# The Record Outlives the Decision

AI in Corrections and Sentencing: Nevada Safeguards

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SUMMARY

# A Less Visible Risk in the Record

An AI-generated narrative, summary, or assessment may become part of an official record that affects a person’s liberty long after the document was created.

## THE POLICY QUESTION

Can agencies and affected people identify material AI assistance, verify underlying facts, preserve sources, and correct errors before they influence a decision?

# How One Record Travels

A hypothetical illustration, not a documented Nevada incident.

1. Camera flags a commissary exchange
2. AI helps draft the disciplinary report
3. A sanction follows
4. The report enters the person’s file
5. Years later, a parole panel reviews it

## At each stage: who can check or correct the record?

# Documented Examples

ARIZONA · SEPT 2026

## Synthetic victim portrayal at sentencing

In *State v. Horcasitas*, the sentence was vacated after the judge relied on an unreliable AI-generated depiction of the victim speaking.

TASMANIA · SEPT 2026

## Fabricated authorities in parole proceedings

A Parole Board document associated with AI use cited nonexistent legal authorities.

CALIFORNIA · APR 2026

## Inaccurate criminal filings

Nevada County prosecutors acknowledged AI-associated errors in four criminal cases.

None of these happened in Nevada. They are reasons to look at record integrity here, not a measure of how often errors occur.

02 · RESPONSIBILITY

# Identifiable Human Responsibility

**Human in the lead,** not merely human in the loop.

An accountable official must have the authority and responsibility to verify, correct, or reject consequential AI output. A signature without meaningful review is insufficient.

# Four Record-Integrity Safeguards

1 **Human oversight with authority to reject**

Who verifies the record?

2 **Disclosure and preservation of sources and drafts**

How are AI use and sources disclosed and retained?

3 **Meaningful correction and challenge procedures**

How can material inaccuracies be challenged?

4 **Auditable systems and accountable reporting**

How are the systems audited?

# California Penal Code §13663: Already in Force

## SB 524

Penal Code §13663, effective January 1, 2026. Covers systems that draft police-report narratives from audiovisual sources or dictation.

- Identification and disclosure of AI use
- A verifying signature
- Retention of the first AI-generated draft
- An audit trail of the user and footage
- Restrictions on vendor data use

Nevada should evaluate extending calibrated protections to correctional incident reports, classification summaries, supervision records, and parole recommendations.

04 · EDUCATION

# Educational AI Data in Custody

PROTECTED FROM REPURPOSING

- Prompts
- Tutoring exchanges
- Drafts
- Academic learning histories

FOR USE IN

- Disciplinary classification
- Behavioral profiling
- Parole risk scoring

Educational engagement should not become an additional source of opaque surveillance merely because a digital tool was used.

FERPA applies to eligible Prison Education Programs, but not every AI interaction is an education record. This protection would cover educational-use data beyond FERPA, with precise definitions and lawful exceptions.

**A fifth question: is educational data from custody being repurposed for discipline, classification, or parole?**

# Evaluation Before Adoption and Procurement

BEFORE ACTIVATION

## Assess the high-impact function

Task, affected populations, alternatives, accuracy, failure modes, data retention, vendor access, cybersecurity, accessibility, and consequences of error. Name the accountable official.

RISK INSTRUMENTS

## Validate on the people served

Risk-scoring and classification systems should be validated on the populations they serve and assessed for material disparities.

CONTRACT TERMS

## Build oversight into procurement

Audit and testing rights, data-use limits, breach notification, source preservation, log access, corrective action, and termination for noncompliance.

Evaluation should also identify staffing, storage, training, and vendor costs, including burdens on smaller agencies.

# Nevada’s Starting Point

| PROTECTION | WHAT IT DOES | LIMIT |
|---|---|---|
| **Executive-branch AI policy** | Sets transparency, accountability, and oversight expectations | Does not reach local governments or courts |
| **AOC judicial guide** | Addresses hallucinated citations and synthetic evidence | Guidance, not an enforceable rule |
| **NRS 414.099, 704.1833** | Assign specified decisions to people | Narrow, outside criminal justice |
| **NRS 176.156, NAC 213.524** | Allow objections to PSI errors and parole risk reassessment | Not designed for AI-assisted records |
| **BDR –504 (2027)** | Proposes standards for state and local AI use | Approved request, not enacted law |

07 · RECOMMENDATION

# One Recommendation for the 2027 Session

I recommend that the 2027 Legislature consider authorizing the Nevada Sentencing Commission to **survey AI use** in sentencing, corrections, supervision, and parole, including law enforcement reports that enter those records, and to **publish best practices** informed by its findings.

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Offered for consideration without requesting an immediate vote, directive, or agency assignment.

07 · RECOMMENDATION

# What the Survey Would Cover

## AGENCIES

- Department of Corrections
- Division of Parole and Probation
- Parole Board
- Courts
- Relevant local agencies

## VOICES TO HEAR

Prosecutors · Defense counsel · Courts · Correctional staff · Supervision staff · Parole authorities · Incarcerated people · Formerly incarcerated people · Educational institutions · Privacy experts · Technology personnel

It should distinguish generative AI, machine learning, conventional automation, and tools whose functions remain unverified.

CONCLUSION

# Safeguards That Follow the Record

Nevada should determine what safeguards follow AI-assisted information through the criminal justice system and how people can identify and correct mistakes.

**Useful technology and reliable records both depend on identifiable human responsibility.**

APPENDIX · ABOUT THE AUTHOR

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Teaches noncredit AI courses for adults in the community through TMCC's EPIC program. Master of Public Administration candidate, University of Nevada, Reno. Spent seventeen years in the custody of the Nevada Department of Corrections and returned to college at TMCC while still incarcerated.

His March 2026 brief, *From Custody to Career: College as the Framework for Reentry*, argued that education is the framework for reentry. His book *Redesigning Justice-Involved Education* is forthcoming from Taylor & Francis.

CONTACT

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This brief presents one member's views and recommendations. It does not state an adopted position of the Nevada Sentencing Commission or Truckee Meadows Community College.

APPENDIX · REFERENCES

# Sources


1 NV OCIO, Policy on the Responsible and Ethical Use of AI, Executive Branch

2 NRS 414.099, emergency planning decisions

3 NRS 704.1833, emergency utility decisions and AI

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5 NAC 213.524, parole risk reassessment

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8 State v. Horcasitas, Ariz. Ct. App. (Sept 30, 2026)

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10 Sacramento Bee, AI-generated errors in courts (Apr 1, 2026)

11 Howard University School of Law AI initiative, “human in the lead”

12 CCJ Task Force, Principles (2025); Decision Framework (2026)

13 Urban Institute, Responsible AI Adaptation in Corrections (2026)

14 Vera Institute, AI Accountability Principles (2026)

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16 Cal. Penal Code §13663 (SB 524), eff. Jan 1, 2026

17 U.S. Dept. of Education, PEP-Q31 (FERPA)

18 SB 199 (2025), Amendment No. 304

19 Nevada Current, AI guardrails (Apr 3, 2025)

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21 NELIS 84th Session BDR list (Oct 28, 2026)

22 NRS 176.0134