

**NEVADA SENTENCING COMMISSION**  
**Outline for Report Required by NRS 176.01343**

**INTRODUCTION**

This report by the Nevada Sentencing Commission (NSC) is the first of the reporting required by NRS 176.01343, which became effective on July 1, 2020 as part of Nevada's Justice Reinvestment initiative, enacted in Assembly Bill No. 236 (2019) (AB 236). Its purpose is to track and assess the outcomes resulting from the enactment of AB 236 by: (1) documenting the data the NSC received from the Nevada Department of Corrections (NDOC), the Nevada Division of Parole and Probation (NPP), and the Nevada Records Communication and Compliance Division (RCCD); (2) identifying costs saved or avoided due to AB 236 and tracking any reinvestment spending; and (3) making recommendations for improvements, changes, budgetary adjustments, and future legislation and policy options to enhance public safety and control corrections costs.

**SUMMARY**

The following provides the background to AB 236, and goes on to identify the data that AB 236 requires each agency to provide, outlines the data each agency provided in reference to the data reporting requirements, and addresses issues and gaps with the data reporting and how they are expected to be addressed going forward. Based on that information and fiscal data from the JFA Institute, also referenced in this report, the NSC makes any appropriate findings and recommendations required by AB 236.

**BACKGROUND**

In 2019, the Nevada Legislature passed Assembly Bill 236 (AB 236), a justice reinvestment initiative intended to address the Nevada's growing prison population and the expense of that growth to Nevada's taxpayers. AB 236 was created based on findings and recommendations made by the Advisory Commission on the Administration of Justice (ACAJ), with the assistance of the Crime and Justice Institute (CJI), after a comprehensive study of Nevada's criminal justice system. As enacted, AB 236 is expected to reduce Nevada's incarceration rates through a combination of changes to sentencing and release policies and avoid \$640 million in correctional costs over the ten years following its enactment by:

- Strengthening responses to behavioral health needs of offenders
- Focusing prison resources on serious and violent offenders
- Improving efficiency and effectiveness of community supervision
- Minimizing barriers to successful reentry
- Ensuring sustainability of criminal justice reforms.

To meet those goals, AB 236 (via NRS 176.01343) requires that: (1) the NDOC, NPP, and RCCD provide to the NSC certain data related to persons who are incarcerated or on supervised release and regarding uniform crime rates in Nevada (AB 236 Data Reports); (2) the NSC use that data to track and assess outcomes resulting from the enactment of AB 236, identify gaps in tracking capabilities, identify costs saved or avoided and track any reinvestment spending; and (3) the

NSC report its practical, policy, and fiscal recommendations based on that data to the Governor, the Legislature, and the Chief Justice of the Nevada Supreme Court. Having received and assessed the AB 236 Data Reports submitted by the agencies and other data identified by AB 236 (NRS 176.01343), the NSC reports as follows:

## **AGENCY DATA**

In anticipation of their AB 236 reporting obligations, the NDOC, NPP, and RCCD were eager and willing to coordinate and collaborate with the Nevada Department of Sentencing Policy (NDSP) through regularly-scheduled meetings about how best they could report their data. As required by AB 236, NDOC, NPP, and RCCD prepared and timely submitted to the NSC their first AB 236 Data Reports to the NSC by way of the NDSP. Through their initial efforts, those agencies encountered different and various opportunities and challenges in organizing and presenting their respective data. Based upon the different methods each agency uses for data collection, storage, and aggregation, those opportunities and challenges were unique to each agency and offer a meaningful perspective and understanding as to each agency's current ability to meet their AB 236 reporting obligations.

### **1. Nevada Department of Corrections**

#### *A. Data Required from NDOC*

NRS 176.01343(1)(a) requires the NSC to track and assess the outcomes of AB 236 from data collected and reported by NDOC for three general categories of information or caseload types – prison admissions, parole and release from prison, and prison population.

For prison admissions data, the statute requires:

- The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score;
- The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and
- The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.

For information regarding parole and release from prison, the statute requires:

- The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;
- The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

- The recidivism rate of persons released from prison by type of release; and
- The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.

And, for the number of persons in prison, the statute requires:

- The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;
- The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;
- The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and
- The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

#### *B. NDOC's Data Storage and Collection / Reporting Process*

NDOC enters and stores its data in the Nevada Offender Tracking Information System (NOTIS). While some of the metrics required of NDOC by AB 236 overlap with data that NDOC provides for other reporting, NDOC created a template to fulfill its obligations under AB 236 into which it added its available data from NOTIS. To ensure that the variables for which NDOC extracts its data for its AB 236 reporting obligations is working correctly, NDOC continues to test those variables. As NDOC identifies how its data tracking may need to change to make future reporting more sustainable and reliable, it will make any necessary adjustments.

#### *C. Data Reported by NDOC*

In its first AB 236 Data Report, NDOC reported data for the State Fiscal Year 2020 and Year-End 2019. See NDOC's October 2020 Statistical Report for Assembly Bill 236, Exhibit 1. The data that comprised NDOC's Statistical Report were generally organized by:

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- Prison Admissions (SFY 2020)
- Prison Releases (SFY 2020)
- Total Prison Population (December 31, 2019)
- Prison Recidivism (2016 Release Cohort)
- Incarceration Rates per 100,000 Inhabitants (2014-2018)

Except for the last category (Incarceration Rates per 100,000 Inhabitants), the data within each category is organized by various demographic and incarceration-related metrics, from which the NSC has extrapolated for purposes of what NRS 176.01343(1)(a) requires, as follows:

1. Prison Admissions:

a. *Total Admissions.* NDOC reported that the total number of prison admissions for SFY 2020 was **5,331**, as follows:

- *Offense Type.* NDOC reported the total number of SFY 2020 admissions by 6 offense groups:

<b>Offense Type</b>	<b>No. Admissions</b>
Drug	1,003
DUI	188
Other	452
Property	1,717
Sex	262
Violence	1,709

- *Type of Admission.*

- *Felony Category.* NDOC reported its SFY 2020 admissions by 6 felony categories:

<b>Felony Category</b>	<b>No. Admissions</b>
A	230
B	2,546
C	1,425
D	796
E	313
Other	21

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- *Prior criminal history.* NDOC reported its SFY 2020 admissions by 4 categories of prior felony convictions:

<b>No. Prior Felony Convictions</b>	<b>No. Admissions</b>
0	2,204
1	822
2	613
3 or more	1,692

- *Gender identity or expression.*<sup>1</sup> NDOC reported that of its total SFY 2020 prison admissions, 4,526 were male and 805 were female.<sup>2</sup> Included in those totals are 6 transgender (without specificity) and 5 gender non-conforming individuals.
- *Race/ethnicity.* NDOC combined race and ethnicity, and reported SFY 2020 prison admissions by 6 race/ethnicity groups:

<b>Race/Ethnicity</b>	<b>No. Admissions</b>
Native	108
Asian	193
Black	1,661
Caucasian	2,292
Hispanic	1,062
Unknown	15

- *Sexual Orientation.*<sup>3</sup> NDOC includes in its total number of SFY 2020 prison admissions 17 gay, 17 lesbian, 5,235 binary (other), and 57 bisexual individuals.

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<sup>1</sup> NDOC collects data on gender identity or expression pursuant to a requirement by the Prison Rape Elimination Act (PREA). NDSP, on behalf of NSC, will need to enter into a data sharing agreement with NDOC to be able to receive more specific information from this data measure.

<sup>2</sup> The title of the category by which NDOC identified male and female admissions was “sex.” For purposes of this report, the NSC uses the data set that NDOC identifies and reports as “sex” for the gender identity or expression.

<sup>3</sup> This is another data measure that NDOC collects pursuant to PREA requirements. NDOC’s release of more specific information on this data measure will require a data sharing agreement between NDSP, on behalf of NSC, with NDOC.

- *Age.* The minimum age of the SFY 2020 prison admissions was 16 years old, and the maximum age was 82 years old. By age groups, the total SFY 2020 prison admissions that NDOC reported were:

<b>Age Group</b>	<b>No. Admissions</b>
< 18	19
18-27	1,312
28-37	2,079
38-47	1,120
48-57	598
58-67	178 or 159 <sup>4</sup>
> 68	25 or 44 <sup>5</sup>

- *Risk Score.* Finally, NDOC reported 5 Risk Score Tiers for its SFY 2020 total admissions:

<b>Risk Score</b>	<b>No. Admissions</b>
Low	1,011
Moderate	2,114
High	1,606
Very High	300
Pending	300

- b. *The average minimum and maximum sentence term.* NDOC's report does not include an assimilation of its data for average minimum and maximum sentence terms. Rather, NDOC's SFY 2020 prison admissions data on sentence terms is reported by the required category as a function of sentence term ranges in reference to minimum and maximum terms. Exhibit 1 at 4-8.

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<sup>4</sup> In reporting its age group data by way of sex, NDOC reports 178 individuals in the 58-67 age group. Exhibit 1 at 2. In reporting its age group data by way of minimum and maximum prison terms, NDOC reports 159 individuals in the 58-67 age group. Exhibit 1 at 7-8.

<sup>5</sup> In reporting its age group data by way of sex, NDOC reports 25 individuals in the 68+ age group. Exhibit 1 at 2. In reporting its age group data by way of minimum and maximum prison terms, NDOC reports 44 individuals in the 68+ age group. Exhibit 1 at 7-8.

- c. *The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake. Of those individuals for whom Mental Health or Substance Abuse Treatment was indicated, NDOC reported the following data:*

<b>Type of Treatment Indicator</b>	<b>No. Admissions</b>
Mental Health	1,076
Substance Abuse	1,294

2. Parole and Release from Prison. NDOC reported that the total number of prison releases for SFY 2020 was **6,421**.

- a. *The average length of stay in prison.*

- *Offense Type.* NDOC reported the Length of Stay in Months for the period December 2018 – November 2019 by 6 offense categories (Drug, DUI, Other, Property, Sex, and Violence) for two different groups (Male and Female). Exhibit 1 at 17-18. The number of months reported for the length of stay for each of those offense categories and groups were further separated by data regarding how the prisoner was released (discharge or parole).
- *Felony Category.* NDOC reported the Average Length of Stay in Months for CY 2016, CY 2017, CY 2018, and CY 2019 by 5 felony categories (A, B, C, D, and E) for two different groups (Male and Female). Exhibit 1 at 15-16. The average length of stay for each of those felony categories and groups were further separated by data regarding how the prisoners were released (discharge or parole). Exhibit 1 at 15-16.
- *Prior Criminal History.* While NDOC reported in its Prison Releases data for SFY 2020 the number of prisoners released based upon 4 categories of prior felony convictions (0, 1, 2, and 3+) (Exhibit 1 at 12), its data does not appear to include the average length of stay for prisoners with a prior criminal history.
- *Gender Identity or Expression.* NDOC separately reported: (1) the Average Length of Stay for Females and Males for CY 2016, CY 2017, CY 2018, and CY 2019 as a function of 5 different felony categories, and further separated by data regarding how the prisoners were released (discharge or parole) (Exhibit 1 at 15-16); and (2) the Length of Stay in Months for Females and Males for December 2018 – November 2019 as a function of age group, offense group, and race, and also further separated by data regarding how the prisoners were released (discharge or parole) (Exhibit 1 at 17-18).

- *Race/Ethnicity.* NDOC reported the Length of Stay in Months for the period December 2018 – November 2019 by 6 Race categories (American Indian, Asian, African American, Caucasian, Hispanic, and Other) for two different groups (Male and Female). Exhibit 1 at 17-18. The number of months reported for the length of stay for each of those offense categories and groups were further separated by data regarding how the prisoner was released (discharge or parole). Exhibit 1 at 17-18.
  - *Sexual Orientation.*<sup>6</sup> It is not clear whether NDOC’s data reports the average length of stay in prison based upon sexual orientation.
  - *Age.* NDOC reported the Length of Stay in Months for the period December 2018 – November 2019 by 6 age range categories (<18, 19-29, 30-39, 40-49, 50-59, and 60+) for two different groups (Male and Female). Exhibit 1 at 17-18. The number of months reported for the length of stay for each of those offense categories and groups were further separated by data regarding how the prisoner was released (discharge or parole).
  - *Mental Health Status.* NDOC does not appear to have reported the average length of stay in prison based upon Mental Health Status.
  - *Risk Score.* NDOC does not appear to have reported the average length of stay in prison based upon Risk Score.
- b. *The total number of persons released from prison each year.*
- *Type of Release.* NDOC reported the total number of prison releases for SFY 2020 by 6 types of release:

<b>Type of Release</b>	<b>No. of Releases</b>
Court Order	15
Death	46
Discharge	1,993
Mandatory Parole	1,164
Parole	3,129
Return to Authority	74

- *Type of Admission.*

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<sup>6</sup> NDSP, on behalf of NSC, may be required to enter into a data sharing agreement with NDOC to be able to receive this data. Refer to footnotes 1 and 3, *supra*.



- *Felony Category.* NDOC reported the total number of prison releases for SFY 2020 by 6 types of felony category:

<b>Felony Category</b>	<b>No. of Releases</b>
A	325
B	3,163
C	1,634
D	912
E	372
Other	15

- *Prior Criminal History.* NDOC reported its SFY 2020 prison releases by 4 categories of prior felony convictions:

<b>No. Prior Felony Convictions</b>	<b>No. Releases</b>
0	2,706
1	967
2	686
3 or more	2,062

- *Gender Identity or Expression.*<sup>7</sup> NDOC reported that of its total SFY 2020 prison releases, 5,432 were male and 989 were female.<sup>8</sup> Included in those totals are 2 transgender (without specificity) and 3 gender non-conforming individuals.
- *Race/Ethnicity.* NDOC does not appear to have reported the total number of prison releases based upon Race and/or Ethnicity.
- *Sexual Orientation.* NDOC includes in its total number of SFY 2020 prison releases 5 gay, 3 lesbian, 23 binary (other), and 6,387 bisexual individuals.<sup>9</sup>

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<sup>7</sup> NDSP, on behalf of NSC, may be required to enter into a data sharing agreement with NDOC to be able to receive this data. Refer to footnotes 1 and 3, *supra*.

<sup>8</sup> The title of the category by which NDOC identified male and female releases was “sex.” For purposes of this report, the NSC uses the data set that NDOC identifies and reports as “sex” for the gender identity or expression.

<sup>9</sup> The NSC believes NDOC may have inadvertently exchanged the number of prison releases attributed to “binary, other” and “bisexual.”

- *Age.* The minimum age of the SFY 2020 prison releases was 17 years old, and the maximum age was 87 years old. By age groups, the total SFY 2020 prison releases that NDOC reported were:

<b>Age Group</b>	<b>No. Releases</b>
< 18	1
18-27	1,299
28-37	2,380
38-47	1,475
48-57	863
58-67	326
> 68	77

- *Mental Health Status.* Of those individuals released for whom Mental Health or Substance Abuse Treatment was indicated, NDOC reported the following data:

<b>Type of Treatment Indicator</b>	<b>No. Releases</b>
Mental Health	5,325
Substance Abuse	2,165

- *Risk Score:* Finally, NDOC reported 5 Risk Score Tiers for its SFY 2020 total releases:

<b>Risk Score</b>	<b>No. Releases</b>
Low	976
Moderate	2,010
High	1,486
Very High	267
Pending	1,682

c. *The Recidivism Rate of Persons Released from Prison by Type of Release.*

d. *The Total Number of Persons Released from Prison each year who returned to prison within 36 months.* According to its Prison Recidivism data (2016 Release Cohort), a total of 1,241 persons of the 5,041 who were released returned to prison.

- *Type of Admission.*
- *Type of Release.* NDOC reported the total number of prison releases in its 2016 Release Cohort by 3 types of release:

Type of Release	No. Releases
Discharge	2,135
Mandatory Parole	991
Parole	1,875

- *Type of Return to Prison, including New Felony Conviction and Revocation of Parole.* In its Prison Recidivism data (2016 Release Cohort), NDOC reported 8 types of prison returns:

Type of Admission on Return	No. Returns
Violation – Mandatory Parole (no new offense)	99
Violation – Mandatory Parole (with new offense)	6
New Commitment	501
Never Physically Received	1
Violation – Probation (no new offense)	86
Violation – Probation (with new offense)	7
Violation – Parole (with new offense)	521
Violation – Parole (no new offense)	20

- *Prior Criminal History.* NDOC does not appear to have reported prison recidivism based on prior criminal history.
- *Gender Identity or Expression.* NDOC reported in its 2016 release cohort that of the 1,241 persons who returned to prison, 1,090 were male and 151 were female.<sup>10</sup>

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<sup>10</sup> For purposes of this report, the NSC uses the terms “male” and “female” as reported in NDOC’s 2016 Release Cohort data as that which reports on gender identity or expression.

- *Race/Ethnicity.* NDOC combined race and ethnicity, and reported in its 2016 Release Cohort prison returns by 6 race/ethnicity groups:

<b>Race/Ethnicity</b>	<b>No. Returns</b>
American Indian	17
Asian	30
Black	357
Caucasian	620
Hispanic	215
Unknown	2

- *Sexual Orientation.* NDOC does not appear to have reported prison recidivism based on sexual orientation.
- *Age.* By age groups, the total prison returns NDOC reported in its 2016 Release Cohort were:

<b>Age Group</b>	<b>No. Returns</b>
18-25	185
26-28	177
29-33	244
34-38	210
39-46	211
> 47	326

- *Mental Health Status:* NDOC identified 5 mental health status descriptors in its recidivism reporting:

<b>Mental Health Status</b>	<b>No. Returns</b>
Mild Impairment (needs mental health follow up, no custody restrictions)	146
Moderate Impairment (fairly stable, needs continuing mental health treatment)	6
No current impairment	1,086
Severe Impairment (needs special housing and ongoing treatment)	1
Not Available	2

- *Risk Score:* NDOC does not appear to have reported prison recidivism based on risk score.

3. Number of Persons in Prison:

a. *Total Number of Persons held in prison on December 31 of each year.*

NDOC reported that the total prison population as of December 31, 2019 was **12,717**, as follows:

- *Type of Offense:* NDOC reported the total number of its prison population as of December 31, 2019 by 6 offense groups:

<b>Offense Type</b>	<b>Total</b>
Drug	1,483
DUI	459
Other	695
Property	2,028
Sex	2,212
Violence	5,931

- *Type of Admission.*

- *Felony Category:* NDOC reported its December 31, 2019, prison population by 6 felony categories:

<b>Felony Category</b>	<b>Total</b>
A	3,409
B	7,045
C	1,472
D	586
E	177
Other	28

- *Prior Criminal History:* NDOC reported its December 31, 2019, prison population by 4 categories of prior felony convictions:

<b>No. Prior Felony Convictions</b>	<b>Total</b>
0	5,762
1	1,733
2	1,370
3 or more	3,852

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- *Gender identity or expression.*<sup>11</sup> NDOC reported that of its total prison population as of December 31, 2019, 11,491 were male and 1,226 were female.<sup>12</sup> Included in those totals are 3 transgender (without specificity) and 1 gender non-conforming individuals.
- *Race/Ethnicity.* NDOC does not appear to have reported its December 31, 2019, prison population based upon race/ethnicity.
- *Sexual Orientation.*<sup>13</sup> NDOC includes in its total prison population as of December 31, 2019, 3 gay, 4 lesbian, 12,697 binary (other), and 12 bisexual individuals.
- *Age.* The minimum age of December 31, 2019, prison population was 16 years old, and the maximum age was 90 years old. By age groups, the December 31, 2019, prison population that NDOC reported were:

<b>Age Group</b>	<b>No. Releases</b>
< 18	11
18-27	2,317
28-37	4,157
38-47	2,912
48-57	2,040
58-67	961
> 68	319

- *Mental Health Status.* NDOC reported that of the December 31, 2019, prison population, 2,247 had mental health treatment indicators.
- *Risk Score.* Finally, NDOC reported 5 Risk Score Tiers for its December 31, 2019, prison population:

<b>Risk Score</b>	<b>No. Releases</b>
Low	1,476
Moderate	2,757
High	2,174
Very High	453
Pending	5,857

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<sup>11</sup> Refer to footnotes 1 and 3, *supra*.

<sup>12</sup> The title of the category by which NDOC identified male and female admissions was “sex.” For purposes of this report, the NSC uses the data set that NDOC identifies and reports as “sex” for the gender identity or expression.

<sup>13</sup> Refer to footnotes 1 and 3, *supra*.

- b. *The total number of persons held in prison on December 31 of each year who have been granted parole but remain in custody.* NDOC reported that the number to be 341. Exhibit 1 at 19.
- c. *The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death.* It appears that NDOC tracks that data based upon what is included in its report. Exhibit 1 at 21.
- d. *The total number of persons as of December 31 of each year who have started a treatment program while in prison, having completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.* NDOC reported summary data regarding the number of persons who are participating in or completed programs, the number of those programs, and the number of those on a wait list:

<b>Program Stage</b>	<b>No. Programs</b>	<b>No. Persons</b>
Currently Participating or Completed	1	1,763
	2-4	45
	5-9	845
	10-14	1,542
	15-25	276
<b>Total</b>		<b>4,471</b>
Wait List		8,246

*D. Data gaps / Issues with Data*

NDOC faced some challenges in extracting the data required to create their initial AB 236 Data Report. According to NDOC, one challenge was reporting on categories of information it had not previously reported. While NDOC may have been tracking some of those categories of information, if it had not yet reported that data, it was required to manipulate or cleanse that data for purposes of reporting it in its AB 236 Data Report. Another challenge was AB 236's requirement that it report on data it has not collected. For those categories of data, NDOC is unable to provide that statistical data at this point and will be further evaluating whether certain of that data can be tracked and reported.<sup>14</sup>

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<sup>14</sup> As stated above, NDOC may require that NDSP, on behalf of the NSC, enter into a data sharing agreement as to data related to sexual orientation and gender identity or expression.

## **2. Nevada Division of Parole and Probation**

### *A. Data Required from NPP*

NRS 176.01343(1)(b) requires the NSC to track and assess outcomes of AB 236 from data collected and reported by the NPP related to the number of persons on probation or parole, and those persons on probation or parole who violate a condition of supervision or commit a new offense.

For the number of persons on probation or parole, the statute requires:

- The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;
- The average term of probation imposed for persons on probation by type of offense;
- The average time served by persons on probation or parole by type of discharge, felony category and type of offense;
- The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;
- The total number of supervision discharges by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;
- The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism;
- The number of persons identified as having a mental health issue or a substance use disorder; and
- The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

For those persons on probation or parole who violate a condition of supervision or commit a new offense, the statute requires:

- The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;
- The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;



- The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and
- The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

*B. NPP's Data Storage and Collection / Reporting Process*

NPP collects and stores its data through the Offender Tracking and Information System (OTIS), and generally extracts its data through Crystal Reports. The information and data that NPP primarily tracks are caseload data related to how many individuals are being supervised, who is supervising those individuals, and the offenses for which the individuals are on parole or probation. Because NPP does not currently have the staff or budget to clean and aggregate its data as it is stored, it not able to assess how many of AB 236's data requirements it can provide.

However, NPP is preparing to switch to a new data collection and storage system through Tyler Technologies, and has stated that it expects to make the transition to that system in July 2021. That new system is intended to be highly configurable, allowing NPP to collect and track the data required by AB 236 and to aggregate that data into usable information for purposes of AB 236.

*C. Data provided by NPP*

NPP provided the NSC with raw data for parole/probation revocations, discharges, and overall caseload for January 2018 through July 2020. The information contained in that data is voluminous<sup>15</sup>, and generally addresses identification (name, case/file number, OTIS bin number), parole/probation status, dates, and types of offenses. Based on how NPP is currently able to generate and report its data, and the Nevada Department of Sentencing Policy's lack of data staff to assist NPP in aggregating its data, the format in which that information it provided is difficult to assess in reference to what AB 236 requires.

*[Placeholder for a high level statement of some totals that can be gleaned from NPP's data]*

*D. NPP's Data gaps / Issues with Data*

Much is unknown regarding what of the data required by AB 236 NPP is able to track because its current data reporting capabilities do not allow for a meaningful aggregation of its data. NPP did not receive funding it had expected to receive to fill positions that were slated to assist with this data reporting. It was also substantially understaffed, and the task has been mostly undertaken by one NPP staff member. After NPP transitions to its new data collection and storage system, it anticipates it will be poised to collect and aggregate the data AB 236 requires it to report to the NSC.

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<sup>15</sup> The data and information NPP provided is thousands of pages.

### **3. Nevada Records, Communications, and Compliance Division**

#### *A. Data Required from RCCD*

NRS 176.01343(1)(d) requires the NSC to track and assess trends observed from data collected and reported to NSC from the RCCD regarding:

- The uniform crime rates for Nevada and each of Nevada's counties by index crimes and type of crime; and
- The percentage changes in uniform crime rates for Nevada and each of Nevada's counties over time by index of crimes and type of crime.

#### *B. RCCD's Data Storage and Collection / Reporting Process*

RCCD's data is stored in a centralized repository database that, prior to 2019, was collected manually.<sup>16</sup> Because most of the data that AB 236 requires of RCCD overlaps with what RCCD already reports to the Federal Bureau of Investigation, RCCD did not encounter many challenges or obstacles in preparing and providing its first AB 236 Report.

#### *C. Data Provided by RCCD*

In its AB 236 Data Report, RCCD provided a calculation of crime rates, the 2019 Statewide Index Crimes Statistics, and the 2019 Index Crimes and Crime Rate for each Nevada county that provided data.<sup>17</sup> See RCCD's Sentencing Commission 2019 Report, Exhibit 2. The information and analysis in RCCD's AB 236 Data Report is based upon data collected from various and numerous Nevada state and county agencies for 2019. Between the data RCCD reports and the formulas RCCD provides in its report, the data is generally summarized as follows:

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<sup>16</sup> In 2020, RCCD established a repository that has historical data from 2014, which will eventually be available to the public.

<sup>17</sup> RCCD's report indicates that Douglas County, Lincoln County, and White Pine County are not included in the county-specific data because they either did not provide a complete year's worth of data or did not submit any data. Exhibit 2 at 7; *accord, Id.* at 12-13, 18-31.

<b>Uniform Crime Rate by Index Crimes (total) for:</b>	<b>Crime rate/1,000 Pop</b>	<b>% Change from 2018<sup>18</sup></b>
Nevada (statewide)		
- Violent Crimes	5.01	-10.79%
- Property Crimes	23.59	-2.39%
Total	28.61	-3.98%
Nevada Counties		
Carson City		
- Violent Crimes	3.32	
- Property Crimes	12.16	
Total	15.48	-8.91%
Churchill County		
- Violent Crimes	1.26	
- Property Crimes	11.81	
Total	13.06	7.2%
Clark County		
- Violent Crimes	5.33	
- Property Crimes	25.74	
Total	31.07	-4.13%
Elko County		
- Violent Crimes	2.90	
- Property Crimes	15.12	
Total	18.02	5.92%
Esmeralda County		
- Violent Crimes	7.21	
- Property Crimes	8.41	
Total	15.63	8.33%
Eureka County		
- Violent Crimes	10.97	
- Property Crimes	13.46	
Total	24.43	-10.91%
Humboldt County		
- Violent Crimes	2.02	
- Property Crimes	16.65	

<sup>18</sup> While RCCD's data provided the total number of index crimes for each county between 2015 and 2019, it did not separate the total number of each type of index crime (violent crimes and property crimes) for each of the counties for those years. Exhibit 2 at 18-31. The only data that provides the total number of crimes for each type of index crime is for 2019. Exhibit 2 at 12-13. Therefore, based on the formula provided in RCCD's report for determining the percentage change for the types of index crimes (Exhibit 2 at 9), the percentage change from 2018 for each type of index crime for each county could not be determined from RCCD's data.

Total	18.67	2.61%
Lander County		
- Violent Crimes	11.17	
- Property Crimes	6.13	
Total	21.62	-22.08%
Lyon County		
- Violent Crimes	3.28	
- Property Crimes	9.43	
Total	12.71	-3.76%
Mineral County		
- Violent Crimes	.89	
- Property Crimes	11.37	
Total	12.27	71.88%
Nye County		
- Violent Crimes	2.57	
- Property Crimes	17.08	
Total	19.65	6.80%
Pershing County		
- Violent Crimes	4.80	
- Property Crimes	12.01	
Total	16.81	-0.88%
Storey County		
- Violent Crimes	7.68	
- Property Crimes	18.34	
Total	26.02	-19.85%
Washoe County		
- Violent Crimes	4.47	
- Property Crimes	18.85	
Total	23.31	-4.54%

Exhibit 2 at 11 (statewide data) and 12-13 (summary county data). While RCCD provides a formula for local agencies to compute crime trends for a given offense in their individual agency for a particular period of time (Exhibit 2 at 9), it is unclear from RCCD's report how to calculate the percentage changes in uniform crime rates for each of Nevada's counties over time by index of crimes and type of crime.

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### *Data gaps / Issues with Data*

RCCD is limited in how it can pull its data, an example being that it can only publish data from agencies that provide 12 months' worth of data, and those agencies tend to report their data one year at a time. Moreover, because agencies are able to continually update and modify the data they report, the information reported can change.<sup>19</sup>

RCCD is also currently in the process of converting to the National Incident-Based Reporting System (NIBRS). The agency, however, is not anticipating any disruption in its ability to aggregate the data that AB 236 requires it to report.

### **FISCAL DATA**

#### *Data Required*

NRS 176.01343(1)(c) requires the NSC to track and analyze the annual savings, costs avoided, and reinvestment that resulted from the enactment of AB 236.

#### *Data provided*

*[Placeholder for information from JFA Report]*

### **FINDINGS AND RECOMMENDATIONS**

Although AB 236 only became effective on July 1, 2020, the NDOC, NPP, and RCCD were motivated, earnest, and openly communicative with the NDSP in their efforts to comply with its reporting requirements. Enough time has not yet passed for the agency and fiscal data and reports to offer the NSC the ability to track and assess the outcomes resulting from the enactment of AB 236. Rather, to the extent the reported data provides the information AB 236 requires, they provide a baseline against which the data and information that will be provided going forward can be compared for purposes of evaluating the efficacy of AB 236. As to the current gaps in and/or issues with the agency data and information that has been provided, they offer insight into where the reporting agencies currently are in their efforts to comply with AB 236. On those bases, the NSC makes the following recommendations:

#### *Improvements*

- Templates – The Department of Sentencing Policy has created and proposed templates for each agency based upon the statutory reporting requirements for each agency to ensure clarity and consistency in how information is reported.
- Data Sharing/collective sentencing database – The data that each agency provided highlighted the importance of the mandate in NRS 176.0134(4) (requiring the NSC to facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate).

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<sup>19</sup> The RCCD indicated that the impact of ongoing changes to its data can be mitigated by pulling the data at the same time each year.

### *Changes and Budgetary Adjustments*

Based on some of the challenges related to AB 236 realized by the reporting agencies in their first AB 236 reporting, and because the agencies are undergoing different and various data storage and management changes that will assist their AB 236 reporting in the future, it is premature to recommend changes that would improve AB 236 compliance or facilitate its directive. Moreover, because AB 236 was not yet in effect during the immediately preceding fiscal year, the fiscal impact of AB 236 is not yet available for purposes of recommending budgetary adjustments.

### *Future Legislation and Policy Options to Enhance Public Safety and Control Correction Costs*

With this report being the first of what is required by AB 236 and being based on the first data reporting by NDOC, NPP, and RCCD, it is premature at this point to make findings and recommendations as to future legislation and policy options to enhance public safety and control correction costs.

### *Other*

*[Placeholder for recommendations related to clarification and definitions of statutory mandates]*