



AB 236 Report: Supplement Nevada Department of Sentencing Policy

May 2021

Prepared by Nevada Department of Sentencing Policy

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Introduction

This supplement* to the *February 2021 AB 236 Report* was prepared by the Nevada Department of Sentencing Policy. The information in the report is based on the following and sourced as such in the supplement:

- Data reported in the *February 2021 AB 236 Report*
- Data collected in response to the discussions of the *February 2021 AB 236 Report* at the February 19, 2021, meeting of the Nevada Sentencing Commission
- Data presented with recommendations that formed the basis of Assembly Bill No. 236 (2019) (AB 236)
- Other data collected by the Department of Sentencing Policy

The purpose of this document is to provide: (1) visualizations of some of the data presented in the *February 2021 AB 236 Report*; (2) comparisons to some of the data that led to the enactment of AB 236; (3) responses to the discussions from the February 19, 2021, meeting of the Nevada Sentencing Commission; and (4) other context or comparisons regarding the outcomes of the enactment of AB 236.

NOTE

- Unless otherwise indicated, data is based on calendar year 2020.
- The reforms of AB 236 are relatively new as AB 236 only went into effect July 1, 2020.
- The specific impacts to the prison population resulting from the Covid-19 pandemic cannot be distinguished and measured at this time but will be assessed as more data is collected.
- Because the effective date of AB 236 and the Covid-19 pandemic occurred in the same year, there has not been an attempt to separate the data based on dates related to the pandemic and the effective date of AB 236. In the future, data from 2020 will be reported with notes and context regarding the effective date of AB 236.
- Trends can best be identified over time as more data is collected and analyzed.

*This document has not been adopted by the Nevada Sentencing Commission and does not represent recommendations of the Commission.

Definitions

New Commitment – An offender sentenced to prison by a Judge/Court.

Probation Violator with No New Conviction - An offender who was initially sentenced to probation by the Court, who then has their probation revoked by the Court due to violations of the terms and conditions of their probation, is admitted to an NDOC facility.

Probation Violator with New Conviction - An offender who was initially sentenced to probation by the Court, commits a new crime while on probation (receiving a new felony conviction), has their probation revoked by the Court due to violations of the terms and conditions of their probation and is admitted to an NDOC facility.

Parole - Parole Board decision to grant parole to an offender under supervision until discharge.

Parole Violator with No New Conviction - An offender granted parole to the street is arrested on a warrant issued by the Parole Board due to violations of the terms and conditions of their parole and returned to an NDOC facility.

Parole Violator with New Conviction - An offender granted parole to the street then subsequently commits a new crime (receiving a new felony conviction), is arrested on a warrant issued by the Parole Board due to violations of the terms and conditions of their parole and returned to an NDOC facility.

Mandatory Parole - Parole Board decision (at the Mandatory Parole Review) to grant parole to an offender under supervision until discharge.

Mandatory Parole Violator with No New Conviction - An offender granted parole to the street at Mandatory Parole Review is arrested on a warrant issued by the Parole Board due to violations of the terms and conditions of their parole and returned to an NDOC facility.

Mandatory Parole Violator with New Conviction - An offender granted parole to the street at Mandatory Parole Review then subsequently commits a new crime (receiving a new felony conviction), is arrested on a warrant issued by the Parole Board due to violations of the terms and conditions of their parole and returned to an NDOC facility.

Physically Received with a Concurrent Sentence - An offender who is convicted of both a Nevada felony and an out-of-state felony and started their Nevada sentence in an NDOC facility, having been physically received, is now transferred to serve both sentences in the out-of-state facility.

Not Physically Received with a Concurrent Sentence - An offender who is convicted of both a Nevada felony and an out-of-state felony, was never physically received by an NDOC facility, and is serving both sentences concurrently in the out-of-state facility.

Interstate Compact - NDOC offender serving a Nevada sentence in an out-of-state facility under agreement.

Court Ordered Release - Release due to an order from a Judge/Court changing a sentence: i.e. credit for time served, overturned sentence, or retrial.

Discharged - Completion of a prison sentence; no community supervision needed.

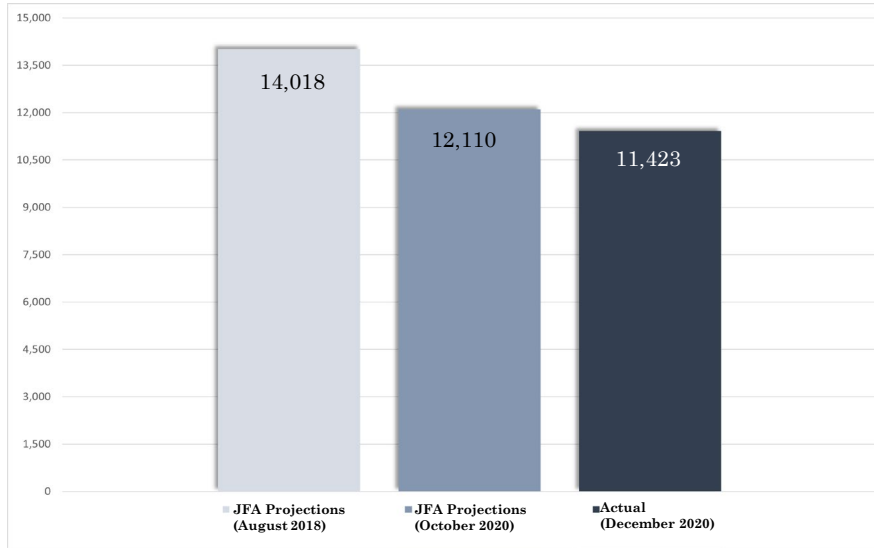
Deceased - Offender death in NDOC custody.

Source: Nevada Department of Corrections

Population

Nevada Prison Population Projected and Actual - 2020

Population: Figure 1



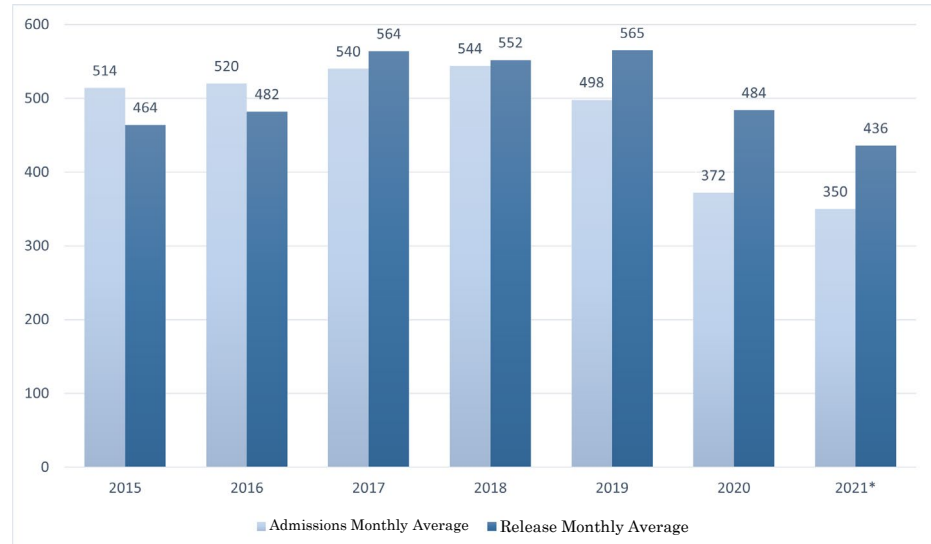
Sources: August 2018, JFA Report at 43 (Table 22)
 October 2020 JFA Report at 41 (Table 30)
 February 2021 AB236 Report at 19, based on data from NDOC
 Comparison and analysis by NDSP

- The decrease in prison admissions during 2020 may be due to impacts from the Covid-19 pandemic. (Population: Figure 2)
- Admissions and releases will continue to be tracked to measure outcomes resulting from the transition out of the pandemic.
- The population total includes 173 offenders being held on residential confinement.

- In 2018, the 2020 prison population was projected to be 14,018. (Population: Figure 1)
- The prison population has been decreasing since 2018.
- In October 2020, the 2020 prison population was projected to be 12,110 by the end of the year.
- As of December 31, 2020, the actual population was 11,423.

Admissions and Releases 2015 – 2021*

Population: Figure 2



Source: Nevada Department of Corrections

*The trend for the 2021 data has only been recorded from January to March

Population

Top 10 Drug Offenses

Offense Description	Count of Convictions
TRAFFICKING CON SUB, SCH 1, GT 27 GR	341
POSS CON SUB SCH 1-4 1ST OFF	272
TRAFFICKING CONT SUBST, SCH 1, 14-27 GR	236
POSS CON SUB FOR SALE, SCH 1&2, 1ST OFF	176
CONSP TO VIOLATE CONT SUBST ACT, 1ST OFF	140
SALE/GIVE CONT SUBST, SCH 1&2, 1ST OFF	115
TRANSPORT OF A CONTROLLED SUBSTANCE	115
TRAFFICKING CONT SUBST, SCH 1, 4-13 GR	47
ATT TRAFFICKING CON SUB SCH 1 GT 27 GR	41
UNDER INFL OF CONT SUBS	31
OTHER	137
Grand Total	1651

Source: Nevada Department of Corrections

Top 10 Property Offenses

Offense Description	Count of Convictions
BURGLARY	1168
POSSESSION STOLEN VEHICLE	386
GRAND LARCENY	283
ATT BURGLARY	277
GRAND LARCENY OF MOTOR VEHICLE	186
POSSESSION STOLEN PROPERTY	176
ATT POSSESSION STOLEN VEHICLE	165
POSSESSION STOLEN CREDIT CARD	116
LARCENY FROM THE PERSON	93
ATT GRAND LARCENY	84
OTHER	825
Grand Total	3759

- To determine which offenses may be driving the prison population, the top ten offenses in the drug offense group and the property offense group for 2020 have been identified. (Several penalties in each of these offense groups were amended by the provisions of AB 236.)
- Future reports may include the top ten offenses in all offense groups and will include a comparison of the number of convictions for each offense.

NOTE: Convictions are counted based on individual sentences and are not aggregated by offender.



Admissions

Violation of parole or probation (Admissions: Figure 1) could be due to:

- Absconding (NRS 176A.630);
- Commission of certain offenses or the violation of certain orders identified in NRS 176A.510 as exempted from the definition of “technical violation”; or
- A technical violation, which could include violating conditions of supervision OR the commission of a misdemeanor not exempted from the definition of “technical violation.”

Parole violator admissions include those who are waiting for the outcome of a hearing that will determine whether parole will be revoked. (Revocation could be temporary or full.)

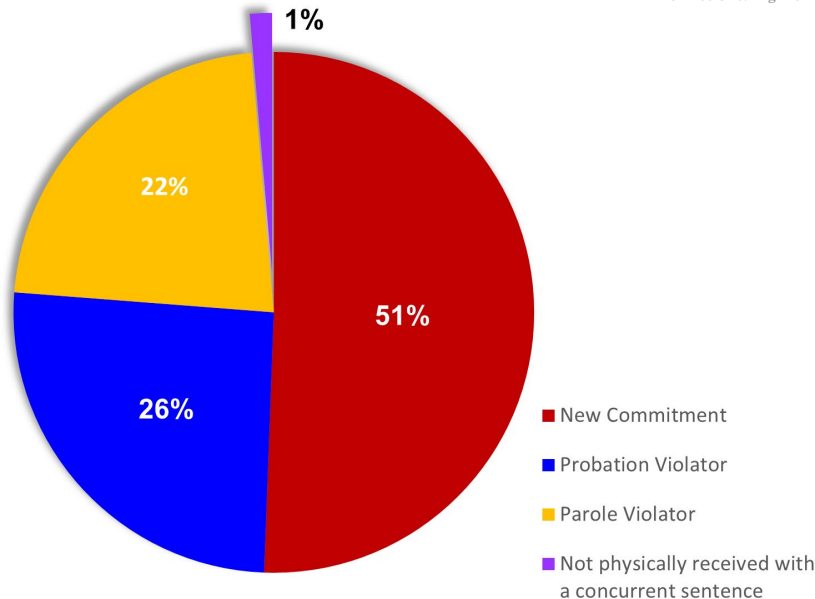
The majority of admissions in 2020 were:

- New commitments
- Category B felonies

NOTE: Felony category and offense groups based on highest active offense.

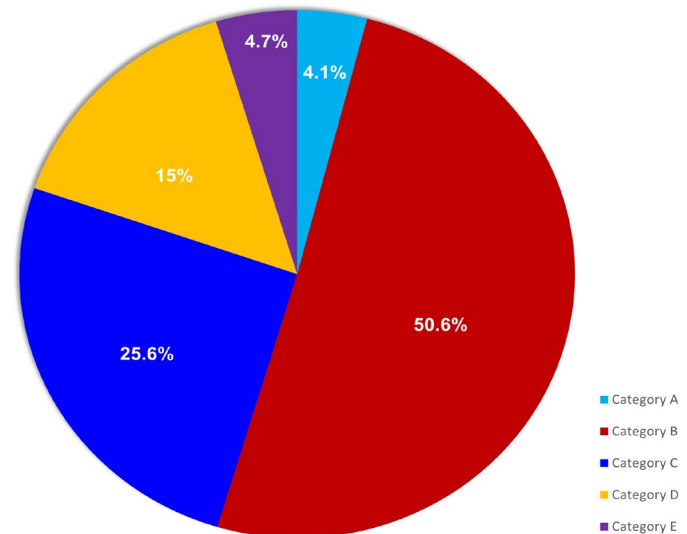
Prison Admissions by Type of Admission - 2020

Admissions: Figure 1



Prison Admissions by Felony Category - 2020

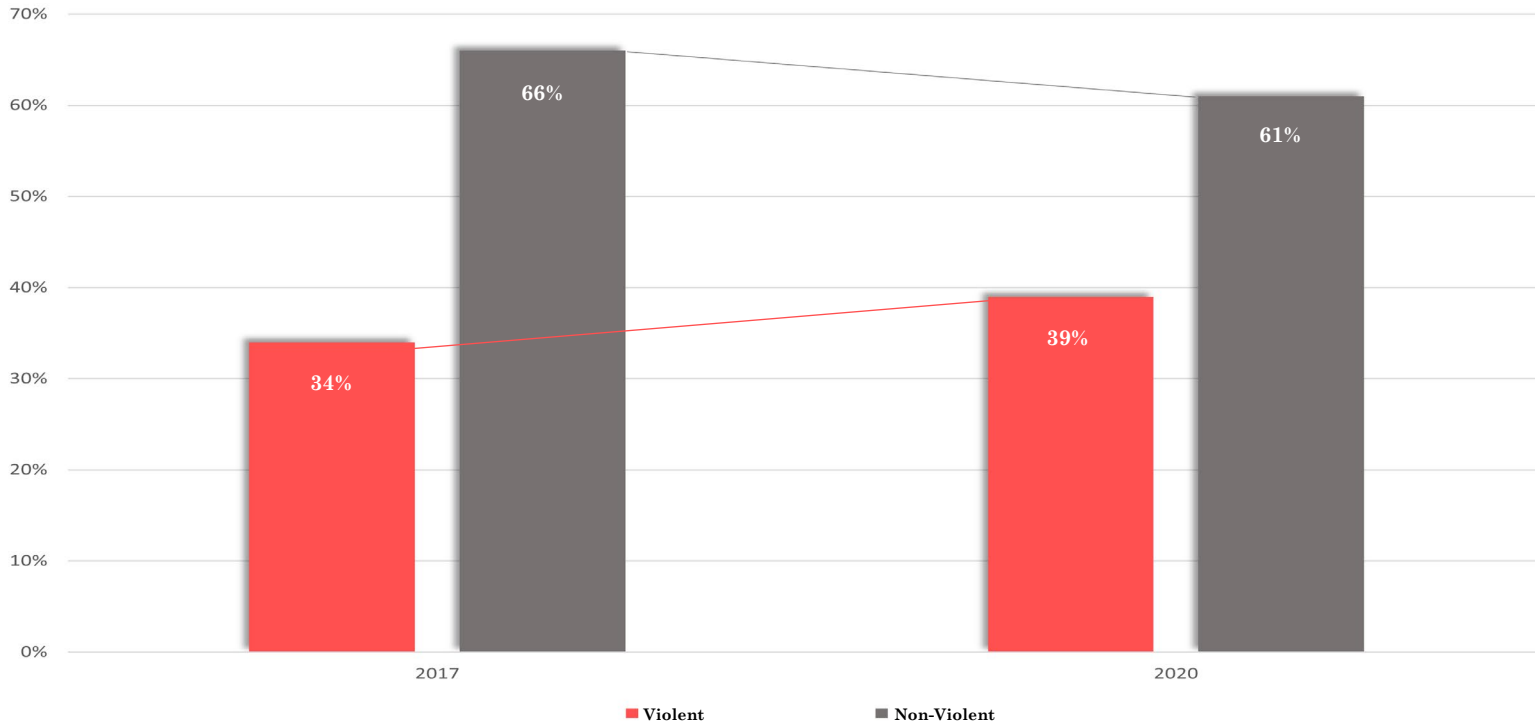
Admissions: Figure 2



Admissions

Prison Admissions by Offense Type 2017 and 2020 Comparison

Admissions: Figure 3



Sources:

2017 Data - January 2019 Final Report of the Nevada Advisory Commission on the Administration of Justice – Justice Reinvestment Initiative at 11, Fig. 3.66 (recreated and categories relabeled by NDSP for consistency in usage of terminology for purposes of data comparisons)
2020 Data - February 2021 AB 236 Report at 4, based on data from NDOC - comparison and analysis by NDSP

The recommendations that formed the basis of AB 236 identified 66% of prison admissions as non-violent compared to violent.

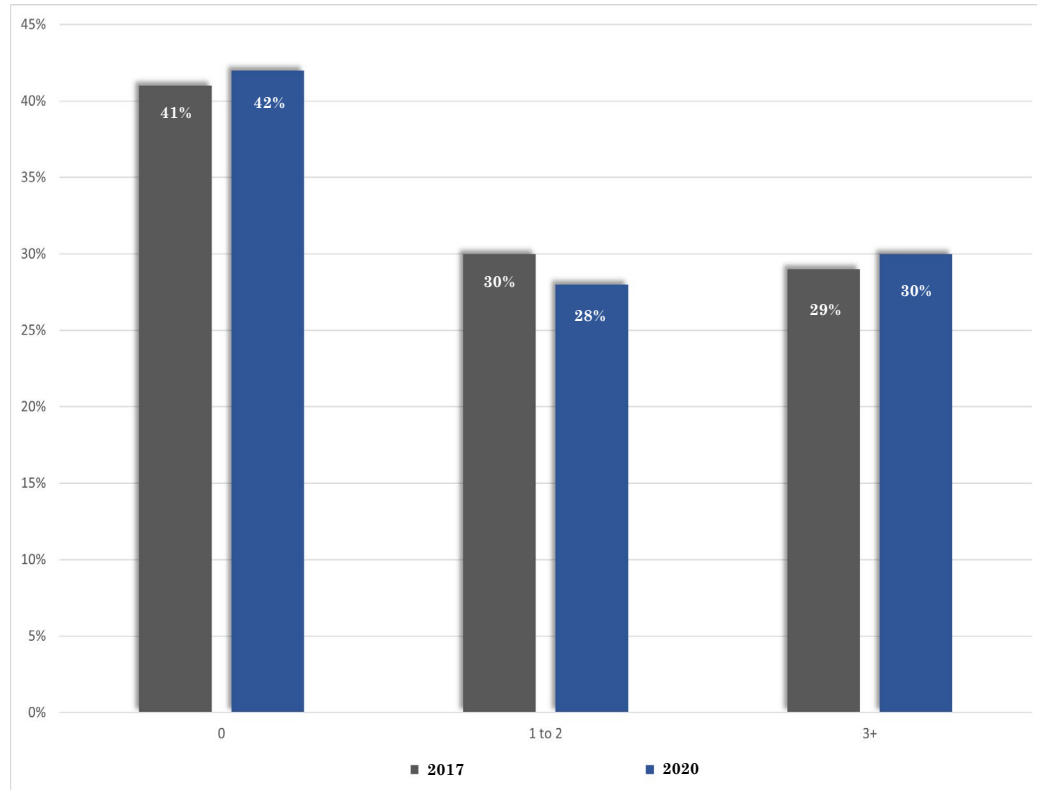
The admissions in 2020 show a decrease in non-violent offense admissions since 2017 and an increase in violent offense admissions.

- Non-violent offenses include the following offense groups: Drugs, DUI, Property, and Other.
- Violent offenses include the following offense groups: Violence and Sex.

Admissions

**Prison Admissions by Number of Prior Felony Convictions
2017 and 2020 Comparison**

Admissions: Figure 4



Sources:

2017 Data - NDOC data via Exhibit to March 8, 2019, Assembly Judiciary Committee Hearing on AB 236 (2019) (Assemblyman Yeager's presentation) at slide entitled "4 in 10 Admissions Have No Prior Felony Convictions" (recreated by NDSP for purposes of data comparisons)

2020 Data - February 2021 AB 236 Report at 5, based on data from NDOC - comparison and analysis by NDSP

The recommendations that formed the basis of AB 236 identified trends in admissions based on the number of prior felony convictions.

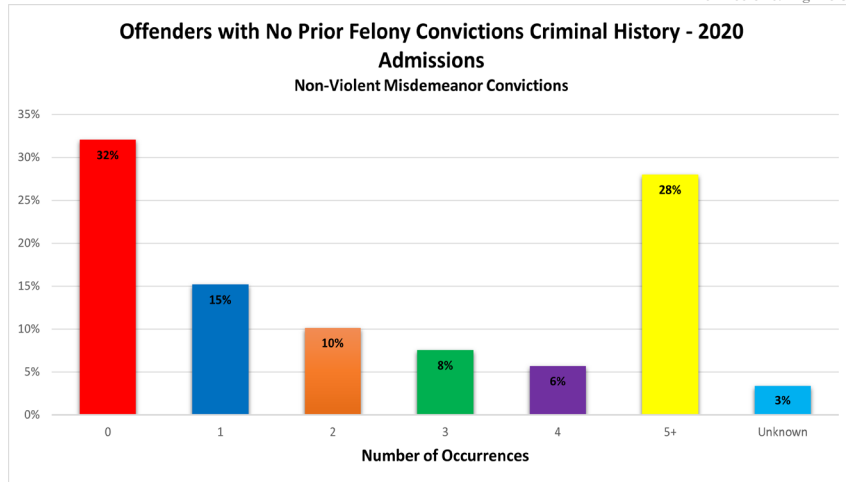
When the data was previously presented, it was organized by zero prior felony convictions, one to two prior felony convictions, and three or more felony convictions.

Compared to 2017, the number of admissions with zero prior felony convictions has slightly increased.

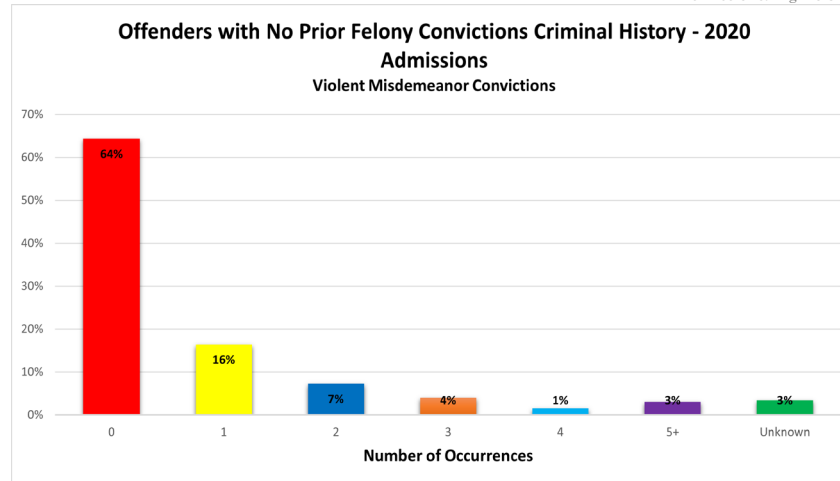
Admissions

Criminal History of Offenders with No Prior Felony Convictions

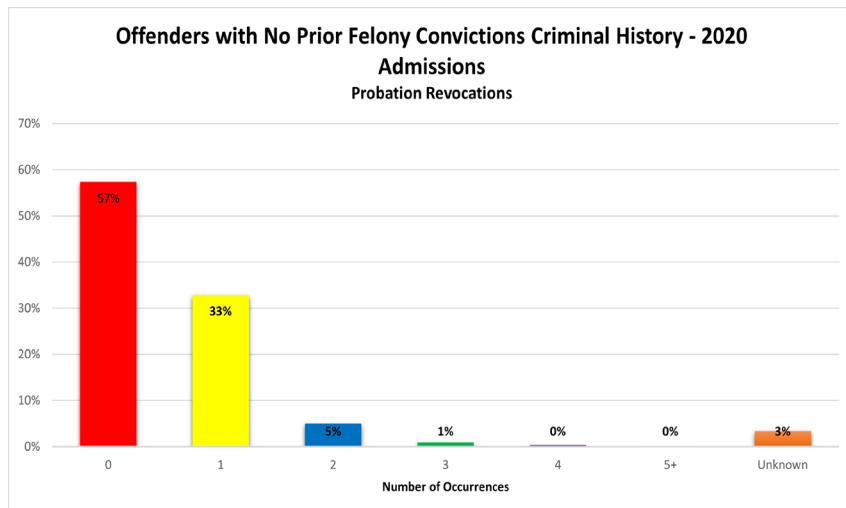
Admissions: Figure 5



Admissions: Figure 6



Admissions: Figure 7



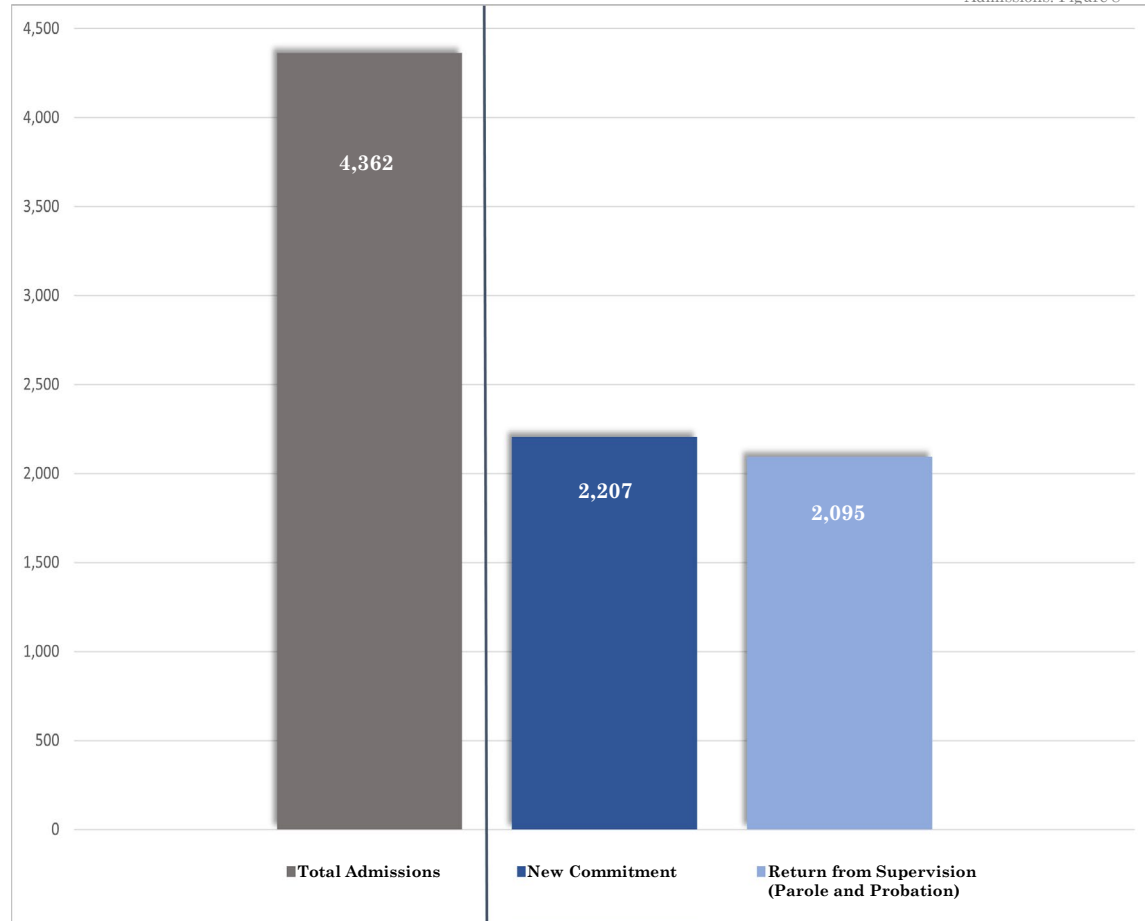
Offenders admitted with zero prior felony convictions may have a history of violating supervision or other contact with the criminal justice system.

- **Over 2/3 of those admitted with zero prior felony convictions have one or more non-violent misdemeanors. (Admissions: Figure 5)**
- **Just over 1/3 of those admitted with zero prior felony convictions have one or more violent misdemeanor convictions. (Admissions: Figure 6)**

Admissions

Prison Admissions
Comparison of New Commitments and Returns from Supervision - 2020

Admissions: Figure 8



Source: February 2021 AB 236 Report at 5, based on data from NDOC* - comparison and analysis by NDSP

*Data identifying the number of new commitments and returns from supervision in this chart exclude admissions that were identified as "Not Physically Received"

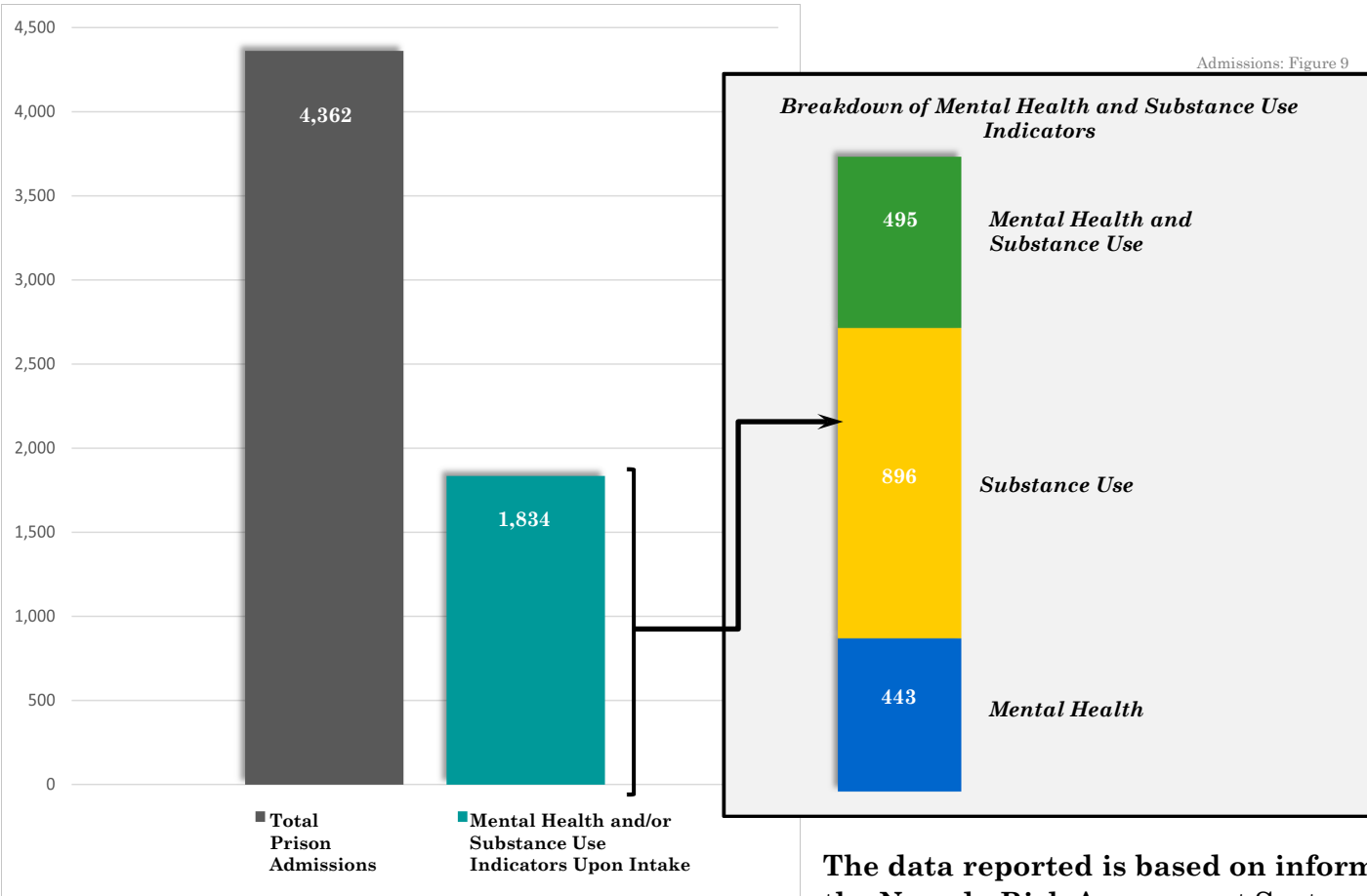
In 2020, there were slightly more new commitments than returns from supervision (those who have violated probation or parole).

This comparison may help measure where prison admissions are concentrated.

Future data analysis will be able to measure whether the growth in admissions is concentrated in new commitments or returns from supervision.

Admissions

Prison Admissions Mental Health and/or Substance Use Indicated at Intake - 2020



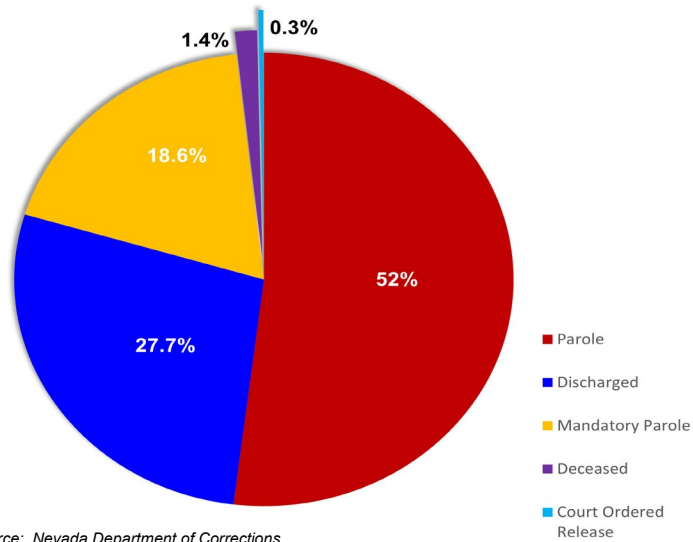
The data reported is based on information collected for the Nevada Risk Assessment System Prison Intake Tool (NRAS PIT).

- About 42% of admissions had mental health and/or substance use indicators

Releases

Prison Releases by Type of Release - 2020

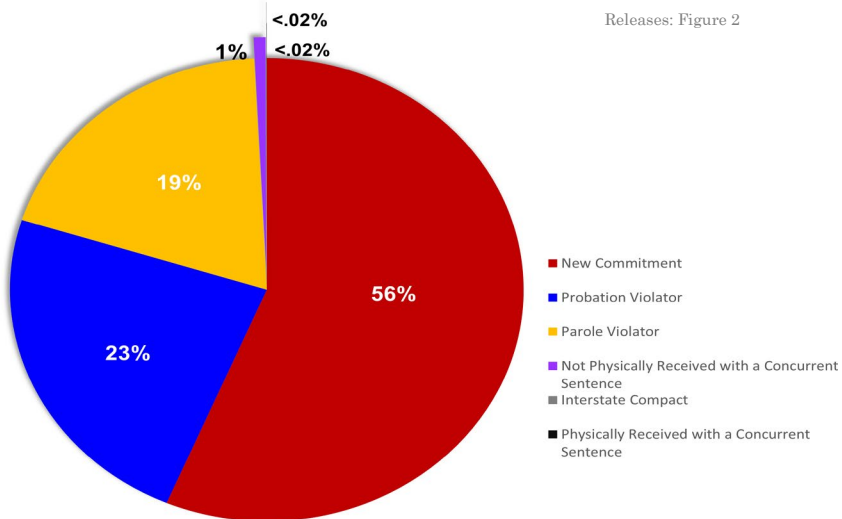
Releases: Figure 1



Source: Nevada Department of Corrections

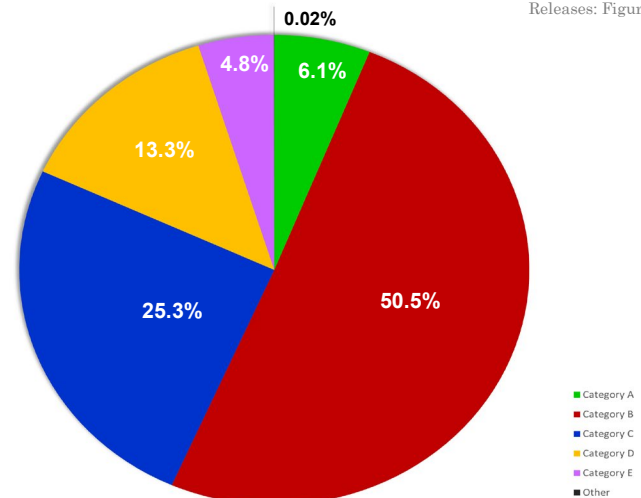
Prison Releases by Type of Admission- 2020

Releases: Figure 2



Prison Releases by Felony Category - 2020

Releases: Figure 3

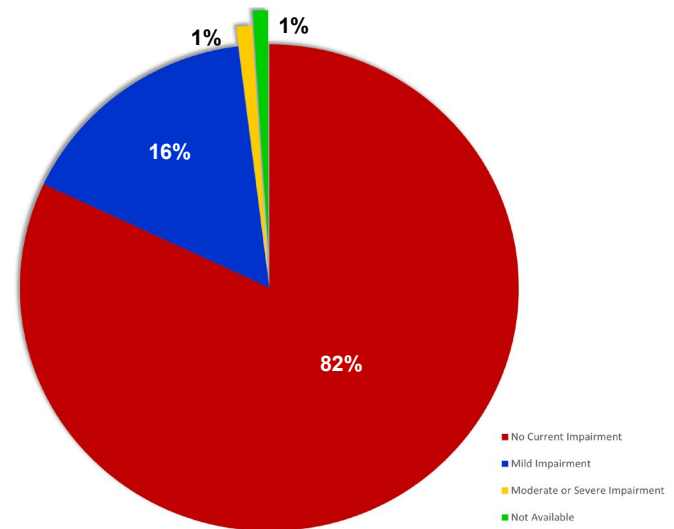


Releases

The data reported for mental health status is based on a mental health assessment used for classification and treatment purposes while the inmate is incarcerated. The assessment is conducted by a mental health professional. (Releases: Figure 4)

Prison Release by Mental Health Status - 2020

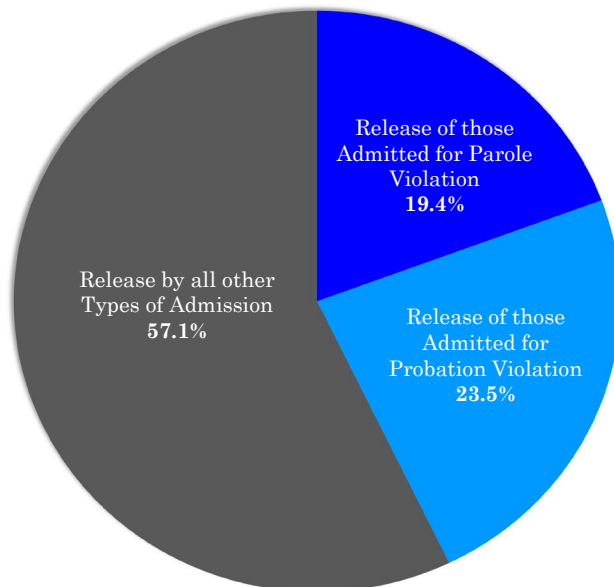
Releases: Figure 4



Source: February 2021 AB 236 Report at 15, based on data from NDOC – comparison and analysis by NDSP

Prison Releases by Type of Admission (Parole and Probation Violation) - 2020

Releases: Figure 5



Just over 42% of those released in 2020 were admitted as returns from supervision (probation and parole). (Releases: Figure 5)

Source: February 2021 AB 236 Report at 13, based on data from NDOC – comparison and analysis by NDSP

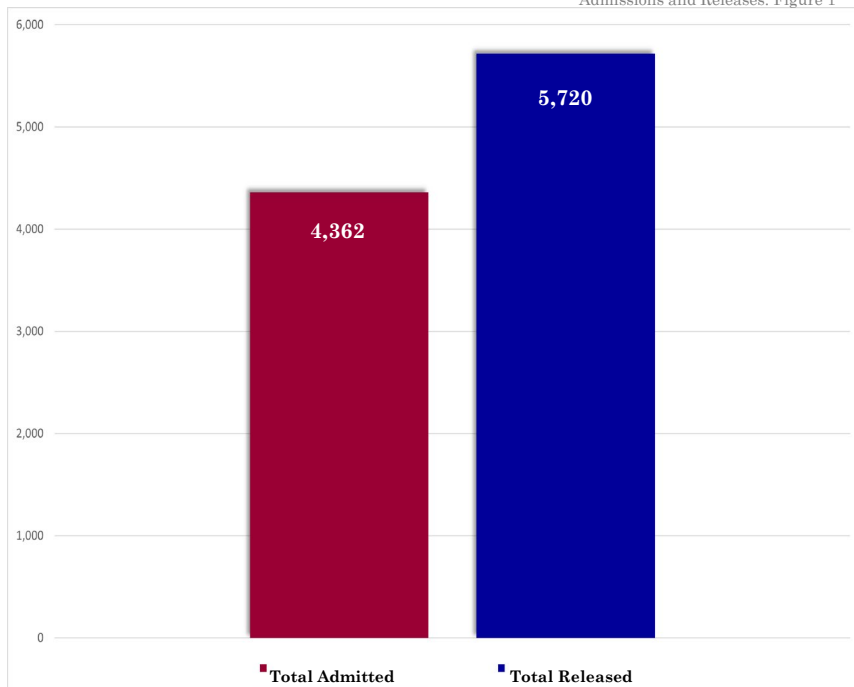
Comparison of Admissions and Releases

In 2020, the releases from prison surpassed the number of admissions. The Covid-19 pandemic resulted in a statewide lockdown that began on March 16, 2020. The lockdown impacted the criminal justice system in various ways including its ability to adjudicate cases, which may have impacted the number of admissions.

The ongoing tracking of admissions and releases over time will assist in the measurement of changes to the prison population.

Prison Admissions and Releases – 2020 Comparison

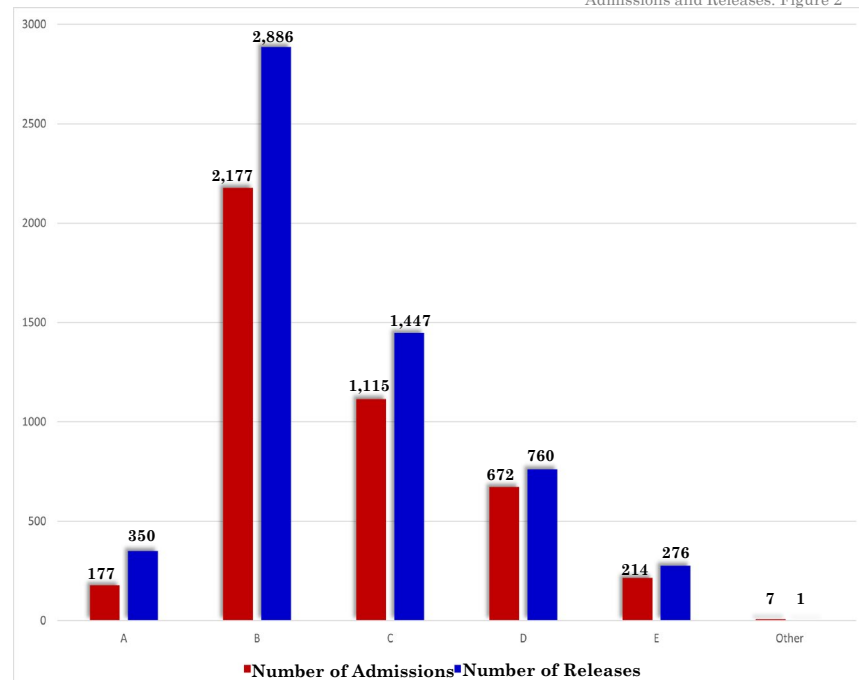
Admissions and Releases: Figure 1



Source: February 2021 AB 236 Report at 4 and 13, based on data from NDOC – comparison and analysis by NDSP

Prison Admissions and Releases by Felony Category - 2020

Admissions and Releases: Figure 2

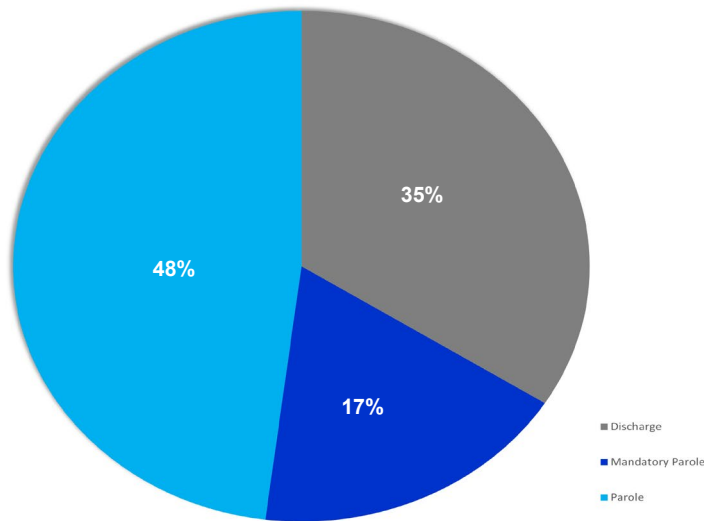


Source: February 2021 AB 236 Report at 5 and 13, based on data from NDOC – comparison and analysis by NDSP

Recidivism

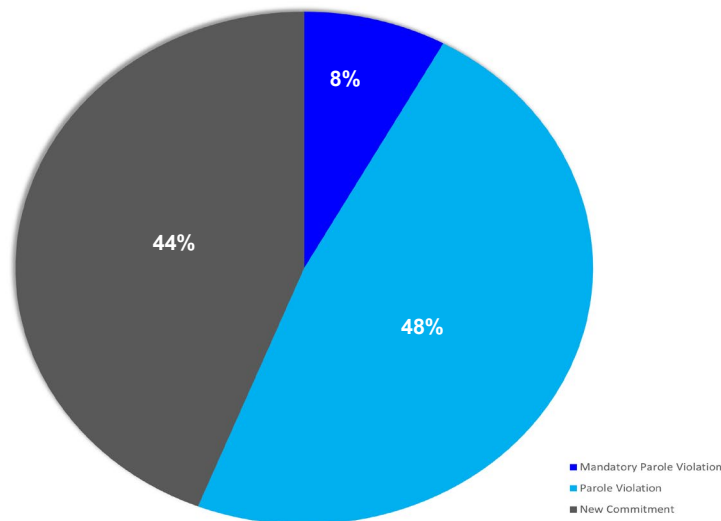
Recidivism by Type of Release

Recidivism: Figure 1



Recidivism by Type of Return

Recidivism: Figure 2



For the purposes of this data, **recidivism** is defined as an offender who returns to an institutional facility within three years of release.

Data concerning recidivism is calculated based on the year of release and a return within 36 months of release. Recidivism data is then identified as a cohort based on the year of release. Here, the data reported is for the 2016 Cohort.

Returns among the 2016 Cohort are concentrated among those who were granted mandatory parole or parole. (Recidivism: Figure 2)

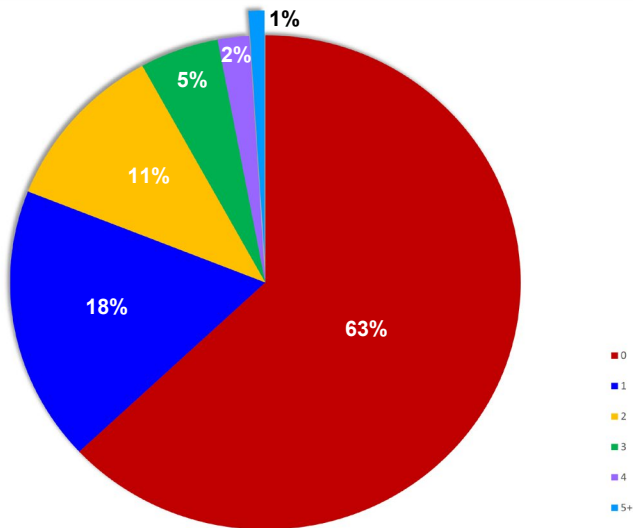
The **recidivism rate** (not pictured) of the 2016 Cohort by type of release is as follows:

- 20.37% rate for those who were discharged
- 21.80% rate for those were granted mandatory parole
- 30.81% rate for those granted parole

Recidivism

Recidivism by Number of Prior Convictions

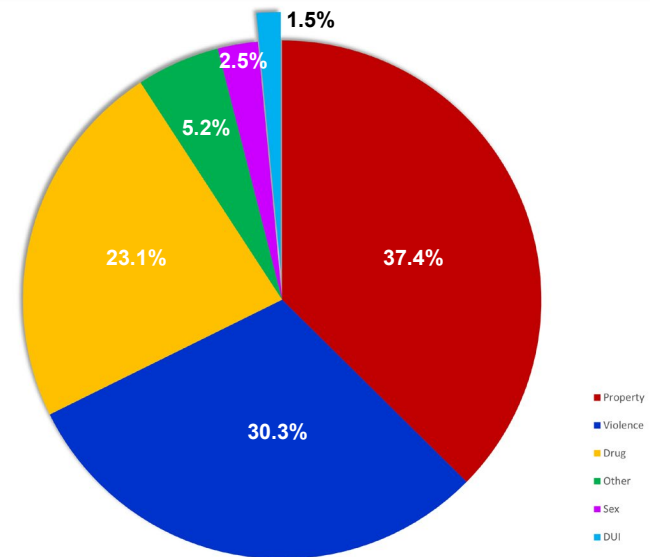
Recidivism: Figure 3



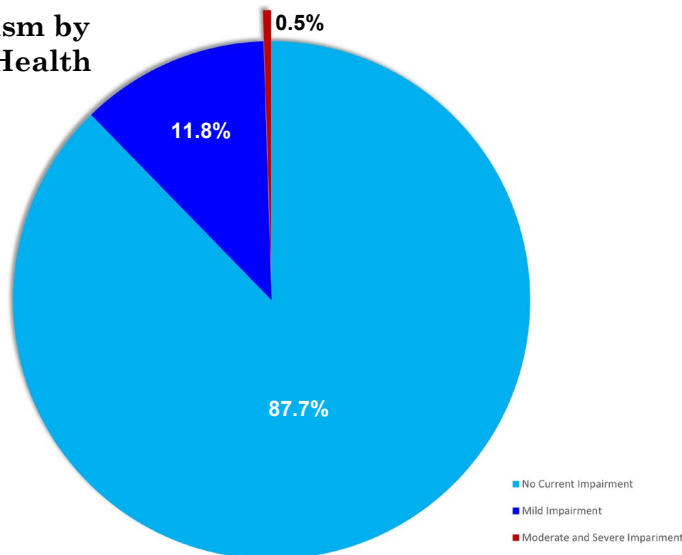
Recidivism: Figure 5

Recidivism by Type of Prior Conviction

Recidivism: Figure 4



Recidivism by Mental Health Status

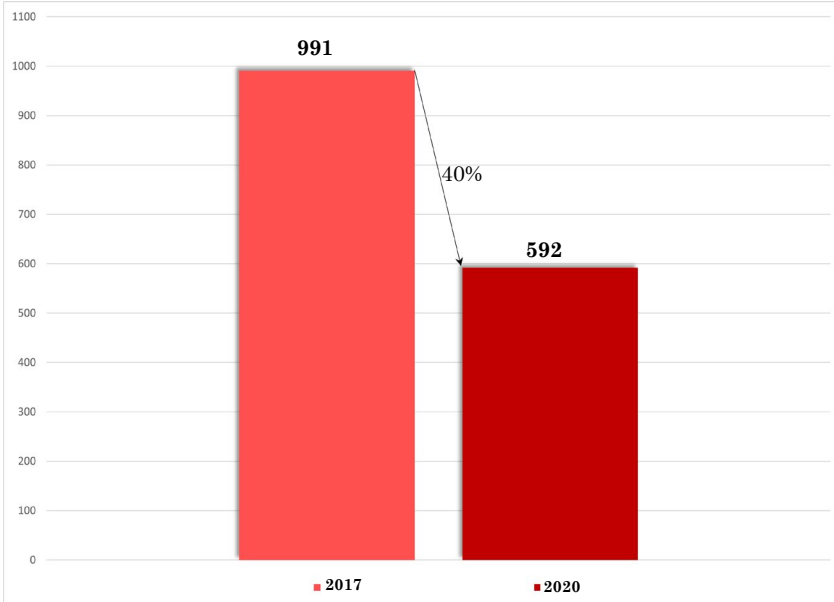


The data reported for mental health status is based on a mental health assessment used for classification and treatment purposes while the inmate was incarcerated. The assessment is conducted by a mental health professional. (Recidivism: Figure 5)

Female Admissions and Releases

Female Admissions 2017 and 2020 Comparison

Female Admissions and Releases: Figure 1

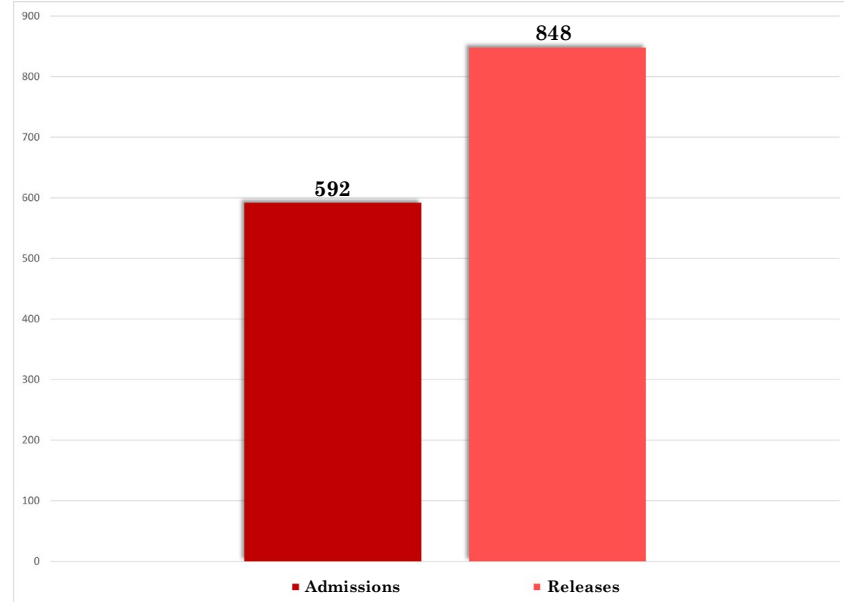


Sources: 2017 Data - January 2019 Final Report of the Nevada Advisory Commission on the Administration of Justice – Justice Reinvestment Initiative at 16, Fig. 7 (relevant information summarized by NDSP for purposes of data comparisons)

2020 Data - February 2021 AB 236 Report at 5, based on data from NDOC
Comparison and analysis by NDSP

Female Admissions and Releases - 2020

Female Admissions and Releases: Figure 2



Source: February 2021 AB 236 Report at 5 and 14, based on data from NDOC – comparison and analysis by NDSP

The recommendations that formed the basis of AB 236 presented data concerning admission and release trends among female offenders. Compared to the data presented in 2017, there has been a significant decrease in female admissions. (Female Admissions and Releases: Figure 1) Additionally, release of female inmates outpaced admission of female offenders. (Female Admissions and Releases: Figure 2)

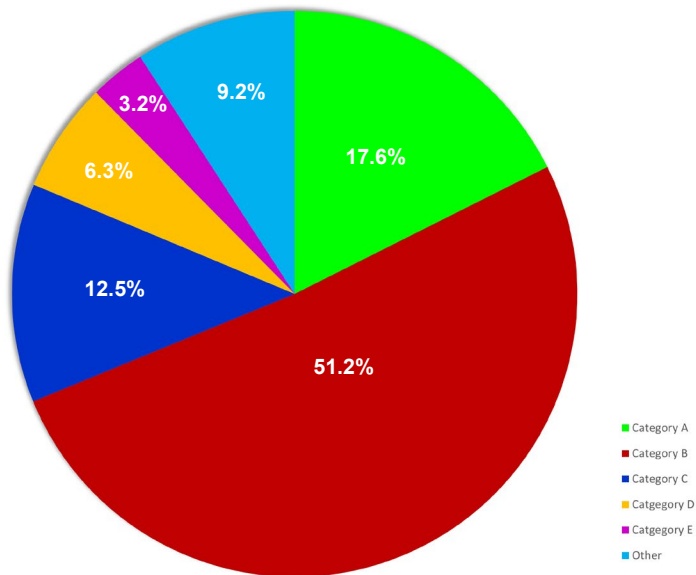
Data will be collected to attempt to measure and analyze the drivers that led to this decrease in female admissions. Tracking admissions and releases in the coming years will also inform the analysis as to whether impacts from the Covid-19 pandemic contributed to this decrease in admissions.

Parole and Probation Data

The largest percentage of those being supervised, whether on parole or probation, have been convicted of a crime categorized as a B felony.

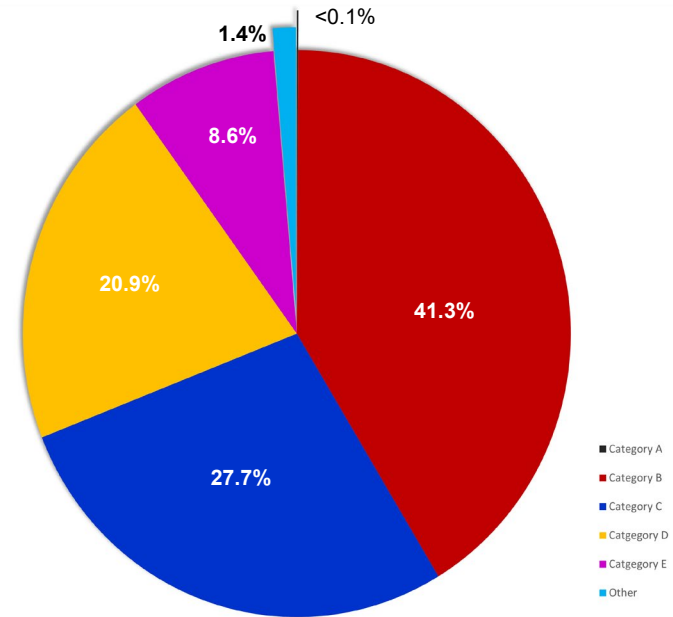
Offenders on Parole by Felony Category

Parole and Probation: Figure 2



Offenders on Probation by Felony Category

Parole and Probation: Figure 1



As the Division of Parole and Probation implements a new offender tracking system, more data will be collected and analyzed to measure and identify characteristics of those being supervised.

Future Reports and Ongoing Study

More data is being collected and additional research is being conducted to measure, assess, and analyze:

- The fiscal and practical impacts of the laws and policies related to technical violations, graduated sanctions, and temporary revocations as they were enacted in AB 236; and
- Corrections costs, the various ways they can be measured and how such costs are impacted by changes in the prison population, implementation of new policies, and changes from the 2021 Legislative Session.

Additionally, key metrics related to the recommendations that led to AB 236 will continue be identified and data will be collected to establish a baseline for those key metrics and any other metrics identified by the Department of Sentencing Policy and the Nevada Sentencing Commission.



SENTENCING POLICY

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