

December 2021

Fiscal Impacts of Sentencing and Corrections in Nevada



SENTENCING
POLICY

State of Nevada



Fiscal Impacts of Sentencing and Corrections Policies in Nevada

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PURPOSE

The legislative findings related to the establishment of the Nevada Sentencing Commission (Commission) include the following:

“Sentencing and corrections policies should be *resource sensitive* as those policies may impact costs, inmate populations, and public safety. Criminal justice agencies should strive to *effectively measure* costs and benefits.” (Subsection 4 of NRS 176.0131)

One way the Commission advances this policy and priority is through its statutory mandate to “evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing.” (Subsection 2 of NRS 176.0134)

The Commission will carry out this mandate by submitting regular reports regarding the fiscal impacts of sentencing and corrections in Nevada. These reports will include research, analysis, and findings of the Nevada Department of Sentencing Policy or NDSP (the agency statutorily required to support the Commission in carrying out its duties) and recommendations from the Commission. These regular reports will assist lawmakers, criminal justice agencies, and other stakeholders in measuring the costs and benefits of the criminal justice system for the purpose of budgeting and appropriating resources. The December 2021 report is the first report of its kind. The reports will be developed on a quarterly basis and presented at each regular meeting of the Nevada Sentencing Commission.

HISTORICAL REVIEW OF CERTAIN CRIMINAL JUSTICE REFORMS

For the first fiscal impacts report, the NDSP conducted a historical review of criminal justice reform in Nevada with a focus on discussions concerning corrections costs and the activities of similar commissions and interim studies. The NDSP found that Nevada’s history of trying to develop data-driven and fiscally informed sentencing and corrections policies included the establishment and re-establishment of sentencing commissions and other similar advisory bodies. Concerns related to corrections costs have been a longtime concern. The historical review also illustrated the ongoing priority of legislators and stakeholders to use statistical information in the development of sentencing and corrections policies. Below is a summary and timeline of events, including excerpts from relevant statutory language:

1983

- **Senate Bill No. 375:** Created the Legislative Committee to Study the Abolition of Parole
 - “The Commission shall study the benefits, detriments, and costs of abolishing parole, including, without limitation:
 - ...The changes which may be needed in the laws governing sentencing if parole were modified or abolished, including changes in the use of guidelines, sentencing for fixed terms and the *creation of a commission on sentencing*...
 - ...The fiscal effects of abolition or any proposed modification of parole upon the department of prisons, the department of parole and probation, and the state board of parole commissioners...”

1985

- **Senate Bill No. 70:** Created the Commission for Establishing Suggested Sentences for Felonies
 - “[The Commission] shall develop statistical information describing sentencing in this state...
 - ...The department of administration is required to develop projections and report an estimate of the cost of confining the projected number of persons...”

1995

- **Assembly Bill No. 317:** Created the Advisory Commission on Sentencing
 - Source of significant amount of existing NSC statutory language
 - “[The Commission shall] evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing in this state...
 - ...Compile and develop statistical information concerning sentencing in this state...”
 - Requires the Department of Administration to contract for services of an independent contractor to conduct prison population projections

2005

- **Assembly Concurrent Resolution No. 17:** Created the Sentencing and Pardons and Parole and Probation Interim Study
 - “Whereas Nevada has one of the highest per capita incarceration levels in the country; and
 - Whereas Nevada remains one of the few states that uses incarceration, the most expensive method of corrections, as the primary method of addressing criminal conduct...”
- Dr. James Austin made a presentation to Ways and Means and introduced a program called the Justice Reinvestment Initiative (March 30, 2005)

2005-2006

- Presentation by Vera to Sentencing and Pardons and Parole and Probation Interim Study (January 31, 2006)
 - Suggested collecting data
 - Recommended revitalizing the sentencing commission

2007

- Three bills identified as “Justice Reinvestment Initiative bills” were proposed during the 2007 Legislative Session and two of the bills passed
 - **Assembly Bill No. 508:** Created the Advisory Commission on the Administration of Justice
 - **Assembly Bill No. 510:** Made changes to sentence credits and enacted these changes retroactively

2013

- Article titled Ending Mass Incarceration (written by Dr. James Austin, Eric Cadora, Todd R. Clear, Kara Dansky, Judith Greene, Vanita Gupta, Marc Mauer, Nicole Porter, Susan Tucker, and Malcolm C. Young)
 - “One JRI state where there was averted prison growth was Nevada, which modified good time policies for prisoners and probationers and made the reforms retroactive for the current correctional populations. But even here the averted growth was due to many factors, including reductions in crime, arrests and prison admissions – changes that were not a result of the JRI legislation.”

2017

- **Assembly Bill No. 451:** Established the Nevada Sentencing Commission as an interim committee in the Legislature

2018

- The Crime and Justice Institute provided technical support to develop a Justice Reinvestment Initiative (JRI) in the Advisory Commission on the Administration of Justice (ACAJ)

2019

- **Assembly Bill No. 236:** Omnibus criminal justice reform bill that includes JRI recommendations developed in the ACAJ
- **Assembly Bill No. 80:** Created the Nevada Department of Sentencing Policy (NDSP) and moves the Nevada Sentencing Commission from the Legislative Branch to the Executive Branch by housing the Commission in the NDSP

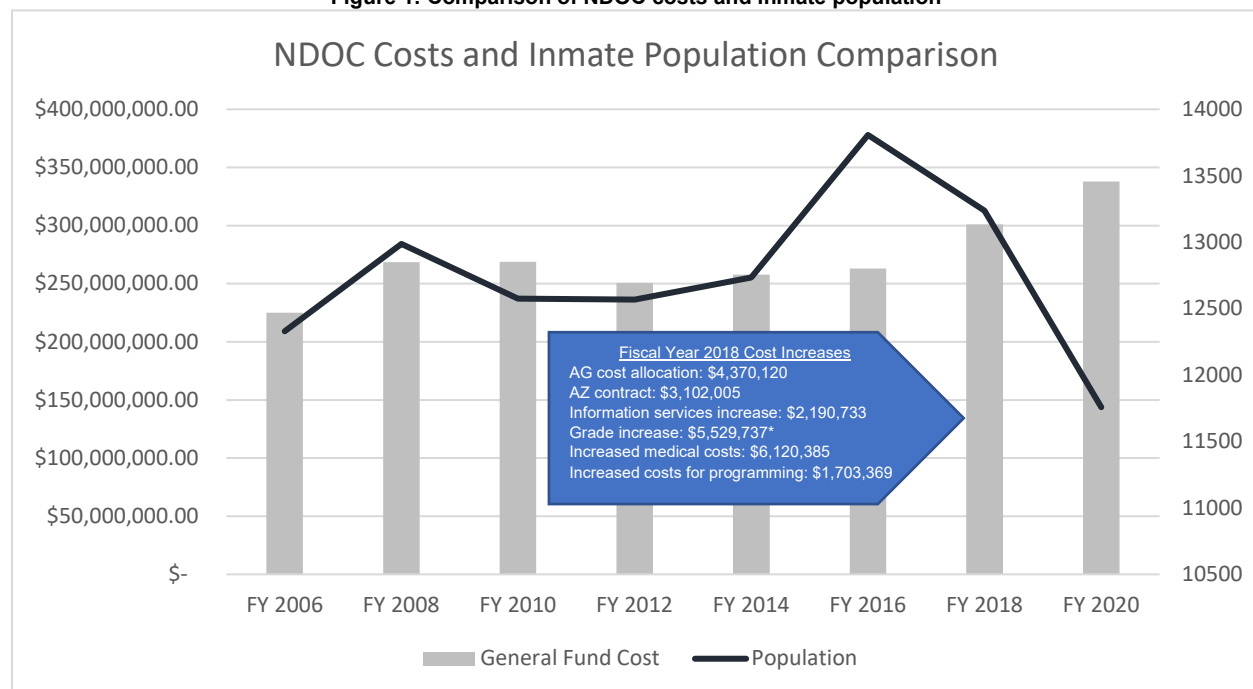
2021

- **Assembly Bill No. 443:** Repealed the ACAJ other legislative interim committees

The historical review shows that conversations regarding certain criminal justice reform focused on concerns regarding the costs of corrections and enacting reforms to reduce such costs. To explore the assumptions which drove these concerns, the NDSP analyzed the trends in the costs of corrections and the trends in the prison population.

The analysis of costs only includes actual expenditures from even numbered fiscal years (See discussion regarding base years on page 5 of this report). The timeframe of the analysis starts around 2005 as this is the first time Justice Reinvestment intended to reduce the prison population to reduce corrections costs. The total in each even-numbered fiscal year or base year is the result of the aggregation of actual expenditures in each NDOC budget account funded by the General Fund. The population analyzed only represents the in-house population. The in-house population only includes inmates who are housed in an institution in Nevada. The total does not include those who are on residential confinement, escapees, or being housed out of state.

Figure 1: Comparison of NDOC costs and inmate population



The initial analysis shows that the cost of corrections did not decrease as the inmate population decreased. In fact, costs went up. Additional analysis shows that the increased expenditures were due to the increased cost of services associated with housing inmates. More analysis will be done,

but the preliminary findings show the additional services required in fiscal year 2018 (as compared to fiscal year 2016) included: the payment of costs to the Attorney General’s Office for the provision of legal services; costs associated with sending 200 inmates to Arizona to be housed while improvements were completed on a facility; increase to information services for the Director’s office; a grade increase for certain employees across all accounts*; increased costs for medical treatment; and increased costs associated with programming. (*Amount from appropriation included in the closing document of the NDOC’s budgets and is not based on actual expenditures.)

Further analysis will be done, but it is very likely that some of the increased expenditures in fiscal year 2020 (as compared to fiscal year 2018) can be attributed to increased medical costs and other administrative costs associated with responding to the Covid-19 pandemic. The next report will include more analysis regarding all increases and other changes in the NDOC’s budgets.

The NDSP concludes that focusing on the cost of corrections based as an overall number and then enacting reforms to reduce the prison population with the expectation that corrections costs will be reduced has its limitations and may not realize the desired outcome of reducing costs. The NDSP recommends a different methodology for measuring and evaluating fiscal impacts of sentencing and corrections.

EVALUTE WHETHER SERVICES FULFILL MISSION

The NDSP’s findings show that reducing the cost of corrections should not be the focus of evaluating the effectiveness and fiscal impacts of sentencing and corrections polices. In terms of criminal justice agencies, evaluating the effectiveness and fiscal impacts of sentencing and corrections policies should be focused on evaluating the services provided by the agency and the desired outcome from the provision of services. For this purpose, when evaluating the services provided by a criminal justice agency, the NDSP recommends looking to the mission statement of the agency. Then, the services of the agency can be evaluated to determine if the provision of services is effectively fulfilling the mission. The NDSP will assist the Commission in developing such a methodology.

This report begins the development of this methodology and provides some initial findings in evaluating the fiscal impacts of the Nevada Department of Corrections (NDOC). Future reports will analyze other criminal justice agencies in a similar manner.

NOTE: The NDSP finds that developing a fiscal impacts methodology focused on the population has its purpose. A fiscal impacts methodology that is population focused will be developed in future reports.

The Use of Base Years

When budgets are analyzed, the NDSP will use the actual expenditures from even-numbered fiscal years. In building the budget, even-numbered fiscal years are referred to as “base years.” Base years are actual expenditures in a budget account and these actual expenditures are used as the “base” to build the agency’s budget for the next biennium.

NDOC's SERVICES AND MISSION

The NDSP begins its analysis by identifying the services provided by the NDOC and its mission for providing services.

NDOC Services

The NDOC is statutorily required to provide the service of receiving, retaining, and releasing offenders sentenced to imprisonment. (NRS 209.131). To break this down a little more, the services provided include:

- Housing the inmates based on custody level;
- Providing food and clothing for the inmates;
- Providing medical care for the inmates;
- Providing programming for the inmates; and
- Administration and operation required to carry out these services.

NDOC's Mission

The stated mission of the NDOC is to provide the service of “maintaining offenders in safe and humane conditions while preparing them for successful reentry into society.” Using the methodology discussed above, the NDSP and the Commission should evaluate the services provided by the NDOC and whether those services are fulfilling the mission. The Commission could adopt a different mission to measure the effectiveness of services provided but until that time, the NDSP will use the current mission of the NDOC as a guide for evaluating services. Because this methodology is still being developed, this part of the analysis is not provided in this report.

NDOC's Budget Accounts

To understand how the services are carried out, the NDSP sought to understand how the NDOC's budget functions. While the budget of the NDOC may sometimes be referred to as one budget, the NDOC budget is comprised of several budget accounts. Several of the budget accounts are funded by the General Fund and some are self-funded. The accounts that are self-funded are the following: Offenders' Store Fund, Inmate Welfare, Prison Industries, and Prison Ranch. The NDSP chose to focus its analysis on the accounts that are funded by the General Fund because those funds are appropriated by the State and are considered taxpayer dollars.

NOTE: Some of the General Funded accounts are also supplemented by grants.

The budget accounts funded by the General Fund are listed below and characterized based on the service that account generally provides:

Figure 2: NDOC’s budget accounts categorized by service

Budget Account	Service
Director’s Office	Administration/Operations
Prison Medical Care	Administration/Operations
Correctional Programs	Administration/Operations
Nevada State Prison (CLOSED)	Administration/Operations
Southern Nevada Correctional Center (CLOSED)	Administration/Operations
Silver Springs Conservation Camp (CLOSED)	Administration/Operations
Ely State Prison	Maximum Custody
High Desert State Prison (intake)	Medium Custody
Northern Nevada Correctional Center (intake)	Medium Custody
Southern Desert Correctional Center	Medium Custody
Lovelock Correctional Center	Medium Custody
Warm Springs Correctional Center	Medium Custody
Stewart Conservation Camp	Minimum Custody
Pioche Conservation Camp	Minimum Custody
Three Lakes Valley Conservation Camp	Minimum Custody
Wells Conservation Camp	Minimum Custody
Humboldt Conservation Camp	Minimum Custody
Ely Conservation Camp	Minimum Custody
Jean Conservation Camp (women’s)	Minimum Custody
Carlin Conservation Camp	Minimum Custody
Tonopah Conservation Camp	Minimum Custody
Casa Grande Transitional Housing	Transitional
N. Nevada Transitional Housing	Transitional
Florence McClure Women’s Correctional Center	Mixed custody

Closed facilities considered administrative or operational service costs because those facilities do not house inmates but still require funding to keep them operational. Facilities were generally identified as housing maximum, medium, or minimum custody inmates. Costs can vary depending on the custody level of the inmates being housed. High Desert, Northern Nevada, Southern Desert, Lovelock, and Warm Springs are all identified as medium custody facilities even though those facilities include some beds for minimum custody, maximum custody, and close custody.

It is also worth noting that High Desert is the intake facility for the southern region of the state and Northern Nevada is the intake facility for the northern region of the state. Providing intake services also requires additional costs other facilities do not incur.

Distribution of Budget Accounts

To analyze how expenditures vary by account and how services are allocated in the NDOC's accounts, the NDSP reviewed the actual expenditures from fiscal year 2020 and how they contributed to the overall expenditures of the general funded accounts of the NDOC. The analysis also includes the average cost per day for fiscal year 2020.

Figure 3: NDOC FY 20 actuals and average cost per day

NDOC	2019-2020 Actual	%	Service	Cost/Day FY 20
High Desert State Prison	\$60,418,550	18%	Med	\$45.25
Prison Medical Care	\$55,382,588	16%	Admin	\$10.38
Director's Office	\$36,159,244	11%	Admin	\$6.73
Ely State Prison	\$32,014,646	9%	Max	\$85.43
Northern Nevada Correctional Center	\$30,754,158	9%	Med	\$63.86
Southern Desert Correctional Center	\$28,596,624	8%	Med	\$36.71
Lovelock Correctional Center	\$27,057,507	8%	Med	\$44.44
Florence McClure Women's Correctional Center	\$19,604,372	6%	Mixed	\$47.97
Warm Springs Correctional Center	\$12,583,830	4%	Med	\$55.56
Correctional Programs	\$8,639,519	3%	Admin	\$1.91
Casa Grande Transitional Housing	\$4,895,874	1%	Trans	\$37.82
One Shot Appropriations	\$3,912,766	1%	Admin	N/A
Three Lakes Valley Conservation Camp	\$3,154,383	1%	Min	\$23.71
Stewart Conservation Camp	\$2,201,122	1%	Min	\$16.42
Pioche Conservation Camp	\$1,976,236	1%	Min	\$28.30
Jean Conservation Camp (women's)	\$1,813,491	1%	Min	\$27.97
Humboldt Conservation Camp	\$1,472,596	0.4%	Min	\$30.20
Ely Conservation Camp	\$1,472,251	0.4%	Min	\$31.51
Tonopah Conservation Camp	\$1,442,471	0.4%	Min	\$29.15
NN Transitional Housing	\$1,407,567	0.4%	Trans	\$35.44
Carlin Conservation Camp	\$1,361,458	0.4%	Min	\$28.28
Wells Conservation Camp	\$1,332,959	0.4%	Min	\$30.24
Southern Nevada Correctional Center (CLOSED)	\$216,454	0.1%	Admin	N/A
Nevada State Prison (CLOSED)	\$68,402	0.02%	Admin	N/A
Silver Springs Conservation Camp (CLOSED)	\$4,511	0.001%	Admin	N/A
Total General Fund Cost	\$337,943,579.00			

The percentage of expenditures spent in fiscal year 2020 to house inmates at a maximum custody level exceeds the combined amount spent on housing minimum custody and transitional housing units. When analyzing costs and evaluating services, it will be important to understand how costs vary depending on the custody level. More analysis will be conducted for future reports but these initial findings further the need to develop a methodology that evaluates services along with analyzing trends in the prison population.

The average cost per day is also included in the table above. The NDSP finds that the average cost per day is useful in understanding the costs of services when costs are equally distributed among inmates. The average cost per day also provides a quick comparison of how the cost of services can vary based on custody level. However, the average cost per day does not represent the value of the services being provided and does not reflect the individualized needs of inmates and the costs associated with those needs. As the descriptor states, it is just an average. (The average cost per day is calculated by taking the total appropriated amount for each fiscal year in each budget account and dividing it by the legislatively approved number of inmates and then dividing that amount by 365 days.)

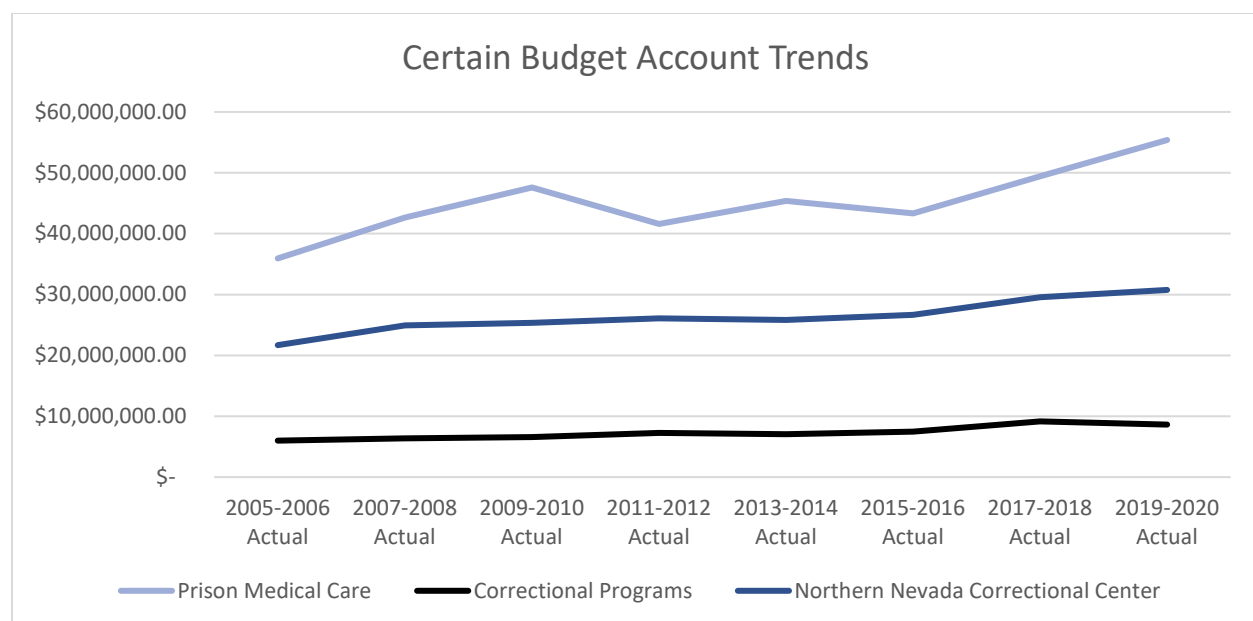
The next report will analyze the trends in the average cost per day for each account. The NDSP is curious how the average cost per day has changed over time as the population has fluctuated. Such an analysis may inform the methodology that will be developed related to analyzing trends in the prison population and changes in costs.

NOTE: The formula for calculating the costs avoided uses an average cost per day for all accounts. The analysis above shows the limitations of using the average cost per day to measure fiscal impacts to the NDOC budgets.

Spending Trends

The next step in developing a methodology examines the spending trends over time in each of the accounts. Analyzing the trends informs the cost of the services provided and how those expenditures and costs have changed over time and the drivers of those changes. A cursory analysis like this shows that spending for prison medical care fluctuates while spending for programming and Northern Nevada Correctional Center increases gradually. The next report will provide a detailed analysis of the trends depicted here and trends for all the General Fund accounts.

Figure 4: Trends in certain budget accounts



Administrative and Operations Costs

On average, almost 75% of NDOC’s budget accounts is spent on personnel costs. Personnel costs are the administrative and operations costs associated with providing services and are a significant part of any budget and NDOC’s budget accounts are no exception.

In future reports, the NDSP will conduct a full analysis of trends in the addition and removal of Full Time Equivalent or FTEs. An FTE is one measurement used when adding or removing personnel from a budget. To start the analysis, the NDSP compared trends in authorized or approved FTEs with the trends in the prison population.

NOTE: The FTE counts do not represent how many FTEs were *actually* filled.

Figure 5: Comparison of FTEs to inmate population

Full-Time Equivalent Trends								
NDOC	FY 06	FY 08	FY 10	FY 12	FY 14	FY 16	FY 18	FY 20
Total FTEs	2657.93	2814.46	2726.42	2640.91	2650.64	2706.64	2775.13	2821.51
Population	12,329	12,988	12,575	12,567	12,788	13,645	13,328	11,758

Initial findings show that after 2008 there was a steady decrease in approved FTEs and then in 2014 the FTEs started to increase again. In fiscal year 2020, the number of approved FTEs is comparable to the number in 2008. Compared to the trends in population, the removal and addition of FTEs was not due to the change in the prison population. During this timeframe, the prison population was either mostly level or increasing. The recession in 2008 led to significant budget cuts for state agencies and it is most likely that the decrease in FTEs was due to these budget cuts. However, the NDSP will analyze this further and provide concrete findings regarding these trends. The findings from this analysis will help determine an approved FTE baseline that is required to provide corrections services and better inform agencies and lawmakers when allocating resources and maintaining the provision of those services.

Additionally, the NDSP will conduct an in-depth analysis to study overtime expenditures and their relation to savings identified from vacancies.

Next Steps

NDSP’s initial findings are a starting point for developing a methodology to conduct a fiscal analysis using the methodology that is service focused and evaluates whether the services are effectively fulfilling the mission of the NDOC.

Research and analysis will be ongoing, and findings will be provided in future reports. The ongoing analysis will include, without limitation, the following:

- Analyzing medical costs
 - Medical services being provided
 - Project and anticipate future treatments and services that may need to be provided
 - Areas where services could be enhanced
- Analyzing legal costs
- Ongoing costs associated with inflation

- Ongoing COLA and grade increases for personnel
- Analysis of self-funded accounts

NDSP RESEARCH AND FINDINGS CONCERNING COSTS AVOIDED

In its efforts to support the Commission in developing a formula to calculate the costs avoided, the NDSP has conducted specific research and made findings for this purpose.

The Nevada Sentencing Commission is required to develop a formula to calculate the costs avoided resulting from the enactment of Assembly Bill No. 236 from the 2019 Legislative Session. The formula is used to calculate and report the statement of costs avoided each fiscal year. The policy development that led to AB 236 included a calculation of projected amount of costs avoided for enacting the reforms and revisiting the calculation may assist in evaluating the impact of the reforms.

Formula Previously Adopted by the NSC

In 2020, the NDSP, with the support of technical providers, assisted the Commission in developing a formula to calculate the costs avoided. The formula previously adopted by the Commission used the following methodology:

$$\begin{array}{c}
 \text{August 2018 prison population projections} \quad \text{—} \quad \text{Actual inmate population as of June 30} \\
 \text{Difference} \\
 \times \\
 \text{Adjusted average daily operating cost of incarcerating an offender} \\
 = \\
 \text{TOTAL COSTS AVOIDED}
 \end{array}$$

Recommendations to Amend the Formula

If the general framework of the formula adopted previously is to be used, NDSP recommends some changes to the methodology used. However, the NDSP ultimately recommends a full revision of the formula which will be discussed in the next section of this report.

The statute requires the use of 2018 prison population projections. Previously, the Commission used the projections published in August 2018 by JFA. Rather than use the projections from the August 2018 report, the NDSP recommends the use of the February 2017 report. The February 2017 projections were used by the Legislature to finalize the budgets for the NDOC for the 2017-2019 biennium and would therefore represent projections used for the finalized budget for fiscal years 2018 and 2019. The August 2018 projections were used by agencies and the Governor’s Office during the budget building process for fiscal years 2020 and 2021 and do not reflect the projections used for the finalization of the budget for 2017 or 2018. The intent of the formula is to

calculate costs avoided for the purpose of identifying savings that can be reinvested. This means the projections used for the formula should be the projections used for finalized budgets of the agencies.

The other change the NDSP recommends is related to the use of the adjusted average cost per day. The analysis provided in this report demonstrates limitations in using the average cost per day. Rather than adjust the average cost per day, the NDSP recommends using the overall average cost per day and then provide adjustments through context or breakdowns by budget accounts. If these adjustments are provided, then adjusting the average cost per day will no longer be necessary.

If the recommendations above are adopted, the revised formula will look like this:

$$\begin{array}{c}
 \text{February 2017 prison population projections} \quad \text{—} \quad \text{Actual inmate population as of June 30} \\
 \text{Difference} \\
 \times \\
 \text{The average daily operating cost of incarcerating an offender} \\
 = \\
 \text{TOTAL COSTS AVOIDED}
 \end{array}$$

If the changes to the formula are adopted and the statement of costs avoided is submitted, as applied, the formula would produce the following results:

Figure 6: FY 21 Statement of Costs Avoided

	FY 21	FY 22	FY 23
2017 JFA Projections for 2021	15,151	TBD	TBD
Actual population (in-house) as of June 30, 2021	10,874	TBD	
Difference	4,277	TBD	TBD
Average Cost Per Day (2021)	\$66.77	TBD	TBD
Average Monthly Costs Avoided	\$285,575.29	TBD	TBD
Total Costs Avoided	\$104,234,980.85	TBD	TBD

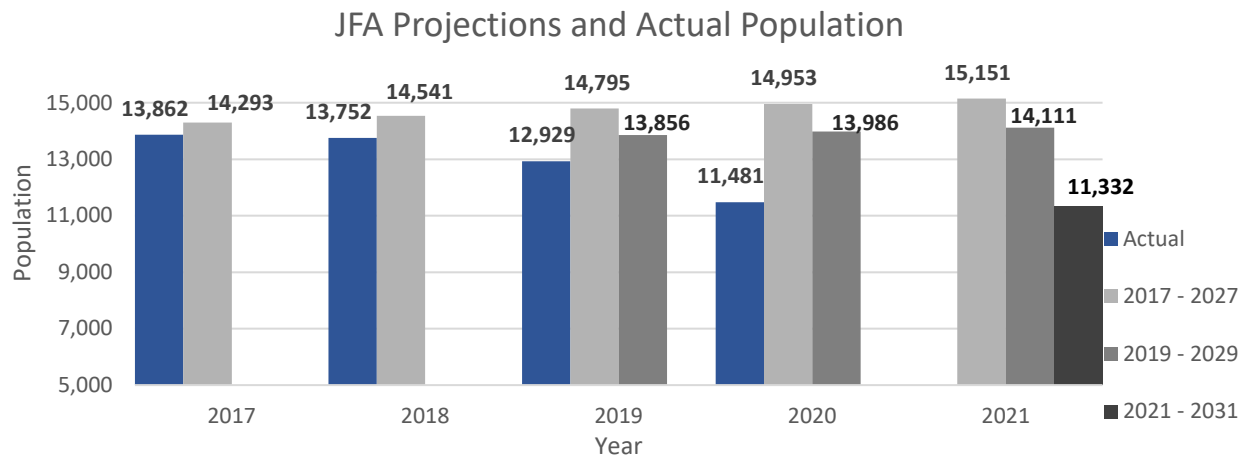
Limitations Regarding the Adopted Formula and Revisions to Adopted Formula

The NDSP has identified many limitations to using the general framework of the formula described above.

JFA Projections

Throughout the budget building process, JFA develops prison population projections to be used by certain criminal justice agencies. The NDOC is one of these agencies. JFA publishes three projections each biennium. The first is used by the agencies at the beginning of the agency request phase of the budget building process. The second report is published towards the end of the agency request phase. These projections are used by the agencies to revise their budgets before they are submitted to the Governor’s Office. The Governor’s Office also uses this report in developing the Governor’s Recommended Budget. The third report is published during the Legislative Session and is used by the Legislature in finalizing agency budgets. The projections can vary in each report because current data is used to develop each report. This also means that as the projections vary so can the impacts to an agency’s budget. The NDSP seeks to understand the projections better and conducted an initial analysis comparing the projections to the actual population. The NDSP reviewed the projections from the third report of the last three biennia (the report used by the Legislature) and compared these to the average prison population. The findings are illustrated below.

Figure 7: JFA projections and actual population



The NDSP will conduct ongoing analysis and make recommendations to the Commission on how to use the projections in its fiscal analysis and data analysis of criminal justice agencies.

Actual population

Just relying on the actual population at a set point of time for the purpose of calculating the costs avoided can limit the reliability of identifying costs avoided. The most recent population number is an example of this. The significantly lower population number in fiscal year 2020 is most likely a result of impacts from the Covid-19 pandemic and the inability to adjudicate criminal cases. Relying on one static population number does not take into consideration other contexts that might be relevant in identifying how much the population has changed and how much has been saved.

Additionally, changes in the population will be distributed throughout the facilities. Focusing on the overall population rather than identifying which facilities were impacted may not capture savings or costs that vary depending on the facility that housed the inmate. The NDSP will continue its research and advise the Commission on how to amend the previously adopted formula to better represent savings and costs avoided.

NDSP Recommends Continued Development of a Formula

The NDSP will continue its research and analysis in calculating and measuring costs avoided and will assist the Commission in developing a reliable and sustainable formula to do so. Due to the current development of a formula and the ongoing impacts to the prison population from the pandemic, the NDSP finds it is premature to attempt to calculate any costs avoided resulting from the enactment of the AB 236. This means there are no identified costs avoided to report for fiscal year 2021. The Commission could still make recommendations regarding programs and treatment that should be funded to reduce recidivism and ensure public safety.

RECOMMENDATIONS FROM THE NSC: STATEMENT OF COSTS AVOIDED RESULTING FROM THE ENACTMENT OF AB 236 (2019)

The Nevada Sentencing Commission is required to: (1) develop a formula to calculate the costs avoided resulting from the enactment of Assembly Bill No. 236 from the 2019 Legislative Session; and (2) prioritize providing financial support to certain programs that reduce recidivism and support reentry. (See NRS 176.01347) The formula is to be used to calculate and report the statement of costs avoided each fiscal year.

At this time, the Commission finds that it is premature to submit and rely on the costs avoided for the purpose of making recommendations for reinvestment. The Commission is still developing a formula that is sustainable and reliable for the purpose of measuring impacts from the enactment of AB 236 and identifying costs avoided. Also, due to the impacts from the Covid-19 pandemic, it is nearly impossible to distinguish impacts from the pandemic and impacts from the enactment of AB 236. However, if the formula that was previously adopted were to be used, the Commission refers to the calculations completed by the NDSP and discussed in earlier sections of this report.

Like the rest of the nation, Virginia experienced a significant decrease in its prison population due to the pandemic. Virginia lawmakers recently enacted criminal justice reform to reduce the prison population and want to track the impacts from enacting this reform. For the purpose of developing prison population projections, the committee tasked with developing projections decided to use a flat population rate for the next six years. Additionally, the committee identified that it will be difficult to measure impacts from the reform. (https://www.virginiamercury.com/blog-va/virginias-prison-population-fell-by-thousands-during-the-pandemic-will-it-stay-down/?mc_cid=5bc468d6&mc_eid=95389af629)

The Commission will take a similar approach for the 2022-2023 biennium and wait until the 2024-2025 biennium to attempt to make recommendations for reinvestment based on a calculation of costs avoided. The Commission: (1) will continue to develop a sustainable and reliable formula

for calculating the costs avoided; and (2) recommend providing ongoing “financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism” (pursuant to subsection 3 of NRS 176.01347).

As AB 236 had only recently gone into effect when the previous report was submitted, there are no previous calculations available for comparison. Future reports will provide ongoing comparisons to the calculations from the previous years and will include outcomes of calculating the costs avoided using different formulas and methodologies.

Conclusion

Initial findings show that analyzing the cost of corrections requires more than relying on changes to the inmate population and the average cost per day. The NDSP and the Commission will use a methodology that is service focused and measures outcomes based on the mission of a criminal justice agency. This approach will better serve the NDSP, the Commission, the Legislature, the Governor’s Office, stakeholders, and the public, in evaluating the fiscal impact of sentencing and corrections policies and making recommendations that are effective and Nevada-focused.

Sources: All information in figures collected from NDOC, Governor’s Recommended Budgets and JFA prison population projections reports.