



AB 236 Report

Findings and Recommendations from
the Nevada Sentencing Commission

February 2021

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INTRODUCTION

Statutory Requirements

This report by the Nevada Sentencing Commission (the Commission) is required by NRS 176.01343, which was enacted as part of Assembly Bill 236 (2019) (AB 236). AB 236 went into effect on July 1, 2020. Pursuant to NRS 176.01343, the Commission must prepare and submit to Nevada's Governor, Legislature, and Supreme Court Chief Justice a report that makes recommendations for improvements, changes, and budgetary adjustments with respect to enhancing public safety and controlling correction costs. The statutorily required report may also present additional recommendations for future legislation and policy options to enhance public safety and control correction costs.

Under NRS 176.01343, the Commission is also required to track and assess:

- the outcomes resulting from AB 236 based upon data from the Nevada Department of Corrections (NDOC) (NRS 176.01343(1)(a));
- the outcomes resulting from AB 236 with respect to data collected by the Nevada Division of Parole and Probation (NPP) and reported to the Commission (NRS 176.01343(1)(b));
- trends observed after the enactment of AB 236 from data collected by the Central Repository for Nevada Records of Criminal History and reported to the Commission¹ (NRS 176.01343(1)(d)); and
- outcomes resulting from the enactment of AB 236 with respect to savings and reinvestment (NRS 176.01343(1)(c)).

Finally, NRS 176.01343 requires the Commission to identify gaps in the State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

Summary

In its compliance with the reporting requirements and the other performance and outcome measurement duties of NRS 176.01343, the Commission includes in this report:

- The background to AB 236
- The data collected from NDOC, NPP, and RCCD, including the process for collecting such data

¹ The data that the Central Repository for Nevada Records of Criminal History collects is reported to the Commission by the Nevada Records Communication and Compliance Division (RCCD).

- Identification of any gaps in Nevada’s criminal justice system data tracking and recommendations
- Summaries of savings and reinvestment as identified by the Commission in previous reports
- Recommendations to enhance public safety and control corrections costs

BACKGROUND

In 2019, the Nevada Legislature passed AB 236, a sweeping criminal justice reform bill based on a justice reinvestment initiative intended to address Nevada’s growing prison population and the expense of that growth to Nevada’s taxpayers. AB 236 was the result of findings and recommendations developed by the Advisory Commission on the Administration of Justice (ACAJ) during the 2017-2018 interim. To develop these recommendations, the ACAJ, with the assistance of the Crime and Justice Institute (CJI), conducted a comprehensive study of Nevada’s criminal justice system and identified goals related to justice reinvestment. 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

The data, assessment, information, and recommendations NRS 176.01343 requires and that are provided in this report are the means by which the Commission is to measure the outcomes of AB 236.

Prior to 2019, the Commission was housed in the Legislature as an interim committee to make data-driven policy recommendations concerning sentencing and corrections. Assembly Bill 80 (AB 80) from the 2019 Legislative Session moved the Commission to the Executive Branch by housing it in the newly established Nevada Department of Sentencing Policy (the Department). The Department assists the Commission with carrying out its duties as they existed in the Legislative Branch in addition to the duties required by AB 236.

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DATA FROM NDOC

Statutory Requirements

NRS 176.01343(1)(a) requires the Commission to track and assess the outcomes of AB 236 based on data from 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 various demographic and other inmate information measures;
 - the average minimum and maximum sentence term by various demographic and other inmate information measures; 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 various demographic and other inmate information measures;
 - the total number of persons released from prison each year by various demographic and other inmate information measures;
 - 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 various demographic and other inmate information measures.

- For the **prison population**, the statute requires:
 - the total number of persons held in prison on December 31 of each year by various demographic and other inmate information measures;
 - 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.

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Data Reporting and Collection

NRS 176.01343 does not mandate how the required data is to be collected or reported to the Commission. The Department met with the NDOC on a regular basis to review these statutory requirements and learn how data is collected, stored, and aggregated at NDOC. The Department and NDOC also collaborated on how the data should be reported. The Department learned that the NDOC collects and stores its data using the Nevada Offender Tracking Information System (NOTIS). The Management Information System Section (MIS) at NDOC provides the technical support required to extract data from NOTIS. NDOC staff then reviews the data extracted and may aggregate, disaggregate, and clean the data as needed.

The NDOC informed the Department that there would be challenges in reporting some of the data required. These are discussed in detail in the next section of this report; however, a couple are worth noting here. First, some of the data is being collected but has never been extracted and reported. The NDOC explained that, in advance of reporting its data, it anticipated working with MIS to develop the methods for extracting this data and its staff would determine what additional work would be needed to clean the data for reporting. Second, the NDOC noted that there could be data measures that it had not collected, and that the NDOC staff would begin the process for determining if and how these data measures could be collected.

The NDOC submitted data to the Department on October 1, 2020. After reviewing the data submitted and in consultation with CJI, the Department decided to develop a data template that NDOC would complete and submit to the Department. Based on the measures identified in the statute's data reporting requirements, the Department assisted the Commission in developing this data template, which the Department provided to NDOC. Using this data template, NDOC resubmitted the required data as follows²:

I. Prison Admissions

A. Persons admitted:

Total No. Persons Admitted:	4,362
Offense Type	Total No. Admitted
Drugs	736
DUI	167
Other	411
Property	1,352
Sex	224
Violence	1,472
Total:	4,362

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² With the exception of adding commas in numbers with more than three digits, the data that NDOC provided to the Department is presented in this report *exactly* as NDOC provided it to the Department, including the listing of data categories within the data tables.

Type of Admission	Total No. Admitted
Mandatory Parole Violator No New Conv.	128
Mandatory Parole Violator w/ New Offense	3
New Commitment	2,207
Not physically rec. w/ consecutive sent.	2
Not Physically Received	58
Parole Violator w/ No New Offense	833
Parole Violator w/ New Offense	13
Probation Violator w/ No New Offense	1,016
Probation Violator w/ New Offense	102
Total:	4,362

Felony Category	Total No. Admitted
A	177
B	2,177
C	1,115
D	672
E	214
Other	7
Total:	4,362

No. Prior Convictions	Total No. Admitted
0	1,818
1	711
2	506
3	350
4	271
5+	706
Total:	4,362

Type Prior Conviction (Offense Type) ³	Total No. Admitted
Drug	--
DUI	--
Property	--
Sex	--
Violence	--
Other	--
Total:	

Sex	Total No. Admitted
Male	3,770
Female	592
Total:	4,362

³ NDOC states that it "...will attempt to provide this information for later cohorts."

Gender Identity or Expression⁴	Total No. Admitted
Male	--
Female	--
Transgender	--
Gender non-conforming	--
Total:	

Race	Total No. Admitted
American Indian	100
Asian	144
Black	1,393
Caucasian	1,853
Hispanic	869
Unknown	3
Total:	4,362

Ethnicity⁵	Total No. Admitted
*6	--
Total:	

Sexual Orientation⁷	Total No. Admitted
Heterosexual	--
Bisexual	--
Gay	--
Lesbian	--
Total:	

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⁴ NDOC states that “[t]his information is protected by privacy regulations.”

⁵ NDOC states that it “...will attempt to provide this information for later cohorts.”

⁶ For any data measure fields in this report that contain an asterisk, those data measure fields have not been identified or tracked.

⁷ NDOC states that “[t]his information is protected by privacy regulations.”

Age Group	Total No. Admitted
<18 ⁸	--
18-27	1,118
28-37	1,676
38-47	935
48-57	463
58-67	147
68+	23
Total:	4,362

Risk Score	Total No. Admitted
Low	731
Moderate	1,661
High	1,419
Very High	345
Pending	206
Total:	4,362

B. Average minimum and maximum sentences⁹:

Offense Type	Ave. Min. Sentence	Ave. Max. Sentence
Drugs	23	64
DUI	31	94
Other	29	73
Property	20	58
Sex	104	156
Violence	41	106

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⁸ Per NDOC, “[n]umbers that are too small to be published are lumped with other categories.”

⁹ In reporting this data, NDOC explained that:

- “[t]he Average Minimum and Maximum Sentences are counted in months”, and
- “[t]he ‘Ave. Max. Sentence’ does not take into account inmates serving life sentences and only accounts for determinate sentences.”

Type of Admission	Ave. Min. Sentence	Ave. Max. Sentence
Mandatory Parole Violator No New Conv.	25	66
Mandatory Parole Violator w/ New Offense	24	60
New Commitment	38	87
Not physically rec. w/ consecutive sent	102	257
Not Physically Received	42	75
Parole Violator w/ No New Offense	40	108
Parole Violator w/ New Offense	37	116
Probation Violator w/ No New Offense	19	53
Probation Violator w/ New Offense	26	73

Felony Category	Ave. Min. Sentence	Ave. Max. Sentence
A	197	406
B	36	109
C	17	49
D	15	41
E	14	39
Other	0	0

No. Prior Convictions	Ave. Min. Sentence	Ave. Max. Sentence
0	35	80
1	31	84
2	29	77
3	29	73
4	39	93
5+	35	88

Type Prior Conviction (Offense Type) ¹⁰	Ave. Min. Sentence	Ave. Max. Sentence
Drug	--	--
DUI	--	--
Property	--	--
Sex	--	--
Violence	--	--
Other	--	--

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¹⁰ NDOC states that it "...will attempt to provide this information for later cohorts."

Sex	Ave. Min. Sentence	Ave. Max. Sentence
Male	35	84
Female	22	65

Gender Identity or Expression¹¹	Ave. Min. Sentence	Ave. Max. Sentence
Male	--	--
Female	--	--
Transgender	--	--
Gender non-conforming	--	--

Race	Ave. Min. Sentence	Ave. Max. Sentence
American Indian	29	81
Asian	39	82
Black	36	88
Caucasian	31	77
Hispanic	33	82
Unknown	16	47

Ethnicity¹²	Ave. Min. Sentence	Ave. Max. Sentence
*	--	--

Sexual Orientation¹³	Ave. Min. Sentence	Ave. Max. Sentence
Heterosexual	--	--
Bisexual	--	--
Gay	--	--
Lesbian	--	--

Age Group	Ave. Min. Sentence	Ave. Max. Sentence
<18	43	136
18-27	31	79
28-37	32	81
38-47	33	79
48-57	38	86
58-67	48	100
68+	58	127

11 NDOC states that “[t]his information is protected by privacy regulations.”

12 NDOC states that it “...will attempt to provide this information for later cohorts.”

13 NDOC states that “[t]his information is protected by privacy regulations.”

Risk Score	Ave. Min. Sentence	Ave. Max. Sentence
Low	34	77
Moderate	32	80
High	32	84
Very High	41	91
Pending	32	79

C. Number of persons who received a clinical assessment identifying mental health or substance use disorder upon intake:

Type of Assessment	Total Number
Mental Health Disorder	443
Substance Use Disorder	896
Both Mental Health and Substance Use Disorders	495
Total:	1,834

II. Parole and Release from Prison

A. The average length of stay in prison for each type of release¹⁴:

Offense Type	Ave. Length of Stay
Drugs	
DUI	
Other	
Property	
Sex	
Violence	
Total:	

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¹⁴ NDOC did not provide any data for this section at this time. NDOC states that it:

“...can currently provide the average length of stay for the period January 2020 to June 2020. In order to provide additional data for 2020, we will have to wait for the supplemental JFA report which will not be receive[d] until later in 2021 (typically late Spring). Regardless, the Nevada Department of Corrections will not be able to provide the total of males and females, gender orientation, mental health status, or risk score for the section II.A.”

Felony Category	Ave. Length of Stay
A	
B	
C	
D	
E	
Other	
Total:	

No. Prior Convictions	Ave. Length of Stay
0	
1	
2	
3	
4	
5+	
Total:	

Type Prior Conviction (Offense Type)	Ave. Length of Stay
Drug	
DUI	
Property	
Sex	
Violence	
Other	
Total:	

Sex	Ave. Length of Stay
Male	
Female	
Total:	

Gender Identity or Expression	Ave. Length of Stay
Male	
Female	
Transgender	
Gender non-conforming	
Total:	

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Race	Ave. Length of Stay
White	
Black	
Hispanic	
Asian	
American Indian or Alaska Native	
Multi-racial	
Other or Unknown	
Total:	

Ethnicity	Ave. Length of Stay
*	
Total:	

Sexual Orientation	Ave. Length of Stay
Heterosexual	
Bisexual	
Gay	
Lesbian	
Total:	

Age Group	Ave. Length of Stay
<18	
18-27	
28-37	
38-47	
48-57	
58-67	
68+	
Total:	

Mental Health Status	Ave. Length of Stay
No current impairment	
Mild impairment	
Moderate impairment	
Severe impairment	
Not available	
Total:	

Risk Score	Ave. Length of Stay
Low	
Moderate	
High	
Pending	
Total:	

B. The total number of persons released from prison each year:

Total No. Persons Released:	5,720
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Type of Release	Total No. Released
Court Ordered Release	18
Deceased	82
Discharged	1,587
Mandatory Parole	1,064
Parole	2,963
Return to Committing Authority	6
Total:	5,720

Type of Admission (Prior Status)	Total No. Released
Interstate Compact	1
Mandatory Parole Violator No New Conv.	143
Mandatory Parole Violator w/ New Offense	4
New Commitment	3,225
Not Physically Received	43
Parole Violator w/ No New Offense	932
Parole Violator w/ New Offense	28
Physically rec. with a concurrent sent.	1
Probation Violator w/ No New Offense	1,264
Probation Violator w/ New Offense	79
Total:	5,720

Felony Category	Total No. Released
A	350
B	2,886
C	1,447
D	760
E	276
Other	1
Total:	5,720

No. Prior Convictions	Total No. Released
0	2,387
1	882
2	661
3	479
4	356
5+	955
Total:	5,720

Type Prior Conviction (Offense Type) ¹⁵	Total No. Released
Drug	--
DUI	--
Other	--
Property	--
Sex	--
Violence	--
Total:	

Sex	Total No. Released
Male	4,871
Female	848
Total:	5,720

Gender Identity or Expression ¹⁶	Total No. Released
Male	--
Female	--
Transgender	--
Gender non-conforming	--
Total:	

Race	Total No. Released
American Indian	97
Asian	183
Black	1,823
Caucasian	2,497
Hispanic	1,115
Unknown	5
Total:	5,720

Ethnicity ¹⁷	Total No. Released
*	--
Total:	

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¹⁵ NDOC states that it "...will attempt to provide this information for later cohorts."

¹⁶ NDOC states that "[t]his information is protected by privacy regulations."

¹⁷ NDOC states that it "...will attempt to provide this information for later cohorts."

Sexual Orientation¹⁸	Total No. Released
Heterosexual	--
Bisexual	--
Gay	--
Lesbian	--
Total:	

Age Group	Total No. Released
<18 ¹⁹	--
18-27	1,122
28-37	2,177
38-47	1,314
48-57	747
58-67	284
68+	76
Total:	5,720

Mental Health Status	Total No. Released
No current impairment	4,688
Mild impairment	925
Moderate or Severe impairment	53
Not Available	54
Total:	5,720

Risk Score	Total No. Released
Low	877
Moderate	1,836
High	1,426
Very High	272
Pending	1,309
Total:	5,720

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¹⁸ NDOC states that “[t]his information is protected by privacy regulations.”

¹⁹ Per NDOC, “[n]umbers that are too small to be published are lumped with other categories.”

C. The recidivism rate of persons released from prison by type of release²⁰:

Type of Release ²¹	Recidivism Rate
Discharge	20.37%
Mandatory Parole	21.80%
Parole	30.81%
Total:	

D. The total number of persons released from prison each year who return to prison within 36 months:

Total No. Persons Returned:	1,241
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Type of Release	Total No. Returns
Court Order ²²	--
Discharge	435
Mandatory Parole	216
Parole	590
Total:	1,241

Type of Admission	Total No. Returns
*	--
Total:	1,241

Type of Return	Total No. Returns
Mandatory Parole Violation	105
Parole Violation	594
New Commitment	542
Total:	1,241

No. Prior Convictions	Total No. Returns
0	778
1	219
2	135
3	65
4	27
5+	17
Total:	1,241

²⁰ Per NDOC, “[t]he recidivism information is derived from the 2016 releases cohort.”

²¹ NDOC states that it “...will attempt to provide this information for later cohorts.”

²² Per NDOC, “[n]umbers that are too small to be published are lumped with other categories.”

Type Prior Conviction (Offense Type)	Total No. Returns
Drug	287
DUI	18
Property	464
Sex	31
Violence	376
Other	65
Total:	1,241

Sex	Total No. Returns
Male	151
Female	1,090
Total:	1,241

Gender Identity or Expression ²³	Total No. Returns
Male	--
Female	--
Transgender	--
Gender non-conforming	--
Total:	--

Race	Total No. Returns
American Indian	17
Asian	30
Black	357
Caucasian	620
Hispanic	215
Other or unknown	2
Total:	1,241

Ethnicity ²⁴	Total No. Returns
	--
Total:	--

Sexual Orientation ²⁵	Total No. Returns
Heterosexual	--
Bisexual	--
Gay	--
Lesbian	--
Total:	--

²³ NDOC states that “[t]his information is protected by privacy regulations.”

²⁴ NDOC states that it “...will attempt to provide this information for later cohorts.”

²⁵ NDOC states that “[t]his information is protected by privacy regulations.”

Age Group	Total No. Returns
<18 ²⁶	--
18-27	299
28-37	479
38-47	269
48-57	160
58-67	34
68+ ²⁷	--
Total:	1,241

Mental Health Status	Total No. Returns
No current impairment	1,088
Mild impairment	146
Moderate and Severe impairment ²⁸	7
Severe impairment ²⁹	--
Not available	--
Total:	1,241

Risk Score ³⁰	Total No. Returns
Low	--
Moderate	--
High	--
Pending	--
Total:	--

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²⁶ Per NDOC, “[n]umbers that are too small to be published are lumped with other categories.”

²⁷ Per NDOC, “[n]umbers that are too small to be published are lumped with other categories.”

²⁸ Per NDOC, “[n]umbers that are too small to be published are lumped with other categories.”

²⁹ Per NDOC, “[n]umbers that are too small to be published are lumped with other categories.”

³⁰ NDOC states that it “...will attempt to provide this information for later cohorts.”

III. Prison Population

A. The total number of persons held in prison on December 31 of each year:

Total No. Persons Held:	11,423
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Offense Type	Total No.
Drugs	1,093
DUI	414
Other	751
Property	1,646
Sex	1,975
Violence	5,544
Total:	11,423

Type of Admission (Current Status)	Total No.
Mandatory Parole Violator No New Conv.	--
Mandatory Parole Violator w/ New Offense	--
New Commitment	--
Parole Violator w/ No New Offense	--
Parole Violator w/ New Offense	--
Probation Violator w/ No New Offense	--
Probation Violator w/ New Offense	--
Total:	

Felony Category	Total No.
A	3,313
B	6,414
C	1,123
D	465
E	108
Total:	11,423

No. Prior Convictions	Total No.
0	5,097
1	1,583
2	1,237
3	888
4	692
5+	1,926
Total:	11,423

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Type Prior Conviction (Offense Type) ³¹	Total No.
Drug	--
DUI	--
Property	--
Sex	--
Violence	--
Other	--
Total:	

Sex	Total No.
Male	10,452
Female	971
Total:	11,423

Gender Identity or Expression ³²	Total No.
Male	--
Female	--
Transgender	--
Gender non-conforming	--
Total:	

Race	Total No.
American Indian	237
Asian	373
Black	3,602
Caucasian	4,639
Hispanic	2,560
Unknown	12
Total:	11,423

Ethnicity ³³	Total No.
*	--
Total:	

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³¹ NDOC states that it "...will attempt to provide this information for later cohorts."

³² NDOC states that "[t]his information is protected by privacy regulations."

³³ NDOC states that it "...will attempt to provide this information for later cohorts."

Sexual Orientation³⁴	Total No.
Heterosexual	--
Bisexual	--
Gay	--
Lesbian	--
Total:	

Age Group	Total No.
<18 ³⁵	--
18-27	1,919
28-37	3,699
38-47	2,742
48-57	1,791
58-67	955
68+	317
Total:	11,423

Mental Health Status	Total No.
No current impairment	9,100
Mild impairment	2,107
Moderate and Severe impairment	120
Not available	96
Total:	11,423

Risk Score	Total No.
Low	1,291
Moderate	2,614
High	2,229
Very High	555
Pending	4,734
Total:	11,423

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³⁴ NDOC states that “[t]his information is protected by privacy regulations.”

³⁵ Per NDOC, “[n]umbers that are too small to be published are lumped with other categories.”

B. 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:

Total No. Granted Parole but Remain in Custody ³⁶	Reason
	--

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:

Type of Sentence ³⁷	Total No.
Life with the possibility of parole	2,119
Life without the possibility of parole	577
Death	67
Total:	2,763

D. 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:

Type of Treatment Program ³⁸	Total No. Started/Currently Participating	Total No. Completed	Total No. Waiting
Correctional Programs	--	--	--
Substance Abuse Programs	--	--	--
Educational Programs	--	--	--
Vocational Programs ³⁹	--	--	--
Job Skills Program ⁴⁰	--	--	--
Total:			

³⁶ NDOC states that it "...will attempt to provide this information for later cohorts."

³⁷ NDOC states that it "...will attempt to provide this information for later cohorts."

³⁸ NDOC states that "COVID-19 related restrictions have impacted these programs. The [NDOC] will attempt to provide this information for later cohorts."

³⁹ NDOC states that "[t]hese programs are currently not available due to COVID-19 related restrictions."

⁴⁰ NDOC states that "[t]hese programs are currently not available due to COVID-19 related restrictions."

Type of Offense ⁴¹	Total No. Started/Currently Participating in Treatment Programs ⁴²	Total No. Completed Treatment Programs	Total No. Waiting to Participate in Treatment Programs
Drugs	--	--	--
DUI	--	--	--
Other	--	--	--
Property	--	--	--
Sex	--	--	--
Violence	--	--	--
Total:			

Findings

This being the first collection of data required by NRS 176.01343, the Commission does not yet have historical or comparative data on which it can measure outcomes of AB 236 with respect to data from NDOC. The NDOC data provided in this report will serve two major purposes. First, this data provides a basis on which to build historical and comparative data for future reference. Second, this first collection of data from NDOC identifies issues and areas of opportunity to improve future data collection.

In providing its AB 236 data, NDOC noted that some of the measures that AB 236 requires overlap with the data that NDOC provides for other reporting and that it was able to extract that data to report in the template. To ensure that the variables NDOC extracts for its AB 236 reporting obligations meet the legislative requirements, NDOC stated that it continues to test those variables, and as it identifies how its data tracking may need to change to make future reporting more sustainable and reliable, it will make any necessary adjustments.

NDOC also reported facing some challenges in extracting the data that AB 236 requires. 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, NDOC had to cleanse and/or aggregate that data for purposes of reporting it in the AB 236 data template.

Another challenge for NDOC was AB 236's requirement that it report on data it has not tracked or collected. For those categories of data, NDOC is unable to provide that statistical data at this point. NDOC has indicated that it will be further evaluating whether such data can be tracked and reported or provided in future cohorts.

⁴¹ NDOC states that "COVID-19 related restrictions have impacted these programs. The [NDOC] will attempt to provide this information for later cohorts."

⁴² NDOC's "...completed total also includes inmates who are currently participating in a program. [NDOC] will attempt to provide these numbers separately for later cohorts."

Finally, there are some required data measures, such as those related to sexual orientation and gender identity or expression, that NDOC collects and reports as part of the Prison Rape Elimination Act (PREA) and that are protected by privacy regulations. However, NDOC advised that if the Department enters into a data sharing agreement on behalf of the Commission, it would be possible for NDOC to report such measures.

DATA FROM NPP

Statutory Requirements

NRS 176.01343(1)(b) requires NPP to collect and report certain data to the Commission to enable the Commission to track and assess outcomes of AB 236. NPP is required to collect and report two general categories of information – 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 **those on probation or parole**, NRS 176.01343(1)(b) requires:
 - the total number of supervision intakes by various demographic and other supervisee information measures;
 - the average term of probation imposed for persons on probation by type of offense;
 - the average time served by those 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 (honorable discharge, dishonorable discharge, and return to prison);
 - the recidivism rate of those discharged from supervision by type of discharge;
 - the number of those identified as having a mental health issue or a substance use disorder; and
 - the total number of those on probation or parole who are located within this State on December 31 of each year.

- For **those on probation or parole who violate a condition of supervision or commit a new offense**, NRS 176.01343(1)(b) requires:
 - the total number of revocations and the reasons therefor (including a mental health issue or substance use disorder);
 - the average 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 those receiving administrative or jail sanctions, by type of offense and felony category; and
 - the median number of administrative sanctions NPP issued to those on supervision, by type of offense and felony category.

Data Reporting and Collection

NRS 176.01343 does not specify how NPP is to report its data to the Commission. As it did with NDOC, the Department met with NPP on a regular basis to review the statutory requirements and collaborate on how the data should be submitted. NPP also informed the Department how it collects, stores, extracts, and reports data. NPP collects and stores data through the Offender Tracking and Information System (OTIS), and extracts its data through Crystal Reports. After the data is extracted, staff at NPP then cleans and aggregates the data.

NPP indicated that there would be many challenges in reporting the data required by AB 236. These will be discussed in further detail in the next section of this report. Additionally, the next section of the report will provide information regarding the new vendor that NPP has obtained for collecting, extracting, and reporting data.

Just as it did with NDOC, the Department decided, in consultation with CJI, to develop a data template that NPP would complete and submit to the Department. Based on the measures identified in the statute's data reporting requirements, the Department assisted the Commission in developing this data template, which the Department provided to NPP. Using the reports currently available through Crystal Reports, NPP completed the template and submitted the data as follows:

I. Number of Persons on Probation or Parole⁴³

A. Supervision intakes:

BY NUMBER OF OFFENDERS:

	Total No. Intake
Total No. Probation (01/01/20 - 06/30/20)	24,299
Total No. Parole (01/01/20 - 06/30/20)	20,961
Total:	45,260

Offense Type	Total No. Probation	Total No. Parole
Drug	--	--
DUI	--	--
Property	--	--
Sex	--	--
Violence	--	--
Other	--	--
Total:		

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⁴³ For any data field in this section that contains dashes, there is no existing report.

Findings

Of the data measures AB 236 requires it to report, NPP, through OTIS and Crystal Reports, was able to provide data regarding:

- the total number of persons on probation or parole
- the total number of persons on probation or parole by felony category
- the total number of persons on probation or parole by sex
- the total number of supervision discharges
- the total number of persons on probation or parole located within Nevada on December 31, 2019
- the total number of persons on probation or parole whose probation or parole was revoked for violating a condition of supervision.

As with NDOC, there is not yet historical or comparative data against which the Commission can measure the outcomes of AB 236 with respect to NPP's data. This data provides a basis on which to build historical and comparative data for future reference and identifies issues and areas of opportunity to improve future data collection.

NPP's observations and feedback in reporting its AB 236 data are worth noting. According to NPP, the information and data it 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. This means there were data measures required by AB 236 that NPP was not able to report. Either the data measures were not being collected or the data measures were collected but the data had never been reported. If the data has never been reported, NPP must generate a new report in Crystal Reports, and its staff must then clean and aggregate or disaggregate the data by hand. Additionally, the data might be indicated in a field or source that cannot be captured by a report, in which case it would need to be hand counted. Because NPP does not currently have the staff or budget to extract, clean, and aggregate certain data as it is stored, NPP was unable to provide data for all of the measures AB 236 requires for the first collection of data.

However, NPP is preparing to switch to a new data collection, storage, and reporting system through Tyler Technologies, and has stated that it expects to make the transition to that system between September and December 2021. According to NPP, the new data system is intended to be highly configurable, allowing NPP to collect and track all of the data required by AB 236 and to aggregate that data into usable information for purposes of AB 236's reporting requirements.

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DATA FROM CENTRAL REPOSITORY

Statutory Requirements

NRS 176.01343(1)(d) requires the Commission to track and assess trends observed from data collected and reported to the Commission 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.

Data Reporting and Collection

The Department met with RCCD on a regular basis to review the statutory requirements and collaborate on how data would be submitted to the Department. RCCD did not anticipate any challenges in reporting the data and submitted its data in a report on October 1, 2020.

After the data was received, the Department decided, in consultation with CJI, to develop a data template based on the statutory requirements to facilitate the collection of data. Using the data template created and provided by the Department and the Commission, RCCD resubmitted the data required by AB 236. RCCD reported data from 2019 that is based upon data it collects from various and numerous Nevada state and county agencies and stores in a centralized repository database.⁴⁵ In reporting its data, RCCD explained:

- It included data from 2018 and 2019, which is data on which RCCD calculated the percentage change in the crime rate;
- Any increase from 0 is calculated as a 100% increase; and
- If an agency did not submit 12 months’ worth of information, there will not be any data for either 2018 or 2019.

RCCD’s data is as follows:

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⁴⁵ Prior to 2019, RCCD’s data was collected manually. In 2019, RCCD established a repository that has historical data from 2014, which will eventually be available to the public.

Clark County Population: 2019: 2,270,103 2018: 2,236,094	2019 Offenses	2019 Crime Rate	2018 Offenses	% Change from 2018
Index Crimes	70,528	31.07	73,567	-4.13
Violent Crimes	12,100	5.33	13,740	-11.94
Property Crimes	58,428	25.74	59,827	-2.34
Violent Crimes				
Murder	114	0.05	171	-33.33
Rape	1,661	0.73	1,854	-10.41
Robbery	2,808	1.24	3,386	-17.07
Aggravated Assault	7,517	3.31	8,329	-9.75
Property Crimes				
Burglary	13,004	5.73	14,704	-11.56
Larceny	36,141	15.92	34,976	3.33
Motor Vehicle Theft	9,062	3.99	9,945	-8.88
Arson	221	0.10	202	9.41

Agencies Reporting Data	Y / N
Boulder Police Department	Y
Clark County School District Police Department	Y
Henderson Police Department	Y
Las Vegas Metro Police Department	Y
Mesquite Police Department	Y
North Las Vegas Police Department	Y
University Police Services	Y
Las Vegas Fire Department	Y
College of Southern Nevada Police Department	Merged with University Police Services mid-year 2019

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Pershing County Population: 2019: 6,661 2018: 6,457	2019 Offenses	2019 Crime Rate	2018 Offenses	% Change from 2018
Index Crimes	112	16.81	113	-0.88
Violent Crimes	32	4.80	47	-31.91
Property Crimes	80	12.01	66	21.21
Violent Crimes				
Murder	1	0.15	0	100.00
Rape	12	1.80	7	71.43
Robbery	1	0.15	0	100.00
Aggravated Assault	18	2.70	40	-55.00
Property Crimes				
Burglary	23	3.45	33	-30.30
Larceny	46	6.91	31	48.39
Motor Vehicle Theft	9	1.35	2	350.00
Arson	2	0.30	0	100.00
Agencies Reporting Data	Y / N			
Lovelock Police Department	Y			
Pershing County Sheriff's Office	Y			

Storey County Population: 2019: 4,035 2018: 3,996	2019 Offenses	2019 Crime Rate	2018 Offenses	% Change from 2018
Index Crimes	105	26.02	131	-19.85
Violent Crimes	31	7.68	44	-29.55
Property Crimes	74	18.34	87	-14.94
Violent Crimes				
Murder	0	0.00	0	0.00
Rape	5	1.24	5	0.00
Robbery	1	0.25	1	0.00
Aggravated Assault	25	6.20	38	-34.21
Property Crimes				
Burglary	20	4.96	29	-31.03
Larceny	47	11.65	53	-11.32
Motor Vehicle Theft	7	1.73	4	75.00
Arson	0	0.00	1	-100.00
Agency Reporting Data	Y / N			
Storey County Sheriff's Office	Y			

Washoe County Population: 2019: 471,700 2018: 465,046	2019 Offenses	2019 Crime Rate	2018 Offenses	% Change from 2018
Index Crimes	11,004	23.33	11,520	-4.48
Violent Crimes	2,108	4.47	2,314	-8.90
Property Crimes	8,896	18.86	9,206	-3.37
Violent Crimes				
Murder	16	0.03	16	0.00
Rape	290	0.61	287	1.05
Robbery	407	0.86	402	1.24
Aggravated Assault	1,395	2.96	1,609	-13.30
Property Crimes				
Burglary	1,583	3.36	1,808	-12.44
Larceny	5,631	11.94	5,894	-4.46
Motor Vehicle Theft	1,656	3.51	1,463	13.19
Arson	26	0.06	41	-36.59
Agencies Reporting Data	Y / N			
Reno Municipal Court	Y			
Reno Police Department	Y			
Reno-Tahoe Airport Authority Police Department	Y			
Sparks Police Department	Y			
University of Nevada, Reno Police Department	N			
Washoe County School District Police Department	N			
Washoe County Sheriff's Office	Y			

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White Pine County Population: 2019: No data 2018:	2019 Offenses	2019 Crime Rate	2018 Offenses	% Change from 2018
Index Crimes	No data			
Violent Crimes				
Property Crimes				
Violent Crimes				
Murder				
Rape				
Robbery				
Aggravated Assault				
Property Crimes				
Burglary				
Larceny				
Motor Vehicle Theft				
Arson				
Agency Reporting Data	Y / N			
White Pine County Sheriff's Office	N			

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(RCCD's data by Statewide Agencies follows)

Findings

As with the data collected from other agencies, there is no historical or comparative data at this point against which the Commission can measure the outcomes of AB 236 with respect to the data reported by RCCD. This data provides a basis on which to build historical and comparative data for future reference. However, the historical and comparative use of this data will be limited. RCCD is in the process of transitioning Nevada to the National Incident-Based Reporting System (NIBRS) as required by the Federal Bureau of Investigation (FBI). Because the source of the data will be different, the Commission may not be able to establish a baseline until the next submission of this report. The Commission will need to determine how to use the data collected for this report with data collected for future reports.

For the purposes of this report, RCCD explained that because most of the data that AB 236 requires it to report overlaps with what RCCD already reports to the Federal Bureau of Investigation and because it was otherwise able to aggregate available data to comply with the statutory requirements, it did not encounter any significant challenges or obstacles in reporting the data required of it by AB 236. However, because the data RCCD reports is based upon data that state, county, and city law enforcement agencies report to it, RCCD's data reports are as complete and accurate as the data it receives. Notably, there are agencies that, despite being required to do so, did not report data to RCCD for the year 2019.⁴⁷

Going forward, and with the exception of any city, county, and/or state agencies that do not report their data, RCCD does not anticipate any challenges in submitting data using NIBRS. However, RCCD, the Department and the Commission will communicate and collaborate to ensure compliance with the statutory requirements and address any challenges that may arise or how calculations will need to be adjusted.

CRIMINAL JUSTICE DATA: GAPS AND RECOMMENDATIONS

Statutory Requirements

NRS 176.01343 requires the Commission to identify gaps and make recommendations in Nevada's ability to share criminal justice data. Additionally, NRS 176.0134 requires the Commission 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.

Gaps

As discussed above and in footnote 47, the Commission acknowledges the gaps in data with respect to data that was not reported to RCCD by certain agencies. The Commission will evaluate these gaps and determine what, if any, recommendations to make to address these gaps. Otherwise, because this is the first report of its kind, it is premature to identify gaps and make

⁴⁷ As noted in the tables above, agencies from Churchill, Elko, Lincoln, Washoe, and White Pine counties, as well as some State agencies, did not report data to RCCD as required.

recommendations as required by NRS 176.01343. For future reports, and in its effort to fulfill statutory duties and appropriately identify gaps in the State's ability to share criminal justice data, the Commission may identify and assess the following among state and local agencies:

- Databases used by criminal justice agencies
- Collection of criminal justice data
- Sharing of criminal justice data with agencies and the public
- Aggregation of criminal justice data
- Disaggregation of criminal justice data
- Use of existing databases
- Use of resources
- Ability to track an individual through the criminal justice system

Finally, the Commission acknowledges that currently, there is no statewide or common database for collecting or sharing criminal justice data in Nevada. As the Commission continues to track, collect, and assess the collection of data from Nevada's various agencies, it will identify specific areas where data cannot be shared and what gaps in data or data sharing may exist.

Recommendations

Because AB 236's July 1, 2020, effective date is so recent, sufficient time has not yet passed for the Commission to be able to make recommendations for filling any gaps identified in data tracking capabilities related to the criminal justice system. The AB 236 data reported by NDOC, NPP, and RCCD provides a baseline for future tracking and assessment of data collection capabilities and outcomes of AB 236.⁴⁸ Notwithstanding that there is not currently historical and comparative data needed to make data-driven recommendations, the Commission recommends the continued collaboration between the Department, NDOC, NPP, RCCD, and other criminal justice agencies in the collection of data required by AB 236.

The Commission also acknowledges that, in their respective efforts to comply with their AB 236 data reporting, the agencies had questions for the Commission as to the scope and specificity of certain data categories and/or measures. It is appropriate for the Commission to provide clarity and specificity on those certain data measures to help guide the agencies in reporting them in a

⁴⁸ The NSC notes that the NDOC, NPP, and RCCD were motivated, cooperative, and openly communicative with the Department in their efforts to comply with their AB 236 reporting requirements.

manner that will assist the Commission in fulfilling its statutory duties.⁴⁹ Any guidance, requests, or recommendations with respect to reporting this data will be identified in future reports.

SAVINGS AND REINVESTMENT

Statutory Requirements

NRS 176.01343(1)(c) requires the Commission to track and assess the outcomes resulting from the enactment of AB 236 with respect to savings and reinvestment, including:

- the total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;
- the total annual costs avoided by the State of Nevada because of the enactment of AB 236 as calculated pursuant to NRS 176.01347; and
- the entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

Projected Amount of Costs Avoided

The Commission submitted its Projected Amount of Costs Avoided Report in August 2020.⁵⁰ The projected amounts for the costs avoided were as follows:

- **2022**
 - Baseline: \$28,914,832.80
 - Worst Case: \$21,270,681.60
- **2023**
 - Baseline: \$30,576,604.80
 - Worst Case: \$26,442,946.95

⁴⁹ The categories of data within the template data tables for NDOC and NPP were primarily based on how NDOC itemized the data within each data field that it initially presented to the Department on October 1, 2020. For future data collection and reporting, the Commission may take into account and clarify with the agencies the categories of data within their respective template data tables to optimize their data collection and reporting.

⁵⁰ The Commission's Projected Amount of Costs Avoided Report is available on the Resources page of the Department's website (<https://sentencing.nv.gov>), and specifically at: <https://sentencing.nv.gov/uploadedFiles/sentencingnv.gov/content/News/Proj.%20Amount%20of%20Costs%20Avoided%20Report%20FINAL.pdf>

These amounts were calculated using the February 2020 JFA Prison Population Projections, which identified two different assumptions to be used for the forecasts – “Baseline” and “Worst Case.” The Commission’s calculations were based on those assumptions and scenarios and reported those amounts using the terms JFA assigned to its assumptions.

Statement of Costs Avoided

The Commission submitted its Statement of Costs Avoided in December 2020.⁵¹ Because AB 236 only recently went into effect, there were no costs avoided to calculate for Fiscal Year 2020. Instead, the Commission identified the formula that will be used to calculate the costs avoided in future statements and reports.

RECOMMENDATIONS

The Commission is required to include in this report the following with respect to enhancing public safety and controlling correction cost recommendations for:

- Improvements
- Changes
- Budgetary adjustments

This report may also include additional recommendations for future legislation and policy options to enhance public safety and control correction costs. However, because AB 236 only went into effect July 1, 2020, it is premature for the Commission to provide any recommendations with respect to enhancing public safety and controlling correction costs. The Commission looks forward to tracking and assessing the outcomes resulting from the enactment of AB 236 and will report its findings and recommendations using the framework provided in this report.

⁵¹ The Commission’s Projected Amount of Costs Avoided Report is available on the Resources page of the Department’s website (<https://sentencing.nv.gov>), and specifically at: <https://sentencing.nv.gov/uploadedFiles/sentencingnv.gov/content/News/Statement%20of%20Costs%20Avoided%20FINAL%2012.20.pdf>