



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

November 19, 2018

Governor Brian Sandoval
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

Dear Governor Sandoval:

The U.S. Commission on Civil Rights is pleased to transmit to your office our Nevada Advisory Committee's [Advisory Memorandum](#), *Municipal Fines and Fees*.

The Commission maintains 51 Advisory Committees - one for each state and the District of Columbia. The role of the Committees is to study civil rights issues in their communities and report findings and recommendations to the Commission. The Commission appreciates the Nevada Committee's focused attention on the civil rights impacts of municipal fines and fees, and the potential for disparate impact on the basis of race, color, or other federally protected category.

The Commission requests that your office review the recommendations on pp. 10-12 in the Memorandum. They are also attached to this letter in a stand-alone "Recommendations" document. In response to these recommendations, we advise that you take the steps necessary to protect civil rights in your jurisdiction.

We have similarly asked the Nevada Legislature to review the recommendations.

We also invite you to view the Commission's 2017 [report](#), which similarly addresses the impact of targeted fines and fees on communities of color across the country.

The Commission appreciates your consideration, in the hope of ensuring civil rights protections. We look forward to hearing from you on what actions you will take in response.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Lhamon".

Catherine E. Lhamon, Chair

Encl. Nevada Advisory Committee [Advisory Memorandum](#) (via email only)
Recommendations in Report
2017 U.S. Commission on Civil Rights [report](#), *Targeted Fines and Fees Against
Communities of Color* (via email only)



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November 19, 2018

Claire Clift, Secretary of the Senate
Susan Furlong, Assembly Chief Clerk
Nevada Legislature
401 S. Carson Street
Carson City, NV 89701

Dear Ms. Clift and Ms. Furlong:

The U.S. Commission on Civil Rights is pleased to transmit to your offices our Nevada Advisory Committee's [Advisory Memorandum](#), *Municipal Fines and Fees*.

The Commission maintains 51 Advisory Committees - one for each state and the District of Columbia. The role of the Committees is to study civil rights issues in their communities and report findings and recommendations to the Commission. The Commission appreciates the Nevada Committee's focused attention on the civil rights impacts of municipal fines and fees, and the potential for disparate impact on the basis of race, color, or other federally protected category.

The Commission requests that your office review the recommendations on pp. 10-12 in the [Memorandum](#). They are also attached to this letter in a stand-alone "Recommendations" document. In response to these recommendations, we advise that you take the steps necessary to protect civil rights in your jurisdiction.

We have similarly asked the Governor's Office to review the recommendations.

We also invite you to view the Commission's 2017 [report](#), which similarly addresses the impact of targeted fines and fees on communities of color across the country.

The Commission appreciates your consideration, in the hope of ensuring civil rights protections. We look forward to hearing from you on what actions you will take in response.

Sincerely,

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Advisory Memorandum of the Nevada Advisory Committee to the U.S. Commission on Civil Rights:

Municipal Fines and Fees in the State of Nevada

Recommendations

The recommendations below are not listed by preference of suggested action.

1. The U.S. Commission on Civil Rights should issue a formal request to the U.S. Department of Justice to:
 - a) Require consistent and complete reporting of demographic information by state and local courts and law enforcement. Where possible, such data should include, but are not limited to: (i) race, (ii) color, and (iii) veteran status. Such data should reference the zip code where the violation occurred and type of violation. Additionally, this information should be made publicly available, and disaggregated by court cases.
 - b) Require the Department to keep their commitment to supporting state judges, court administrators, policy makers and advocates in ensuring justice for all people, regardless of their financial circumstance, by upholding its initial guidance and resources. This entails keeping the “Dear Colleague” letter visible and available on the Department of Justice website and recirculating it to state and local courts.
 - c) Continue funding the grant program, The Price of Justice: Rethinking the Consequences of Justice Fines and Fees, administered by the BJA, in the next fiscal year in hopes that Nevada and other states may have the opportunity to compete for funding. In addition, the Committee recommends that grantees are given the opportunity to showcase their strategies to states to support best practice sharing.
 - d) Require that individuals be afforded the right to court-appointed counsel.
2. The Commission should issue a formal recommendation to the Governor and State of Nevada Legislature urging the state to:
 - a) Require mandatory annual reporting of revenue generated from fines and fees to be submitted to the Administrative Office of the Courts as was done in 2003.
 - b) Increase annual funding for the Administrative Office of the Courts grant program⁴⁸ to ensure courts can address their infrastructural technology needs.

- c) Eliminate the use of failure-to-pay warrants and any associated fees.
- d) Institute mandatory training of all judges, court staff, law enforcement, prosecutors and public defenders on the use of the bench card.
- e) Develop and implement clear standards for court administrators and judges to determine an individual's inability to pay.
- f) Institute a limitation on jail for nonpayment.
- g) Commission a state study to identify alternative funding streams which courts may use to operate to reduce the dependency on revenue collected from fines and fees.
- h) Submit report to all municipal and justice courts for review.

**Footnotes may be found within the full [Advisory Memorandum](#)*