

Impact of COVID-19 on Nevada's Criminal Justice System

NV Sentencing Commission

April 20, 2022

Agenda

- **Project Recap**
- **Data Findings**
- **Projections**
- **Policy Findings and Recommendations**



Project Recap

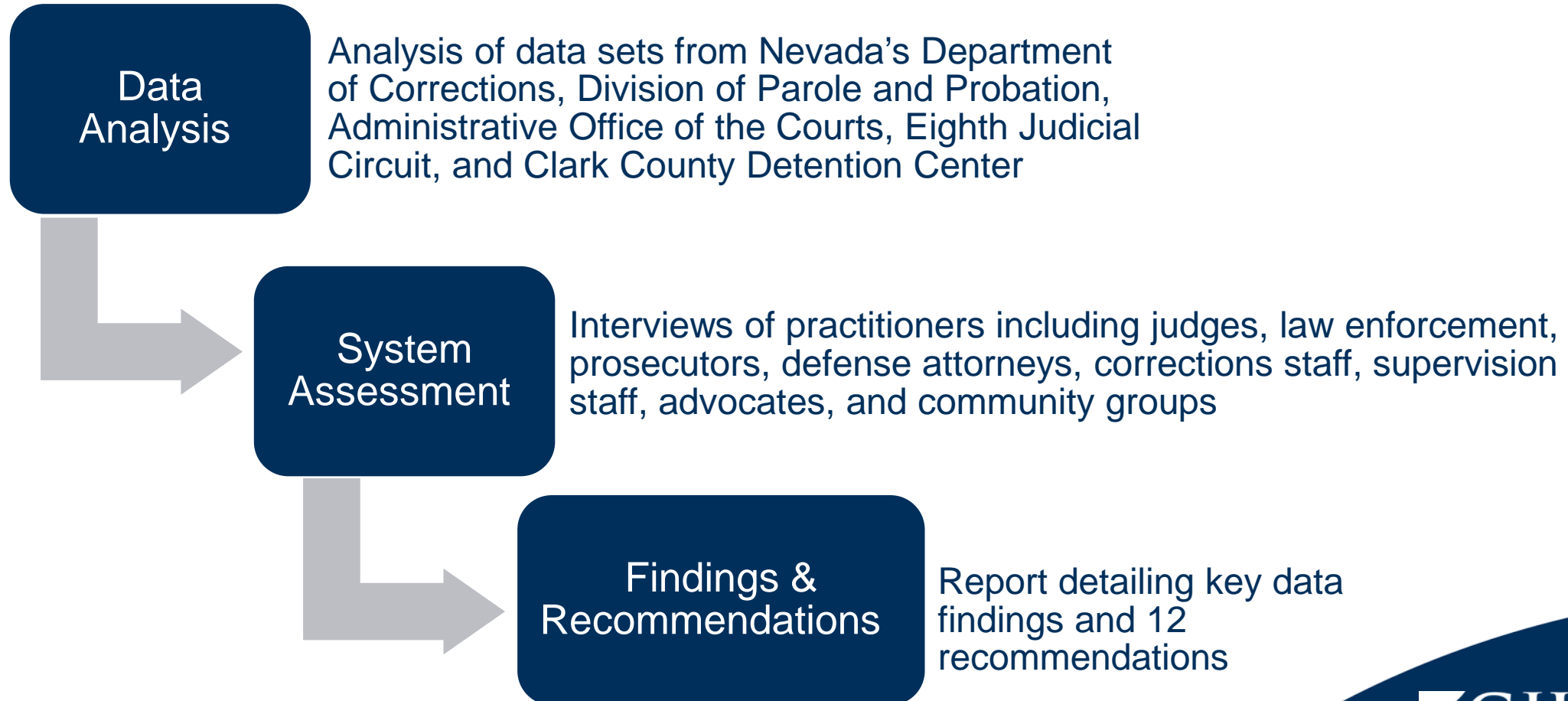
Leadership Charge to CJI:

“[E]valuate the general impact of the COVID-19 pandemic on Nevada’s criminal justice system, and the specific impact of the pandemic on Nevada’s prison population.”

Letter signed by:

- Governor
- Chief Justice
- Senate Maj. Leader
- House Speaker

Project Phases

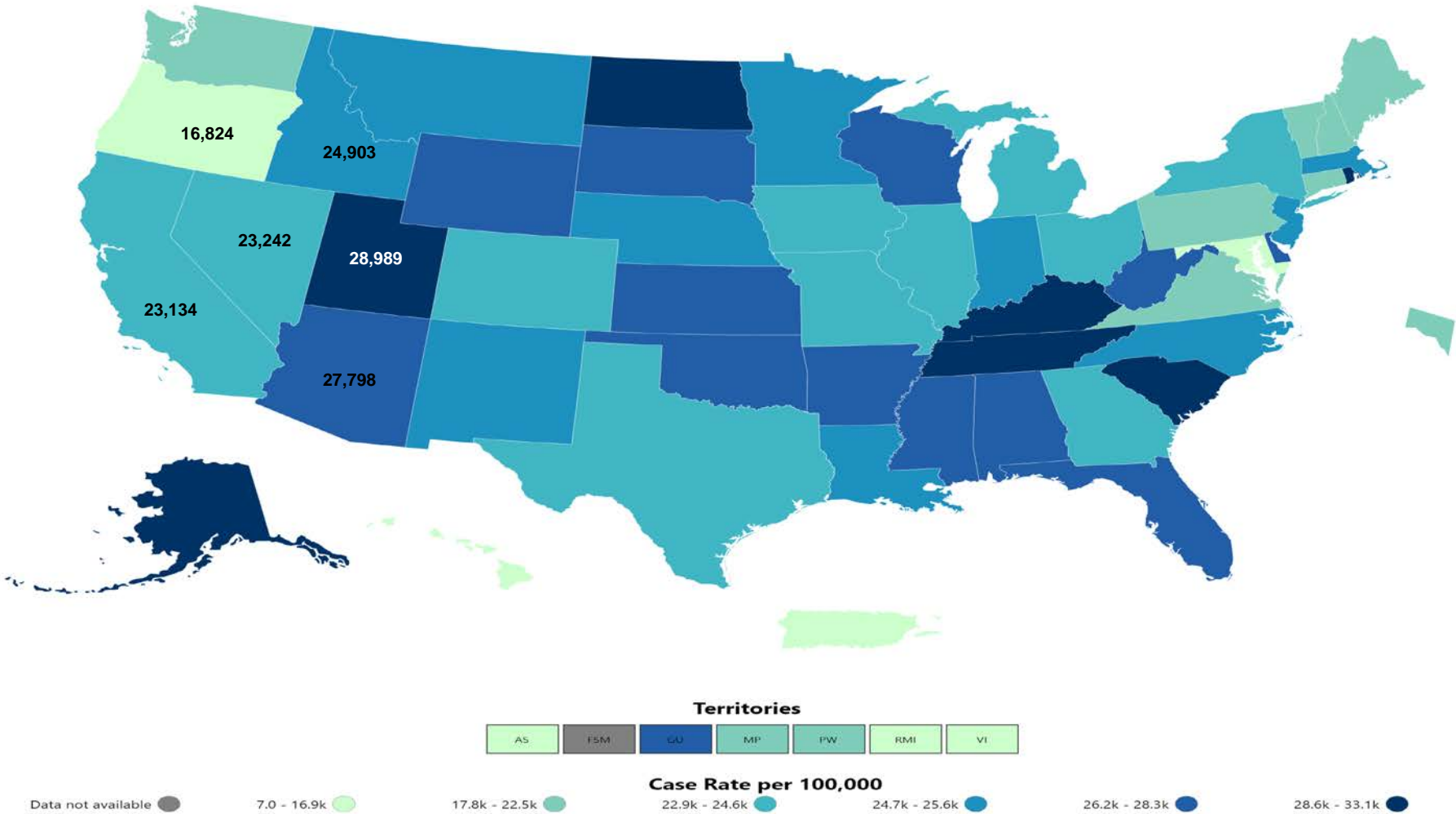




National Context

National COVID-19 Positivity Rates – General Population

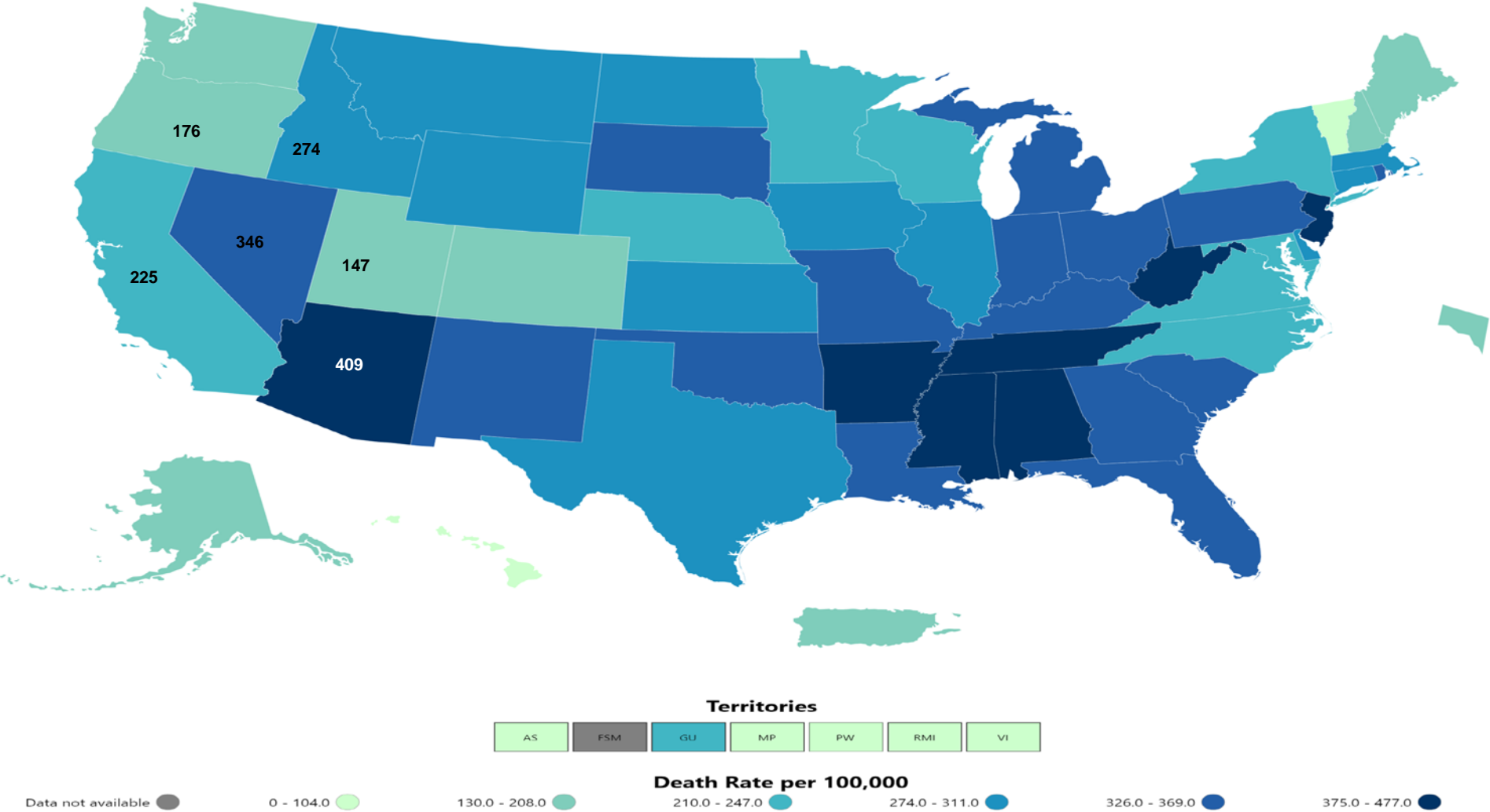
COVID-19 Case Rate in the US Reported to the CDC, by State/Territory (cases per 100,000)



Source: CDC COVID Data Tracker, Case Rate per 100,000 Jan 21, 2021 – April 14, 2022

National COVID-19 Death Rates – General Population

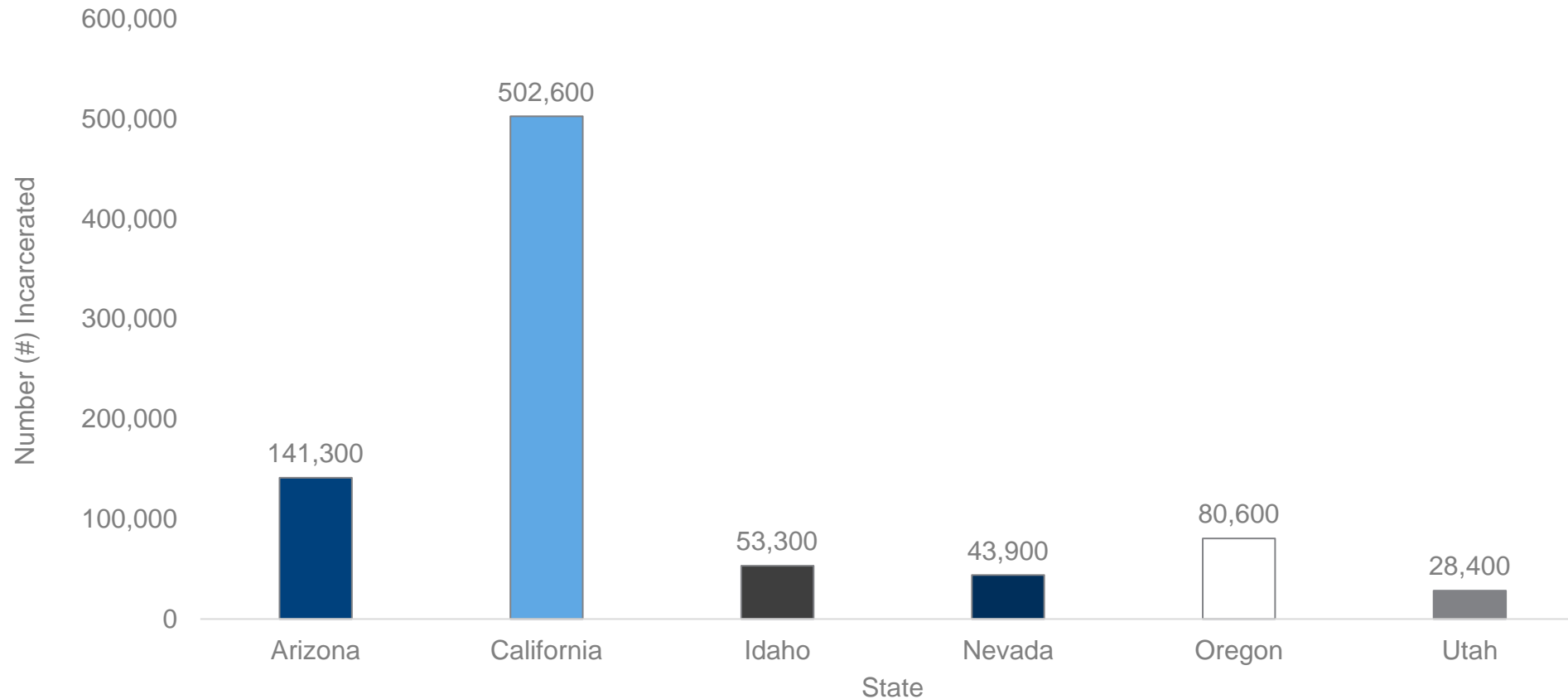
COVID-19 Death Rate in the US Reported to the CDC, by State/Territory (deaths per 100,000)



Source: CDC COVID Data Tracker, Death Rate per 100,000 Jan 21, 2021 – April 14, 2022

Nevada's Corrections Population – Regional Comparison

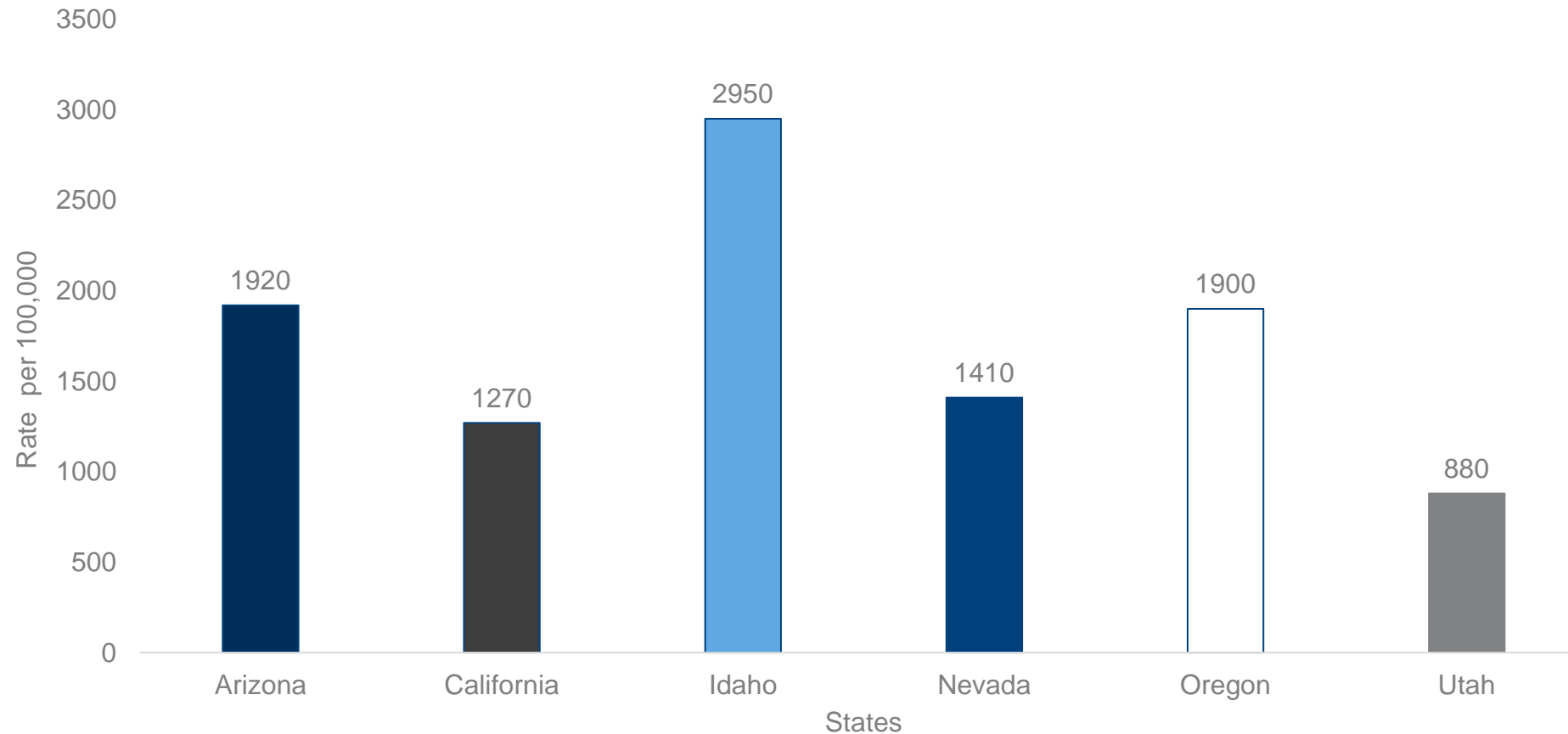
Total Adult Corrections Population in Nevada and Neighboring States, 2019



Source: Bureau of Justice Statistics, Correctional Populations in the United States, 2019: Statistical Tables; Graph recreated by CJJ

Nevada's Correctional Supervision Rate – Regional Comparison

Total Adults Under Correctional Supervision: Rate per 100,000 in Nevada and Neighboring States, 2019



Source: Bureau of Justice Statistics, Correctional Populations in the United States, 2019: Statistical Tables; Graph recreated by CJ

Nevada's COVID Prison Positivity Rate - Regional Comparison

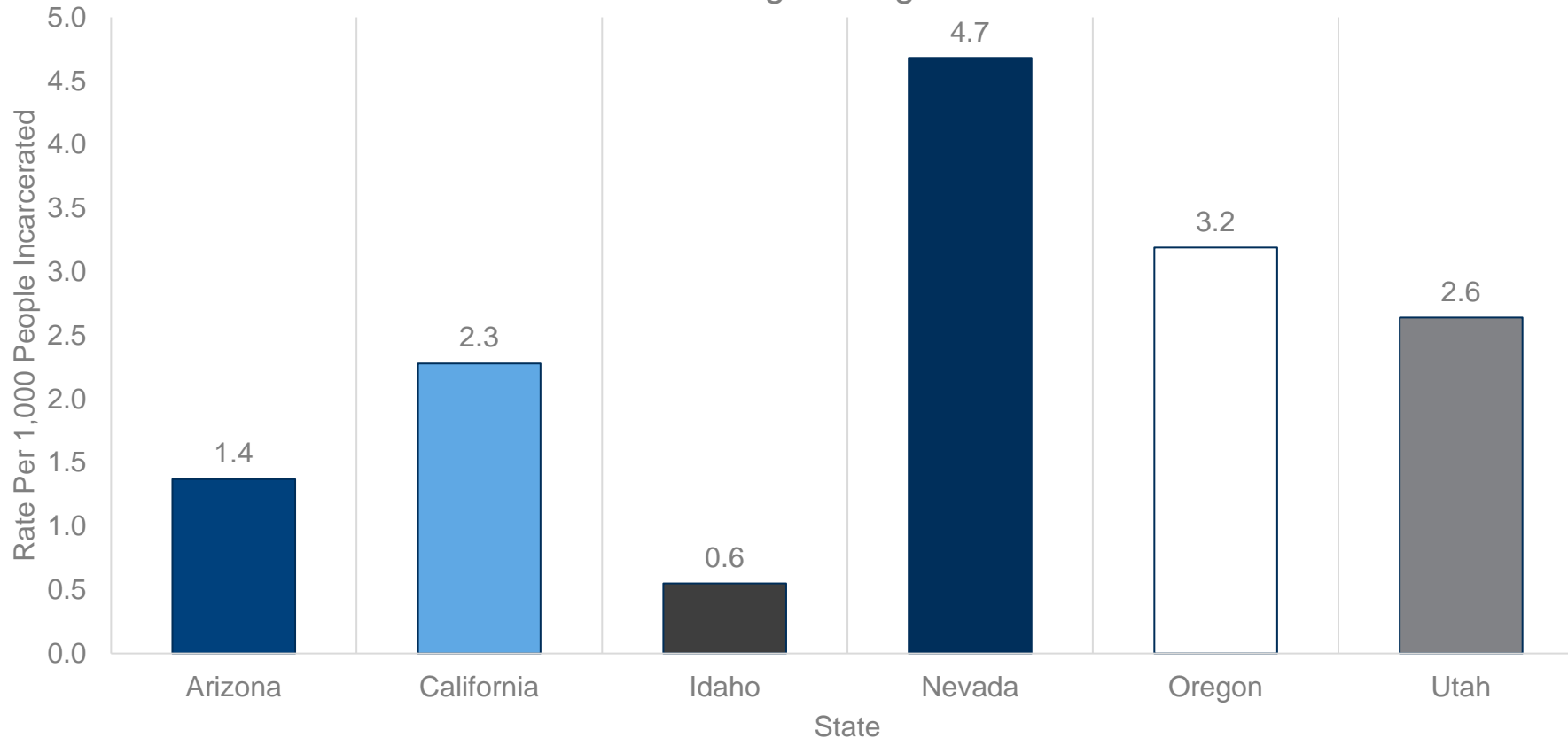


The Nevada prison system had a lower positivity rate than neighboring states.

Source: The Marshall Project and Associated Press weekly data collection from state and federal prison agencies; Chart recreated by CJI, accessed from: [A State-By-State Look at 15 Months of Coronavirus in Prisons | The Marshall Project](#)

Nevada's COVID Prison Death Rate – Regional Comparison

COVID-19 Death Rates per 1,000 in Prisons as of March 31, 2021 for Nevada and Neighboring States



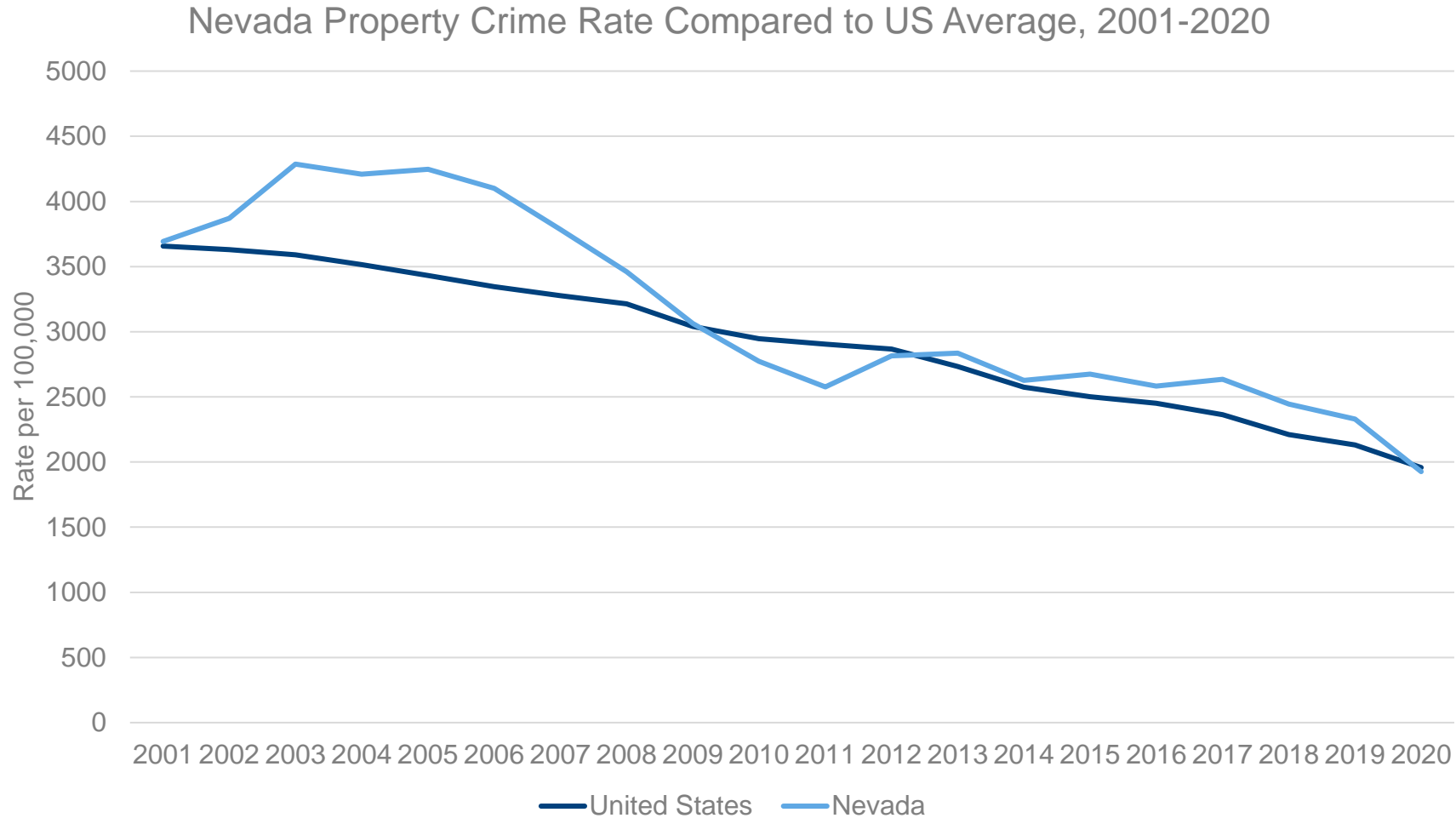
The Nevada prison system had the 3rd highest rate of death among incarcerated people across 45 measured states.

Data Source: COVID Prison Project; CDC, accessed from <https://covidprisonproject.com/data-visualizations/>; Figure re-created by CJI.



Nevada and National Crime Trends

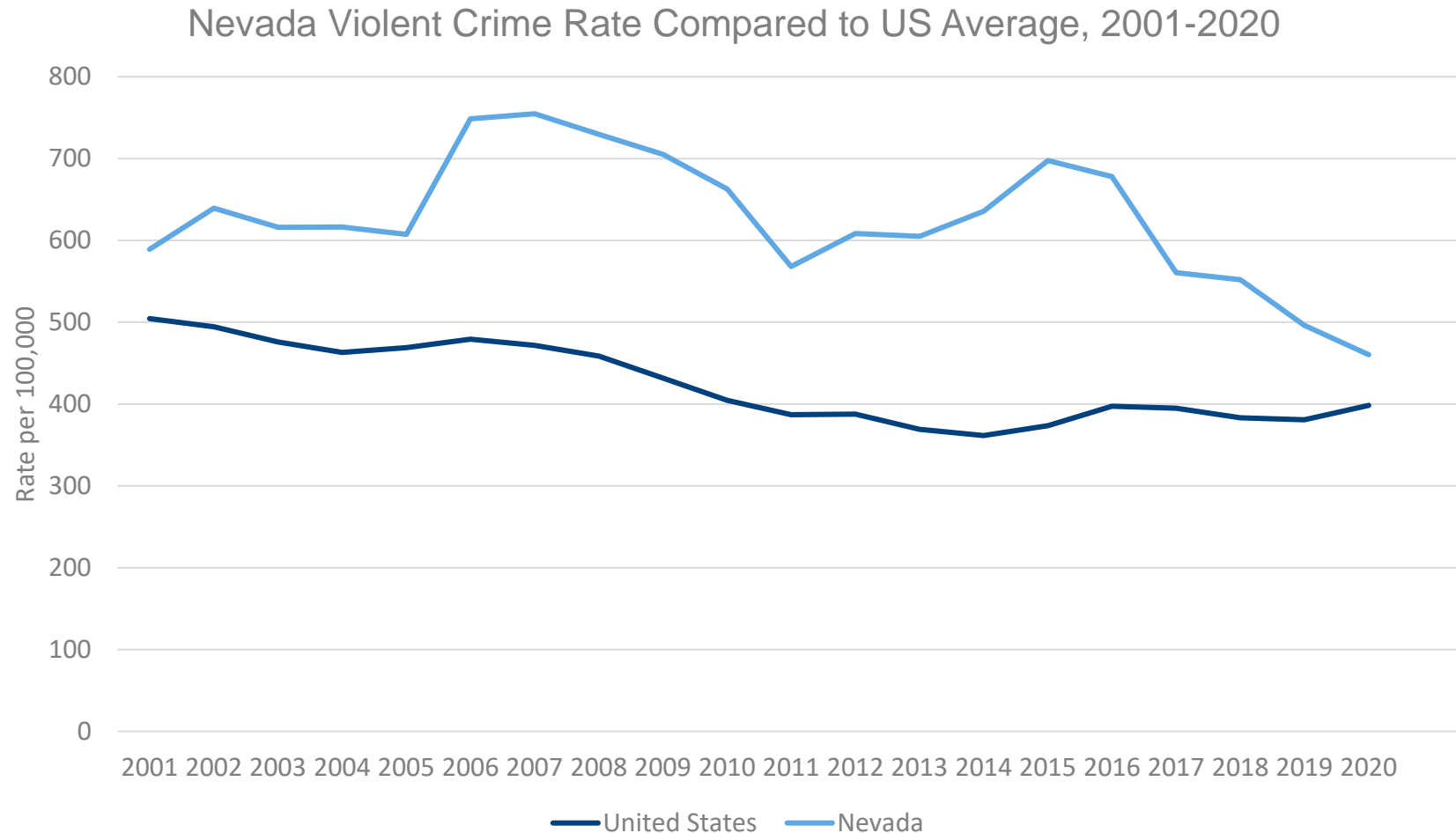
State Property Crime Rates Decline With National Average



Nevada's property crime rates declined in 2020. Nevada had a lower rate of property crime than the national average for the first time since 2011.

Source: FBI Data Explorer; Graph recreated by CJII.

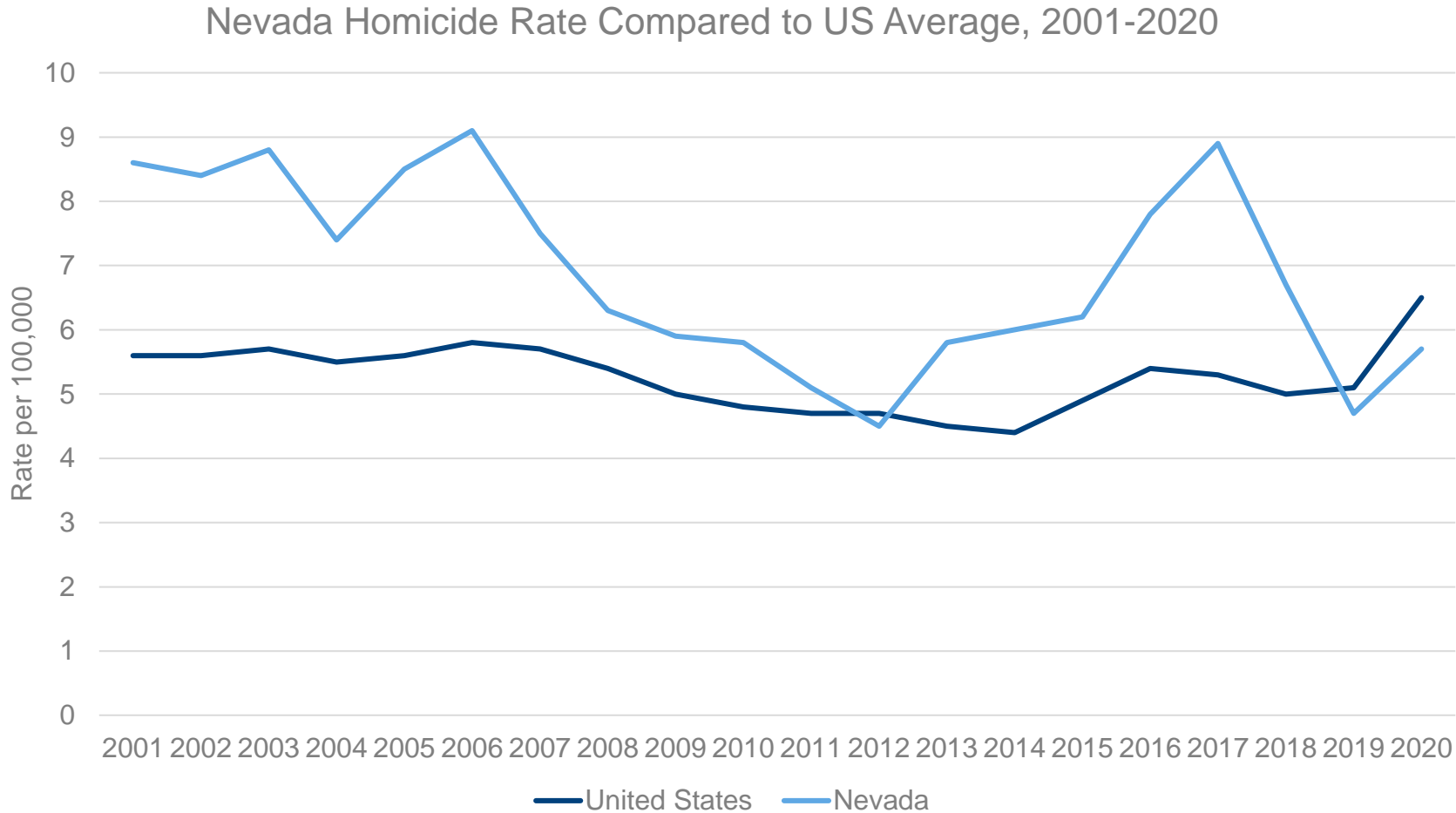
State Violent Crime Rates Decline Compared to National Average



Nevada's violent crime rates declined in 2020. This is notable due to the increased national average of violent crime rate in the same period.

Source: FBI Data Explorer; Graph recreated by CJI.

State Homicide Rates are Lower than the National Average



There was a recent increase in homicide rates in Nevada, but the rate remains lower than the national average.

Source: FBI Data Explorer; Graph recreated by CJI.



Key Data Findings

Data Timelines

Data Source	“Before COVID-19”	“During COVID-19”	2021 Period
NDOC Data	January 2019 – February 2020 (14 months)	March – December 2020 (10 months)	January – October 2021 (10 months)
CCDC Data			January – May 2021 (5 months)
Parole Board Data			January – August 2021 (8 months)
AOC & Specialty Court Data	July 2017 – February 2020 (32 months)		January – April 2021 (4 months, Specialty Court only)
Eighth Judicial District	July 2018 – February 2020 (20 months)		January – August 2021 (8 months)
Second Judicial District	July 2018 – February 2020 (20 months)		January – July 2021 (7 months)

Courts

Jails

Corrections

Parole
Release

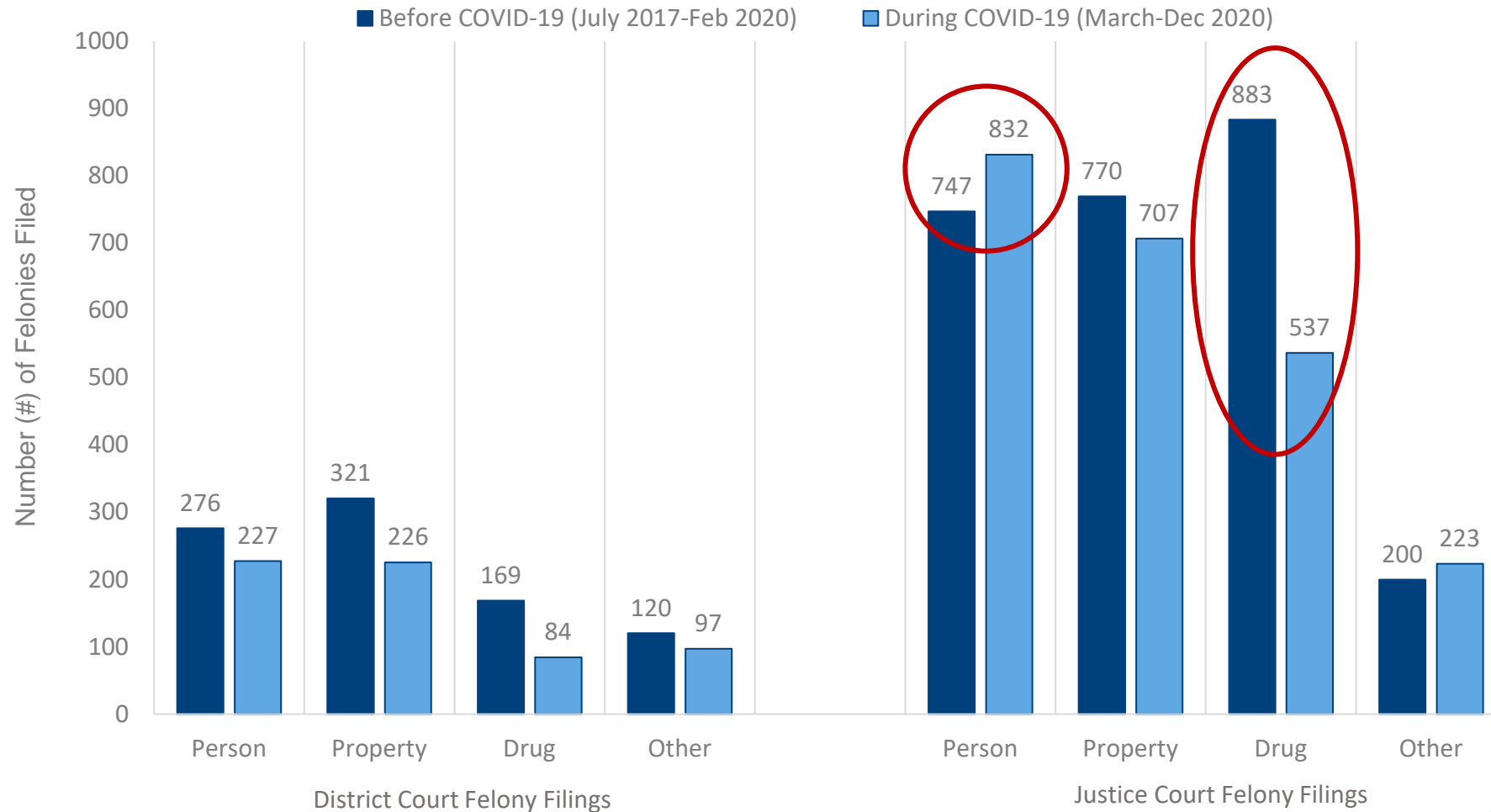
Community
Supervision



Courts

Felony Filings Decline and Shift to More Serious Offenses

Average Monthly Felony Case Filings by Offense Type,
Before & During COVID-19

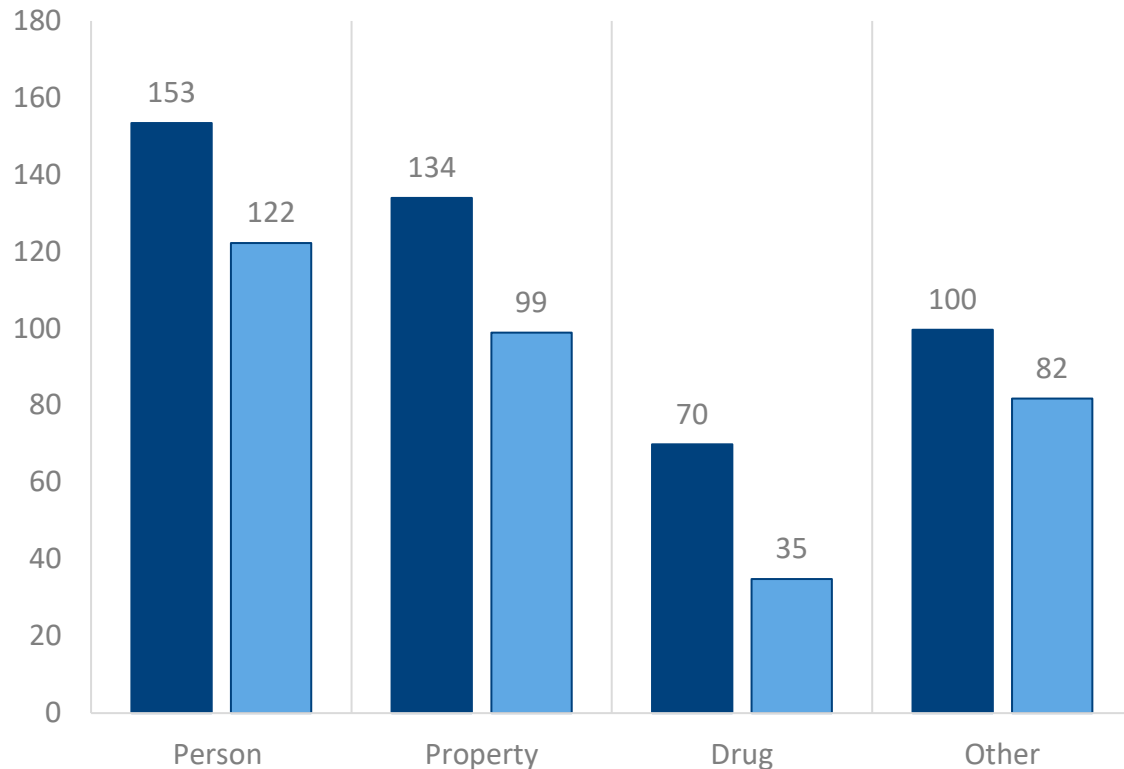


Felony person filings in Justice Court increased over 10% during COVID, while drug filings dropped by 40%.

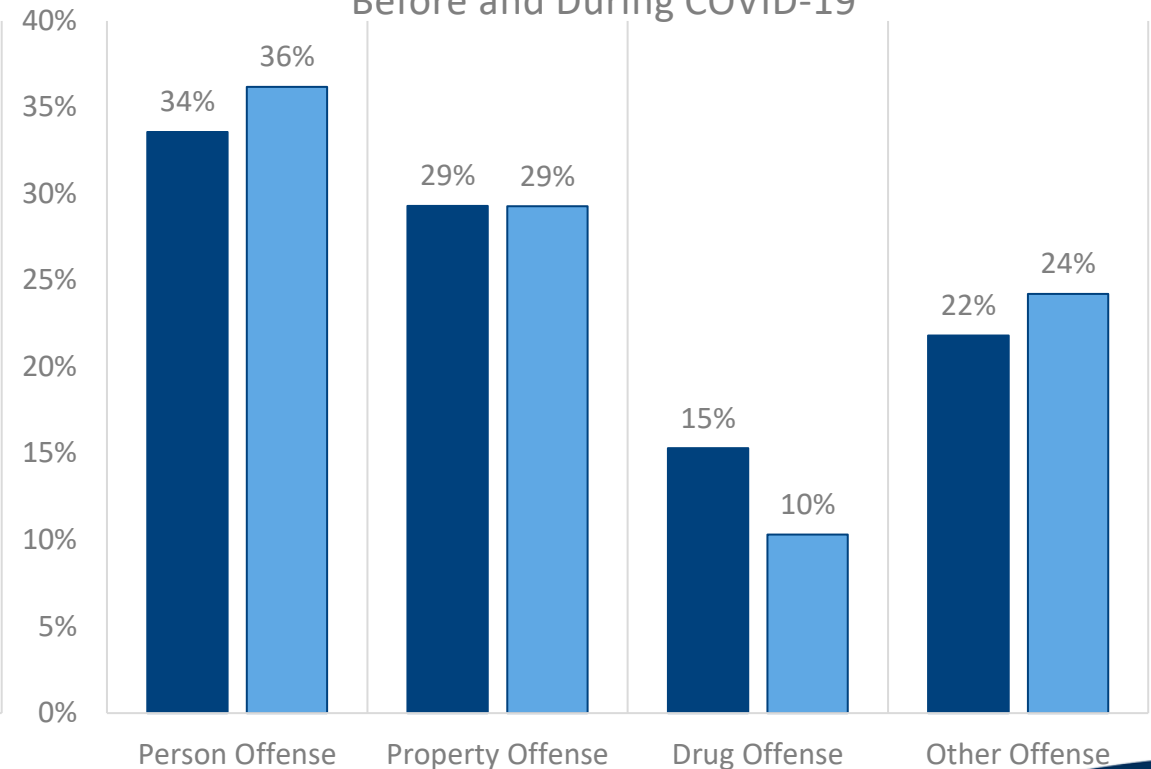
Data Source: Nevada Administrative Office of Courts; Analyses conducted by CJ

Felony Filings Decline and Shift to More Serious Offenses: 8th JD

Average Monthly Felony Cases Filed by Type in Eighth Judicial District Before and During COVID-19



Percentage of Most Serious Offenses Filed in Eighth Judicial District Before and During COVID-19

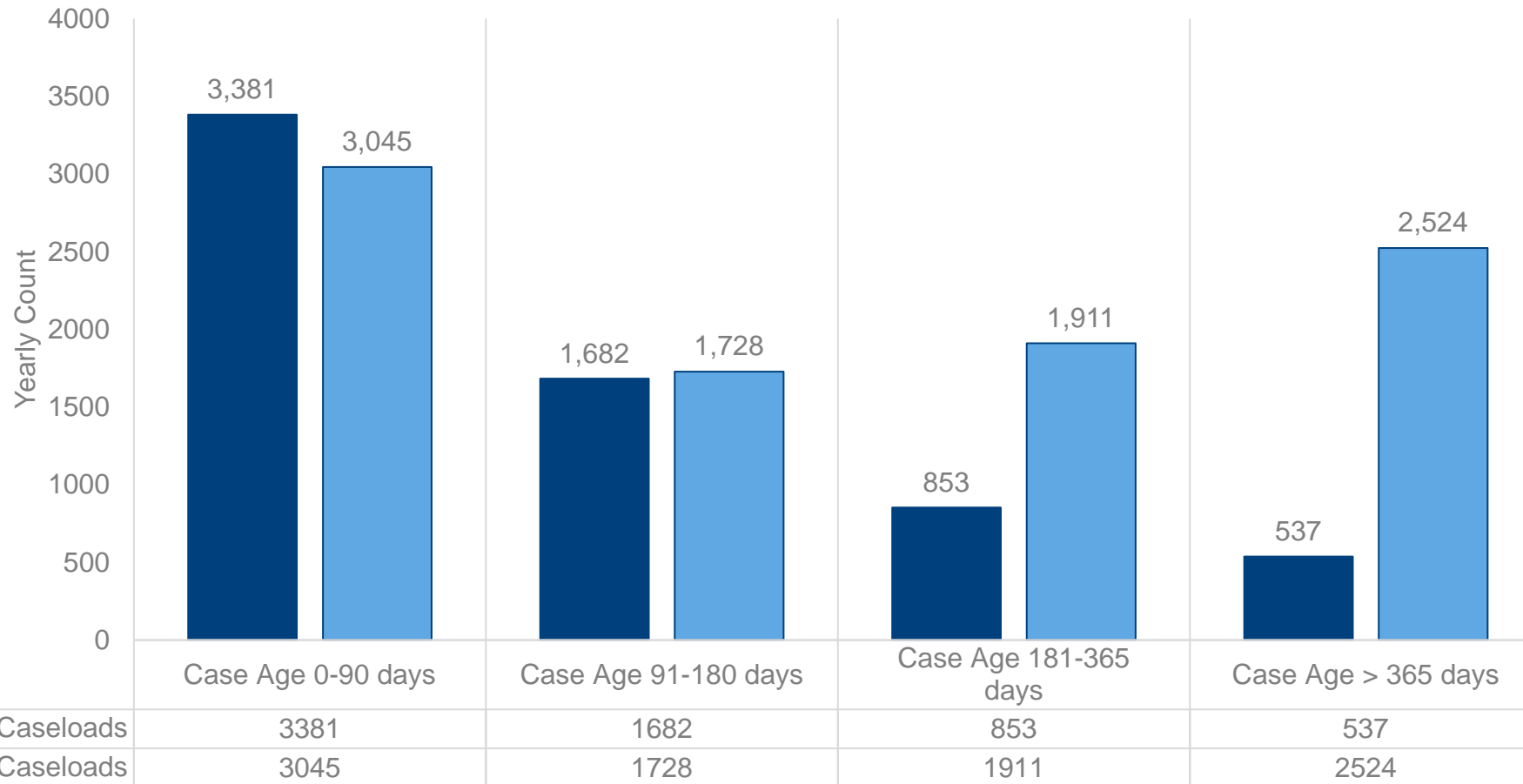


■ Before COVID-19 (July 2018-Feb 2020) ■ During COVID-19 (Mar-Dec 2020)

Data Source: Eighth Judicial District, Analyses conducted by CJI

Age of Cases Filed Over One Year Increased

AOC Reported District Court Felony Caseload Ages
2019 vs. 2020**



Cases over 1 year old increased almost 80%.

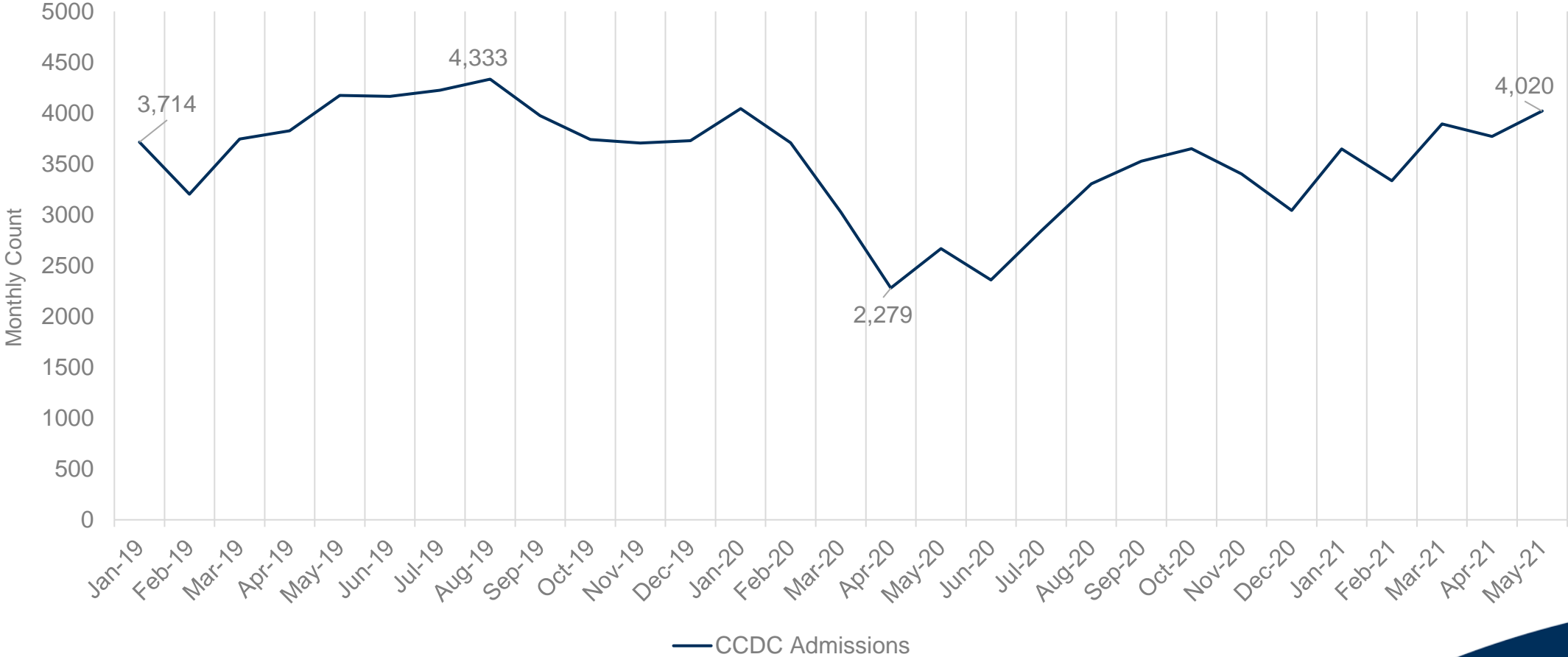
Data Source: Nevada Administrative Office of Courts; Analyses conducted by CJI. **Case age data are preliminary. Reported only since July 2018 and not consistently by all districts.



Jails

Monthly Jail Admissions Initially Decline, then Return to Pre-Pandemic Levels

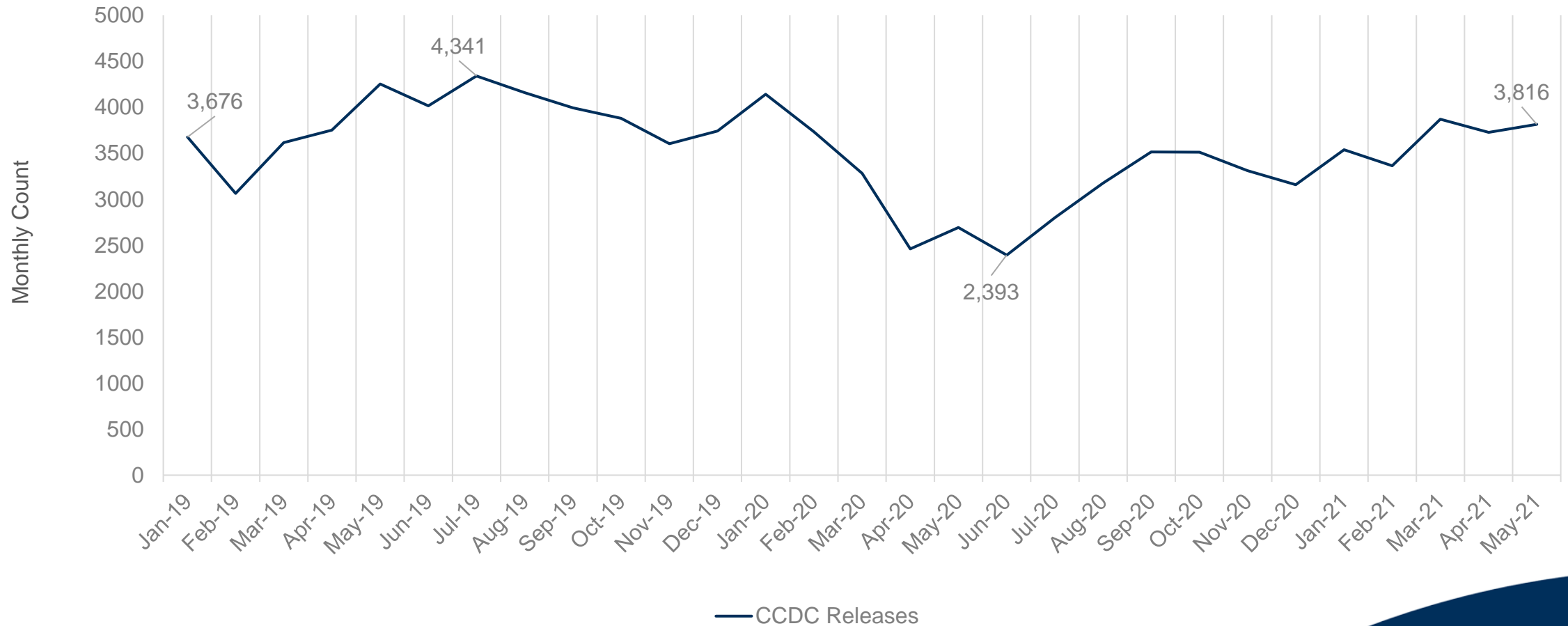
CCDC Monthly Admissions, January 2019 - May 2021



Data Source: Clark County Detention Center; Analyses conducted by CJJI.

Monthly Jail Releases Initially Decline, then Return to Pre-Pandemic Levels

CCDC Monthly Releases, January 2019 - May 2021



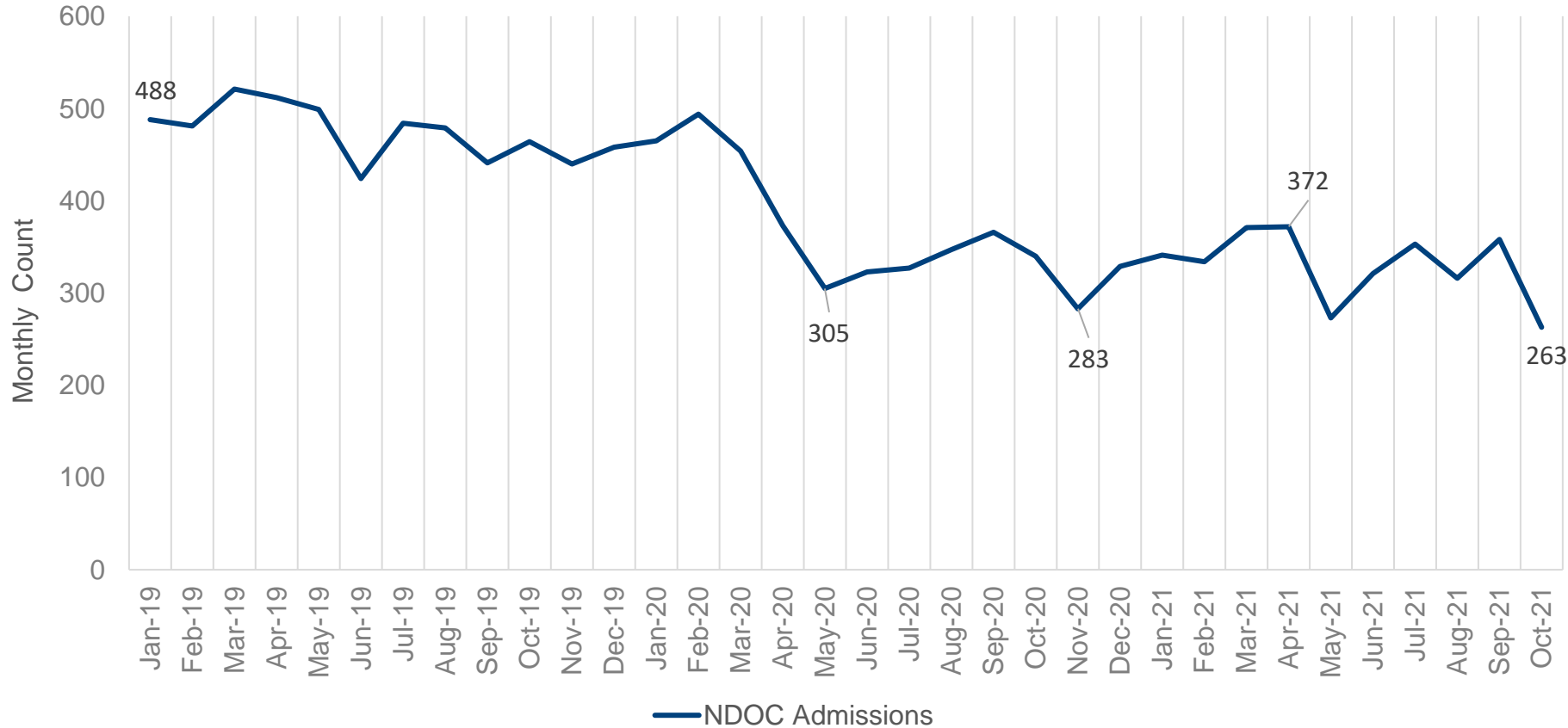
Data Source: Clark County Detention Center; Analyses conducted by CJI.



Corrections

Average Monthly Admissions to Prison Decrease During COVID

NDOC Monthly Admissions, January 2019 - October 2021

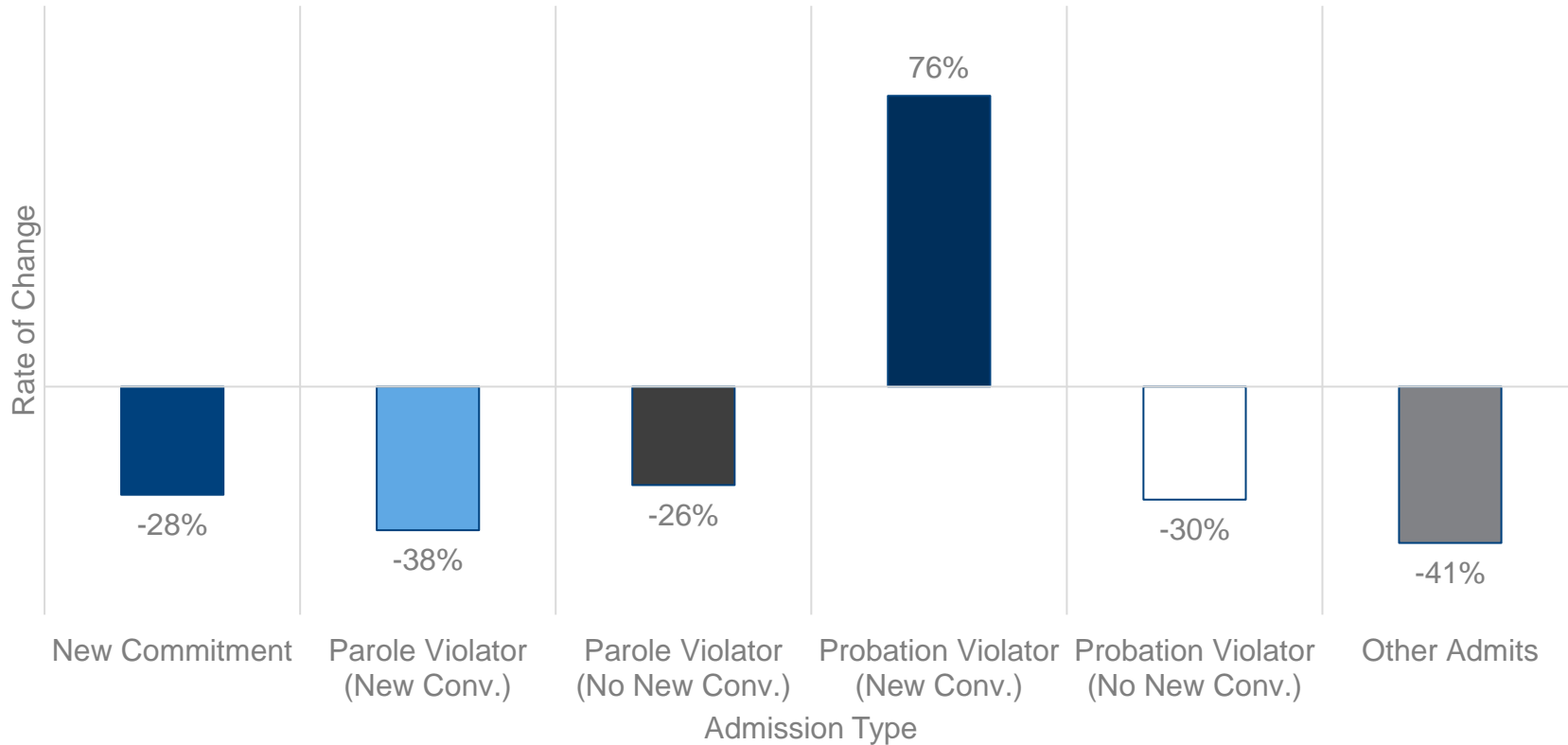


NDOC's monthly admissions were 27% lower, on average, during COVID compared to pre-pandemic monthly admission averages.

Data Source: Nevada Department of Corrections; Analysis conducted by CJI.

Declines Occurred for Majority of Admission Types

Percent Change in NDOC Average Monthly Admission by Type During COVID-19



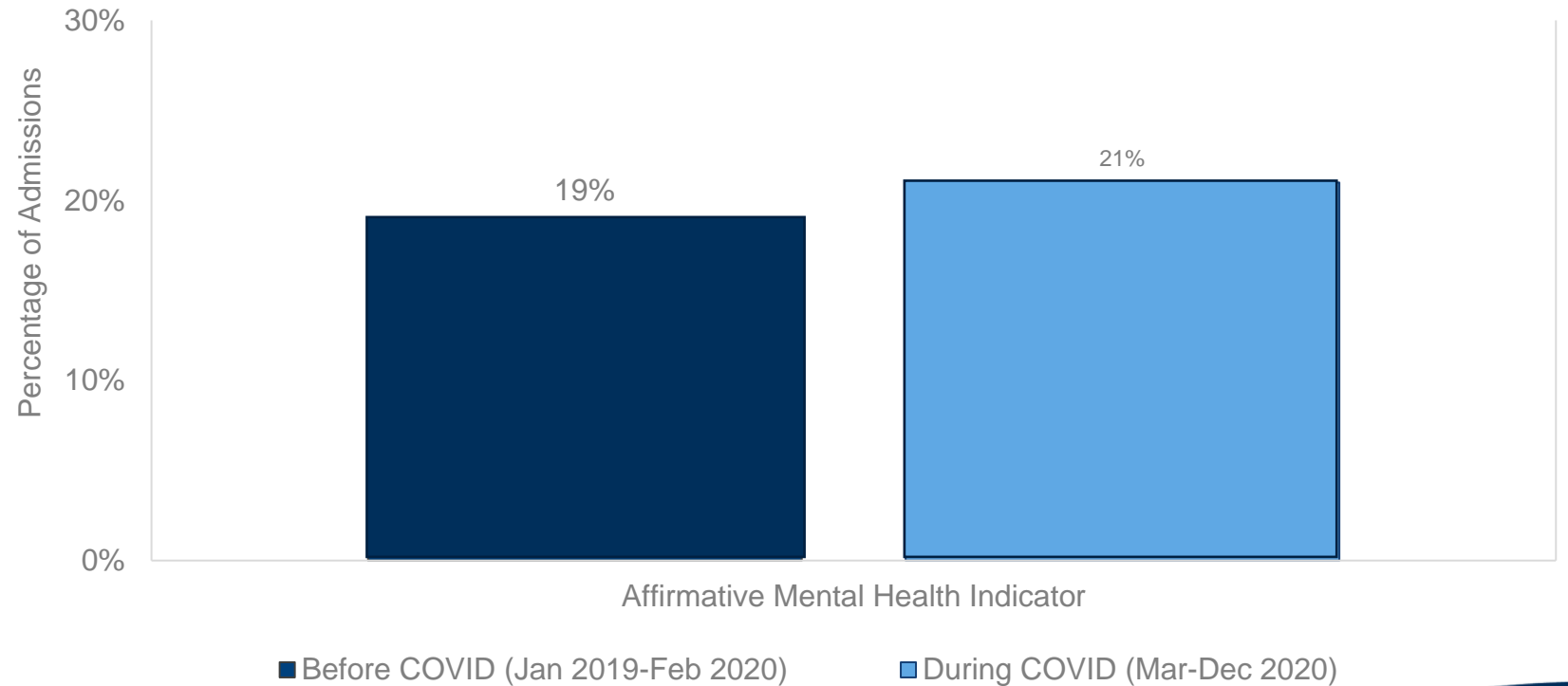
Probation violations for new property offenses increased during the pandemic, by approximately 4 additional monthly admits.

Data Source: Nevada Department of Corrections; Analyses conducted by CJJ.

Increase in Admissions Indicating Prior Mental Health Treatment

This slight increase could be due to increases in absconding from specialty court programs, decreased diversion to specialty courts, and limited intakes/transfers to special housing units within the prison due to the pandemic.

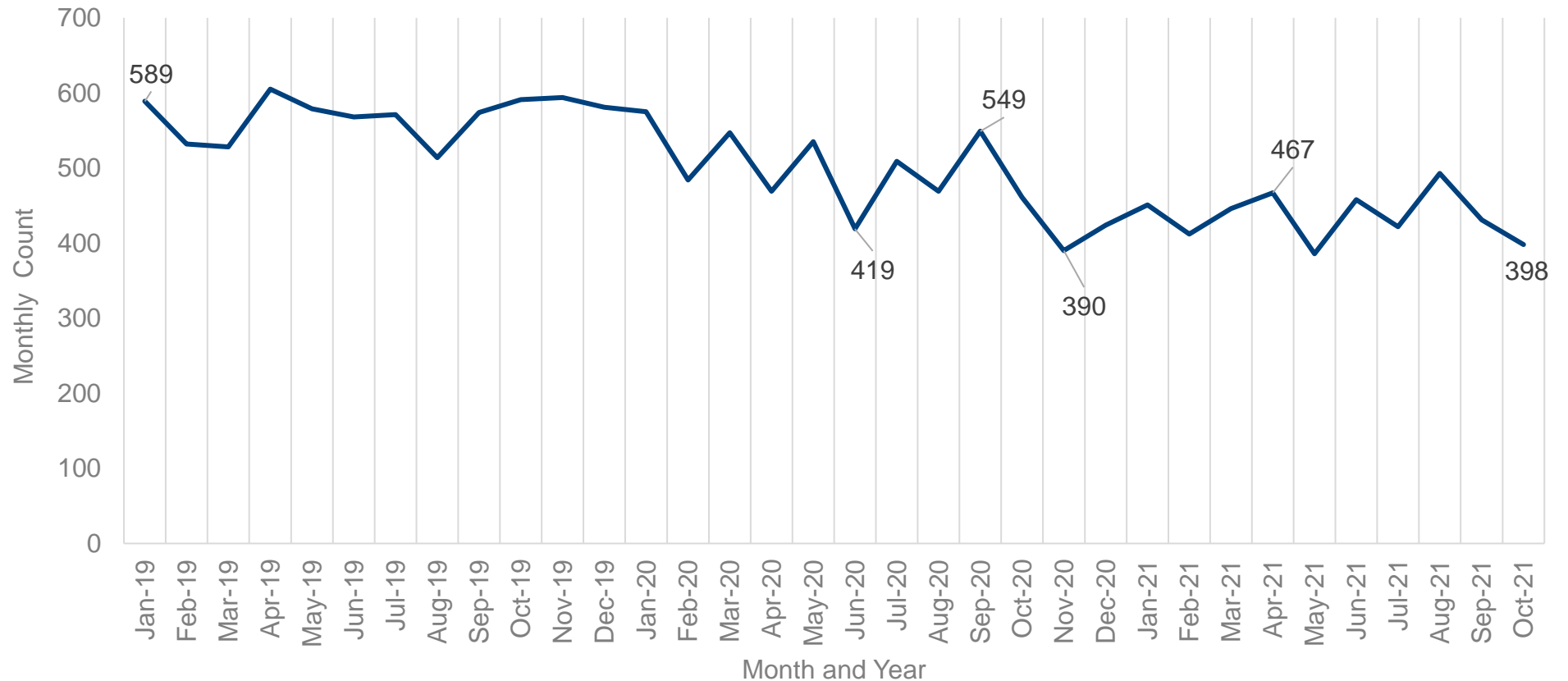
Percent of Mental Health Treatment Indicator in Admissions Before & During COVID-19



Data Source: Nevada Department of Corrections; Analyses conducted by CJI.

Average Monthly Releases from Prison Decreased

NDOC Monthly Releases, January 2019 - October 2021

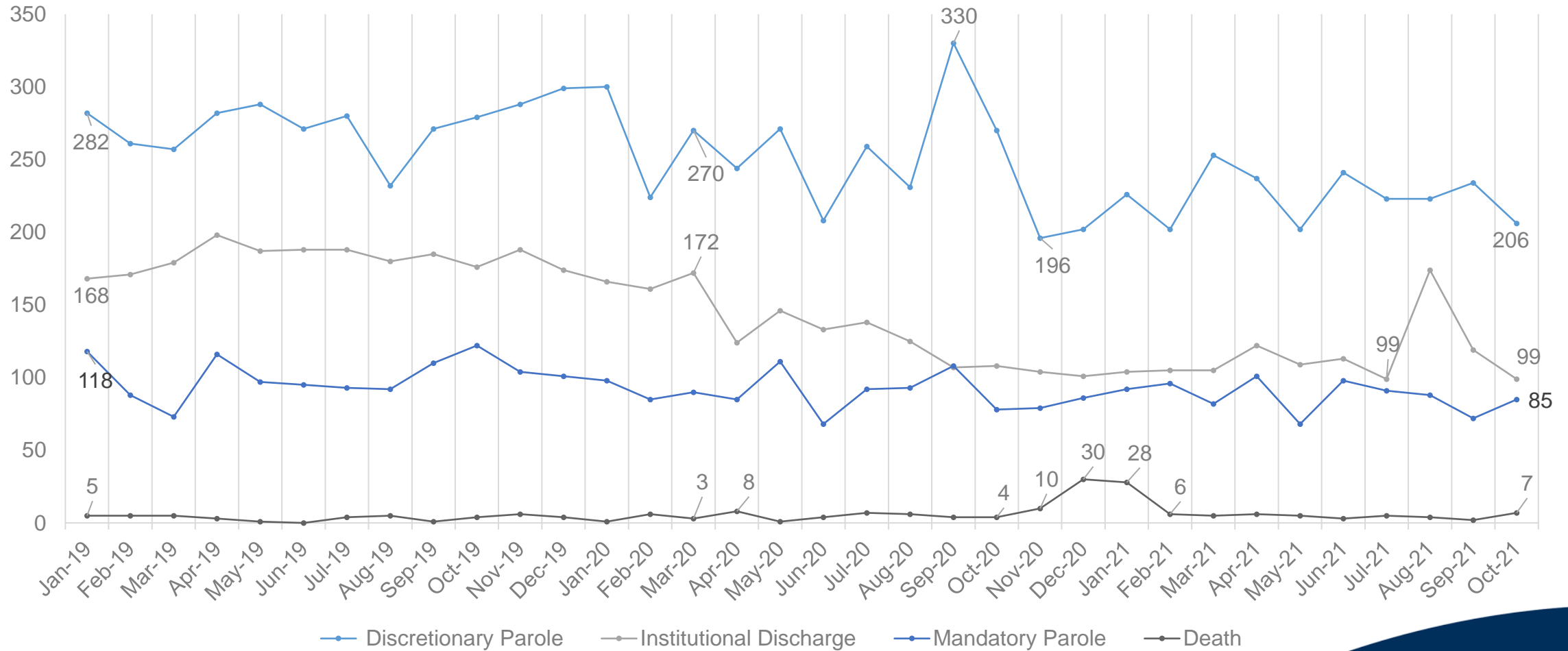


During COVID, NDOC average monthly releases dropped 19% compared to before COVID. Releases continued to drop by another 9% in 2021.

Data Source: Nevada Department of Corrections; Analyses conducted by CJI.

Declines Occurred in All Release Categories Except Death

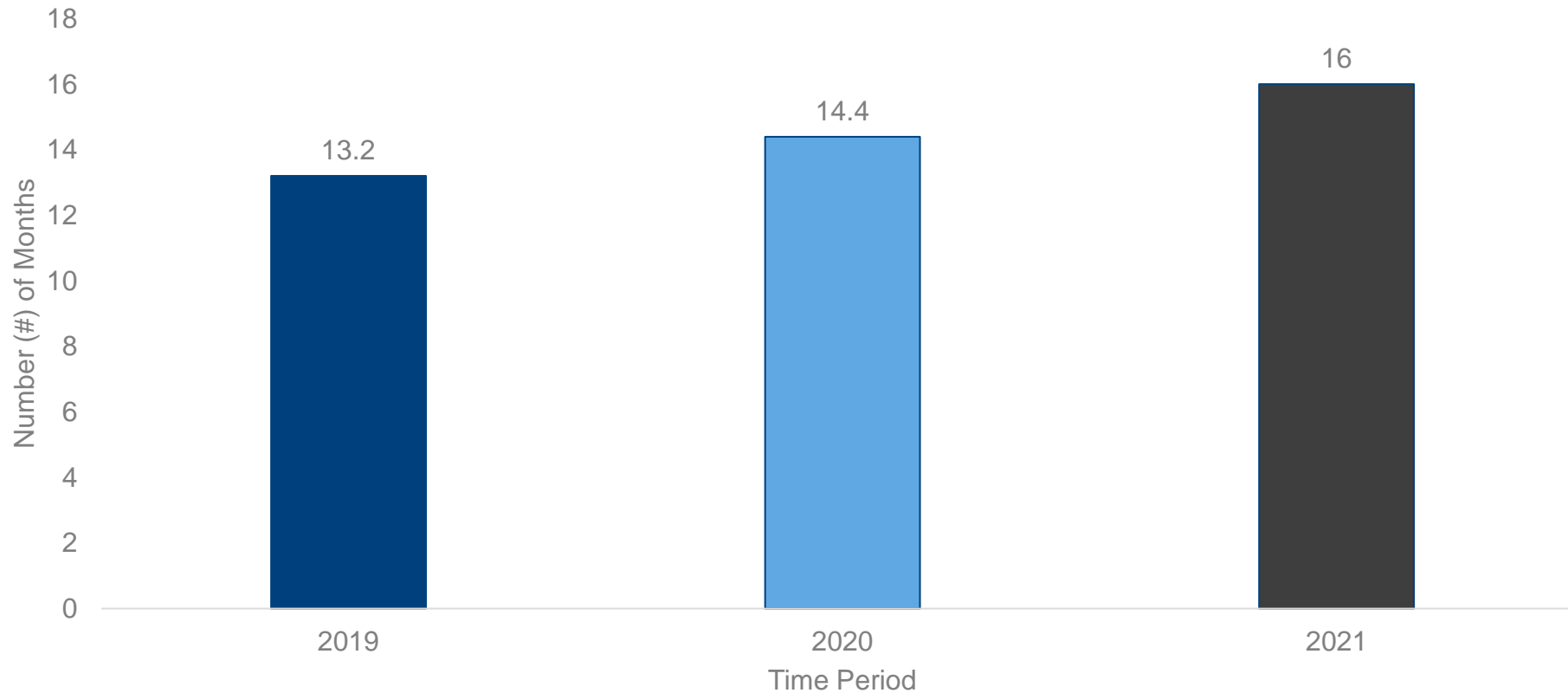
Release Types from NDOC Custody, January 2019-October 2021



Data Source: Nevada Department of Corrections; Analyses conducted by CJ

Length of Stay in Custody Increased

NDOC Median Length of Stay in Months, 2019-2021



Length of stay increased by 17.5% between 2019 and 2021.

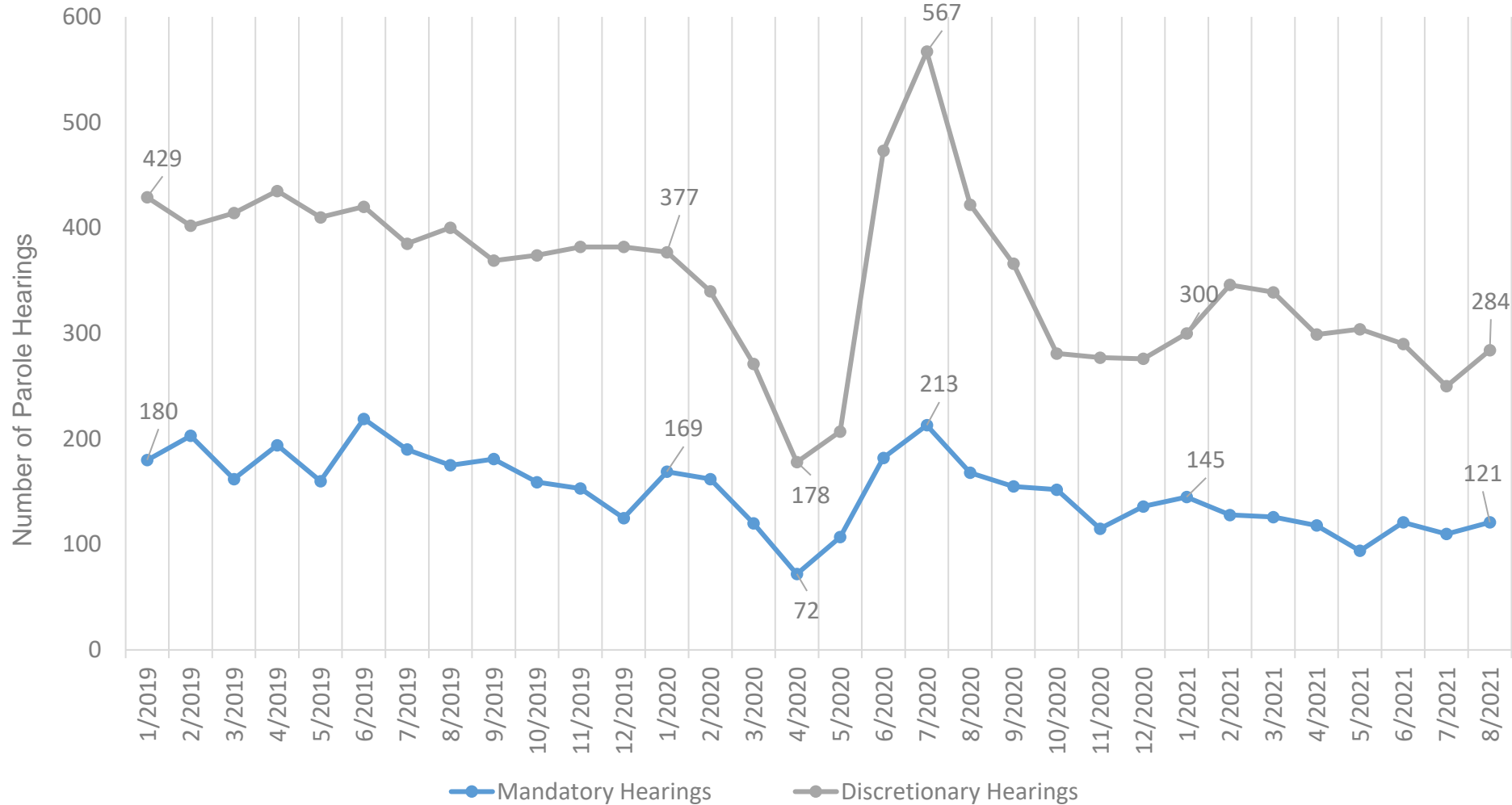
Data Source: Nevada Department of Corrections; Analyses conducted by CJI.



Parole

Parole Hearings Declined During Pandemic

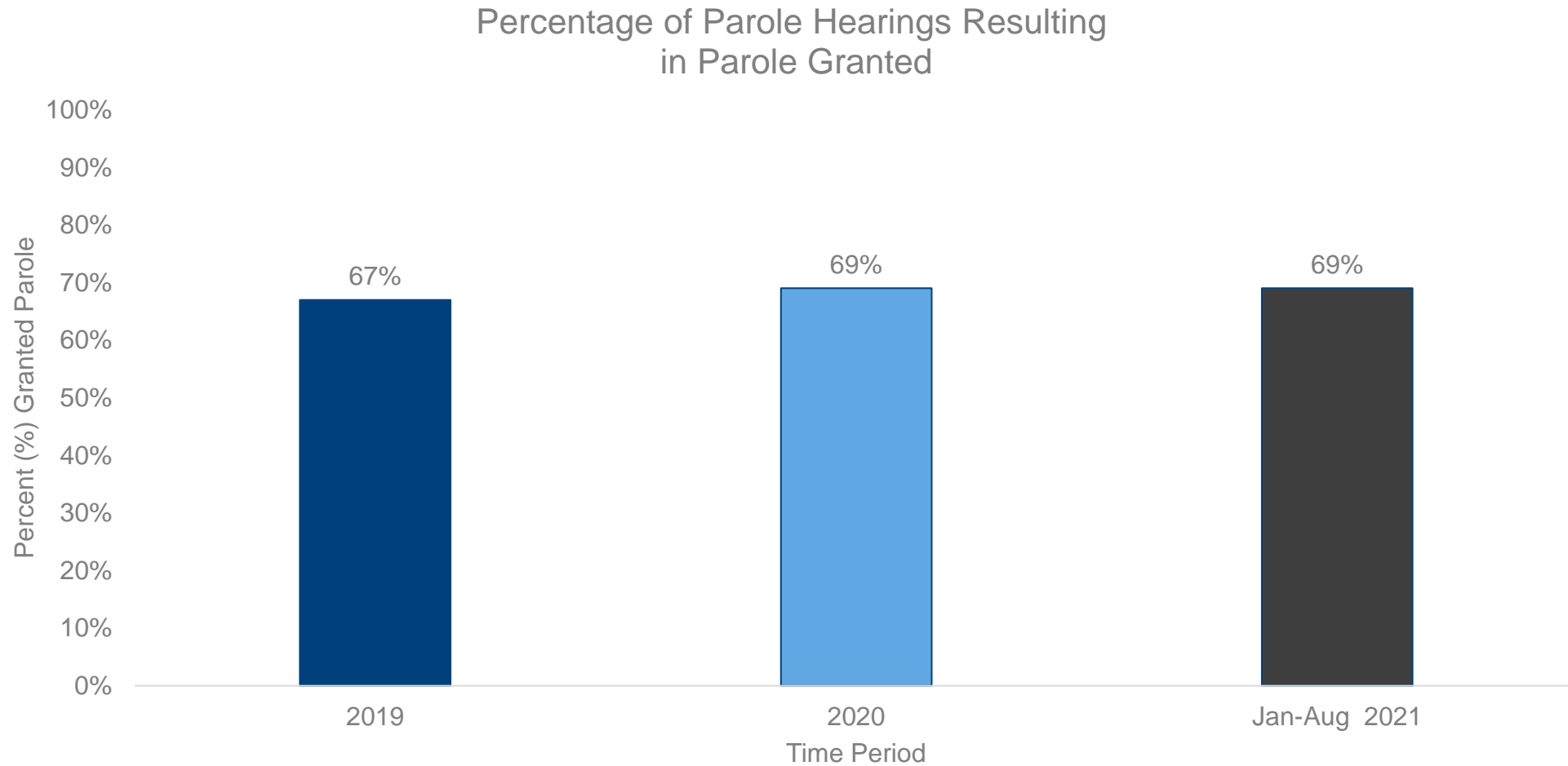
Nevada Parole Board Monthly Hearings, January 2019-August 2021



Despite a decrease in parole hearings, the number of people granted parole remained relatively consistent before and during the pandemic.

Data Source: Nevada Parole Board; Analyses conducted by CJJ.

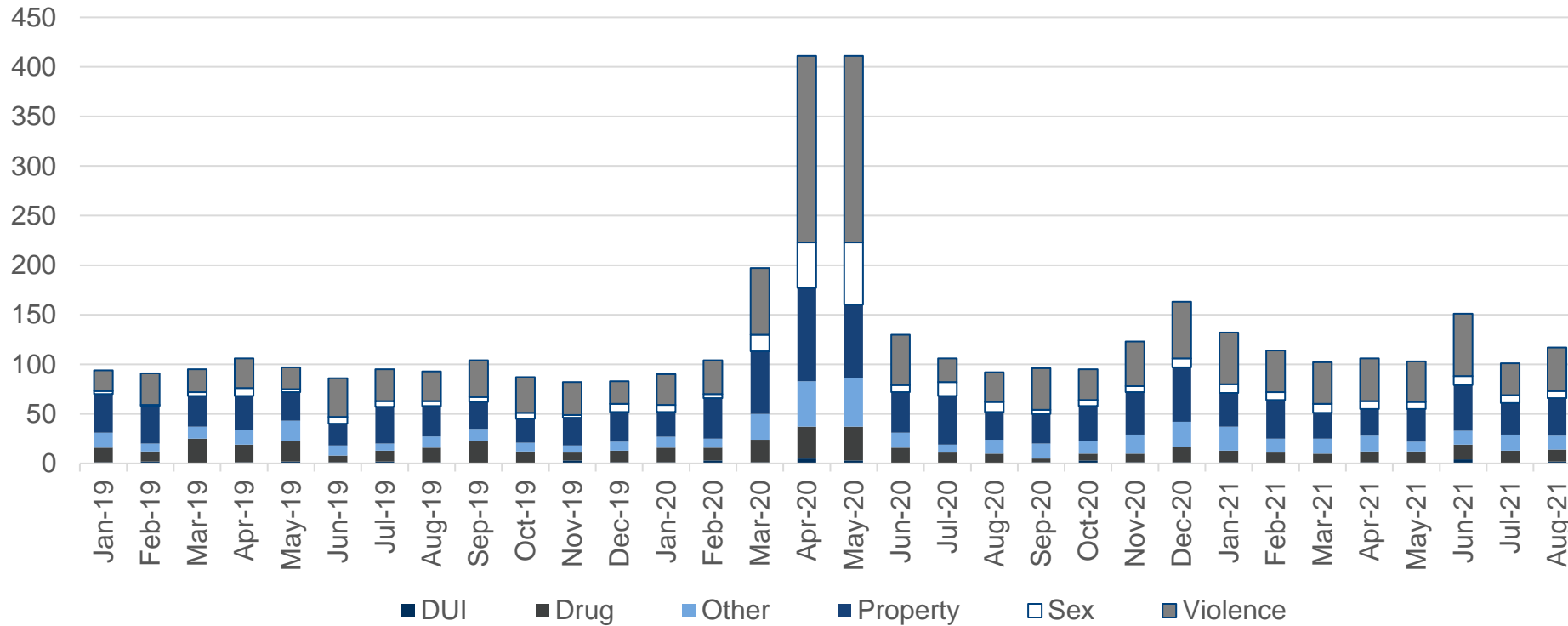
Parole Grant Rates Remain Consistent with Pre-Pandemic Rates



Source: Nevada Parole Board; Analysis conducted by CJI.

Number of “No Action” Hearings Increased

Nevada Parole Board "No Action" Hearings by Offense Type, January 2019-August 2021



During the pandemic, "no action" hearings increased over 90%. "No action" hearings still occurred 24% more than pre-pandemic.

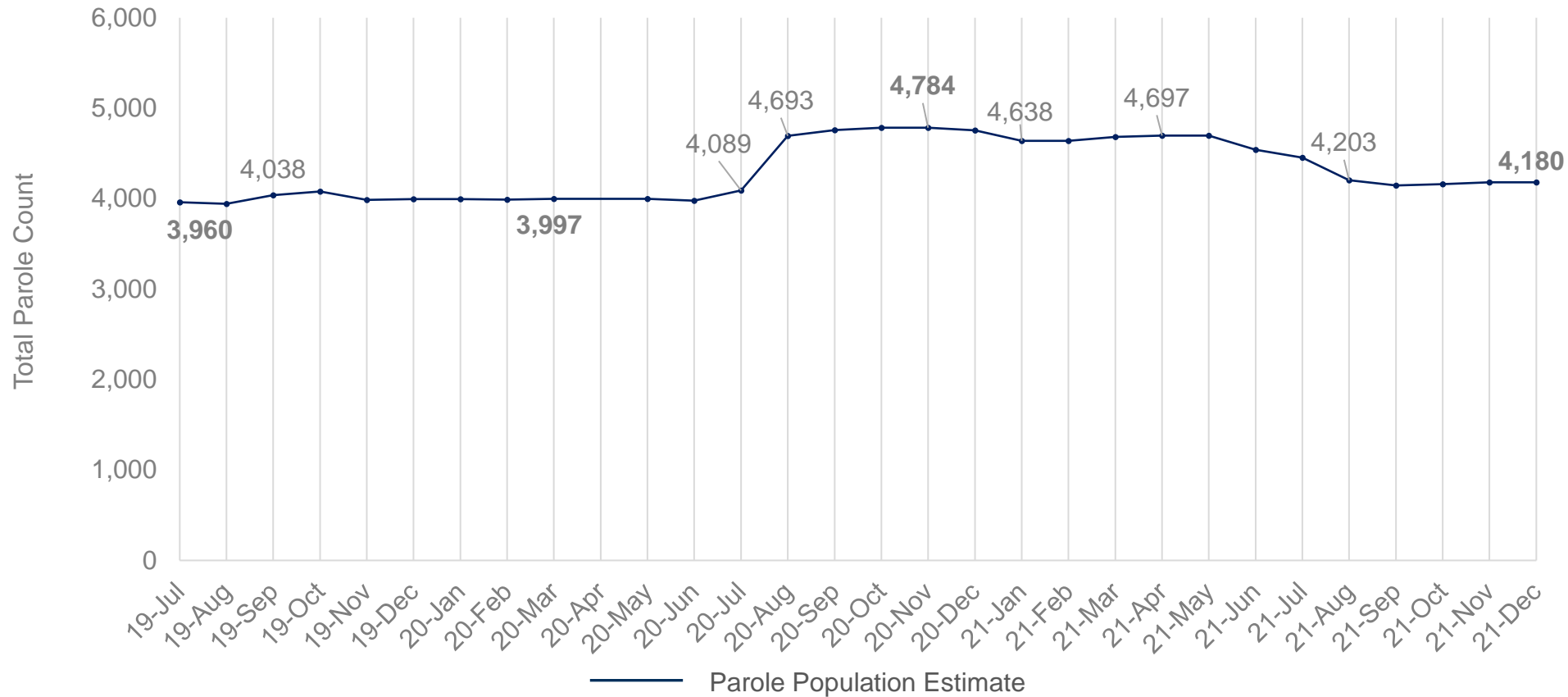
Data Source: Nevada Parole Board; Analyses conducted by CJJ.



Community Supervision

Parole Supervision Population Increased During Pandemic

NDOC-reported Count of Individuals on Parole, July 2019-December 2021

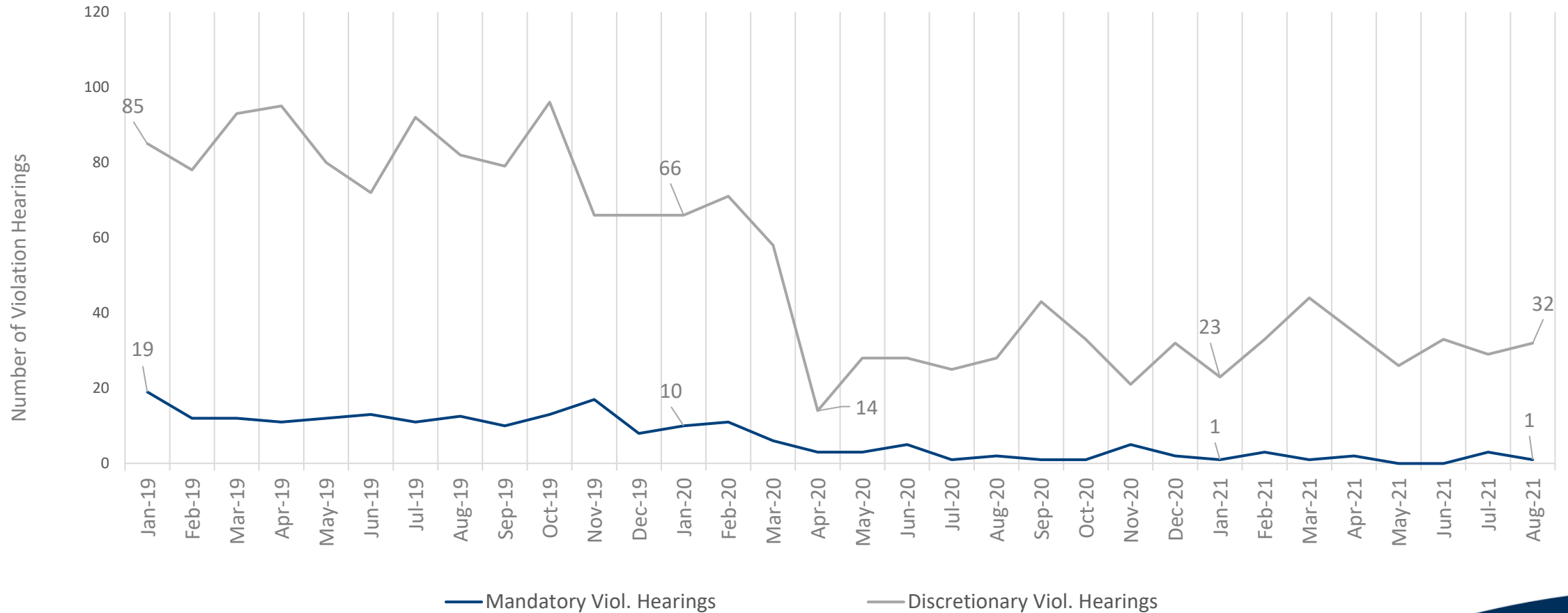


Despite this increase, officers reported that case loads returned to pre-pandemic levels as of late 2021.

Data Source: Nevada Department of Corrections: Offenders on Parole from https://doc.nv.gov/About/Statistics/Weekly_Fact_Sheets; Analyses conducted by CJI.

Number of Parole Violation Hearings Decreased

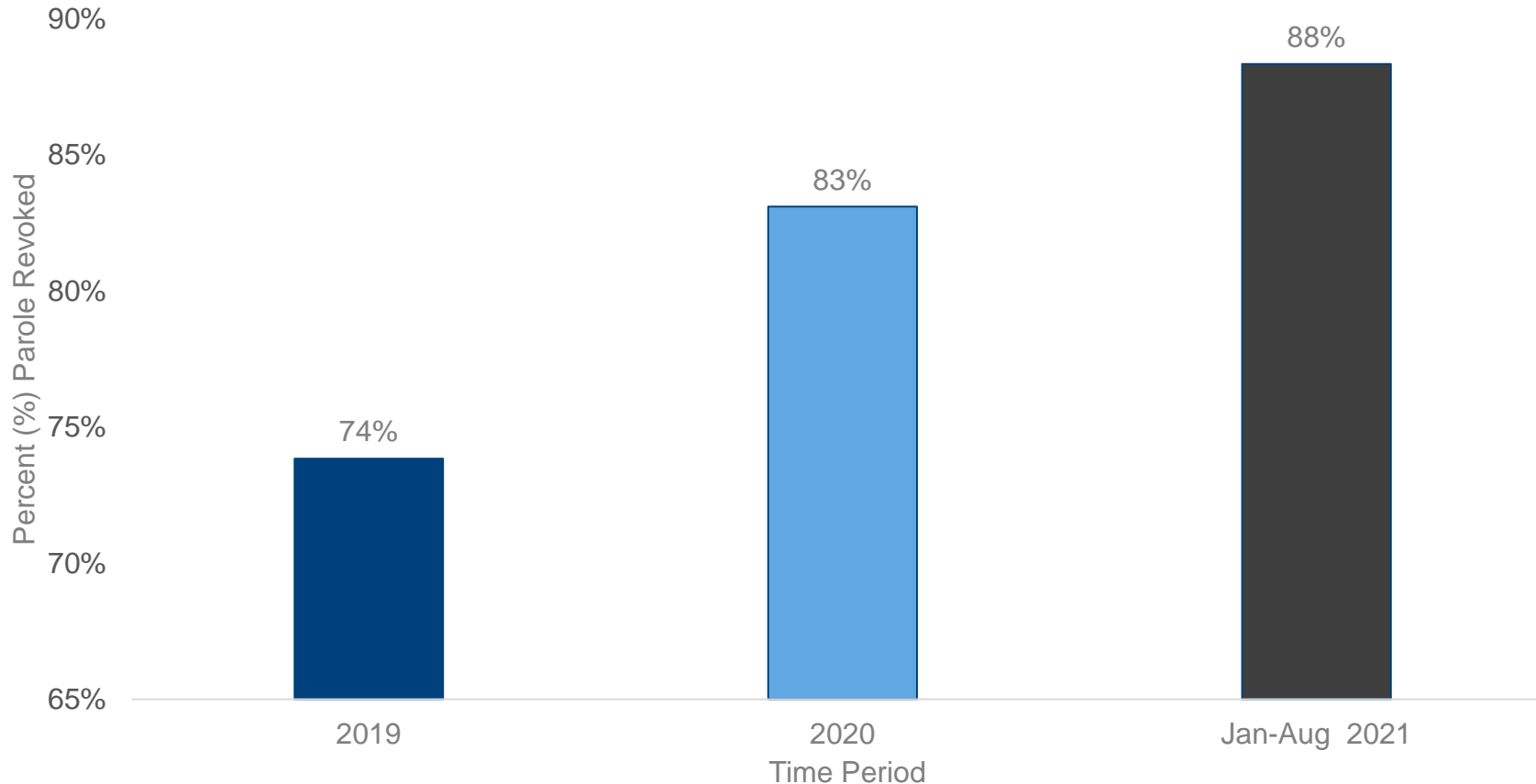
Nevada Parole Board Monthly Violation Hearings, January 2019-August 2021



Data Source: Nevada Parole Board; Analyses conducted by CJI.

Parole Revocations Rates Increased During and After Pandemic

Percentage of Parole Violation Hearings Resulting in Revocation



Even though the number of violation hearings declined, revocations increased by almost 15%.

Source: Nevada Parole Board; Analysis conducted by CJI.



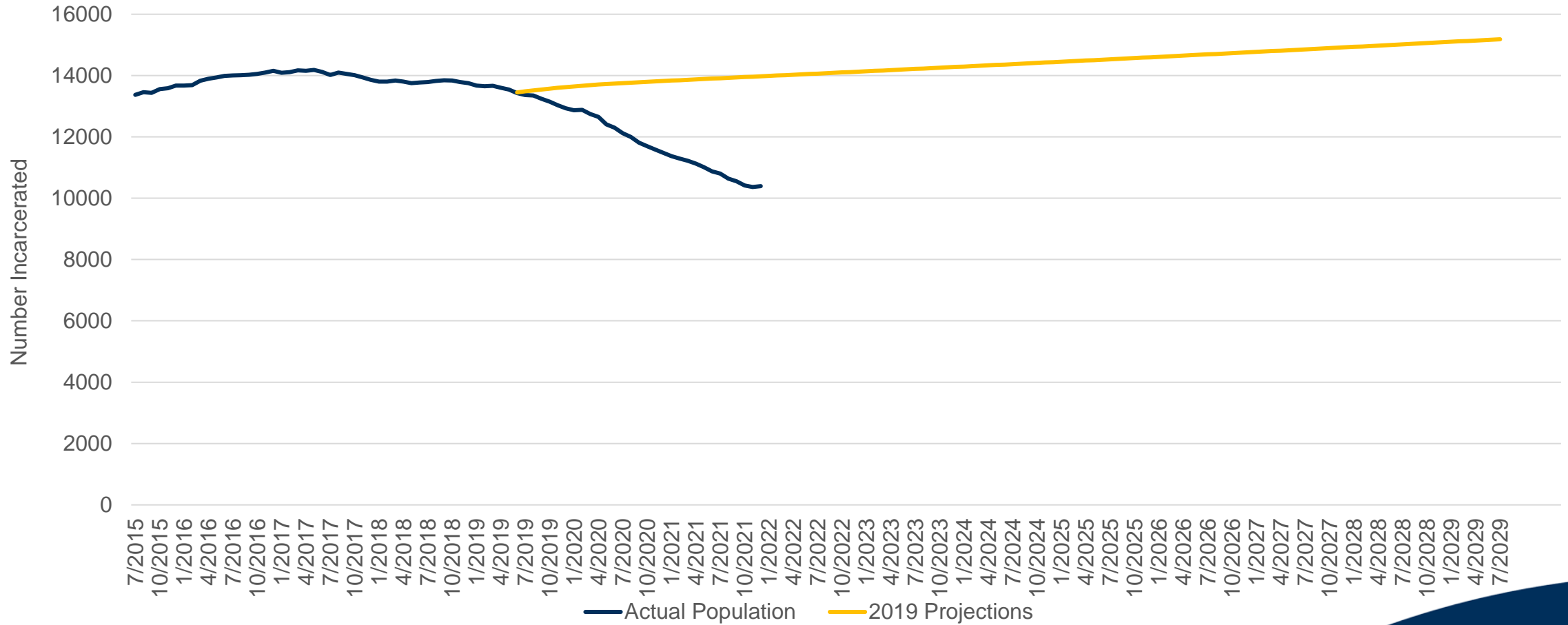
Prison Population Projections

Prison Population Projections

- As part of the 2019 JRI Effort, CJI, working with JFA, created new projections based on the policy changes enacted in AB 236.
- AB 236 requires the Sentencing Commission to calculate cost savings using prison population projections.
- As part of this project, state leaders asked CJI to assess the potential impact COVID-19 had on prison population projections, and if needed, recalculate any estimates.

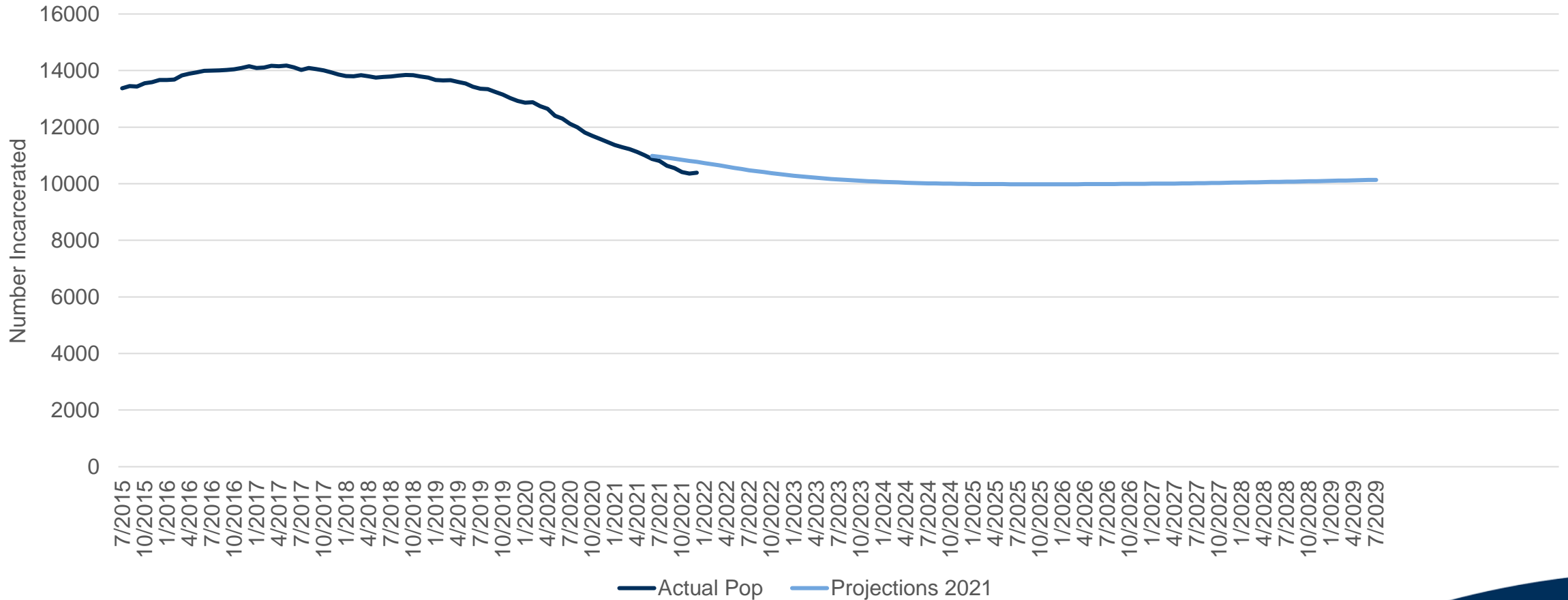
Projections Based on Data Through 2019

Nevada Prison Population and Projections



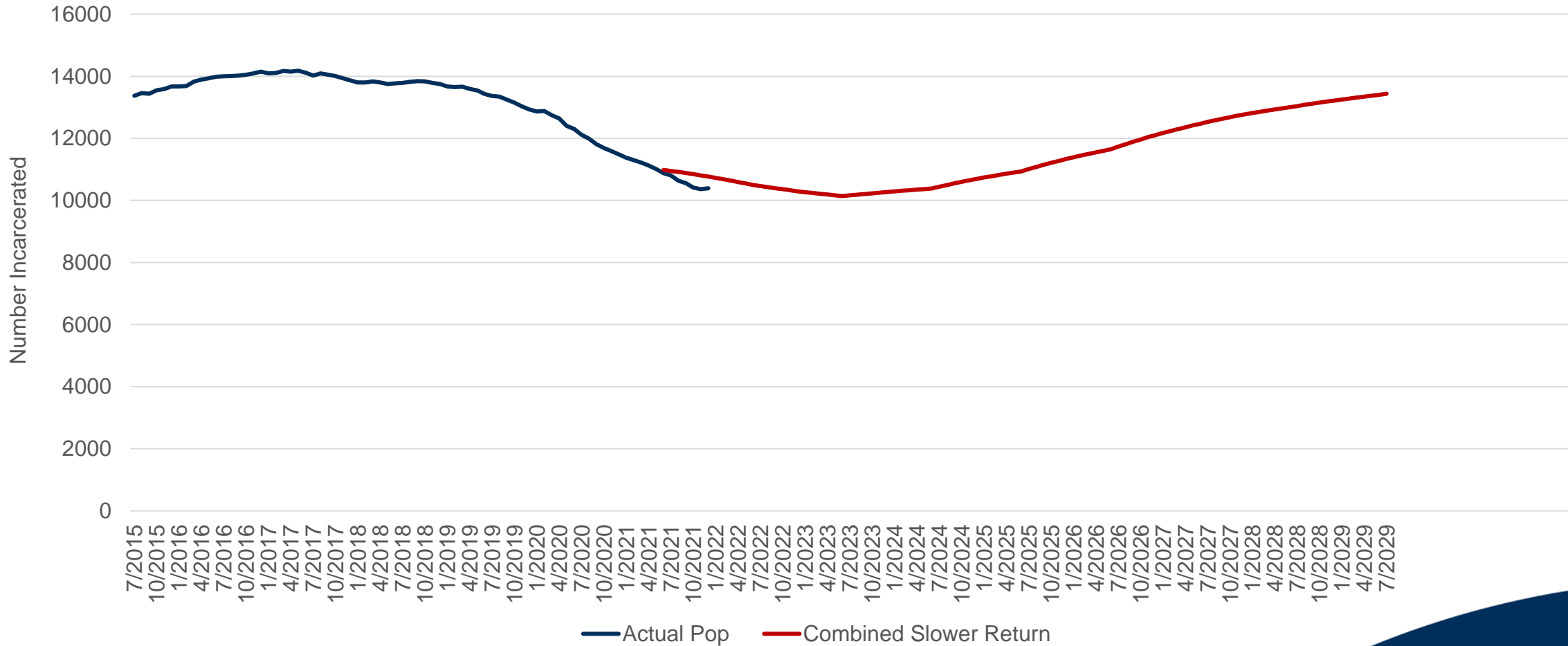
Projections Based on Data Through 2021

Nevada Prison Population and Projections



Projections Based on a Combination of 2019 and 2021 Admissions Data

Nevada Prison Population and Projections





Select Qualitative Findings and Responsive Recommendations

Goals of Recommendations

1. Expand upon practices adopted in Nevada and in other jurisdictions to develop long-term policies that will fortify the justice system against future large-scale crises;
2. Reduce the density of prison and jail environments in order to mitigate the spread of airborne viruses and ensure corrections administrators can keep both staff and the incarcerated population safe; and
3. Prioritize cooperation and coordination between the various components of the public safety, public health, and justice systems.

Expand Court Policies to Expedite Dispositions; Create a Framework of Rights for Remote Hearings

• **Finding:**

- Jurisdictions continue to struggle with a backlog of serious felony cases exacerbated by the pandemic.
 - Nevada Courts underwent a significant shift to remote proceedings.
 - This created important efficiencies and presented challenges concerning the quality of remote hearings.
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• **Recommendation:**

- Continue and expand policies implemented to expedite case processing.
- Establish a framework of rights for remote hearings.
- Expand rural access to remote court proceedings.

Continue to focus Law Enforcement Resources on Individuals who Threaten Public Safety

•Finding:

- Law enforcement in Nevada reacted to the pandemic in part by focusing resources on cases with significant public safety concerns, limiting non-critical custodial arrests, and suspending the execution of lower-level warrants.
 - Justice Courts experienced a 40 percent decline in drug offense filings from March to December 2020.
-

•Recommendation:

- Continue to prioritize the use of law enforcement resources for individuals who commit serious or violent crimes.
- Consider reducing custodial outcomes for lower-level conduct where release, supervision, services, or diversion would be a more positive impact on future recidivism than incarceration.

Continue Innovative Programming Methods and Preserve Sentencing Credits

•Finding:

- Most NDOC programming ceased for over a year during the pandemic, eliminating credit opportunities.
 - This was a factor in contributing to longer prison stays during the pandemic, as length of stay for people released in 2021 was around 2.5 months longer than for those released prior to the beginning of COVID.
-

•Recommendation:

- Continue and expand the development of remote or packet-based programming within NDOC facilities.
- Continue to pursue legislation to prevent the removal of sentence credits from incarcerated people when programming is absent due to a public health crisis.

Strengthen Discretionary Release Mechanisms in Statute

- **Finding:**

- Releases from prison declined during the pandemic for all release types
 - Several other jurisdictions, including Montana, Colorado, and Minnesota, saw positive public safety outcomes from policies that increased prison releases. These include declines in re-arrests and re-incarceration of releasees.
-

- **Recommendation:**

- Expand statutory release mechanisms available to the NDOC.
 - Expand eligibility for release to residential confinement, medical release, geriatric release, and temporary furlough.
- Use executive action to release individuals from custody during a public health crisis.

Provide the Parole Board with More Tools for Release

• **Finding:**

- Nevada's Parole Board grant rates remained consistent during the pandemic, with around two-thirds of actionable hearings resulting in granted parole.
 - However, a smaller overall number of hearings have been held since March 2020, with an increase of cases receiving a 'no action' designation due to pandemic delays.
-

• **Recommendation:**

- Expand the Parole Board's ability to safely release incarcerated people - both generally and in the event of future public health crises – by:
 - Adding emergency and public health factors to parole consideration; and
 - Requiring expedited hearings in the event of a no-action hearing that is not attributable to the person in custody.

Continue to Focus Re-Incarceration from Community Supervision on Individuals Committing Serious Violations

•Finding:

- The Division of Parole and Probation (NPP) transitioned to a more remote supervision model and focused interventions and sanctions on individuals who posed a significant public safety risk.
- Partly reflecting NPP's shifted focus, violation hearings held by the Board decreased since April 2020. Of the violation hearings held since then, a higher share were violations for more serious offenses (e.g., violent versus drug).

•Recommendation:

- Continue the shift toward a more remote supervision model.
- Continue reserving punitive interventions for individuals who pose risks to public safety; and employing graduated sanctions and supportive services for lesser conduct, including substance use relapse.

Increase Access to Behavioral Health Resources for Individuals Involved in the Criminal Justice System

•Finding:

- Data indicate an increase in the incidence of behavioral health issues since the pandemic began, both in the community and in custodial settings.
 - Access to treatment was limited during the pandemic both in custody and in the community as mitigation and treatment of COVID took priority.
 - Stakeholders across the state cite a reduction in already sparse behavioral health services as a major issue during the pandemic.
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•Recommendation:

- Preserve and expand NDOC programming and telehealth opportunities.
- Hire more NDOC caseworkers and invest in transitional housing.
- Invest in an expansion of broadband capacity in rural areas to ensure service(and justice system) accessibility.

Disclaimer

This project was supported by Grant No. 2019-ZB-BX-K003 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this presentation are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

CJI Contacts

Quentin Weld, Esq.
qweld@cjinstitute.org
(617) 485-4956

Carrie Chapman, Ph.D.
cchapman@cjinstitute.org