

AB 236 Subaward Update

Implementation & Challenges

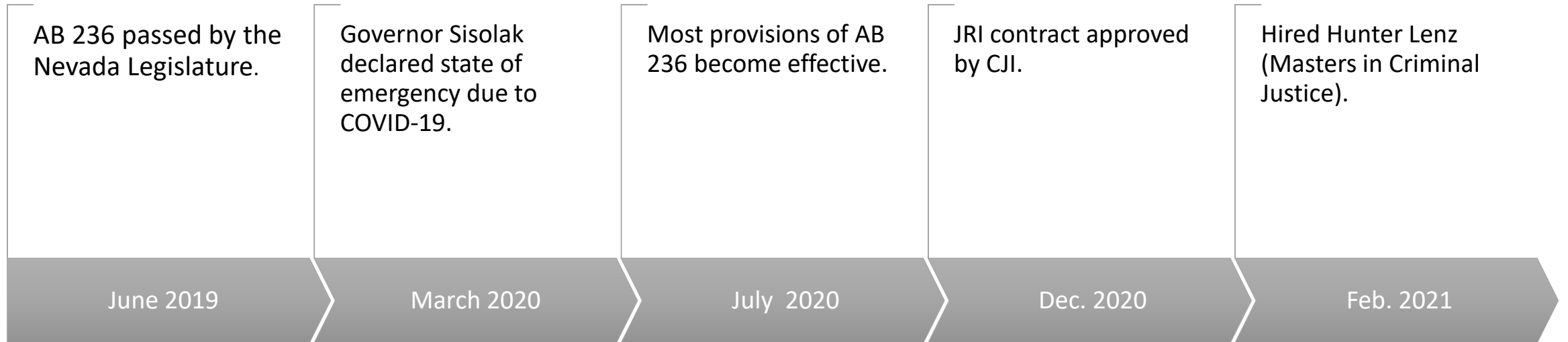
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Chief Deputy District Attorney
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Grant Objectives

- Train prosecutors regarding substantive changes to criminal justice statutes.
- Conform case management system to substantive changes to the NRS.
- Identify data points related to implementation.
- Identify methods of collecting data related to recidivism reduction, offense rates, and diversion outcomes.

Timeline



Training Resources: Attorneys

- AB 236 made extensive changes to NRS, including changes to offense elements, applicable penalties, and diversion eligibility.
- Bill became effective on July 1, 2020 in the midst of the COVID-19 pandemic.
- Created remote training with 5 modules taught by senior prosecutors in the WCDA.

Training Resources: Attorneys

Remotely Accessible Training Included:

1. Changes to Diversion
2. Controlled Substances & Habitual Criminal Enhancement
3. Parole & Probation
4. Burglary, Home Invasion, & Theft Offenses
5. Retroactivity Analysis

→ Shared with DA offices across Nevada.

Training Resources: Attorneys

Controlled Substances - Schedule I/II		
Weight	Offense	Penalty
<14g	PCS (1 st / 2 nd Offense)	Cat E
<14g	PCS 3 rd Offense	Cat D
14-<28g	Low Level PCS	Cat C
28-<42g	Mid Level PCS	Cat B 1-10
42-<100g	High Level PCS	Cat B 2-15
100-<400g	Low Level Trafficking	Cat B 2-20 NP
400g +	High Level Trafficking	Cat A 10 Life or 10-25 NP

Controlled Substances - Schedule III/IV/V		
Weight	Offense	Penalty
<28g	PCS (1 st / 2 nd Offense)	Cat E
<28g	PCS 3 rd Offense	Cat D
28-<200g	Low Level PCS	Cat C
200g+	Mid Level PCS	Cat B 1-10

AB 236 CHEAT SHEET

Probation Terms	
Gross Misdemeanor	12 months*
Cat E Felony	18 months*
Cat C and D Felony	24 months*
Cat B Felony	36 months*
Child Abuse and NRS 202.876 Crimes	60 months

*P&P is required to seek **early termination** after 12 months if no violations and if restitution paid

NRS 202.876: Crimes of Violence and Sexual Offenses	
1. Murder or voluntary manslaughter;	
2. Mayhem;	
3. Kidnapping;	
4. Sexual assault;	
5. Robbery;	
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death;	
7. Battery with intent to commit a crime, battery with the use of a deadly weapon or which results in substantial bodily harm, battery committed by strangulation;	
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence;	
9. False imprisonment if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon;	
10. Assault with a deadly weapon	
11. An offense involving pornography and a minor pursuant;	
12. Intentional transmission of the human immunodeficiency virus;	
13. Open or gross lewdness;	
14. Lewdness with a child;	
15. An offense involving pandering or sex trafficking;	
16. Coercion, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon;	
17. An attempt, conspiracy or solicitation to commit an offense listed.	

AB 236 CHEAT SHEET

Revocation Proceedings	
Technical violations must be handled by a new graduated sanctions process developed by P&P. In-court revocation only after the graduated sanctions process has been exhausted.	
For in-court revocations, a judge may not revoke on a technical violation until the fourth offense. For a technical violation, the court may temporarily revoke a defendant: <ol style="list-style-type: none"> Up to 30 days for the first violation; Up to 90 days for a second violation; Up to 180 days for a third violation. 	

Technical Violations of Parole and Probation	
"Technical violation" means any alleged violation of the probation or parole that: <ol style="list-style-type: none"> Does not constitute absconding. "Absconding" means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more Is not the commission of a new: <ol style="list-style-type: none"> Felony or gross misdemeanor Battery which constitutes domestic violence DUI Misdemeanor crime of violence as defined in NRS 200.408 Harassment, stalking or aggravated stalking Violation of a temporary or extended order for protection Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised. The term does not include termination from a specialty court program. 	

Burglary Penalties		
Type of Structure	Offense	Penalty
Residential	1 st Offense	Cat B 1-10
	2 nd Offense	Cat B 1-10, NP
Motor Vehicle	1 st Offense	Cat E
	2 nd Offense	Cat D
Business Structure		Cat C
Structure		Cat D
Any Burglary w/ Deadly Weapon		Cat B 2-15

AB 236 CHEAT SHEET

Residential Burglary	
<ul style="list-style-type: none"> A person who By day or night Unlawfully enters or unlawfully remains In any dwelling With the intent to commit: <ul style="list-style-type: none"> Grand or petit larceny, Assault or battery on a person, Any felony, or To obtain money or property by false pretenses. 	
<p>"Dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car, including, without limitation, any part thereof that is divided into a separately occupied unit in which any person lives OR which is customarily used by a person for overnight accommodations – regardless of whether the person is inside at the time of the offense.</p>	

Burglary of a Business/Motor Vehicle/Structure	
<ul style="list-style-type: none"> A person who By day or night Unlawfully enters or unlawfully remains In any business structure/Motor Vehicle/Structure With the intent to commit: <ul style="list-style-type: none"> Grand or petit larceny, Assault or battery on a person, Any Felony 	
<p>"Motor vehicle" means any motorized craft or device designed for the transportation of a person or property across land or water or through the air which does not qualify as a dwelling or business structure</p>	
<p>"Business structure" means any structure or building, the primary purpose of which is to carry on any lawful effort for a business, including, without limitation, any business with an educational, industrial, benevolent, social or political purpose, regardless of whether the business is operated for profit.</p>	
<p>"Structure" is not defined by statute.</p>	

Habitual Criminal	
5 felonies (excluding PCS) for small habitual treatment	
7 felonies (excluding PCS) for large habitual treatment	

Prosecutors also supplied with two-page quick reference sheets summarizing major changes.



Case Management System

AB 236:

- Created new offenses
- Changed some offense categories and penalties
- Repealed some offenses

Required extensive changes to our CMS to ensure NOCs and language for all autopopulated documents were current, and obsolete information was identified.

Identification of Data Points

Theft Offenses

Drug Offenses

Burglary

Goal:

Develop methods to assess impact of AB 236
on offense rates.

Challenges Changes to Criminal Justice Data Systems

- Just prior to AB 236 passage, records management system used by Northern Nevada Regional Intelligence Center at end of life.
- NNRIC transitioned from Uniform Crime Report to National Incidence Reporting System.

Challenges: Limitations of Prior and Current Criminal Justice Data Systems

- UCR: FBI based system with only 30 offense categories, so it only captured a fraction of available data.
- NIBRS has 70 offense categories, and tracks all three major northern Nevada criminal justice agencies, without requiring compilation by analysts.

Challenges: Offense Rate Information

- Because prior data from UCR did not track all offense categories, data gathered prior to 2019 was much less accurate.
- All three agencies began entering NIBRS data after 8/1/2019; however, NIBRS reporting did not begin until 11/1/2019.
- Data entered during initial entry should be subject to greater scrutiny because although the data was validated for reporting purposes, all three agencies were still gaining familiarity with the new system.

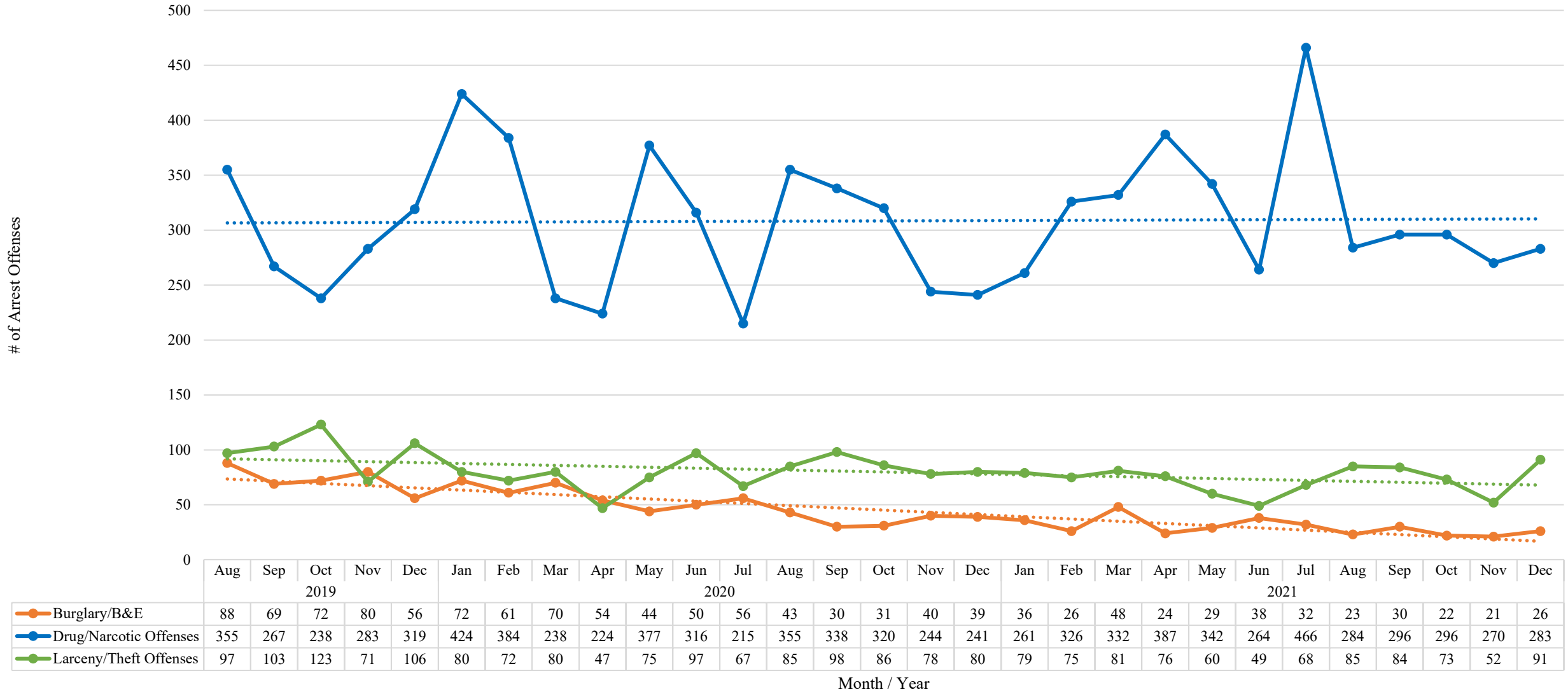
Data Collection Methodology

- Using NIBRS, NNRIC analyst ran reports with arrest dates between August 1, 2019 and December 31, 2021.
- Included cases from Reno Police Department, Sparks Police Department, and Washoe County Sheriff's Office.

Data Collection Methodology

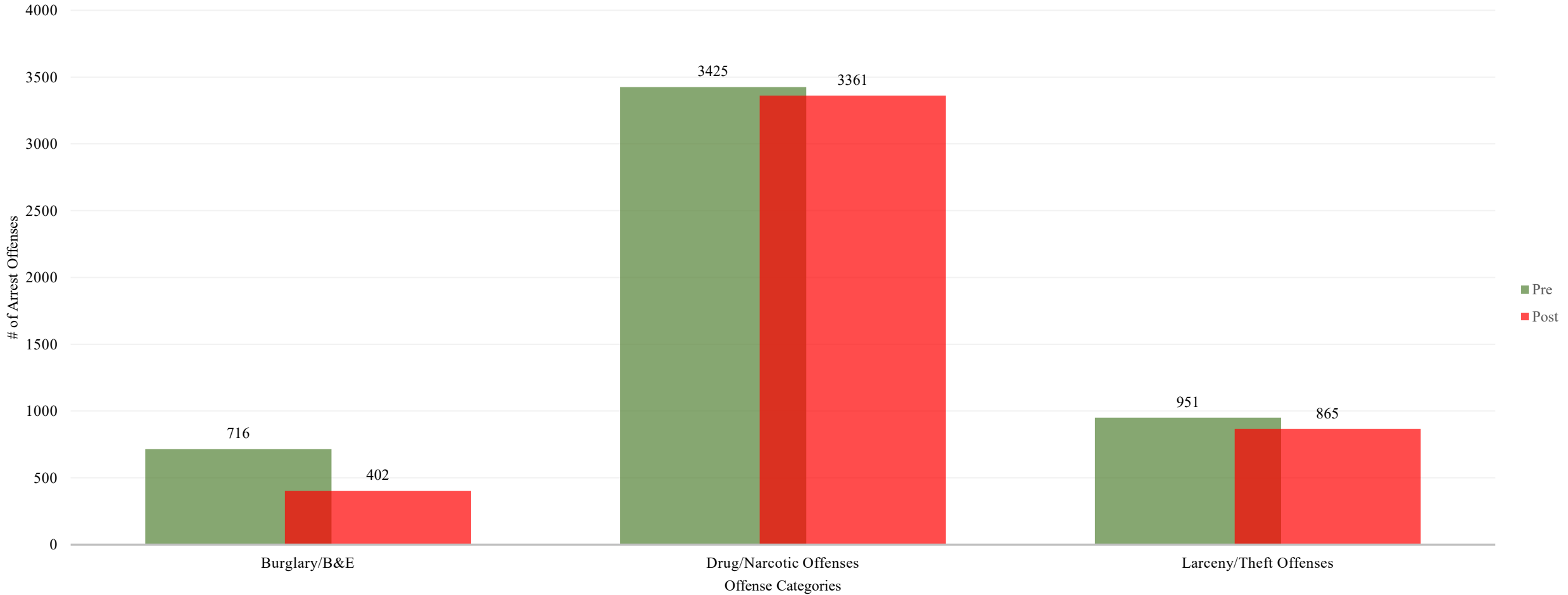
- Excluded cases with incident location of the Washoe County Jail because less reflective of community.
- Warrant arrests were excluded from inquiry because 95% of those arrests are due to a failure to appear or a failure to comply.
- If those arrests were included, would include crimes from as far back as 2009 and pollute the accuracy of data.

Regional Burglary, Drug, and Larceny Arrest Offenses by Month / Year



—●— Burglary/B&E
 —●— Drug/Narcotic Offenses
 —●— Larceny/Theft Offenses
 ⋯ Linear (Burglary/B&E)
 ⋯ Linear (Drug/Narcotic Offenses)
 ⋯ Linear (Larceny/Theft Offenses)

Regional Burglary, Drug, and Larceny Arrest Offenses by Era



Offense Categories	Pre-Legislation	Post-Legislation	Percent Change
Burglary/B&E	716	402	-43.85%
Drug/Narcotic Offenses	3425	3361	-1.87%
Larceny/Theft Offenses	951	865	-9.04%

Top Burglary NOC Code Comparison

Smart NOC: B03001B00NV **Class Code:** B **Effective Date:** 1/1/2009 **NIBRS Codes**
Short NOC: 50424 **Retainable:** Y **Repealed:** 6/30/2020 13A 13B
Statute: 205.060.2 **Inactive:** Y **DMV:** 13C 23D
Jurisdiction: NV **SRS:** 05 **ACD:** 23F 23G
NCIC: 2299 **USJR_DC:** F06G **USJR_LC:** F06L 23H 220

Short Description
 BURGLARY, (1ST)

Long Description
 BURGLARY, FIRST OFFENSE

NCS Description
 BURGLARY, 1ST

Smart NOC: B03026E00NV **Class Code:** E **Effective Date:** 7/1/2020 **NIBRS Codes**
Short NOC: 61944 **Retainable:** Y **Repealed:** 23F
Statute: 205.060.1C **Inactive:** N **DMV:**
Jurisdiction: NV **SRS:** 06XD **ACD:**
NCIC: 2399 **USJR_DC:** F06G **USJR_LC:** F06L

Short Description
 BURGLARY OF A MOTOR VEH, 1ST OFF

Long Description
 BURGLARY OF A MOTOR VEHICLE, FIRST OFFENSE

NCS Description
 BURGLARY OF A MOTOR VEH, 1ST OFF

Smart NOC: B03001B01NV **Class Code:** B **Effective Date:** 1/1/2009 **NIBRS Codes**
Short NOC: 50425 **Retainable:** Y **Repealed:** 6/30/2020 13A 13B
Statute: 205.060.2 **Inactive:** Y **DMV:** 13C 23D
Jurisdiction: NV **SRS:** 05 **ACD:** 23F 23G
NCIC: 2299 **USJR_DC:** F06G **USJR_LC:** F06L 23H 220

Short Description
 BURGLARY, (2+)

Long Description
 BURGLARY, SECOND OR SUBSEQUENT OFFENSE

NCS Description
 BURGLARY, 2ND+

Smart NOC: B03020C00NV **Class Code:** C **Effective Date:** 7/1/2020 **NIBRS Codes**
Short NOC: 61938 **Retainable:** Y **Repealed:** 220
Statute: 205.060.1B **Inactive:** N **DMV:**
Jurisdiction: NV **SRS:** 05 **ACD:**
NCIC: 2299 **USJR_DC:** F06G **USJR_LC:** F06L

Short Description
 BURGLARY OF A BUSINESS, 1ST OFF

Long Description
 BURGLARY OF A BUSINESS, FIRST OFFENSE

NCS Description
 BURGLARY OF A BUSINESS, 1ST OFF

Pre-Legislation		Post-Legislation	
NOC	Arrest Counts Charged	NOC	Arrest Counts Charged
50424	562	61944	110
50425	81	61938	106
50426	14	61934	69

Smart NOC: B03001B02NV **Class Code:** B **Effective Date:** 1/1/2009 **NIBRS Codes**
Short NOC: 50426 **Retainable:** Y **Repealed:** 13A 13B
Statute: 205.060.5 **Inactive:** N **DMV:** 13C 23D
Jurisdiction: NV **SRS:** 05 **ACD:** 23F 23G
NCIC: 2299 **USJR_DC:** F06G **USJR_LC:** F06L 23H 220
 520

Short Description
 BURGLARY WHILE POSS OF GUN/DW

Long Description
 BURGLARY WHILE IN POSSESSION OF FIREARM OR DEADLY WEAPON

NCS Description
 BURGLARY WHILE IN POSSESSION OF FIREARM OR DEADLY WEAPON

Smart NOC: B03016B00NV **Class Code:** B **Effective Date:** 7/1/2020 **NIBRS Codes**
Short NOC: 61934 **Retainable:** Y **Repealed:** 220
Statute: 205.060.1A **Inactive:** N **DMV:**
Jurisdiction: NV **SRS:** 05 **ACD:**
NCIC: 2299 **USJR_DC:** F06G **USJR_LC:** F06L

Short Description
 RES BURGL, 1ST OFF

Long Description
 RESIDENTIAL BURGLARY, FIRST OFFENSE

NCS Description
 RESIDENTIAL BURGLARY, 1ST OFF

Top Drug NOC Code Comparison

Smart NOC: D01029E00NV **Class Code:** E **Effective Date:** 1/1/2009 **NIBRS Codes**

Short NOC: 51127 **Retainable:** Y **Repealed:** 6/30/2020 35A

Statute: 453.336.2a **Inactive:** Y **DMV:**

Jurisdiction: NV **SRS:** 18 **ACD:**

NCIC: 3599 **USJR_DC:** F07G **USJR_LC:** F07L

Short Description
POSS SCH I, II, III, IV C/S, (1ST/2ND)

Long Description
POSSESS SCHEDULE I, II, III OR IV CONTROLLED SUBSTANCE, FIRST OR SECOND OFFENSE

NCS Description
POSSESS SCH I, II, III OR IV CONT SUB, 1ST/2ND

Smart NOC: D01190E00NV **Class Code:** E **Effective Date:** 7/1/2020 **NIBRS Codes**

Short NOC: 62073 **Retainable:** Y **Repealed:** 35A

Statute: 453.336.2A **Inactive:** N **DMV:**

Jurisdiction: NV **SRS:** 18 **ACD:**

NCIC: 3599 **USJR_DC:** F07G **USJR_LC:** F07L

Short Description
POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF

Long Description
POSSESS SCHEDULE I OR II CONTROLLED SUBSTANCE LESS THAN 14 GRAMS, FIRST OR SECOND OFFENSE

NCS Description
POSS SCH I OR II CONT SUB LT 14 GRAMS, 1ST OR 2ND OFF

Smart NOC: D01043B00NV **Class Code:** B **Effective Date:** 1/1/2009 **NIBRS Codes**

Short NOC: 51156 **Retainable:** Y **Repealed:** 6/30/2020 35A

Statute: 453.3385.1A **Inactive:** Y **DMV:**

Jurisdiction: NV **SRS:** 18 **ACD:**

NCIC: 3599 **USJR_DC:** F07G **USJR_LC:** F07L

Short Description
TRAFFICK SCH I C/S, FLNTRZPM/GHB, 4-14 GRM

Long Description
TRAFFICKING OF SCHEDULE I CONTROLLED SUBSTANCE OR FLUNITRAZEPAM, GAMMA-HYDROXYBUTYRATE OR SUBSTANCE CONTAINING SPECIFIED SUBSTANCE(S), 4 GRAMS OR MORE, BUT LESS THAN 14 GRAMS

NCS Description
TRAFFICKING OF SCH I CONT SUB OR FLUNITRAZEPAM/GHB, 4 - 14 GRAMS

Smart NOC: D01184C00NV **Class Code:** C **Effective Date:** 7/1/2020 **NIBRS Codes**

Short NOC: 62067 **Retainable:** Y **Repealed:** 35A

Statute: 453.321.2A **Inactive:** N **DMV:**

Jurisdiction: NV **SRS:** 18 **ACD:**

NCIC: 3599 **USJR_DC:** F07G **USJR_LC:** F07L

Short Description
SELL/TRANS OR ATT SCH 1 OR II C/S, 1ST OFF

Long Description
SELL, TRANSPORT, GIVE OR ATTEMPT TO SELL, TRANSPORT, GIVE SCHEDULE I OR II CONTROLLED SUBSTANCE, FIRST OFFENSE

NCS Description
SELL, TRANSPORT, GIVE OR ATTEMPT TO SELL, TRANSPORT, GIVE SCH I OR II C/S, 1ST OFF

Pre-Legislation		Post-Legislation	
NOC	Arrest Counts Charged	NOC	Arrest Counts Charged
51127	1492	62073	1441
51156	148	62067	127
51160	92	62084	125

Smart NOC: D01045A00NV **Class Code:** A **Effective Date:** 1/1/2009 **NIBRS Codes**

Short NOC: 51160 **Retainable:** Y **Repealed:** 6/30/2020 35A

Statute: 453.3385.1C **Inactive:** Y **DMV:**

Jurisdiction: NV **SRS:** 18 **ACD:**

NCIC: 3599 **USJR_DC:** F07G **USJR_LC:** F07L

Short Description
TRAFFICK SCH I C/S, FLNTRZPM/GHB, 28+ GRM

Long Description
TRAFFICKING OF SCHEDULE I CONTROLLED SUBSTANCE OR FLUNITRAZEPAM, GAMMA-HYDROXYBUTYRATE OR SUBSTANCE CONTAINING SPECIFIED SUBSTANCE(S), 28 GRAMS OR MORE

NCS Description
TRAFFICKING OF SCH I CONT SUB OR FLUNITRAZEPAM/GHB, 28 GRAMS OR MORE

Smart NOC: D01201B00NV **Class Code:** B **Effective Date:** 7/1/2020 **NIBRS Codes**

Short NOC: 62084 **Retainable:** Y **Repealed:** 35A

Statute: 453.336.2E **Inactive:** N **DMV:**

Jurisdiction: NV **SRS:** 18 **ACD:**

NCIC: 3599 **USJR_DC:** F07G **USJR_LC:** F07L

Short Description
POSS SCH I, II C/S 42+ GRAMS

Long Description
POSSESS SCHEDULE I OR II CONTROLLED SUBSTANCE 42 GRAMS OR MORE

NCS Description
POSS SCH I OR II CONT SUB 42 GRAMS OR MORE

Top Theft NOC Code Comparison

Smart NOC: 80809M00NV **Class Code:** M **Effective Date:** 10/1/2011 **NIBRS Codes**
Short NOC: 56054 **Retainable:** Y **Repealed:** 6/30/2020 280
Statute: 205.275.2a **Inactive:** Y **DMV:**
Jurisdiction: NV **SRS:** 13 **ACD:**
NCIC: 2899 **USJR_DC:** **USJR_LC:** M64L

Short Description
 BUY/POSS/RCV STOLEN PROP, LT \$650

Long Description
 BUY, POSSESS, RECEIVE OR WITHHOLD STOLEN PROPERTY, VALUE LESS THAN \$650

NCS Description
 BUY, POSSESS, RECEIVE OR WITHHOLD STOLEN PROPERTY, LT \$650

Smart NOC: 806089C00NV **Class Code:** C **Effective Date:** 7/1/2020 **NIBRS Codes**
Short NOC: 62125 **Retainable:** Y **Repealed:** 240
Statute: 205.228.2A **Inactive:** N **DMV:**
Jurisdiction: NV **SRS:** 07 **ACD:**
NCIC: 2404 **USJR_DC:** F06G **USJR_LC:** F06L

Short Description
 GRAND LARCENY OF MOTOR VEH, 1ST OFF

Long Description
 GRAND LARCENY OF MOTOR VEHICLE, FIRST OFFENSE

NCS Description
 GRAND LARCENY OF MOTOR VEH, 1ST OFF

Smart NOC: 807021B00NV **Class Code:** B **Effective Date:** 10/1/2011 **NIBRS Codes**
Short NOC: 56048 **Retainable:** Y **Repealed:** 6/30/2020 280
Statute: 205.273.4 **Inactive:** Y **DMV:**
Jurisdiction: NV **SRS:** 13 **ACD:**
NCIC: 2899 **USJR_DC:** F06G **USJR_LC:** F06L

Short Description
 POSS/RCV/TRANF STOLEN VEH, \$3500+

Long Description
 POSSESS, RECEIVE, OR TRANSFER STOLEN VEHICLE, VALUE \$3500 OR GREATER

NCS Description
 POSSESS, RECEIVE, OR TRANSFER STOLEN VEHICLE, \$3500+

Smart NOC: 808016M00NV **Class Code:** M **Effective Date:** 7/1/2020 **NIBRS Codes**
Short NOC: 61985 **Retainable:** Y **Repealed:** 280
Statute: 205.275.2A **Inactive:** N **DMV:**
Jurisdiction: NV **SRS:** 13 **ACD:**
NCIC: 2899 **USJR_DC:** **USJR_LC:** M64L

Short Description
 BUY/POSS/RCV STOLEN PROP, LT \$1200

Long Description
 BUY, POSSESS, RECEIVE OR WITHHOLD STOLEN PROPERTY, VALUE LESS THAN \$1200

NCS Description
 BUY, POSSESS, RECEIVE OR WITHHOLD STOLEN PROP, LT \$1200

Pre-Legislation		Post-Legislation	
NOC	Arrest Counts Charged	NOC	Arrest Counts Charged
56054	121	62125	95
56048	117	61985	91
56004	106	62130	80

Smart NOC: 806041C00NV **Class Code:** C **Effective Date:** 10/1/2011 **NIBRS Codes**
Short NOC: 56004 **Retainable:** Y **Repealed:** 6/30/2020 23A 23B
Statute: 205.222.2 **Inactive:** Y **DMV:** 23C 23D
Jurisdiction: NV **SRS:** 06 **ACD:** 23E 23F
NCIC: 2399 **USJR_DC:** F06G **USJR_LC:** F06L 23G 23H

Short Description
 GRAND LARCENY, LT \$3500

Long Description
 GRAND LARCENY, PROPERTY VALUE LESS THAN \$3500

NCS Description
 GRAND LARCENY, PROPERTY LT \$3500

Smart NOC: 806094D00NV **Class Code:** D **Effective Date:** 7/1/2020 **NIBRS Codes**
Short NOC: 62130 **Retainable:** Y **Repealed:** 23A 23B
Statute: 205.222.2A **Inactive:** N **DMV:** 23C 23D
Jurisdiction: NV **SRS:** 06 **ACD:** 23E 23F
NCIC: 2399 **USJR_DC:** F06G **USJR_LC:** F06L 23G 23H

Short Description
 GRAND LARCENY, \$1200 BUT LT \$5K

Long Description
 GRAND LARCENY, VALUE \$1200 BUT LESS THAN \$5000

NCS Description
 GRAND LARCENY, VALUE \$1200 BUT LT \$5000

Some important considerations...

Because of limited data available pre-236 enactment, it's too early to draw conclusions about the legislation's effect on crime trends in Washoe County.

One unusual variable is COVID-19 and the related stay-at-home orders. Some early research suggests that such orders caused a reduction in crime rates around the world.

Conversely, quarantine measures may have increased stress on individuals and families, resulting in increased family violence and economically motivated crimes.

Recommendation:

Establish a working group composed of law enforcement representatives and analysts throughout the State to identify which AB 236-related data points can be reliably tracked statewide.