Report on Prison Population Data

NEVADA SENTENCING COMMISSION MEETING

NOVEMBER 4, 2022

SENTENCING POLICY
State of Nevada

Update on Requests from August 24, 2022 Meeting

- Habituals: Offense group of instant offense

- Drug offense: Description of type of drug for offense

- Comparison of individuals sentenced before and after AB 236 to compare penalties

- Race/Ethnicity/Gender information

- Pending cases and impacts to prison admissions

- Trends in aging population

- Medical costs and information about those released with medical care

- Jail population data

Comprehensive Report

- Due January 15, 2022

- Statutory mandate to include in report:
  - Recommendations relating to sentencing, budget, and legislation
  - Findings
  - Outcomes resulting from AB 236 (2019)
  - Trends in crime rates after AB 236 (2019) was enacted
  - Gaps in data tracking capabilities and recommendations for filling gaps

Measure Outcomes Resulting from AB 236 (2019)

- Justice Reinvestment Initiative Goals (measure outcomes related to the goals)
  1. Strengthen responses to behavioral needs of offenders
  2. Focus prison resources on serious and violent offenders
  3. Improve efficiency and effectiveness of community supervision
  4. Minimize barriers to successful reentry
  5. Ensure sustainability of reforms

- Data sources
  - Raw and aggregated data from NDOC
  - Some aggregated data from NPP
  - Case study from NDSP

Outline of Data Presentation

- Total population comparison of 2017 and 2022 (continued from previous meeting)

- Total population by felony category (totals and percentages)

- Total population by offense group (totals and percentages)

- Felony category by offense group over time

- Analysis of priors of new commitments

NOTE Measuring "serious" includes analyzing trends of the following: All felony categories in sex and violence offense groups and all category A felonies

Total Population by Felony Category
2017 and 2022 Comparison

2017

CAT E 1.91%
CAT D 5.76%
Safe Keeper 0.24%
CAT C 11.68%
CAT A 24.77%
CAT B 55.64%

Legend: CAT A, CAT B, CAT C, CAT D, CAT E, Safe Keeper

2022

CAT D 4.17%
CAT E 0.83%
CAT C 9.26%
Safe Keeper 0.25%
CAT A 30.31%
CAT B 55.19%

Legend: CAT A, CAT B, CAT C, CAT D, CAT E, Safe Keeper
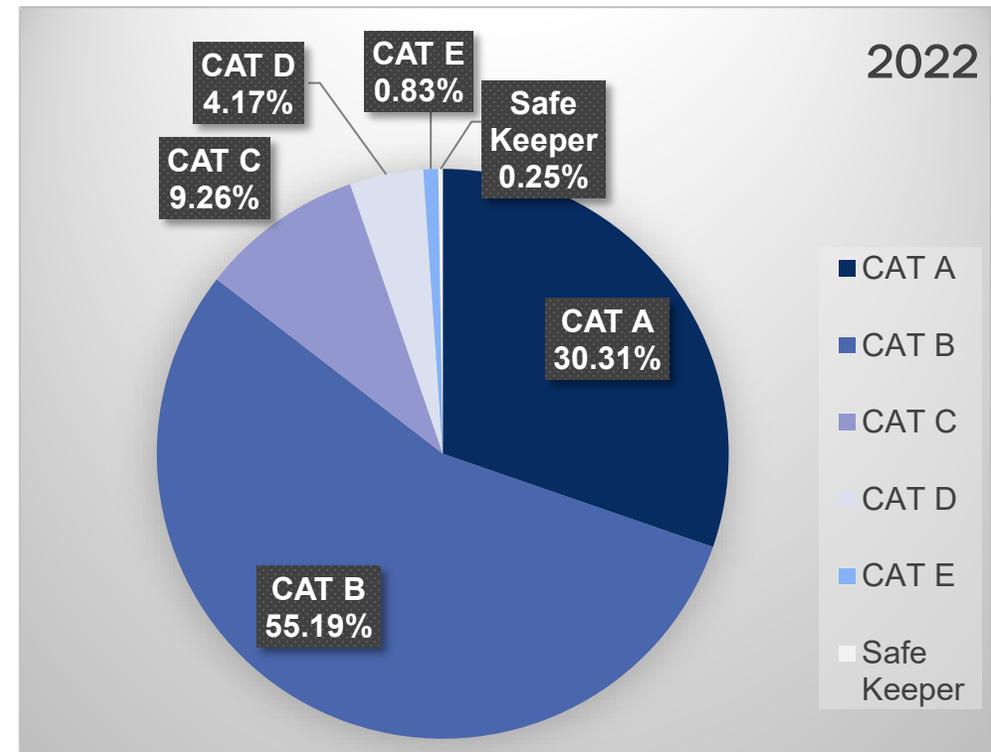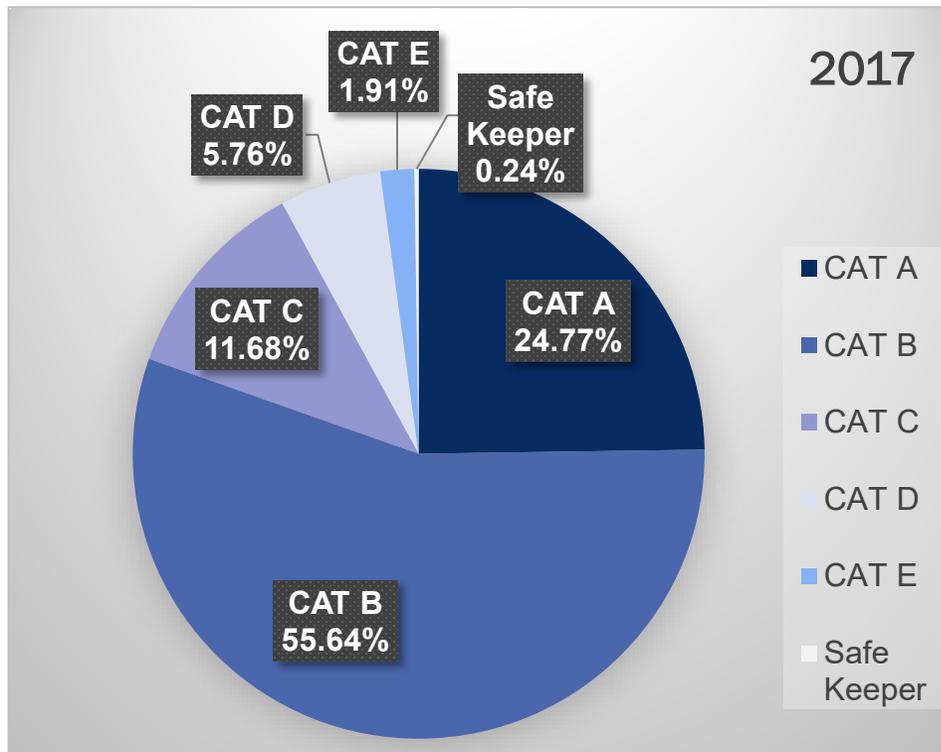
Total population as of December 31, 2017 compared with total population as of September 30, 2022

Felony Category B
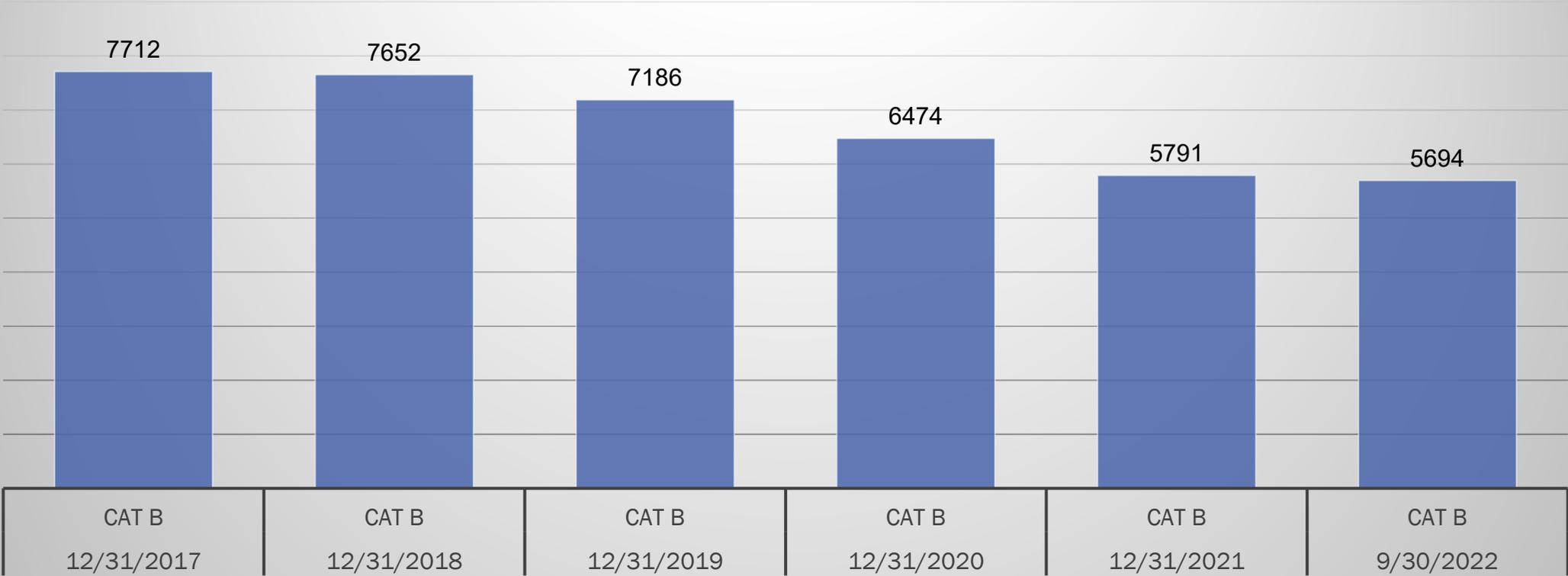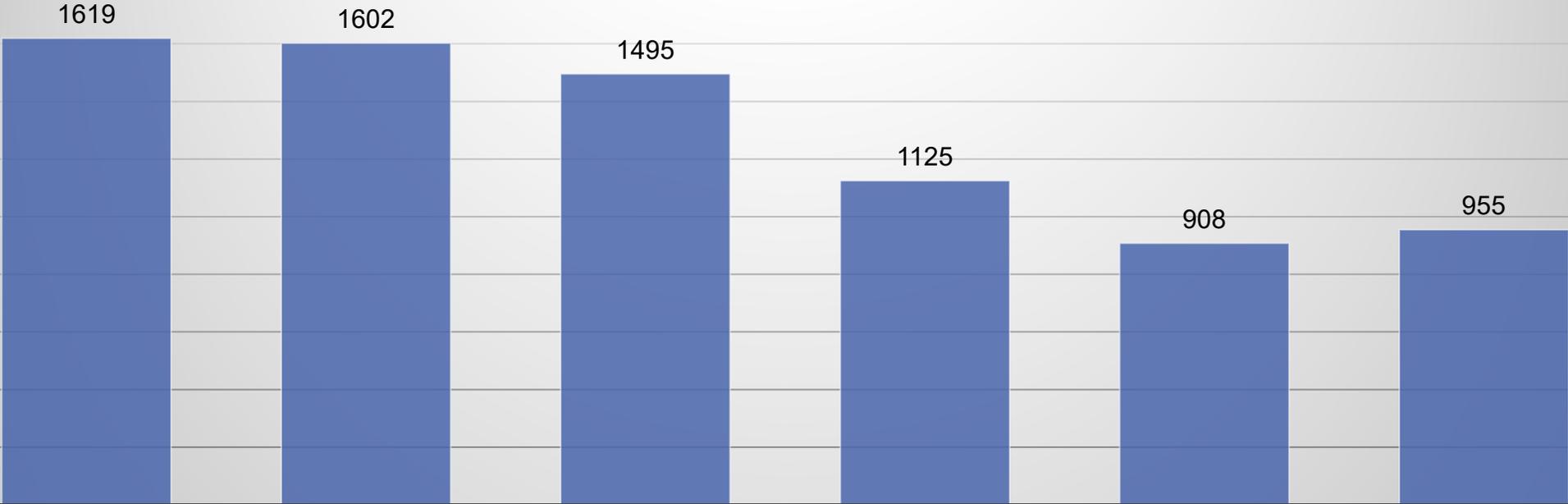
7712	7652	7186	6474	5791	5694
CAT B	CAT B	CAT B	CAT B	CAT B	CAT B
12/31/2017	12/31/2018	12/31/2019	12/31/2020	12/31/2021	9/30/2022

Felony Category C

1619	1602	1495	1125	908	955
CAT C	CAT C	CAT C	CAT C	CAT C	CAT C
12/31/2017	12/31/2018	12/31/2019	12/31/2020	12/31/2021	9/30/2022

Total Population by Felony Category Over Time
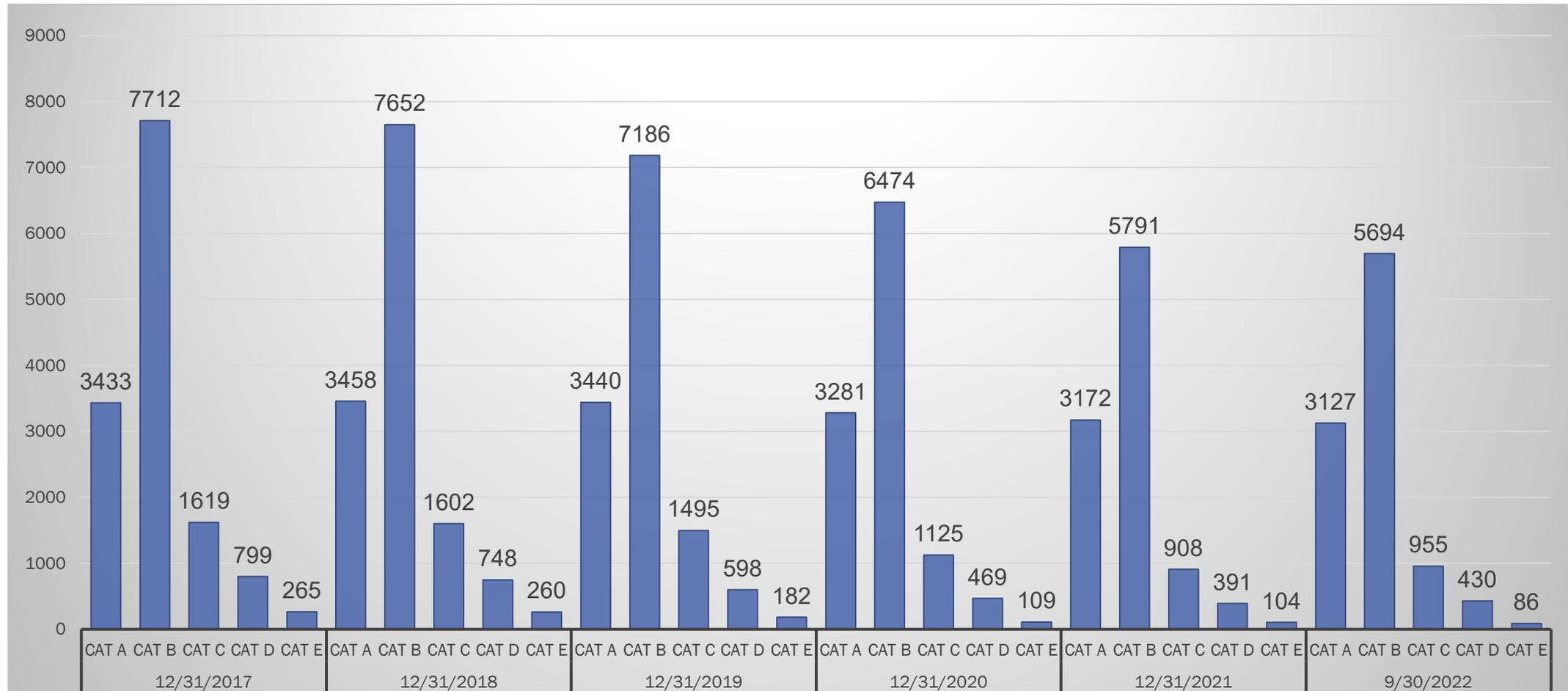
Comparison of Felony Category Totals Over Time

	CAT A						CAT B						CAT C						CAT D						CAT E					
12/31/2017	3433						7712						1619						799						265					
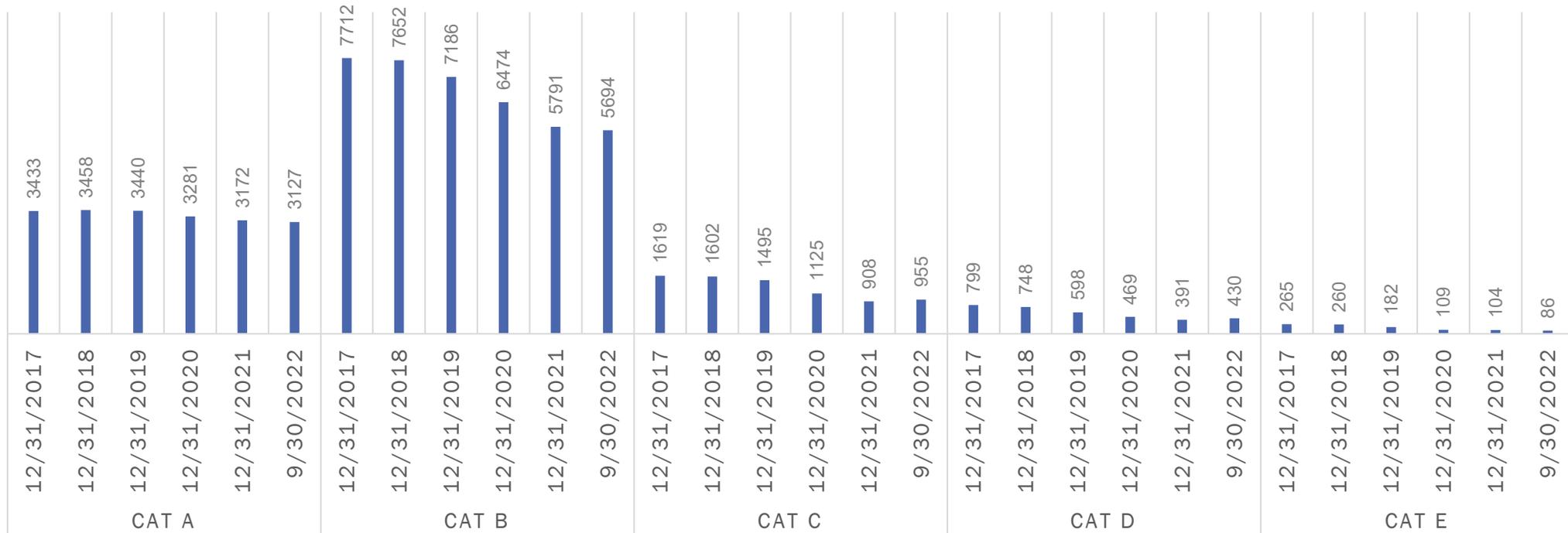
Comparison of Percentages Over Time

Cat A	
Year	Percentage
2017	24.77%
2018	25.15%
2019	26.60%
2020	28.57%
2021	30.52%
2022	30.31%

Cat B	
Year	Percentage
2017	55.64%
2018	55.65%
2019	55.57%
2020	56.36%
2021	55.72%
2022	55.19%

Cat C	
Year	Percentage
2017	11.68%
2018	11.65%
2019	11.56%
2020	9.79%
2021	8.74%
2022	9.26%

Cat D	
Year	Percentage
2017	5.76%
2018	5.44%
2019	4.62%
2020	4.08%
2021	3.76%
2022	4.17%

| Cat E	
Year	Percentage
2017	1.91%
2018	1.89%
2019	1.41%
2020	0.95%
2021	1.00%
2022	0.83%

Data Analysis and Findings: Felony Categories

- Data analysis of total population by felony categories
  - Relative decrease in felony category A offenders but increase in percentage
  - Total number of category B offenders has decreased while the percentage has remained relatively flat
  - Total numbers and percentages of category C, D, and E offenders have generally decreased

- What are the findings as they relate to the outcomes of the goal to focus prison resources on serious and violent offenders?
  - These trends may show a focus on serious and violent offenders – further analysis of offense groups is needed

Total Population by Offense Group
2017 and 2022 Comparison

2017

- DUI 3.78%
- Safe Keeper 0.24%
- Drug 10.09%
- Violence 42.77%
- Other 10.35%
- Sex 14.89%
- Property 17.87%

Legend:
- Violence
- Property
- Sex
- Other
- Drug
- DUI
- Safe Keeper

2022

- Drug 6.32%
- DUI 4.27%
- Safe Keeper 0.25%
- Other 10.00%
- Violence 49.34%
- Property 12.07%
- Sex 17.75%

Legend:
- Violence
- Sex
- Property
- Other
- Drug
- DUI
- Safe Keeper

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State of Nevada
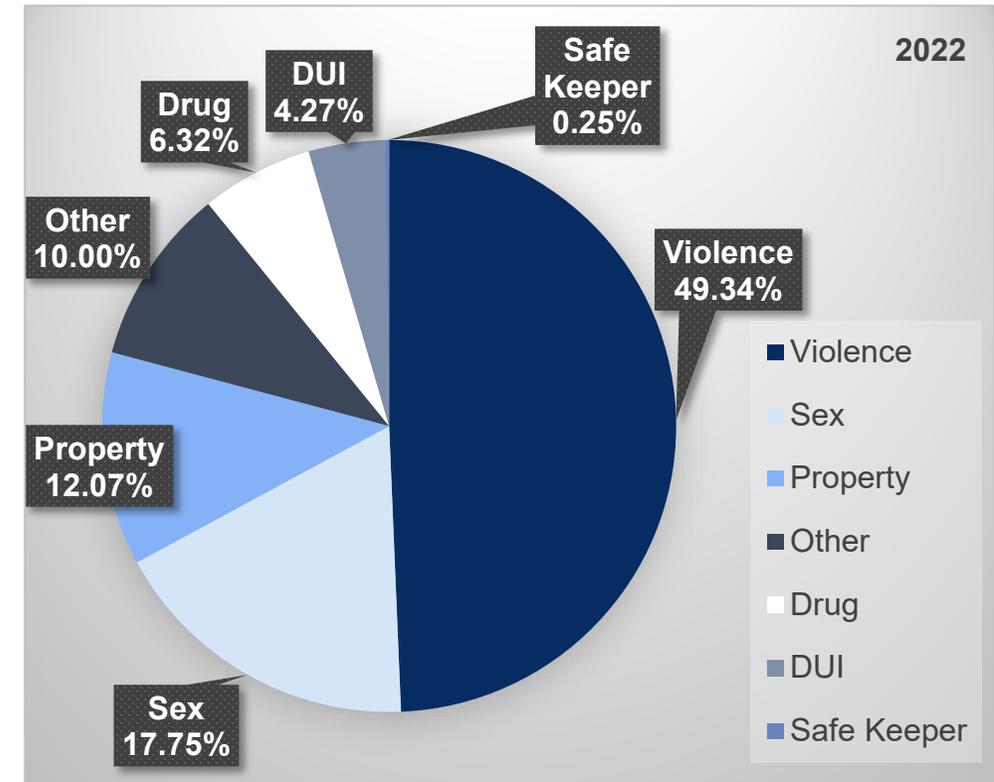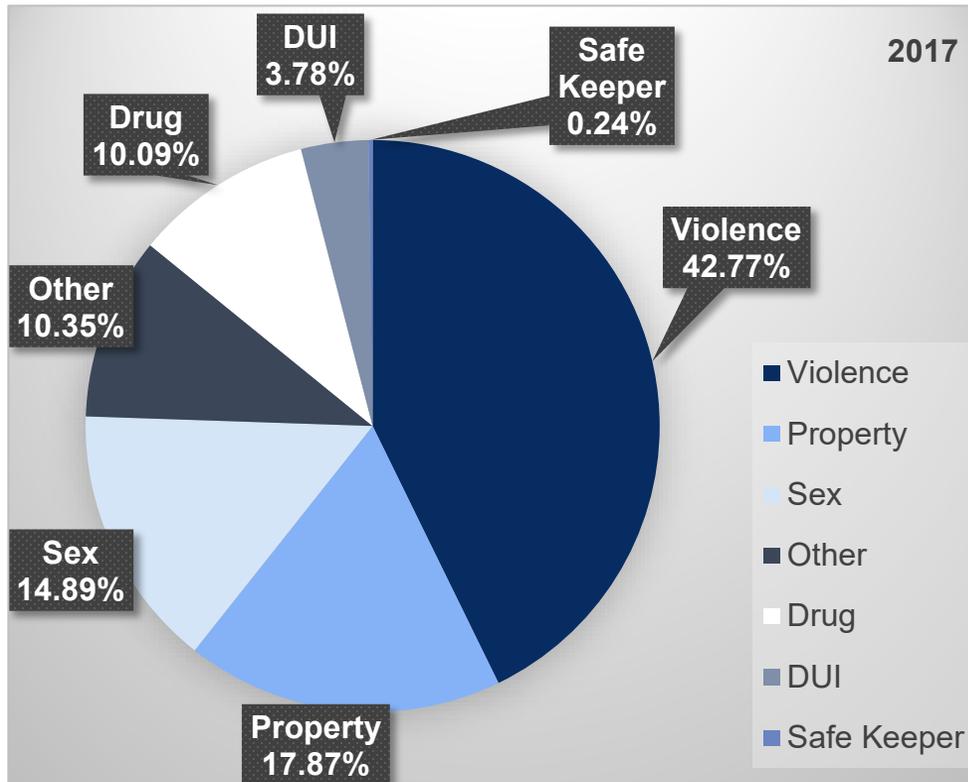
Violence Offense Group Totals Over Time

Sex Offense Group Totals Over Time

	SEX 12/31/2017	SEX 12/31/2018	SEX 12/31/2019	SEX 12/31/2020	SEX 12/31/2021	SEX 9/30/2022
Total	2064	2050	2023	1918	1824	1831
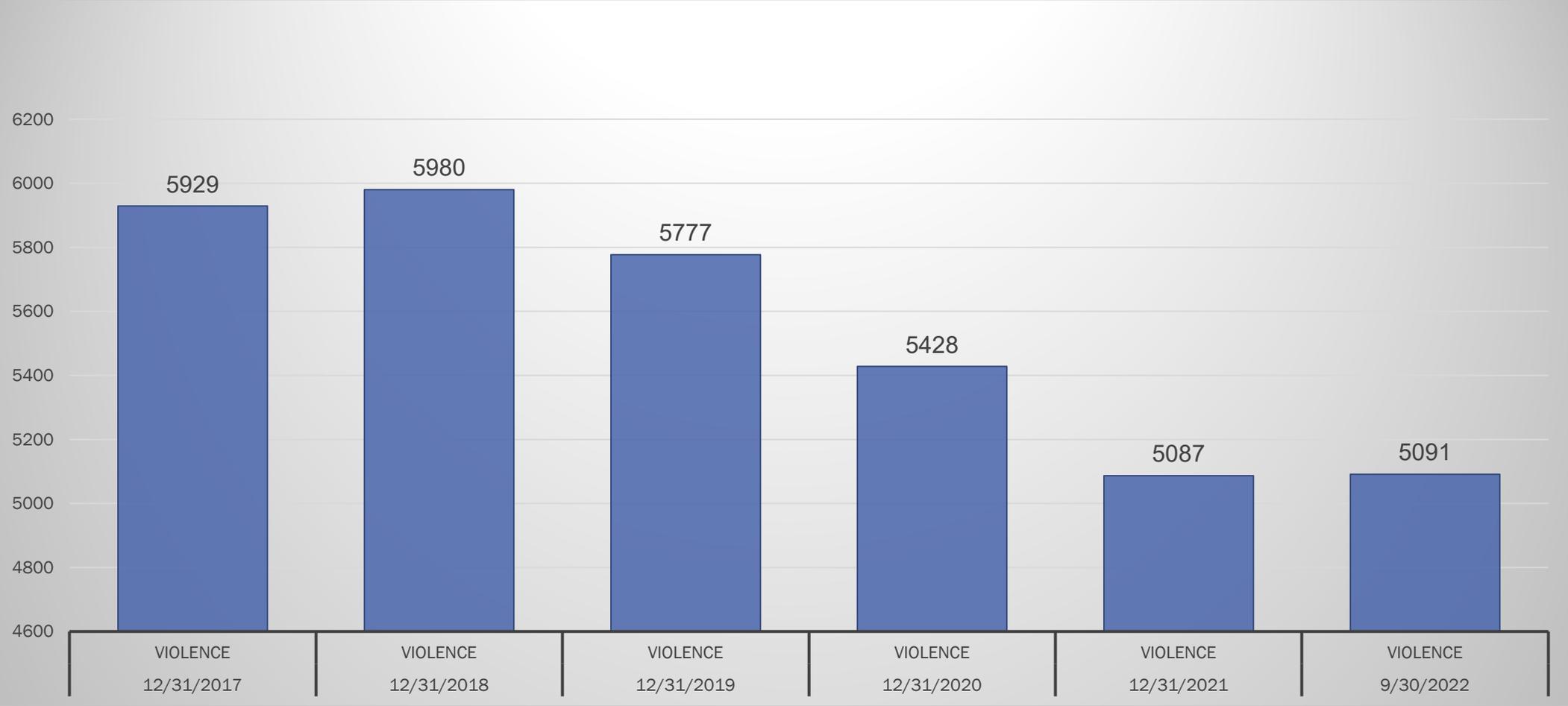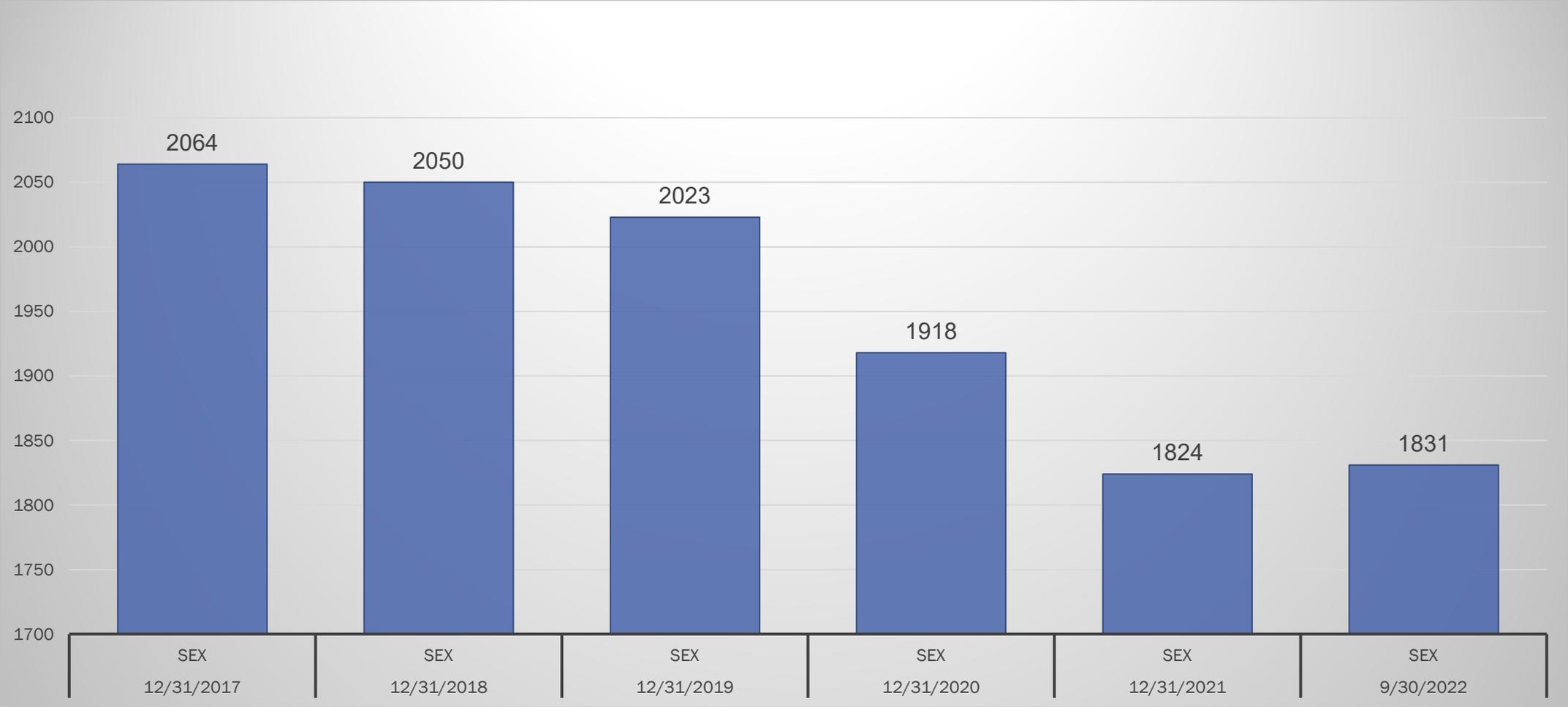
DUI Offense Group Totals Over Time

Other Offense Group Totals Over Time

	OTHER 12/31/2017	OTHER 12/31/2018	OTHER 12/31/2019	OTHER 12/31/2020	OTHER 12/31/2021	OTHER 9/30/2022
Total	1435	1399	1273	1077	981	1032

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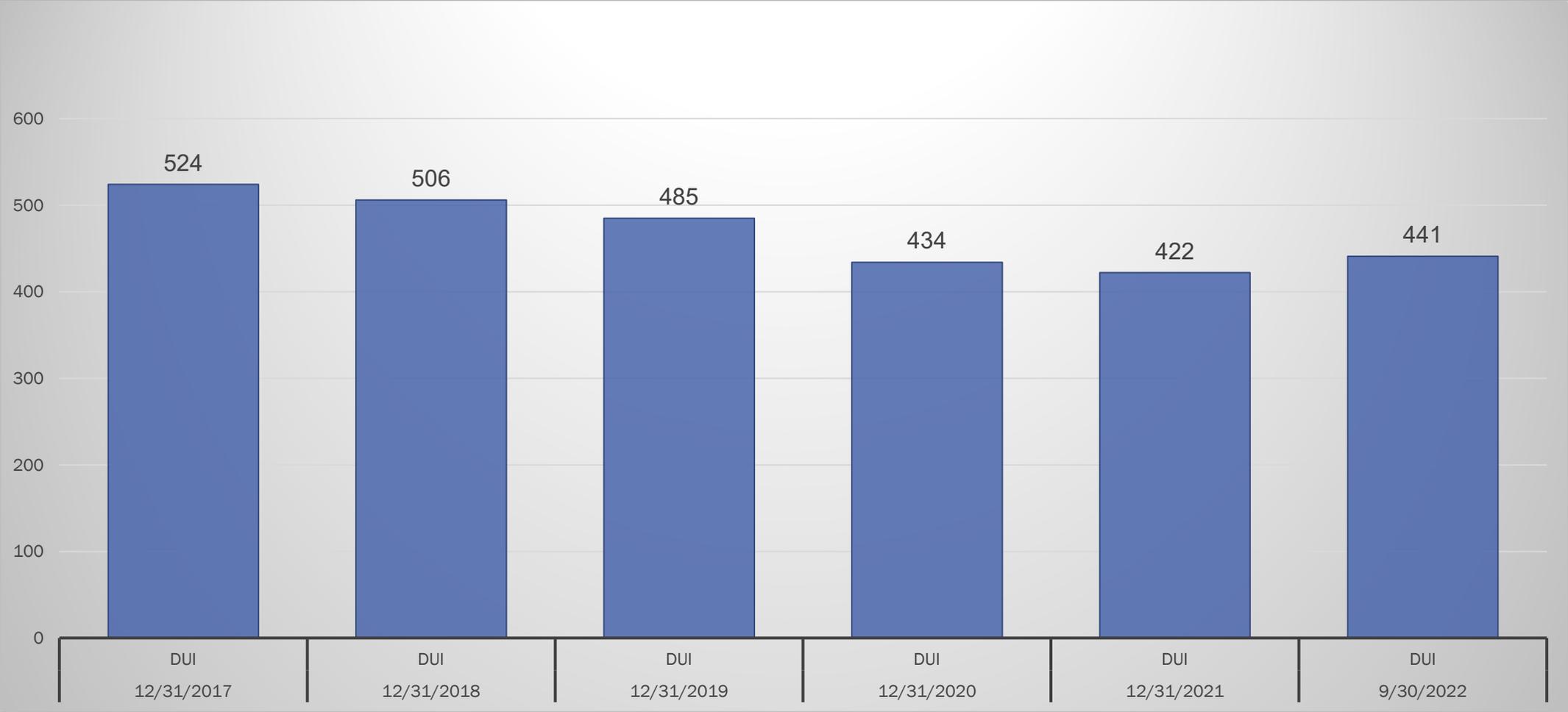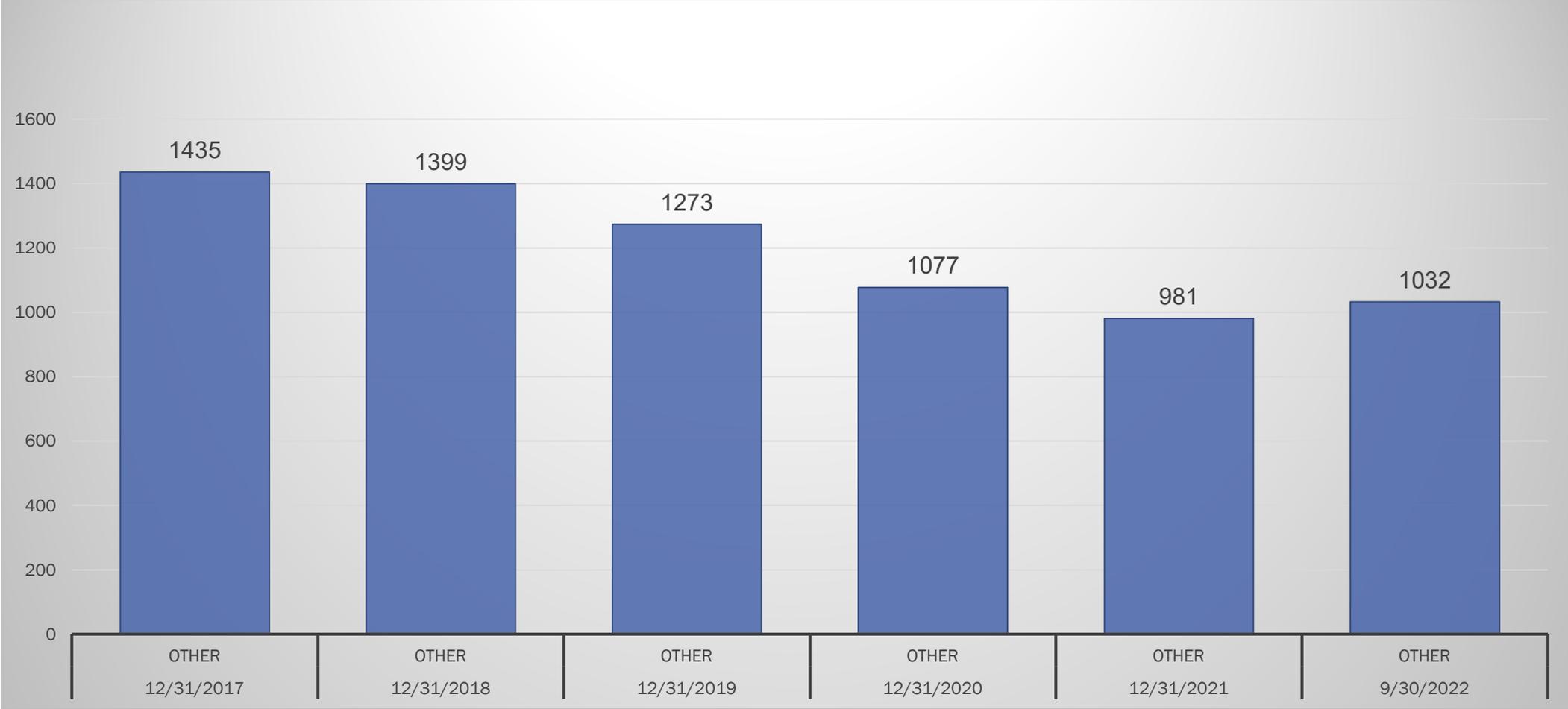
# Property Offense Group Totals Over Time
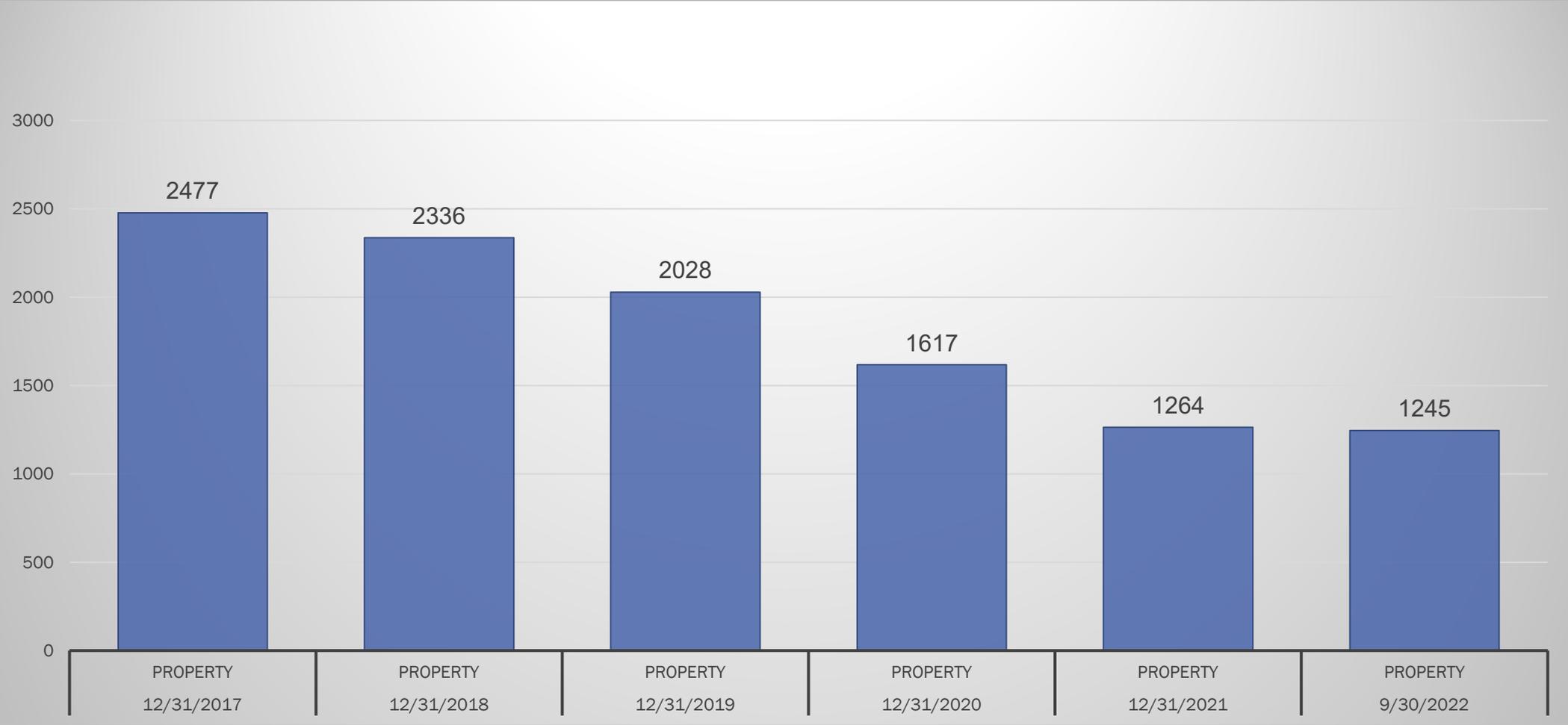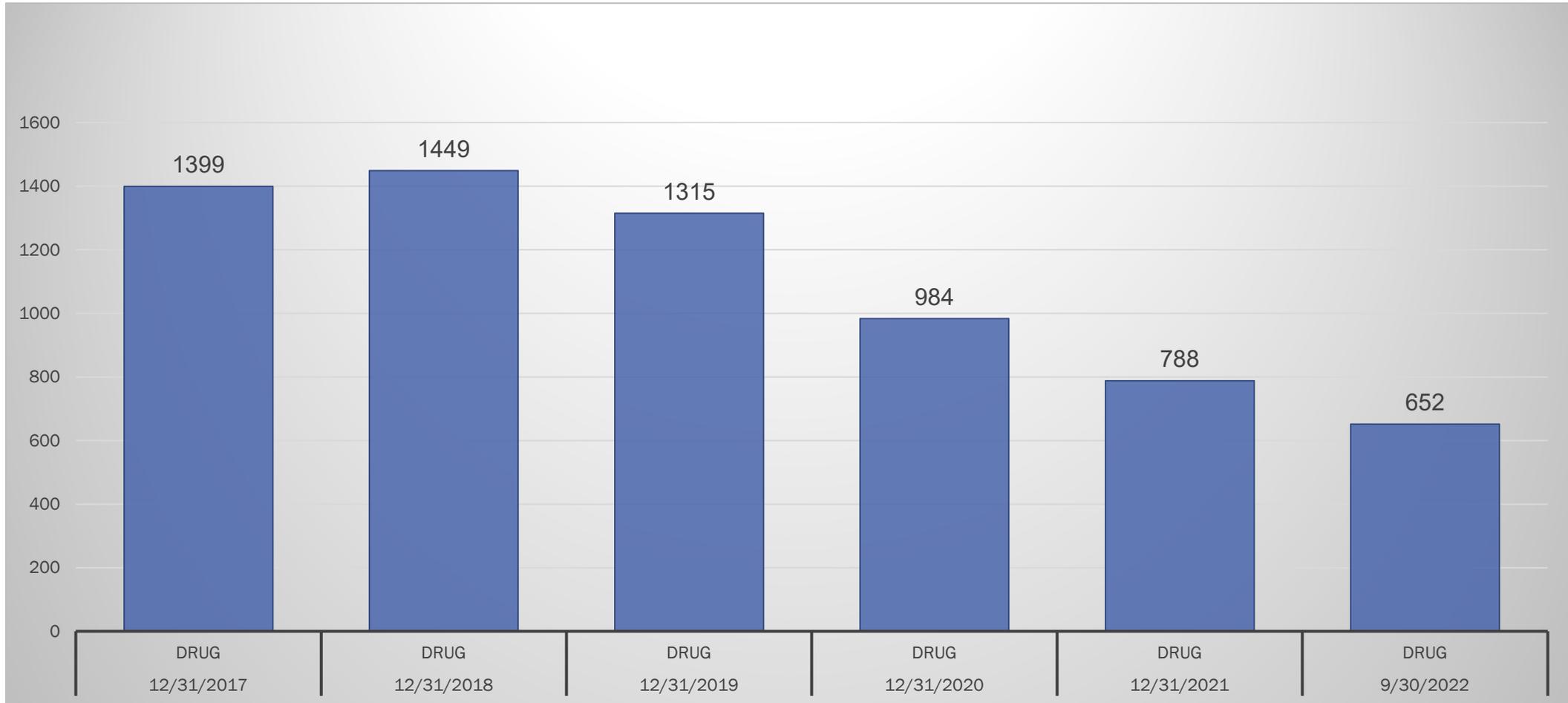
Drug Offense Group Totals Over Time

Comparison of Offense Group Totals Over Time

	12/31/2017						12/31/2018						12/31/2019						12/31/2020						12/31/2021						9/30/2022					
DRUG	1399						1449						1315						984						788						652					
DUI		524						506						485						434						422						441				
OTHER			1435						1399						1273						1077						981						1032			
PROPERTY				2477						2336						2028						1617						1264						1245		
SEX					2064						2050						2023						1918						1824						1831	
VIOLENCE						5929						5980						5777						5428						5087						5091
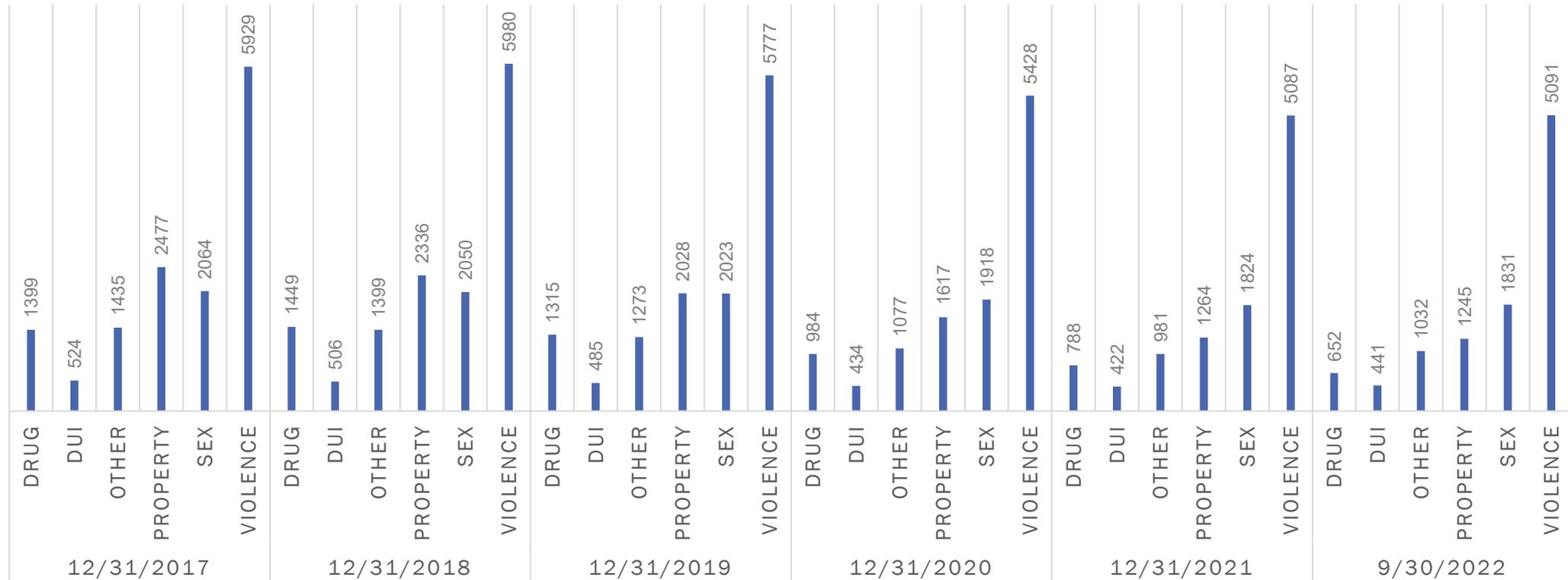
Comparison of Offense Group Percentages Over Time

Sex	
Year	Percentage
2017	14.89%
2018	14.91%
2019	15.64%
2020	16.70%
2021	17.55%
2022	17.75%

Violence	
Year	Percentage
2017	42.77%
2018	43.49%
2019	44.67%
2020	47.26%
2021	48.95%
2022	49.34%

DUI	
Year	Percentage
2017	3.78%
2018	3.68%
2019	3.75%
2020	3.78%
2021	4.06%
2022	4.27%

Property	
Year	Percentage
2017	17.87%
2018	16.99%
2019	15.68%
2020	14.08%
2021	12.16%
2022	12.07%

Drug	
Year	Percentage
2017	10.09%
2018	10.54%
2019	10.17%
2020	8.57%
2021	7.58%
2022	6.32%

| Other	
Year	Percentage
2017	10.35%
2018	10.17%
2019	9.84%
2020	9.38%
2021	9.44%
2022	10.00%

# Data Analysis and Findings: Offense Groups

- Data analysis of offense groups
  - Drug and property offense groups percentages decreased between 2017 and 2020
  - Sex and violence offense groups percentages increased between 2017 and 2020
  - Drug offense group totals and percentages decreased between 2017 and 2022
  - Sex and violence offense groups totals decreased until 2022

- What are the findings as they relate to the outcomes of the goal to focus prison resources on serious and violent offenders?
  - Trends indicate that our prisons are generally housing most serious and violent offenders because percentages of the more serious offense groups of sex and violence have increased while the percentages of property and drug offense groups decreased

- Other findings
  - Sex and violence offense groups on track for relative increase for 2022
  - Property percentage decreased by just over 2% between end of 2017 and end of 2019 – AB 236 enhanced an existing trend

SENTENCING POLICY
State of Nevada

Category A by Offense Group Over Time

	CAT A 2017	CAT A 2018	CAT A 2019	CAT A 2020	CAT A 2021	CAT A 2022
☐ Drug	91	91	88	77	71	70
■ DUI		1	1	1	1	1
☐ Other	306	312	302	276	251	239
■ Property		1	1	1	1	1
☐ Sex	1236	1227	1212	1138	1072	1033
■ Violence	1800	1826	1836	1788	1776	1783
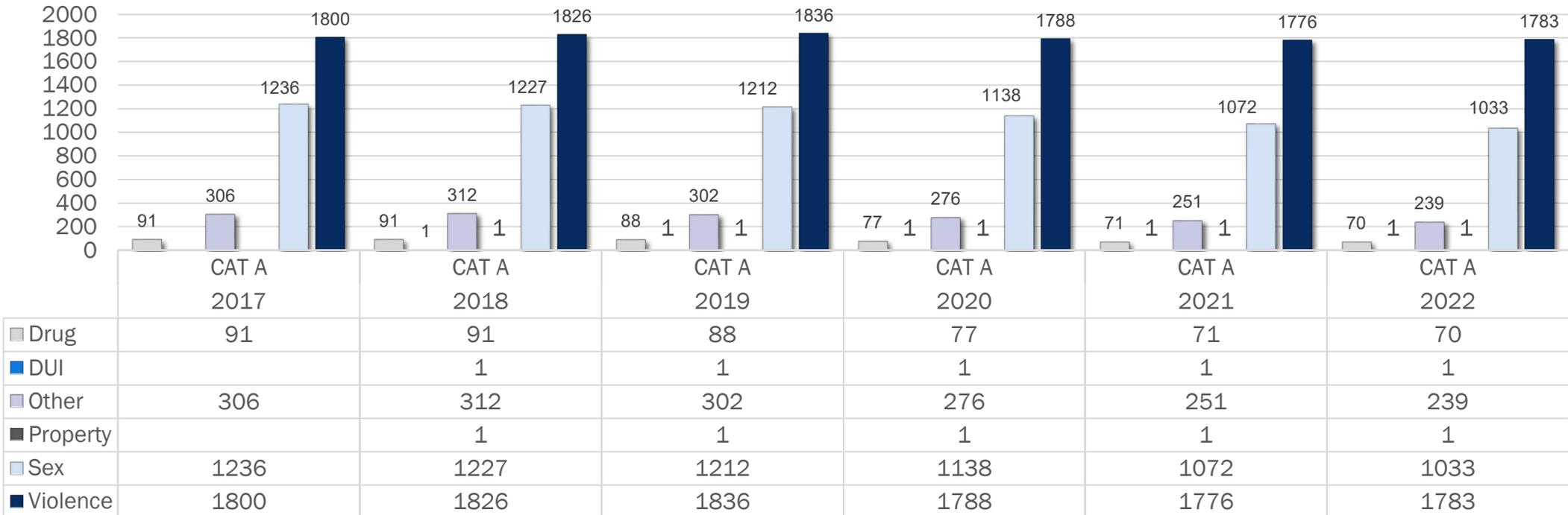
Category B by Offense Group Over Time

	CAT B 2017	CAT B 2018	CAT B 2019	CAT B 2020	CAT B 2021	CAT B 2022
Drug	869	940	894	700	511	414
DUI	524	505	484	433	421	440
Other	848	795	737	641	569	584
Property	1262	1194	1055	908	672	578
Sex	784	777	760	741	715	751
Violence	3425	3441	3256	3051	2903	2927
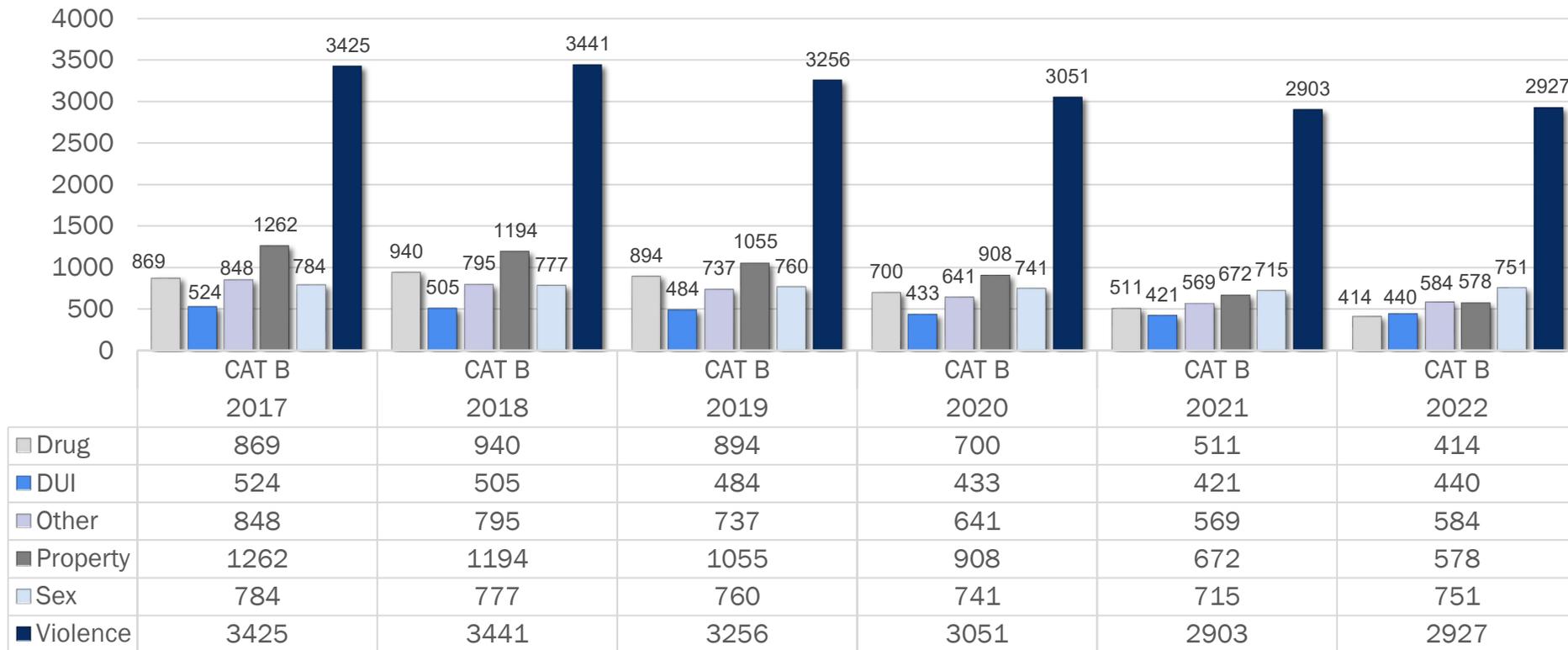
Category C by Offense Group Over Time

	CAT C 2017	CAT C 2018	CAT C 2019	CAT C 2020	CAT C 2021	CAT C 2022
Drug	91	103	107	62	68	68
Other	172	167	147	100	116	154
Property	773	749	678	493	388	411
Sex	30	27	30	22	13	23
Violence	553	556	533	448	323	299
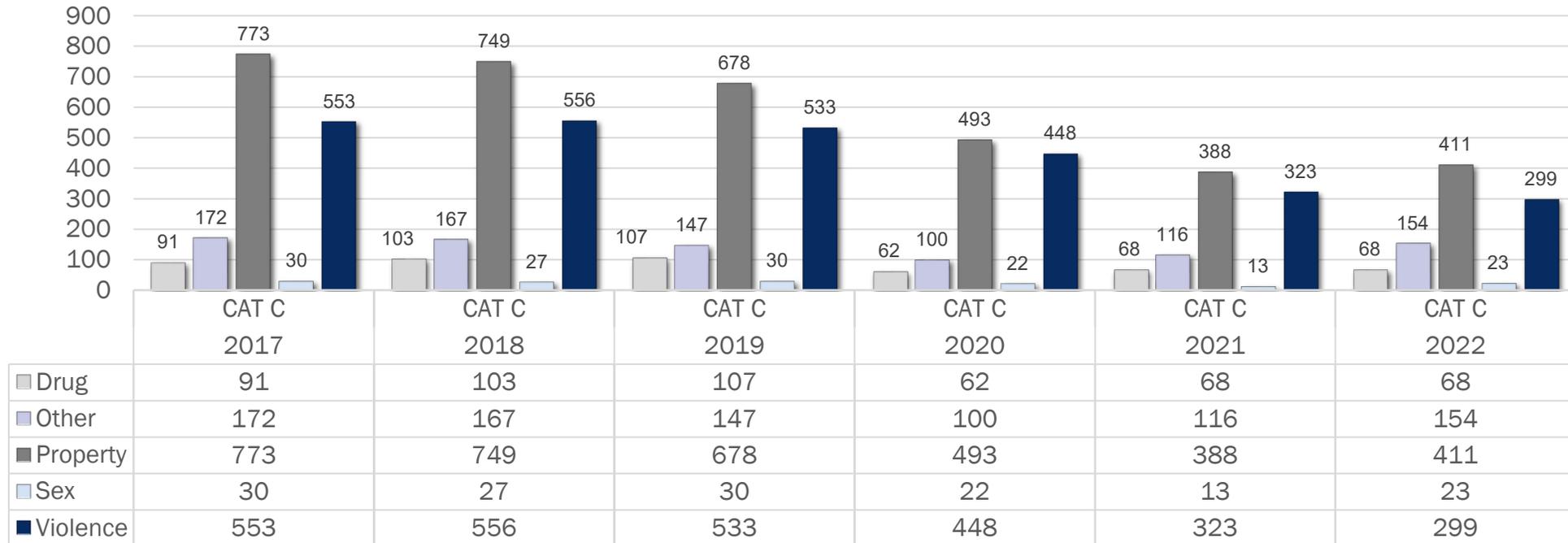
Category D by Offense Group Over Time

	CAT D 2017	CAT D 2018	CAT D 2019	CAT D 2020	CAT D 2021	CAT D 2022
Drug	130	102	79	55	59	39
Other	93	112	74	54	43	52
Property	415	360	273	204	182	234
Sex	12	19	21	17	22	23
Violence	149	155	151	139	85	82
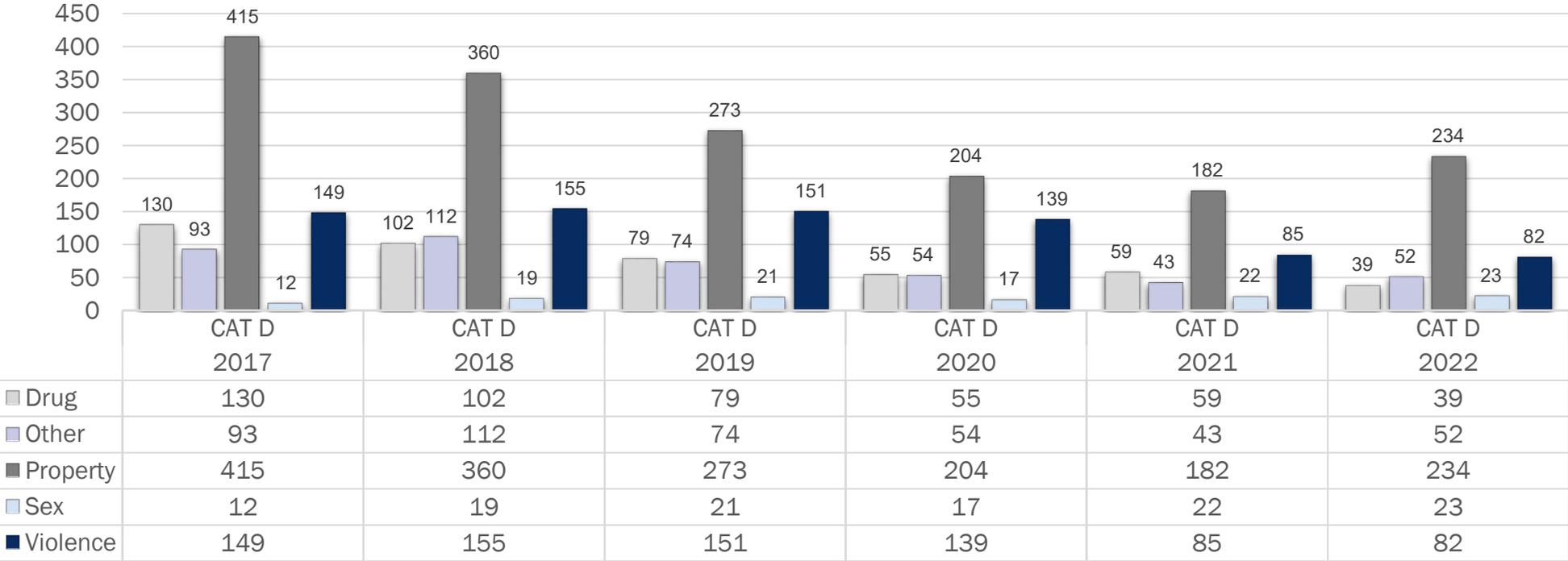
Category E by Offense Group Over Time

	CAT E 2017	CAT E 2018	CAT E 2019	CAT E 2020	CAT E 2021	CAT E 2022
Drug	218	213	147	90	79	61
Other	16	13	13	6	2	3
Property	27	32	21	11	21	21
Sex	2				2	1
Violence	2	2	1	2		
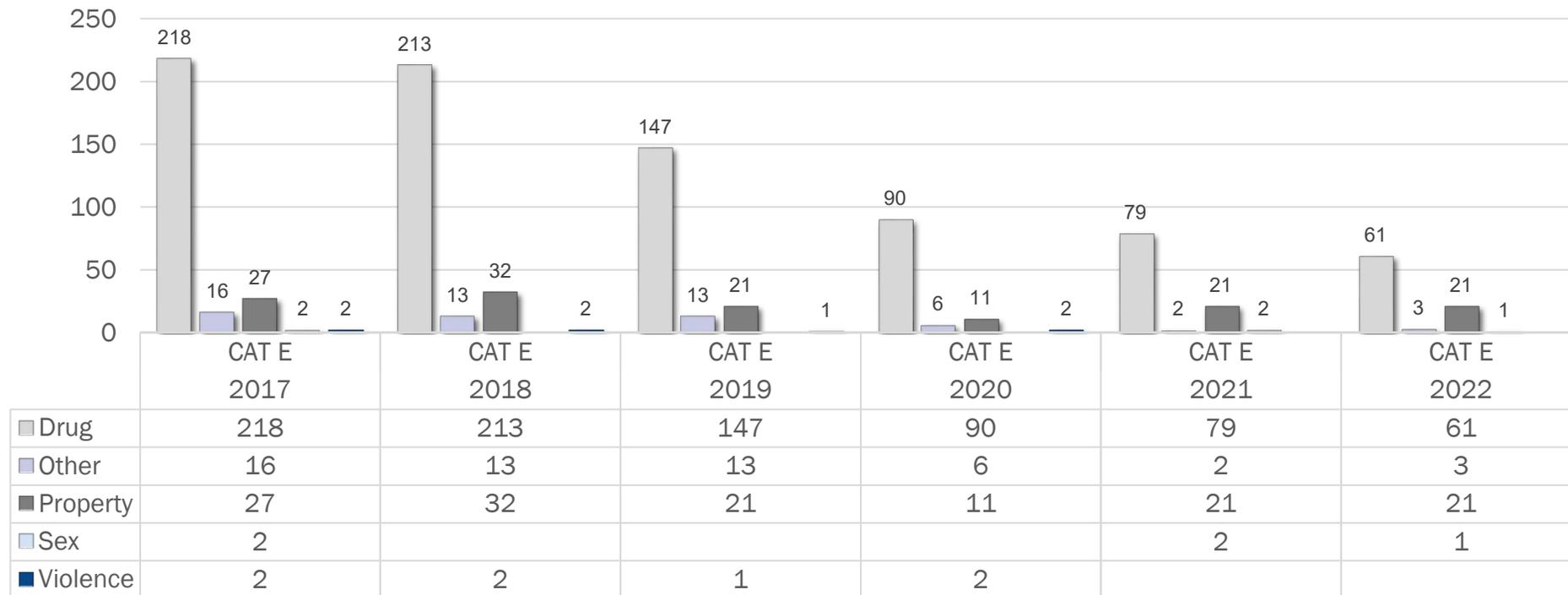
Data Analysis and Findings: Felony Category by Offense Group

- Data analysis of felony category by offense group
  - Felony category A
    - Highest occurring offense groups are sex and violence
  - Felony category B
    - Highest occurring and most common offense group is violence
  - Felony category C and D
    - Highest occurring offense group is property
    - Second highest occurring offense group is violence
  - Felony category E
    - Highest occurring offense group is drug

- What are the findings as they relate to the outcomes of the goal to focus prison resources on serious and violent offenders?
  - The majority of those housed in the prison are category A and B felonies and the highest occurring offense groups among categories A and B are sex and violence, the most serious offense groups
  - The majority of prison resources are being focused on serious and violent offenders

Priors: New Commitments with Zero Prior Felonies

TOTAL POPULATION & NEW COMMITMENTS

Total Population
- December 31, 2017: 13,861
- September 30, 2022: 10,318

New Commitments
- December 31, 2017: 10,496
- September 30, 2022: 8,027

NEW COMMITMENTS WITH ZERO PRIOR FELONIES

- December 31, 2017: 4,608

- September 30, 2022: 3,791

Zero Prior Felonies and Other Priors Data for New Commitments

DATA ELEMENTS TO ANALYZE PRIORS

- Total Population
  - New Commitments
    - Prior Jail Incarcerations
    - Prior Probations
    - Prior Non-Violent Misdemeanor Convictions
    - Prior Violent Misdemeanor Convictions
    - Prior Prison Incarcerations
    - Prior Felonies
    - Prior NV Bookings

COMPARISON OF TOTALS

- December 31, 2017
  - Total Population: 13,861
  - Total New Commitments: 10,496
  - Total Zero Prior Felonies: 4,608
  - Total Zero Prior Felonies & No Other Priors: 410

- September 30, 2022
  - Total Population: 10,318
  - Total New Commitments: 8,027
  - Total Zero Prior Felonies: 3,791
  - Total Zero Prior Felonies & No Other Priors: 548

Zero Prior Felonies and No Other Priors: By Felony CAT

2017

2022

12/31/2017		
Category	**Totals**	**Percentages**
CAT A	183	44.63%
CAT B	209	50.98%
CAT C	10	2.44%
CAT D	6	1.46%
CAT E	2	0.49%
Grand Total	410	

09/30/2022		
Category	**Totals**	**Percentages**
CAT A	203	37.04%
CAT B	312	56.93%
CAT C	24	4.38%
CAT D	9	1.64%
Grand Total	548	

Zero Prior Felonies and No Other Priors: By Offense Group

2017

12/31/2017		
Groups	**Totals**	**Percentages**
Violence	198	48.29%
Sex	124	30.24%
Drug	53	12.93%
Property	15	3.66%
DUI	14	3.41%
Other	6	1.46%
Grand Total	410	

2022

09/30/2022		
Groups	**Totals**	**Percentages**
Violence	265	48.36%
Sex	191	34.85%
Drug	27	4.93%
DUI	26	4.74%
Other	21	3.83%
Property	18	3.28%
Grand Total	548	

Zero Prior Felonies and No Other Priors: By CAT by Offense Group

2017

- Category A felony by sex and violence offense groups
  - Total: 179
  - 43.66% (of 410)

- Category B felony by sex and violence offense groups
  - Total: 133
  - 32.44% (of 410)

12/31/2017	Count
CAT A	**183**
Drug	3
Other	1
Sex	86
Violence	93
CAT B	**209**
Drug	46
DUI	14
Other	5
Property	11
Sex	38
Violence	95
CAT C	**10**
Property	1
Violence	9
CAT D	**6**
Drug	2
Property	3
Violence	1
CAT E	**2**
Drug	2
Grand Total	**410**

2022

- Category A felony by sex and violence offense groups
  - Total: 196
  - 35.77% (of 548)

- Category B felony by sex and violence offense groups
  - Total: 241
  - 43.98% (of 548)

| 09/30/2022	Count
CAT A	**203**
Drug	6
Other	1
Sex	107
Violence	89
CAT B	**312**
Drug	20
DUI	26
Other	15
Property	10
Sex	79
Violence	162
CAT C	**24**
Other	4
Property	4
Sex	3
Violence	13
CAT D	**9**
Drug	1
Other	1
Property	4
Sex	2
Violence	1
Grand Total	**548**

Data Analysis and Findings: Zero Prior Felonies and No Other Priors

- Data analysis
  - In 2017, 2.96% of the total prison population are new commitments and have no priors
    - Of those, about 75% are comprised of category A and B felons in the sex and violence offense groups
  - In 2022, 5.31% of the total prison population are new commitments and have no priors
    - Of those, about 78% are comprised of category A and B felons in the sex and violence offense groups

- What are the findings as they relate to the outcomes of the goal to focus prison resources on serious and violent offenders?
  - Of those new commitments who have no priors, most are serious and violent
  - Most offenders being housed in the prison are serious and violent and have a criminal history

Total Population Trends: 2000- Present

	12/2000	12/2001	12/2002	12/2003	12/2004	12/2005	12/2006	12/2007	12/2008	12/2009	12/2010	12/2011	12/2012	12/2013	12/2014	12/2015	12/2016	12/2017	12/2018	12/2019	12/2020	12/2021	09/2022
Total Population	10,172	10,354	10,460	10,915	11,802	12,083	13,186	13,341	13,265	12,891	12,769	12,778	12,883	13,054	13,091	13,692	14,153	13,862	13,752	12,929	11,481	10,393	10,316
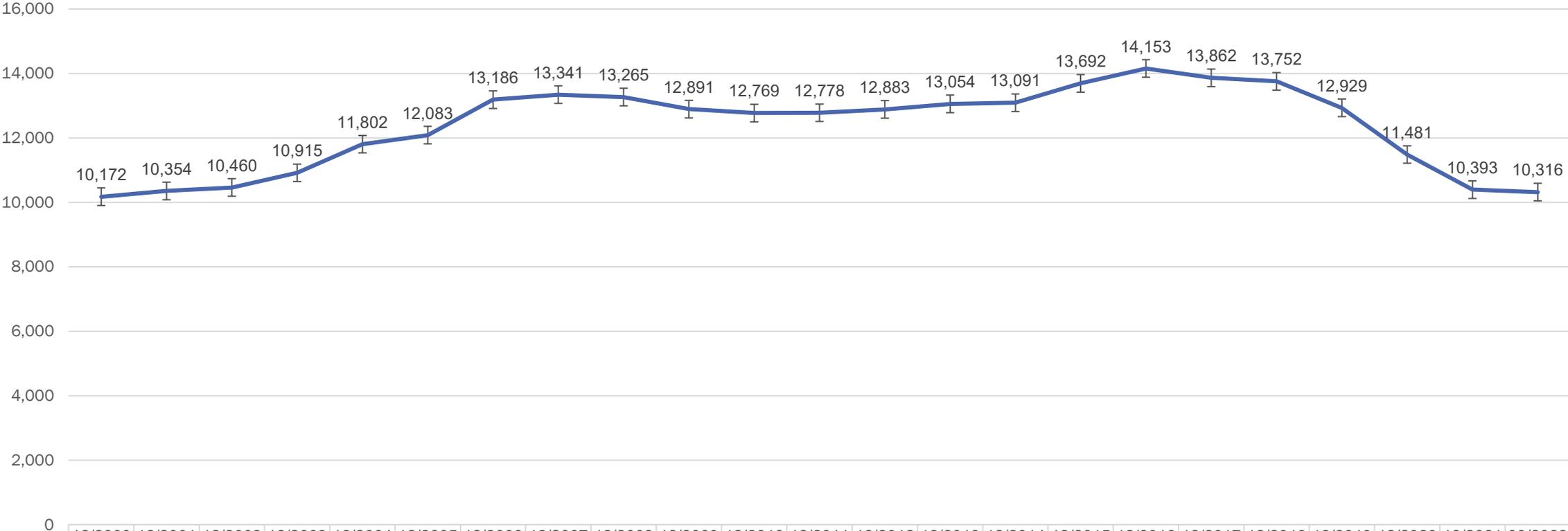
Total Population Trends: 2007-Present
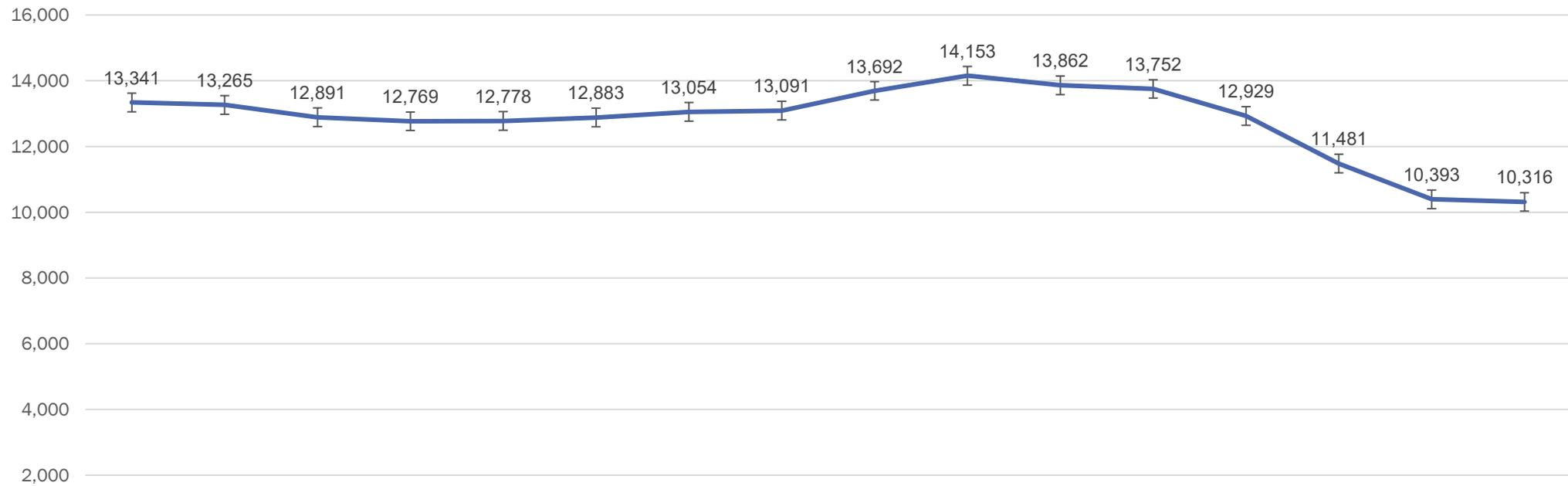
	12/2007	12/2008	12/2009	12/2010	12/2011	12/2012	12/2013	12/2014	12/2015	12/2016	12/2017	12/2018	12/2019	12/2020	12/2021	09/2022
Total Population	13,341	13,265	12,891	12,769	12,778	12,883	13,054	13,091	13,692	14,153	13,862	13,752	12,929	11,481	10,393	10,316

Total Population Trends: 2016-Present

	12/2016	12/2017	12/2018	12/2019	12/2020	12/2021	09/2022
Total Population	14,153	13,862	13,752	12,929	11,481	10,393	10,316
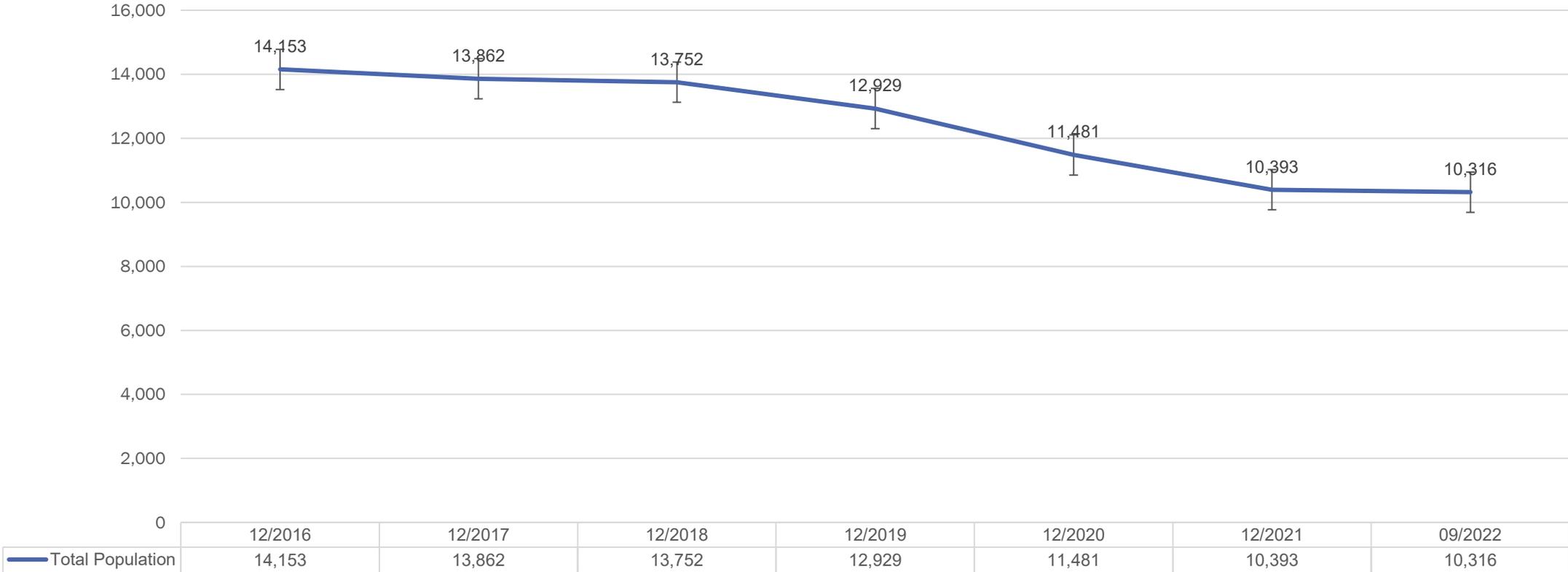
Data Analysis and Findings: Total Population Trends

- Overall downward trend started in 2017

- AB 236 reforms enhanced changes to prison population that started around 2017

- Responses to COVID also enhanced changes to the prison population

- Lowest prison population since June 2001 (as of September 30, 2022: 10,316)

Majority of Prison Population Comprised of Most Serious and Violent Offenders

- Lower prison population

- Category and offense group and criminal history findings show prison resources prioritized for serious and violent offenders

- Serious includes:
  - Sex and violence offense groups
  - All category A felonies
  - This means category B felonies are measured as serious depending on the offense group
  - Does the Commission want to adjust the scope of "serious" for analyzing the outcome?

Outline of AB 236 Outcomes for Comprehensive Report

Goal	Data Source	Finding	Recommendation
Strengthen responses to behavioral needs of offenders	TBD	Need additional funding	Fund grants for Nevada Local Justice Reinvestment Coordinating Council
Focus prison resources on serious and violent offenders	Raw data from NDOC	Majority of offenders are serious and violent (include data analysis and findings from this presentation)	NDSP and NSC need to keep analyzing data and measuring outcomes
Improve efficiency and effectiveness of community supervision	Case study by NDSP	N/A	• BDR to revise certain provisions • NPP work on data collection and sharing
Minimize barriers to successful reentry	Case study by NDSP	TBD	TBD
Ensure sustainability of reforms	Ongoing analysis of data from NDOC	Need more data sources and resources to analyze data	Enhance capabilities to collect and analyze data

Outline for Comprehensive Report

Mandate	Data Source	Finding	Recommendation
Recommendations for sentencing	Raw data from NDOC	N/A	N/A
Recommendations for legislation	Data request from NDOC and data from CCDC	Temporary revocations of parolees may not be advancing intent of swift, certain, and proportional sanctions	Changes to temporary revocations, technical violation definition, and NSC/NDSP statutes
Recommendations for budget	N/A	Need for upfront investment in reinvestment	• Fund NLJRCC grants • Ensure NDOC has adequate funding for programs and violent and serious offenders
AB 236 Outcomes	Raw data from NDOC	TBD	TBD
Crime rate since AB 236	Nevada Crime Statistics	TBD	TBD
Gaps in data	NDSP	TBD	TBD

Questions?