

**ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE'S
VICTIMS OF CRIME SUB-COMMITTEE**

MINUTES OF MEETING

September 30, 2014

Office of the Attorney General
Mock Courtroom
100 N. Carson Street
Carson City, NV 89701

VIDEOCONFERENCE TO:

Office of the Attorney General
Grant Sawyer Building
Room 4500
555 E. Washington Ave.
Las Vegas, NV 89101

1. Call to order and roll call of members.

Chairperson Catherine Cortez Masto called the meeting of the Advisory Commission on the Administration of Justice's Victims of Crime Sub-Committee to order at 2:00 p.m. Senior Deputy Attorney Henna Rasul called the roll.

Members Present:

Catherine Cortez Masto, Attorney General – Chair
Megan Long, Victim Advocate, Washoe County School District Police Department
Halleh Seddighzadeh, ARMAN (Asylee Refugee Migrant Assistance Network) Forensic
Tramatologist
Kyle Ward, LVMPD, Homicide Review Team
Kathy Harris, LSW, Nevada Urban Indians, Domestic Violence Specialist
Howard Skolnik, Former Director, Nevada Department of Corrections.
Elynn Greene, Victim Advocate, LVMPD

Members Absent

Elisabeth MacDowell, Directory of Family Justice Clinic, Boyd School of Law
Lisa Morris Hibbler, Victims Rights Advocate, Advisory Commission of the
Administration of Justice, Vice Chair
Kelly Ann Kossow, Deputy DA, Washoe County
Colleen McCarty, Esq., Gordon Silver
Susan Meuschke, Ex. Director, Nevada Network Against Domestic Violence
Lidia Stiglich, District Judge, Department 8, 2nd Judicial District Court

Others Present

Henna Rasul, Senior Deputy Attorney General, Office of the Attorney General
Heather Cooney, Legal Secretary, Office of the Attorney General
Major Kimberly Madris, Deputy Chief, Department of Public Safety, Parole and Probation

Deanna Bjork, Administrative Office of the Courts
John McCormick, Administrative Office of the Court
Kareen Prentice, Domestic Violence Ombudsman, Office of the Attorney General
Steve Grierson, Court Administrator for the 8th Judicial District Court

2. Comments from the public

No public comment

3. Approval of July 1, 2014 minutes.

A motion to approve the minutes was made, seconded and passed unanimously.

4. John McCormick, Administrative Office of the Courts, presentation on the History of Administrative Assessments.

Misdemeanors:

Administrative assessments were implemented during the 1983 Legislative Session to fund criminal justice programs; including the courts. AB44 authorized a \$10 assessment on all misdemeanors. \$1 for city/county juvenile courts, \$3 for muni/justice courts, \$5 to Supreme Court/ACO, \$1 to POST.

The 1987 Legislature created an assessment schedule from \$10-\$100 making funds available to support the criminal history repository, NDI, Computerized NHP switching system and Victims of Crime Fund.

The distribution amounts went through several changes and in 1991 were changed from dollar amounts to revenue percentage with 51% to the Supreme Court and 49% to the executive branch to support the Criminal History Repository, POST, Computerized NHP switching system and Victims of Crime Fund.

Additional assessments were enacted over the several years and in 2007 AB625 changed the percentage of judicial branch administrative assessments to the Supreme Court to 48% and applied the other 12% to funding specialty courts.

In 2009 AB531 added a program related to domestic violence in the AG's Office as executive branch recipient and created the requirement that any of the executive branch 49% not legislatively dedicated to one of the permitted uses must be returned to the general fund.

The 2010 special session increased the assessment schedule in NRS 176.059 by \$5 and required that the funds generated by the increase be sent directly to the State general fund.

Felony and Gross Misdemeanors:

1987 Session created \$20 administrative assessment to be sent to the State Treasurer for the special account for criminal justice assistance and is distributed to the Office of the Attorney General. State Treasurer changed to State Controller in 2001.

1991 Session added \$5 which goes to a special account for the district court maintained by the county.

5. Deanna Bjork, Administrative Office of the Courts, presentation regarding the status of Administration Assessments.

When a defendant pleads guilty or is found guilty of a misdemeanor the court includes in the sentence a sum prescribed by schedule as an administrative assessment and renders a judgment against the defendant for the assessment pursuant to NRS 176.059.

There is also a facility assessment (optional) of \$10 and a specialty court assessment (required) of \$7.00

The order of collection is as follows:

- \$2-Juvenile Court/Services (local revenue)
- \$7-Justice/Municipal Court (local revenue)
- \$5- State General Fund
- Of the remainder, not less than 51% to the State Judicial Branch and no more than 49% to the State Executive Branch
- \$10- Facility Assessment (optional)
- \$7- Specialty Court Assessment
- Fine

The \$2 assessment generated approximately \$934,049 in FY 2014. The \$7 assessment generated \$3,269,172 in FY 2014. These funds are used to provide services for juvenile offenders, improve operations in the courts and acquire or use of advanced technology.

The \$5 assessment generated \$2,335,123 in FY 2014.

Of the 51%:

- 48% to Supreme Court
- 36.5 to AOC, USJR and Judicial Education
- 12% to Specialty Courts (in additions to the designated specialty court assessment)
- 3.5% to Senior Judge program

The judicial branch distribution in FY 2014:

- Supreme Court \$5,985,330
- AOC \$3,165,990
- Specialty Courts \$1,496,333
- USJR \$577,335
- Judicial Education \$808,020
- Senior Judge \$436, 430

Of the 49%

- 31.95% to Criminal History Repository
- 27.98% to Victims of Crime Program
- 20.96% to General Fund
- 17.07% to POST
- 1.47% to AG Council of Prosecuting Attorneys
- .57% to AG Victims of Domestic Violence

Executive Branch distribution in FY 2014

- General Fund (20.96%) \$2,511,100
- Criminal Repository (31.95%) \$3,827,751
- Victims of Crime (27.98%) \$3,352,127
- POST (17.07%) \$2,045,061
- Prosecuting Attorneys (1.47%) \$176,112
- Victims Domestic Violence (.57%) \$68,289

Projected revenue for FY15 and FY16 is for figures comparable with funds collected in 2014. Although we are hopeful that revenue will grow by 1% by 2017 this revenue is very unstable.

In 2010 the Judicial Branch and Executive branch collected over \$30 million. In 2011 after the 2010 special session \$5 assessment was enacted the general fund collected almost \$2.4 million but our share declined by 5% and has been on the decline ever since reflecting the \$5 assessment that goes directly to the general fund.

Court staff has attempted to maximize their collection efforts including phone, electronic and internet payment options. Parties who are indigent or who have asked for community service are an issue as well as cities and counties not having the funds to hire more officers so that citation numbers are down.

6. Steve Grierson, Court Administrator for the 8th Judicial District Court, presentation regarding the collection of fines and fees by the District Court

Criminal Fines & Fees in District Court include

- \$25 Administrative Assessment Fee (as discussed above)
- \$3 Genetic Marker Analysis Fee
- \$35 DV Battery fee (STATE)
- \$60 Drug Analysis Fee (METRO)
- \$60 DUI chemical Analysis Fee (METRO)
- \$150 DNA Analysis Fee (METRO)
- \$250 Graffiti Reward Account
- Fine (STATE) (per judge)
- Indigent Defense Civil Assessment Fee (per judge)

Mr. Grierson explained the fees collected in civil filings per NRS and county codes and stated there are pieces of the civil filing fees that go to Victims of Domestic Violence.

After disposition on the case is entered, the fines and fees are assessed and tracked through the Court's data base. A judge will sometimes order an offender to make a specific payment first. Otherwise a generic payment is made which is distributed according to a fee priority schedule which he distributed to the members.

Statute allows and requires the counties to be the collection agent for fines and fees rather than the courts. The Eighth Judicial District Court has developed an automated system so that the counties can receive all the information and we can transact interactively with the county.

Mr. Grierson stated that additional fees are added when collection efforts are made which become priority fees. The statute provides that you can only collect once the Court has determined that the fees/assessments are collectable. The Eighth Judicial District Court's policy position is that while an offender is on parole and probation it is not collectable. The fines assessed are the last priority. The disbursement happens at the end of the month.

7. Major Kimberly Madris, Deputy Chief, Nevada Dept. of Public Safety, and Suzanna Johnson, Business Process Analyst, General Services Division, presentation on the collection of Restitution through the Otis Program.

Major Madris stated that the Division is not statutorily required to collect fees and fines. At intake the officer is required to sit with the probationer and go over the fees and fines that are owed and refer them to the Clerk's office. We have no way of tracking their payment until and unless the offender brings in a receipt on their own or prior to discharge an officer contacts the Clerk's office.

The Division has no contact with individuals who go directly to prison. We have no authority to collect or even to refer a parolee coming out, unless it is ordered by the Parole Board.

At the presentence investigation stage we receive the file and our court services writers are responsible for trying to determine the amount of restitution that is owed. If the file is incomplete we will provide any information we have gather through our investigation to the Court to aid in determining the amount of restitution.

Individuals on Community Supervision the office is responsible for establishing a payment schedule for the offender and encouraging them to make the payments i.e. 10 days for the payment of restitution and 10 days for paying the supervision fees off the term of their probation. We collect the payment in the local office and the payments are sent to the fiscal office in Carson City which disburses the funds within 90 days of receipt.

Susan Johnson made the following presentation:

Currently OTIS is an outdated and isolated system. It is not a web based system and is not accessible to any other agency's system. It is not up to criminal justice security (FBI) standards were it to become web able and will be unsupported by Microsoft in the near future. For this reason it is very important that the OTIS modernization project be funded.

The OTIS system has a financial tracking aspect for all of the restitution. However, making payments is an outside function and has to be exported to another system in the Controller's office who than disburses checks to the victims.

There are gaps between all of the systems, Counties, NDOC, Controller's Office, Parole and Probation etc. These gaps are a function of the disparate software and operating systems, many of which are outdated.

The new OTIS will have a modernized web based architecture that will have an N-Tier, a security and process layer which is also an interpreter, a Meta Schema so that all of these systems can talk to each other. This will enable the tracking of fees and fines.

Chairperson Masto offered to bring this to the work session of the Advisory Commission on the Administration of Justice for support.

Robin Hager from Parole and Probation stated that the next Advisory Commission on the Administration of Justice meeting is October 21st. and our agency request budget will be public knowledge at that point.

8. Comments from the working group members

Chairperson Masto directed the group to a handout entitled the Advisory Commission on the Administration of Justice Possible Recommendations That May be Proposed during the Work Session to be Held on October 21, 2014 which included some of the proposed recommendations the group will be looking at. We will also be looking at the three bills that we have forwarded to see if the Commission itself will vote on taking those bills forward. In addition I will bring up the upgrading of the Otis system as we just discussed.

9. Discussion regarding future agenda items and future meeting dates. For possible action.

Chairperson Masto advised the group that she has notified the Advisory Commission on the Administration of Justice that she will be leaving this position and the chair as there will be a new Attorney General in January. The Advisory Commission will have to identify a new chair. It is not automatically the Attorney General. You have all been identified as active members and that should not change.

10. Public Comment

11. Comments from the public.

12. Adjournment.

The meeting was adjourned at 4:20 p.m.