevada. The four largest court systems were seeing declines in revenue. The funding for the Supreme Court, specialty courts, victims of crime funding were all below projected levels because of administrative assessments not being collected or assessed. He said there was a serious drop-off in traffic citations. He said once the fines or fees were assessed a collection method needed to be in place.

Justice Hardesty wanted to clarify the number of court or outstanding reports. Last summer when the Supreme Court learned some courts had not reported convictions, the Chief Justice undertook a survey of all the courts to determine the status of the reporting compliance. As a result of the process they brought everybody current. He said of the 800,000 Ms. Fiore referenced, 600,000 came out of the Las Vegas Municipal Court. He said most of the other courts had reported and it was a breakdown in communication between some of the district attorney's offices and some of the courts as to who reported the convictions based on past practices. He said technology

provided a solution to the problem. He said it was a bubble issue and all the courts were now in compliance. The general idea made some sense but it needed a lot more study and information. He requested a copy of the BDR and that the Commission evaluate it in greater depth. He said Mr. Anthony's memo referenced the responses about the status of fines, fees, collections and restitution. He said there was no solid methodology for collection for assuring the collection of restitution for victims of crime. He was concerned that the weakness in the statutes had deprived the entire system of the funds imposed by judges. He said the fines were not adequately paid either.

Chair Segerblom said they would put the issues on the next agenda. He said the administrative assessment placed on top of the fines impacted the poor people a lot worse than everybody else. He opened discussion on Agenda Item IX, inmate rights and prison reform.

Assemblyman Harvey Munford said Assembly District 6 was not the most affluent district. He said many of the people living in his district had members who were now or were formerly incarcerated. He said he was not here to defend the actions of those who broke the law. There needed to be consequences for those unlawful actions. He said in many cases people were granted probation. However, some offenders do become inmates at the state correctional facilities. He had two main topics today. He said it was important to respect inmates. The time served by an inmate was supposed to be the punishment. The punishment should not shut off the ability of an inmate to have reasonable questions answered or investigated by the agency overseeing him. He said he heard from many family members about their problems. He said there was a concern that the case workers were unable to give timely or sufficient answers to legitimate questions. He said case workers had a very difficult position. He respected the work they performed. He said he was also told some case workers and correctional guards displayed a dismissive attitude towards inmates. He said he had 10 letters from inmates who had written him. Inmates did not always get an opportunity to review their folder before they appear before the Parole Board. Mr. Munford said he was concerned about access to the correctional facilities for elected officials. He said the books were open to inspection by the state legislatures. He said in 2004 there was no need to prearrange, in advance, a visit the facilities. He said out of respect they would call the warden and tell him when they would arrive but after 2007 they had to make contact in advance to visit the facility. He completed his discussion by saying Director Cox had compassion and humanity for inmates.

Chair Segerblom thanked Mr. Munford for the presentation. He said he hoped to come up with a solution for better communication helping the families, and provide hope for everybody.

Mr. Munford said he was involved in a case with an inmate who came before the Pardons Board. He said she had an illness that cost the State $400,000 a year to treat. She was denied a pardon. He was going to look into situations like hers.

Chair Segerblom said the next item for discussion concerned parole and probation.

Mr. Frierson said when he toured the prison a number of individuals had been taught by Assemblyman Munford over the years. He wanted to acknowledge Mr. Munford.

Mr. Cox thanked Mr. Munford. He said he had repeatedly called him to voice his concerns. They met and discussed the concerns. He said his leadership throughout the community was vital. Mr. Cox said it was important to hear what was going on in the community. It was important to have someone in the Legislature who took the time to go into the facilities. He supported transparency.

Chair Segerblom opened Agenda Item XII on Parole and Probation.

Ron Cuzze said he worked with Mr. Faulkner and he would answer any questions the Commission might have for him.

Rick Faulkner, National Institute of Corrections, said he had been in corrections since 1958. He retired from the National Institute of Corrections in 2003. He said they formed a network of directors of probation and parole which included Nevada. Nevada had a different and unique system in the way it was set up. He said 27 other states had probation and parole under the DOC. He was unaware of a state that had parole separate and a part of the prison system with the exception of West Virginia. He said he met with the head of probation of Korea. He said he sent the man to Reno to learn how to manage parole and probation. Nevada ran an excellent system of handling the case load. He said probation and parole was the center of the wheel. They interact with every entity from the beginning to the end. He said Nevada had a great thing in parole and probation. He said he would answer any questions.

Chair Segerblom said there had been suggestions over the years to put parole and probation under the DOC. He asked what the advantage or disadvantage was to that type of system.

Mr. Faulkner said putting probation and parole under the DOC existed in 29 states. He was concerned about separating parole and probation.

Chair Segerblom asked what Director Cox proposed concerning parole and probation.

Mr. Cox said many states have parole and probation associated with the DOC. He said over 42 states had parole with the DOC. Last session when the discussion was held many people said both parole and probation needed to be with the DOC. He thought it was the right thing to do. Nevada was the only state that had parole and probation as a department of public safety. He said they were doing a good job, however, today's limited resources suggested it was a more seamless way to do business. He said it was up to the Legislature to decide the answers. He said the problem with separating parole and probation was that consistency can be lacking.

Chair Segerblom asked Mr. Cox why he did not ask for probation during the last session.

Mr. Cox said he did not believe they had the support to do both. He said now, he would ask for both. He said they did not plan or structure for it at the time. He said it was important to continue the discussions.

Mr. Kohn asked about the federal system's writing of probation reports which was overseen by the Administrative Office of the Courts. He asked if there was anything wrong with that system.

Mr. Faulkner said there was nothing wrong with the system. He said having it under judicial also worked well. He said Nevada had a system that was also working well.

Mr. Kohn asked how Mr. Faulkner defined working well. He asked if he was aware the Department of Parole and Probation requested six month continuances.

Mr. Faulkner said he never saw any "blow ups" in Nevada. He said administrative meetings and the interaction between administrative staff and probation and parole were excellent. He compared it with other states and believed Nevada was doing a good job.

Mr. Kohn asked how many other states had probation reports written by a law enforcement agency.

Mr. Faulkner said he did not know exactly how many, but one third of them had law enforcement authority. He said the reports were done by probation and parole and they were considered a law enforcement agency. He said he viewed it as a well-organized successful system.

Mr. Kohn said the tool they were using to evaluate who should or should not be on probation was over 20 years old.

Mr. Faulkner said there were a number of tools that came up with a factor score. A recommendation was made based on that as well as the subjective reading of the offender. He said he was not aware that the presentence investigations were backlogged.

Judge Barker asked what efficiencies the model he described offered where the writer reported directly to the judiciary as opposed to the model they followed now. He asked if there was a greater efficiency.

Mr. Faulkner said it was called the rocket docket in Eastern courts. He said when the Speedy Trial Act came into play, the federal judges said they had to slow it down to

sixty days because they were doing it in a lot less time. He said the relationship the department always had with the judiciary was excellent.

Judge Barker asked if that meant the communication between the bench and the authors of the PSI reports was a value and more efficient.

Mr. Faulkner replied that Judge Barker was correct.

Mr. Jackson asked about the pro and cons before the Commission. He asked for potential conflicts, consistencies, or fiscal impacts outlined in a table with the multiple options possible. He said factual data driven information would be helpful. He also stated on the record out of an abundance of fairness to P&P, the Commission had already identified the major issue was the lack of personnel for the Division of Parole and Probation; specifically in doing the presentence investigations and drafting of those reports. He stated he believed if the same numbers of people were under the DOC or the AOC there would be the same type of delays. He had no bad experiences with the persons who represented the division with the reports. He said they did a fantastic job.

Justice Hardesty joined in Mr. Jackson's observation. He said who the Division of Parole and Probation reported to may be a significant issue, but it did not have the priority that providing adequate resources had. He said the problem P&P labors under was directly related to the lack of resources. He said it was time the legislature did something about that issue. He said moving an underfunded agency to a different agency did not mean there was an improvement. He said the problem with updating risk assessment tools, changing formatting, increasing the content of the PSI report, scoring mechanisms, adequate supervision to those on probation or parole all needed addressing. Four years ago he suggested that the Commission follow the Arizona law about reporting to the court system. He said until they addressed the underlying inadequacies of funding and support for the division they will not accomplish as much as needed in this area.

Chair Segerblom said forty percent of the incarcerations now are revocations. He said reducing the revocations and using the revenue to enhance Parole and Probation would be a good use of those funds.

Mr. Cuzze said Justice Hardesty was correct, Parole and Probation was underfunded. He said the system worked. He said they understood the P&P issue. He said fix the parts that do not work and quit underfunding the Division. He said state law enforcement officers were going to other agencies due to lack of raises.

Mr. Faulkner recommended that the Commission contact the National Institute of Corrections and have them send someone in to review what Nevada was doing. He said they were great at getting information when you needed it at no expense to the state.

Mr. Pierrott supported the fact that Parole and Probation was under DPS. He said the officers received a great deal of training to prepare them for the job. The system was working and they were working on the improvements that were identified. The assessment tool was being looked at for other options. He said the issue with the PSI was addressed and they were working on making needed improvements.

Jim Wright, Director, Department of Public Safety, said they recognized the backlog of the PSI was causing a tremendous problem. The put together an action plan and took the plan to IFC and received support allowing them to hire additional staff. He said the PSI backlog had been reduced with the additional staff.

Natalie Wood, Chief, Parole and Probation, said when she came on there was a significant issue with the backlog of PSIs. She said there was a legitimate reason for the backlog. AB 423 was not funded. They realized they needed to restructure some of the staff. They added additional staff to remove the PSI backlog. She said today, this morning, all of the backlogs had criminal histories on them. They were now waiting assignment to the PSI writers.

Judge Barker reported that he complained about the number of continuance letters the Bench received. He said in the last 30 days he had not received a request for continuance on any PSI and none of his colleagues had expressed concern.

Mr. Callaway said he had seen an improvement with the PSI.

Chair Segerblom said his goal was to make the system less punitive and get people out of incarceration. The revenue saved could go into parole and probation. He said they needed to be better funded and paid and the savings needed to not go into the General Fund.

Mr. Cuzze asked how many of the revocations were repeat offenders.

Chair Segerblom opened discussion on Agenda Item XI. He said he asked for the presentation to fulfill one of his personal goals in trying to make the criminal justice system less expensive. He said in reviewing the O.J. Simpson matter it appeared they had a 66 year old man who was one of the least likely people to reoffend. He was stuck at the State's expense of $200,000 a year in prison without factoring his health issues. He said there had to be a better way to deal with a crime like Mr. Simpson had committed.

Justice Hardesty asked Mr. Pitaro if he intended to discuss the merits of the litigation or the arguments being made on Appeal. He said he would have to absent himself if those issues were discussed.

Mr. Pitaro replied no, he was not discussing those issues. He said they asked Mr. Simpson for permission appear and use his name. He said the O.J. Simpson cases

were not normal cases. High profile cases were handled differently. He said there were problems with the court when TV cameras were allowed. Costs in the criminal justice system were broader than the cost of incarceration. He said $25,000 a year was the number used. He said jail costs are over $100 a day in the Clark County Jail. He said if a person was sent to jail for a year it cost the taxpayers $36,500, if sent to prison it cost $25,000. He said other costs were the police agencies, prosecution's function, and the defendant's costs. A major area in cost was the social cost. A victim of the crime had a social cost as well as the defendant. He said all the costs trickled down to the tax payer. He suggested in the sentencing PSI report it should include the cost involved in probation, as well as the cost for incarceration. He said Mr. Simpson's cost for nine years at $25,000 cost the taxpayers $225,000 to keep him incarcerated. He said more people were put in prisons and they were aging. In addition to the regular cost, medical costs were associated with the inmates. He said studies showed violence seemed to decrease with age. The sentencing structure did not reflect that major and fundamental issue. He said a mechanism or review process to see if the person should be kept in custody was needed. Nevada had too many mandatory minimums. Mandatory sentencing tended to over punish or under punish. The punishment should be individual. He said the problem of aging and cost was directly related to the mandatory minimums. He said Mr. Simpson had to do 9 years before he can be released.

Chair Segerblom asked if there were statutes for early parole for medical reasons.

Mr. Pitaro replied that there were provisions for that sort of situation. He said the person should be released for humanitarian reasons besides the State bearing the cost of keeping the person incarcerated. He said there was no review process from the time of incarceration to the date of the parole hearing. The studies he read showed there were too many non-violent, non-dangerous people in prison. He said if a judge, prosecutor and the public knew the sentence was going to cost $100,000 to $200,000 it was time to ask if incarceration versus the benefit to the community was worth it. He said that analysis was never made in the system. He said the minimum amount Mr. Simpson's cost was $225,000. He said most of the nonviolent people could be paroled and monitored.

Mr. Spratley asked where the conversation was going. He was looking at a document from the District Court of Clark County, Exhibit G. He said the person was convicted of numerous counts to include first degree kidnapping with the use of a deadly weapon, first degree kidnapping robbery, assault with a deadly weapon, and numerous charges. He said he was hearing non-violent people, elderly people who were not as violent. He said the inmate was 60 years old when convicted of these crimes. He wondered about the age cutoff. He said the arguments were not making sense. He said O.J. Simpson was convicted in 2008 by a jury trial. He said it appeared they were talking about a violent person. He asked if this was in the scope of what was supposed to occur in the Commission.

Mr. Pitaro said the comments lead us to the problems currently. He said the facts did not support the idea of a terribly violent person. The person had not committed a crime until he was 60 and he came to Nevada.

Mr. Jackson said he objected to the circular, repetitive, non-factual discussion. He said if O.J. Simpson was not in that prison, it would not save $225,000. He said this was his second session and he was proud of the work the Commission had done. He said there were disagreements with various members. Victim's rights were not being considered in this discussion. The laws were designed to protect vulnerable individuals. He said the right people were incarcerated. He said this matter should not be before the Commission. The Legislature needed to understand there was a separation of powers and discretion was given to the judges.

Mr. Frierson said he was passionate about the legislative process and protecting that process. He said legislative committees and interim committees had Chairs who set the agendas. The Chair should be allowed to do his job and receive respect for the chair, the commission and the members who made presentations. He said the discussion involved making sure the judicial process had a mechanism to be aware of the costs as they proceeded.

Chair Segerblom said part of the Commission's charge was to study the costs to the system and the taxpayers of the criminal justice system.

Mr. Pitaro said the legislature was involved, and involved in a negative way, when they enacted mandatory minimums. He said they were taking the discretion away from courts. The mandatory minimums lead to some serious abuses. The federal government was making an effort to deal with the issues. He said sentencing guidelines and equality in sentencing resulted in the United States incarcerating more people than any other civilized country in the world. He recommended putting the cost before the public. He said he did not care if he offended anybody because he thought the system was broken.

Senator Brower thanked Mr. Pitaro for attending the meeting. He said it was an elected D.A. who made the charges for the cases; the jury determined guilt; and an elected judge made the sentencing decision based upon sentencing statutes enacted by the elected Legislature. He said they should not lose sight of those facts. He said they all agreed there were too many people in prison and it cost too much to keep them there. He said looking at each inmate made it more difficult to make decisions. The details in our systems do not put people in prison for long times who do not deserve to be there. He said they hear about minor, petty offenses that result in long sentences, but it was not true. He said the committee obtained more than antidotal evidence and they had not seen any actual evidence. He asked if Bernie Madoff was a threat to society. The answer was no, he was not a threat, but he deserved to go to prison for what he did. He said the issues were not simple. They could not look at the cost of incarceration and base a sentence decision on that cost. He said the biggest problem with the Simpson

case was nobody knew how long he would be incarcerated. He asked Mr. Pitaro if he thought the federal system, which did not include parole, worked better than the state system where they did not know at the time of sentencing how long someone will be in prison.

Mr. Pitaro said the problem with the federal system was the manner in which they set up the grid under the guidelines. He said probation was abolished in 1987. He said it meant everyone convicted of a crime went to prison. The concept of the guideline was right, but the implementation of it was not right.

Senator Brower said parole was eliminated, but probation was still an option for many federal crimes.

Mr. Pitaro said it was only after the Supreme Court said the federal guidelines were not mandatory and other things could be considered. He said that happened in the last few years. He said he had people known as mules who received 20 years in prison for minor drug offenses. He said they did not want a system in Nevada that would double or triple the population in the prisons.

Senator Brower reminded the Commission that the issue was more about mandatory minimums than determinate sentencing. He said low level mules getting long sentences was because they refused to cooperate and did not take advantage of the so-called safety valve that allowed a much reduced sentence by cooperating with the government.

Chair Segerblom said his point was that some of the sentences were too inflexible. He opened the discussion on Agenda Item XIII. He requested Ms. Lawrence make her presentation. He said Ms. Lawrence was the specialist from NCSL and she was scheduled to testify about commutation boards. He wanted the Commission to consider going back and looking at some drug offenses and maybe reduce the sentences. He referred to the memorandum from Melinda Martini, Exhibit H. He said with the changes in the marijuana laws, people with sentences for marijuana should have their sentences reduced.

Chair Segerblom said the Commission was unable to hear Ms. Lawrence.

Senator Brower asked if the Commission had received any evidence that there was anybody in prison in Nevada for simple marijuana possession without more to it.

Chair Segerblom said there were people who were transporting or had a certain number of plants so they were accused. He asked Mr. Kohn if there was anyone in prison for marijuana possession or sales.

Senator Brower said the questions were about possession. When sales were discussed it implied trafficking and people were in prison for trafficking. He said based upon the

lack of evidence, there was a myth that the prison was full of people who were simply busted for small amounts of marijuana.

Mr. Jackson said the myth was being perpetuated by the presentations by Dr. Austin. He said Dr. Austin listed the Category B felonies and listed possession of a controlled substance as a Category B when it was a Category E felony.

Mr. Kohn said he could not give evidence of people in prison for mere possession of marijuana. He said they should discuss how many people were in jail because they had a drug problem and they committed some other nonviolent crime. He said they could reduce the prison population by better drug treatment.

Justice Hardesty said the possession of marijuana in certain quantities subjected the defendant to a trafficking offense which carried lengthy sentencing terms. He said there were a number of people who studied the question in a subcommittee under Judge Herndon. They had identified a number of mules in prison because they declined to take advantage of the substantial assistance statute. The reason they declined had to do more with their concern about their own safety and the safety of their family. The pardons board went through a process of considering accelerated grants to several inmates while Governor Gibbons was chair of the Board. He said they effectuated 106 pardons to people who were in that category. He said during the process the subcommittee also identified several who were sentenced to minimum 10 year prison sentences, with no criminal history and were sentenced because of the possession of the drugs including marijuana. He said they were mandatory sentences and the judge had no discretion in those crimes. He said the Commission should examine those crimes and the cost.

Chair Segerblom said Ms. Lawrence was unable to make her presentation due to technical difficulties. He opened discussion on Agenda Item XV and the pretrial and reentry programs after prison.

Mr. Siegel said he believed the people speaking agreed on most of the things they were talking about. He said the process was problematic because they were having a dialog on what they agreed on and not just what they could debate.

Senator Brower said he agreed they needed to find common ground. He said, for the record, he did not say there were people in prison who should not be there. He said it may be the case, but he did not know that. There were too many people in our prisons. He said it was a societal failure that had all kinds of causes that have little or nothing to do with law enforcement efforts or sentencing laws. He said the dilemma was what to do with people who committed crimes. He said the goal was to try to deal with the problem more effectively.

Chair Segerblom asked if there were alternative methods to handle people who have committed crimes such as parole and probation. He said his goal was to keep people from being incarcerated or get them out earlier and have a way to monitor them.

Mr. Pierrott discussed the reentry program. He said Parole and Probation was working with the NDOC and the Parole Board to try to increase their ability to release people based on programs they had set up, Exhibit I. He said they created a training program to better assist parolees and provide better programs.

Chair Segerblom asked if they had any programs where people could come out of prison before they were on parole, or do they have to be paroled.

Mr. Pierrott said they had to be paroled. He said they had inmate programs where they could come out under house arrest. Parole and Probation received 350 approved parole grants each month, Exhibit I, and 300 of them were released. He outlined the parole grant approval. He offered statistical data concerning the offenders. He discussed the re-entry coordinators and their program. He continued his presentation about available funding, help for veterans in prison and coordination with the NDOC. He said they found the program had been very effective, Exhibit I. They had people going into the prisons and meeting with them and providing them with the information.

Mr. Siegel said he had a positive feeling about the intentions of the Parole and Probation department. He asked about people who did not prepare an adequate plan. He thought there was a significant portion who were functionally illiterate, spoke a language other than English or Spanish and had other mental issues. He asked if they were working to make sure those types of problems did not impede the progression of the plan.

Mr. Pierrott said that was the exact purpose of a plan. The plan was to try to assist those people that were unable to do their own applications. He said the re-entry coordinators worked with them and drew up an application for them. He said they tried to place people with mental health issues into a facility that can assist them.

Mr. Siegel said he was concerned about people who did not speak English or Spanish. He was concerned about the preparation of the plan. He asked if there was anything Parole and Probation needed in terms of resources to make it more successful.

Mr. Pierrott said everyone agreed they needed more resources.

Ms. Wood said it would be a huge asset to the Division if they had individuals that were bilingual.

Mr. Siegel asked if they needed specialized personnel to make things work better.

Ms. Wood said if they had the available resources and were able to hire more bilingual officers it would help overall.

Ms. Wood said just over 26 percent of the inmates elected not to pursue the plan.

Chair Segerblom asked if people got out of prison early with this program.

Ms. Wood said many elected to flatten out their time for personal reasons. She said some elected to not be supervised or chose to move to another state.

Chair Segerblom asked if there was a cost savings by getting people out early.

Ms. Wood said yes there was a cost savings if they could defer the cost to supervising in the community.

Mr. Cox said they had looked at specific areas where they could improve the ability for people to do better under supervision and get them out of the system. There were benefits for the DOC. He said a portion of the population in the system did not submit viable parole plans or decided to remain in prison rather than go on parole.

Kim Madris, Division of Parole and Probation, said if more funding could come to the Division, it would help fund re-entry programs. All of their efforts were pulling people from other positions and working with the NDOC to do the re-entry function. They needed to be able to fund their division with re-entry people to assist the parolees.

Chair Segerblom asked who they asked for additional funding.

Ms. Madris said she would talk to their fiscal person about adding staff for special programing.

Ms. Wood said it was part of the budget process. She said they went through an entire procedure where they met with Director of Department of Public Safety and the fiscal staff and determined the priorities for the Division.

Justice Hardesty appreciated that there was a chain of command, but he requested the Division provide the Commission with a list of priorities and costs to address the several needs the Commission had identified. He said the Commission could receive a series of recommendations and cost them out so they could make specific recommendations to the Legislature.

Chair Segerblom concurred with Justice Hardesty.

Ms. Wood said she would provide the requested information to the Commission.

Chair Segerblom asked about the group called HOPE. He asked with whom they interacted.

Ms. Madris said they worked with Mr. Jon D. Ponder's group and his organization.

Mr. Cox said Mr. Ponder was funded through donations and the community.

Mr. Cox said John Collins, statewide re-entry program coordinator, would discuss re-entry services in the department, Exhibit J.

Mr. John Collins said presently there were 5,460 individuals being released into society every year. He said he provided services for jobs, housing and other resources as re-entry services.

Chair Segerblom asked if it was possible to be released from the Lovelock prison and given $50 and sent down the road.

Mr. Cox said it was possible, but they hoped it would not happen. There was transportation involved, but it was somewhat of a myth. He said the improved plan included looking at housing and helping them fund it.

Mr. Collins referred to Exhibit J. He said the NDOC was trying to continue the re-entry programs including vocational training. The NDOC received funding from DETR to provide re-entry services. He said P.R.I.D.E. stood for purpose, respect, integrity, determination, and excellence. The program provided pre-release assistance to inmates. He said the NDOC received a $550,000 grant from DETR to continue the program. The program provided pre-release training to all inmates and reduced the recidivism rate. He also mentioned the boot camp program, Exhibit J.

Mr. Kohn asked about driver's licenses and IDs for people leaving prison.

Mr. Cox said last session a statute was passed. He said it was important to get a social security number and a birth certificate in order to get the proper ID. They helped them with the DMV and having DMV accept NDOC's identification. He said they had explored a number of the issues to get through a number of obstacles with Home Land Security. He said they were doing a better job now.

Mr. Kohn asked if the programs were available to women.

Mr. Collins said the programs were also available for the women.

Chair Segerblom asked Mr. Collins to provide a list of critical needs for the Commission to consider and recommend.

Mr. Callaway said based on the statistics it appeared that 22 percent of the people leaving the prison were from other states. He asked if they were tracked to see if they stayed in Nevada or if they returned to their own states.

Mr. Cox said they had analyzed the numbers. The recidivism rate was low due to the number of people returning to California. He said 10 to 11 percent of the population were released to ICE. The NDOC was working closely with data from California concerning recidivism.

Mr. Pierrott said it was mentioned in a previous meeting that a program similar to Casa Grande was planned for Reno. He asked the status of the program.

Mr. Cox said they were completing the design and were going to construct a transitional housing center in Sparks. He said it would have 112 beds near the Grand Sierra Resort. The tentative opening date was August or September of 2015.

Mr. Siegel said it would be useful to have ideas about resources for transitional programs as compared with other states. He wanted to know if Nevada was a leader in the area or a slacker.

Mr. Jackson asked Mr. Cox about the step-down program. He asked about the average length of stay in the program and if the success or potential recidivism was being tracked.

Mr. Cox replied that the outcomes were important and they were tracking the 190 boot campers. He said housing was a problem for some people as they did not want to go back to the neighborhood where they used to live. He said it was important to see the success of this program. Many states and communities had stopped boot camp programs. He said Nevada's successes were good. He was proud of the program. He said they would provide the information on the outcomes whether good or bad.

Mr. Pierrott said they were being supervised at an intensive supervision level. It was a 30 to 1 level. He said Reno would not have enough officers to supervise people at the level required for Casa Grande when the new housing opened.

Chair Segerblom opened discussion on Agenda Item V, funding for Specialty Courts.

Judge Linda Bell said she was in charge of the specialty court programs in the civil criminal division. She said the first program was called OPEN and was a partnership with the Department of Parole and Probation and the NDOC. She said the program was an intensive probationary program. They needed to insure that the program continued, but without additional legislation the statute expired. They also had a veteran's treatment court that was currently unfunded. She said they had a DUI court program with about 400 people. They partnered with Parole and Probation and now put people in the program on probation. She said there were 400 people in the Drug Court Program.

She said it provided intensive counseling. They had approximately 100 people in Mental Health Court. The Mental Health Court graduates reduced felony arrests in that population by 93 percent.

Chair Segerblom asked what was entailed in a Mental Health Court.

Judge Bell replied that the court was limited to people who were very sick. She said they could go through the court as a diversion program. She said it gave the participants the opportunity to not go to prison and provided housing for them.

Chair Segerblom asked if people who were that mentally ill could still go to prison.

Judge Bell said the standard for competency was not a very high standard. She said people who were mentally ill, as long as they could comprehend, their action can be prosecuted. She said approximately 20 percent or higher of the people in prison suffered from a serious mental illness. They had a prison reentry program in the past, but no longer had funding for the program. She said they struggled with funding and had a complex patchwork of funding. They were understaffed and had a critical shortage of inpatient beds. She said it was more than a four month waiting period to get into an inpatient bed.

Mr. Siegel asked about the low standard of competency in the mental health area. He asked if it was determined by the judiciary or by the legislature. He asked if the Commission could influence a change so the prison was somewhat less than the principal mental health institution.

Judge Bell said it was both. There was a federal constitutional standard and then Nevada can choose to provide additional constitutional or other statutory safe guards to any of its citizens. She said everyone wanted to see solutions where sick people were not put in prison because they were sick.

Mr. Kohn said competency meant who could be held liable for a crime. The U.S. Supreme Court standard was that someone had to understand the nature of the crime and be able to assist counsel in their defense. He said it was a very low standard. He said they needed to find better ways to deal with people who are mentally ill. They should not be changing the competency standards, but looking for better treatment facilities. He said it was less expensive to keep people in housing and with medical care than putting them in a prison.

Judge Barker asked Judge Bell about the patchwork of funding. He asked if there was a state model elsewhere they could study to help her with her important work. He said he was looking for tools the Commission could go to the Legislature with for assistance in the funding needs.

Judge Bell said in Orange County their programs were so well funded they had their own building. The court provided courts and treatments.

Judge Deborah Schumacher, District Court Judge in Washoe County, said as of June they had 1,084 specialty court participants, Exhibit K. She said the largest courts in the North were the adult drug courts, the mental health court and a significant diversion in the felony DUI court. They also had a veteran's court, a family drug court, and a family mental health court, a juvenile drug court, and a prison reentry court. She said all the courts shared the goal of engaging the drug addict or the person with mental health problems in a therapeutic and judicially supervised endeavor. The felony DUI court was a strict four year program for people with at least three DUIs. The veteran's court was fairly new. She said they had experienced a decrease in funding over the last year. They had to reduce the amount of funds for the contract providers for services and client incentives and support. She said without further funding judges will not be able to send everyone who needed it to specialty courts. She referred to Exhibit L and the number of jail days saved for the adult mental health court participants. She said they knew drug courts worked. They looked forward to collecting data from all their courts. She concluded by saying it was a privilege to work in this area. She said the programs were demonstrated to work. They improved the use of tax payer dollars, increased public safety and opened up opportunities for people willing to embrace them to change their life trajectory. She invited anyone interested to visit the specialty courts.

Mr. Kohn asked about the difference between pre-adjudication and post-adjudication and which model she followed.

Judge Schumacher said it varied among the courts. The adult drug court admitted people both ways. They can be referred post-adjudication or pre-adjudication. The post-adjudication completion of a specialty court was an actual condition of successful completion of probation. She said sometimes a plea was taken and the conviction was not entered pending the outcome of success in a specialty court.

Mr. Callaway asked about a program in Washoe County known as the Mobile Outreach Service Team, MOST, which dealt with people in crisis with mental health issues. He said funding was set aside by the Governor and IFC approved to start a similar program in southern Nevada. He asked if it worked with the mental health court.

Judge Schumacher replied yes, the mental health court team was involved in some of the training setting up the program. She said yes, it was involved with and also a resource for people coming through the program. She said the person had to have a pending charge.

Mr. Callaway asked if there were certain criteria for the mental health team to refer someone to the mental health court.

Judge Schumacher said they welcomed referrals from every credible source. There was a screening panel after referrals were received. It required a competent medical professional to have made a diagnosis of serious mental illness. She said there was a further team discussion of appropriateness for the mental health court.

Mr. Pierrott said he was in charge of the re-entry program in Reno. It was a very successful program. He said it would be a beneficial program statewide.

Judge Michael Montero said drug courts across Nevada were in Washoe County, Clark County and a small mix of other district drug courts. He said in his district they had three counties trying to sustain three drug courts. The court he had funded by the State was the adult drug court in Humboldt Country and in 2015 in Pershing County. He said they did not have specialty court staff. The adult drug court in Humboldt County had about 75 participants. He said the County only had 17,000 people. He said they had juvenile drug courts in all three counties and a family diversion court. The distances they had to travel to attend specialty court were too great so they were working on developing a program in Humboldt County. The programs helped supervise the clients in the rural communities. He said funding for the programs was limited. He said they relied on the AOC funds and clients who had to pay to participate in the programs and grants when they can secure them. He requested help in funding the programs in the future.

Mr. Kohn said Judge Schumacher stated that in drug court it can be both pre-adjudication and post-adjudication. He said in Clark County it was post-adjudication, and there was a significant amount of jail time between sentencing and people entering the program. He asked Judge Bell about a new plan to cut the time down.

Judge Bell said there was a lot of research on drug courts concerning what did and did not work. She said they made it post-adjudication because they needed the community supervision. She said the national trend for drug courts was to get away from first time offenders or have that as a separate court. The best use of the funds was for the high risk, high need participant. She said if they were mixed with the first time offenders it can make the first time offender worse. She said she had 2 staff people for 400 people in drug court. She said they were working on a global application for the specialty courts that allowed them to make decisions sooner in the process. She said the wait time was a function of the limitations of our staff.

Mr. Kohn said the waits were 72 to 75 days and there were about 100 people waiting. He asked what the Commission could do to help solve the time problem. He said he thought the drug court laws were changed to say it could only be administered by an elected judge. He would like to see the County get her more help.

Judge Bell said the issue was the staff and the time. There was not enough of either. She said the ratio of 200 to 1 was out of line with best practices. She said it should be 100 or less per case manager. She hoped to develop a system where people could get into the system within two weeks.

Justice Hardesty said he wanted to comment on funding at the completion of the presentations. He referenced the reforms made in Oregon in which the legislature was persuaded to infuse $15 million into programs that worked.

Chair Segerblom said they also needed to focus on how much money was saved by not being incarcerated.

Justice Hardesty said Judge Bell had stated that 400 graduates of DUI courses saved $8 million in prison costs. He said if some portion of that was reinvested into the programs it would be beneficial.

Justice Hardesty said Oregon started the program with seed money. He said the lack of stabilization of funding sources was a challenge. Nevada's drug courts lead the country in best practices and success. He said the Commission needed to understand that all of the successful programs were under jeopardy due to lack of funding.

Justice Michael Douglas said he had been involved with specialty courts for the past 10 years at the Supreme Court level. He said Nevada had been involved for approximately 20 years, it was one of the founders in the country. Sadly the state had not progressed as far as it should have over the past years. The limitation was funding. He said they appreciated what the Legislature did over the years by allowing various ways of combining money to fund the courts. He said during the past three years they went from bringing in close to $6 million for statewide drug court programs to about $5 million. He said instead of expanding they have 43 different courts they give some kind of assistance to. They were unable to add a court since 2011. The legislature authorized them, three sessions ago, to assemble a collective system of data. He said it was now up and running. The state average last year was 49 percent successful in the drug and alcohol programs throughout the state. He said with adequate staffing the numbers would be even better. The judicial counsel made a decision to take the money they got and spend it on the people in the program. The money was spent on staff or building costs. He said national literature indicated the courts were only successful if there was a magistrate, a judge making the decisions. He said other states tried and their program success went down. He said funding was difficult when grant funding was no longer available, direct funding was important. They had made decisions to keep the program going. He said they needed a better standard of money they could count on being available for the specialty courts.

Mr. Kohn said he absolutely believed in the 8th Judicial. He said as a member of the Commission there should be two district court judges assigned to the specialty courts in Clark County. He said he was stunned when he heard the numbers from Washoe County with one third of the population versus Clark County. He said if they cannot provide another judge, at least there should be a magistrate. He said there should be a duly elected judge if possible.

Justice Douglas agreed another judge was needed. He said people were doing yeoman duties in many places. He said a judge needed time to assess the status out of court before she ever sees all the people. She needed more help to get prepared to make the best decisions.

Judge Barker asked if there was any appetite for a statutory structure that might consolidate the efforts of the specialty courts and address the economy as a scale to help alleviate the numbers.

Judge Bell said with respect to mental health court and veteran's treatment court, there was already a statutory scheme in place allowing the district court to accept misdemeanants. She could take anyone from Clark County. She said each program had its own type of population. She said it would be difficult to mix the various populations. The research on specialty courts showed the better "fit" in a program and the less you mix different kinds of populations, the more successful the programs. She said it was good there were a variety of programs.

Judge Barker asked Judge Montero about the many hats they wear. He asked if there were any legislative changes or frustrations where the Commission might assist that were unique to a rural court judge.

Judge Montero said he appreciated the recognition of the diverse work load of the rural courts. He said they presided over all of the family cases, juvenile cases and the criminal case load as well as the specialty courts. He said it was probably not a legislative change. One of the key components of drug court was having a judge preside over those courts. He said if it was delegated to masters, some of the impact would be lost. The difficult part for him was not only the general jurisdiction, but the travel between court houses.

Chair Segerblom asked the judges if they wanted to present a way to fund specialty courts, he would put forward a bill to the legislature.

Chair Hardesty offered his edits for the minutes of the previous meeting on May 1, 2014. He said on page 14, at the end of the last sentence which read..."Captain Sonner said the instrument validated on several occasions was the Risk and Needs Assessment which related to the supervision of offenders...."Justice Hardesty said a sentence should be added that the SRSS and PSP have not been validated since 1990. He said on page 15, a paragraph in the middle of the page beginning with...."Captain Sonner said if there were requests for the information.....He said they had some requests from defense counsel to score the instruments themselves." Justice Hardesty modified the sentence because the defense counsel did not ask to score the instruments, they wanted the scores on the PSIs. He said the words he added were for defense counsel to obtain the PSP and SRSS scores for their client. He said with those edits he supported the motion to approve the minutes.

Chair Segerblom said there was a motion and a second and he asked for a vote. The motion carried. He asked if there was any public comment. As there was none, he adjourned the meeting at 3:36 p.m.

Respectfully Submitted:

_____
Olivia Lodato, Interim Secretary

Approved By:

_____
Senator Tick Segerblom, Chair

Dated: _____

EXHIBITS

Committee Name: Advisory Commission on the Administration of Justice

Date: July 8, 2014 Time of Meeting: 9:00 a.m.

	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Rebecca Brown	Eyewitness Misidentification
	D	Assemblywoman Fiore	AB 248
	E	Assemblywoman Fiore	Committee Introduction AB 248
	F	Nick Anthony	Memorandum
	G	Patrick Guinan	"O.J." Simpson
	H	Chair Segerblom	Qualifications for Parole Officers
	I	Jorge Pierrott	Parole and probation Re-entry Programs
	J	John Collins	NDOC Re-Entry Services
	K	Judge Schumacher	Washoe County Mental Health Court
	L	Judge Schumacher	Jail Days Stats