

2023 NRS 178.750 Report

September 2024

Nevada Department of Sentencing Policy

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INTRODUCTION & REPORT HISTORY

This report presents an analysis of data on reported murder and voluntary manslaughter cases in Nevada during 2023, as required by Nevada Revised Statute 178.750. The data explores various aspects of these certain homicides, including county characteristics, defendant and victim demographics, and case dispositions. This report identifies trends and highlights the need for improvement in data collection and reporting to ensure more comprehensive and accurate analysis in the future, as mandated by Nevada Revised Statute 178.750.

History

Assembly Bill 13 (2003) was introduced to eliminate a panel of judges in certain penalty hearings in which death penalty was sought and also required district attorneys and district courts to report specified information concerning certain homicides to the Supreme Court.

Legislative hearings show that the impetus for collecting data points regarding these homicides and subsequent sentencing was a concern of possible racial bias in sentencing for certain groups and defendant/victim combinations. A portion of the bill requested these data points be made available to show any trends as there was a question of whether the death penalty system, at that time, was prejudiced against certain defendants.

Senate Bill 316 (2023) transferred the task of collecting this data to the Nevada Department of Sentencing Policy.

NRS 178.750 Text

NRS 178.750

1. The district attorney for each county shall prepare and submit a report, on a form approved by the Department of Sentencing Policy created by NRS 176.01323, to the Department of Sentencing Policy not later than February 1 of each year concerning each case filed during the previous calendar year that included a charge for murder or voluntary manslaughter. The district attorney shall exclude from the report any charge for manslaughter that resulted from a death in a crash involving a motor vehicle.

2. The report required pursuant to subsection 1 must include, without limitation:

- (a) The name, age, gender and race of the defendant;
- (b) The age, gender and race of any codefendant or other person charged or suspected of having participated in the homicide and in any alleged related offense;
- (c) The age, gender and race of the victim of the homicide and any alleged related offense;
- (d) The date of the homicide and of any alleged related offense;
- (e) The date of filing of the information or indictment;
- (f) The case number and court in which the case was prosecuted;
- (g) Whether or not the prosecutor filed a notice of intent to seek the death penalty and, if so, when the prosecutor filed the notice;

- (h) The final disposition of the case and whether or not the case was tried before a jury;
 - (i) The race, ethnicity and gender of each member of the jury, if the case was tried by a jury;
- and
- (j) The identity of:
 - (1) Each prosecuting attorney who participated in the decision to file the initial charges against the defendant;
 - (2) Each prosecuting attorney who participated in the decision to offer or accept a plea, if applicable;
 - (3) Each prosecuting attorney who participated in the decision to seek the death penalty, if applicable; and
 - (4) Each person outside the office of the district attorney who was consulted in determining whether to seek the death penalty or to accept or reject a plea, if any.
3. If all the information required pursuant to subsection 1 cannot be provided because the case is still in progress, an additional report must be filed with the Department of Sentencing Policy each time a subsequent report is filed until all the information, to the extent available, has been provided.

Challenges

Though we received submissions from all 17 counties, this did not occur by the February 1 deadline. One significant challenge in conducting this analysis was the substantial amount of missing data. Many of the requested data points were left blank and some were marked as unknown. Some counties were able to provide information that other counties were not. It was not always clear if the question was left blank due to the information being unknown to them or due to failure to complete the form in its entirety. The Clark County District Attorney’s Office did state that some of their blank data points were attributed to the limitations caused by their case management systems. They are currently in the process of transitioning to a new case management system that should allow for a more complete submission.

Another challenge faced was the manual effort needed to fill out the report and then convert the submitted PDFs into a usable data analysis format, like Excel or CSV. This required the Nevada Department of Sentencing Policy (the Department) to manually enter each data point into a usable format. The NDSP team is working on improvements to streamline the report template and submission process for all involved. The Department hopes that transitioning to an online form will make the data submission process much simpler and provide for more accurate, and cohesive reporting with less blank entries. This new process will not allow for an answer to be left blank as the reporting agencies will have to select “not available” before being able to move on to the next question. The Department is still in the development of this new process and will be working with the District Attorney Offices to determine the most workable solutions to benefit all stakeholders.

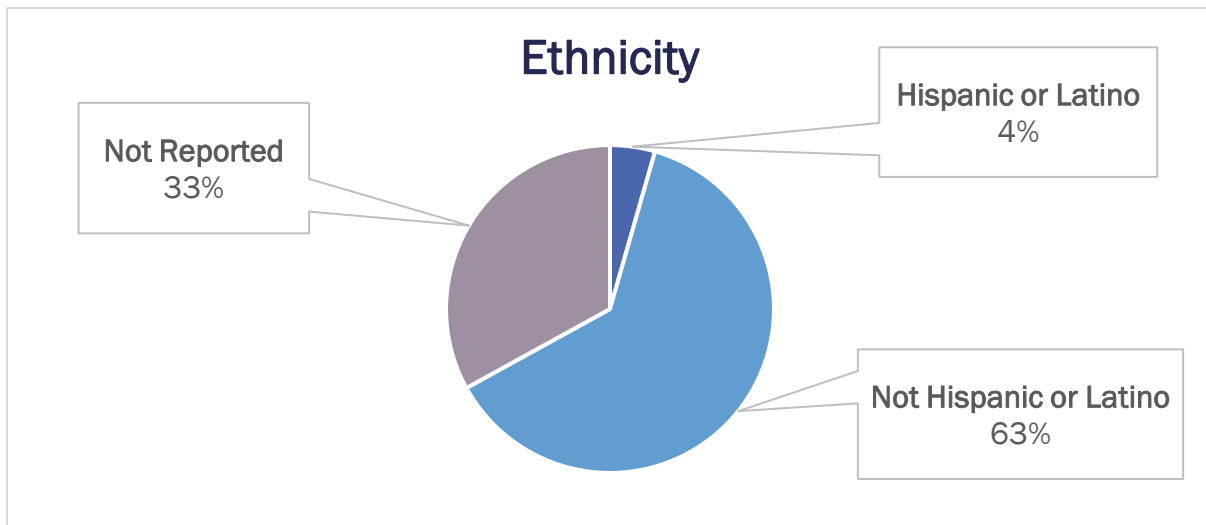
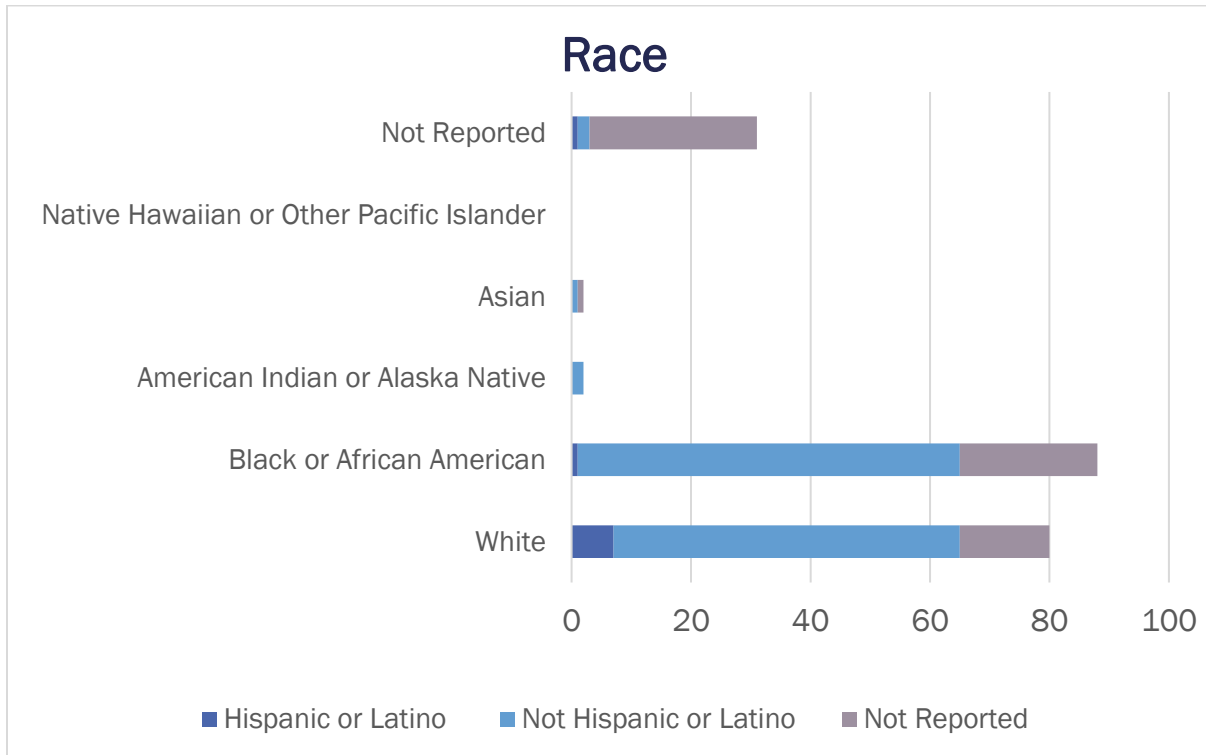
COUNTY SIZE & REPORTED MURDER 2023

County	*Population Size	Number of Homicides Reported
Clark County	2,336,573	144
Washoe County	498,022	38
Lyon County	62,583	7
Carson City/county	58,036	1
Nye County	55,720	7
Elko County	54,293	1
Douglas County	49,545	1
Churchill County	25,803	0
Humboldt County	17,136	0
White Pine County	8,522	0
Pershing County	6,364	1
Lander County	5,769	0
Mineral County	4,528	0
Lincoln County	4,452	3
Storey County	4,177	0
Eureka County	1,917	0
Esmeralda County	736	0

**United States Census Bureau. Annual Estimates of the Resident Population: April 1, 2020 to July 1, 2023. U.S. Census Bureau, Population Division. Web. March 2024. <http://www.census.gov/>.*

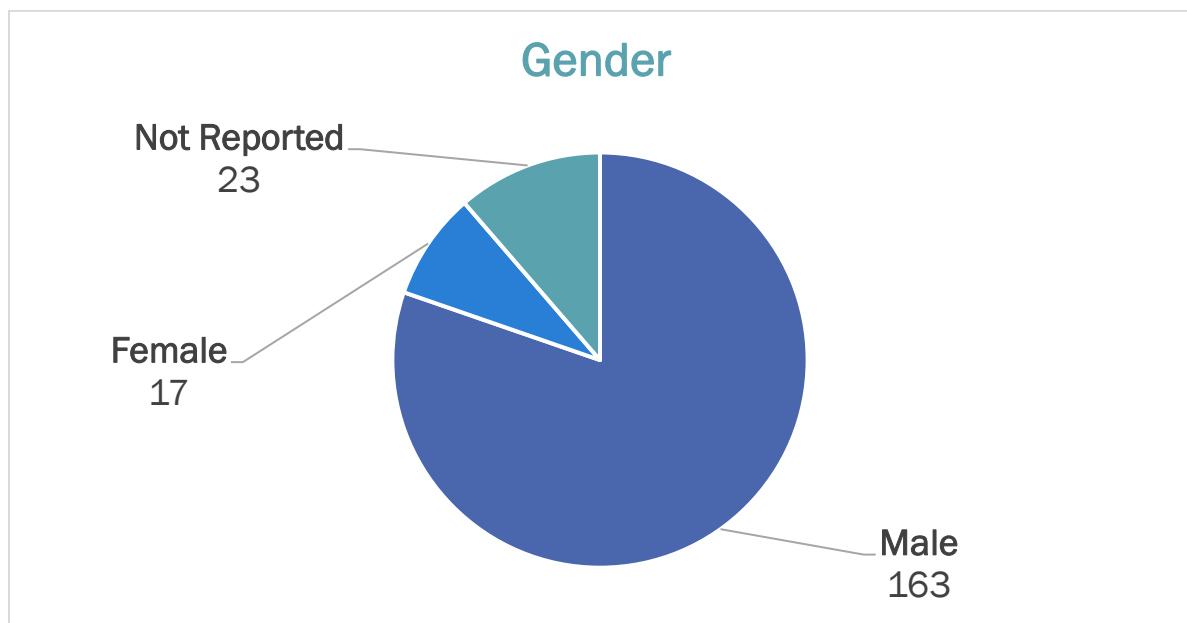
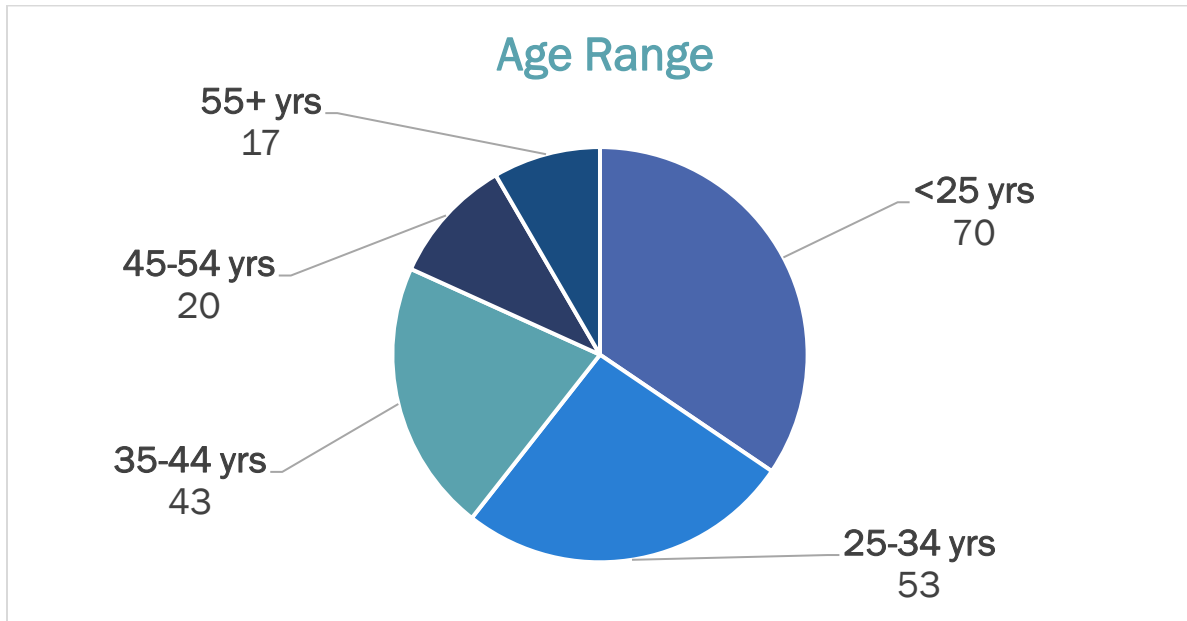
Population size and homicides do not necessarily have direct correlation. Nevada has great disparity in county size. The largest ranging from just 736 people in Esmeralda to over 3 million in Clark. Clark County reported the highest number of homicides under NRS 170.750 for 2023; however, the per capita homicide rate is lower than that of other counties. Lincoln, Pershing, Nye, and Lyon, for example, each reported a higher homicide rate per capita. Eight counties reported no homicides for 2023.

REPORTED DEFENDANT RACE & ETHNICITY



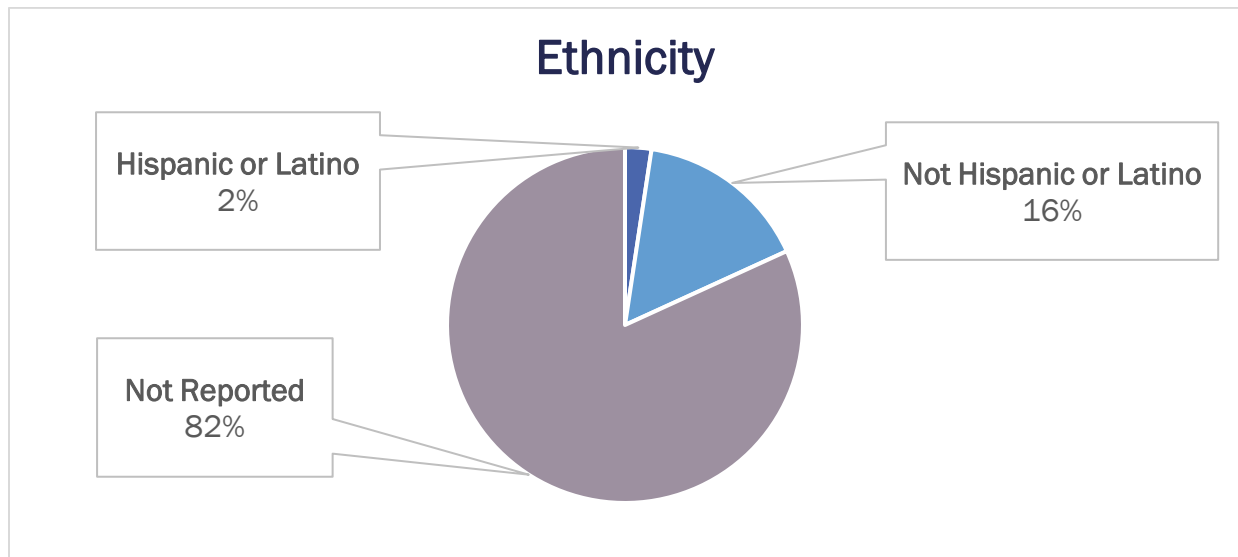
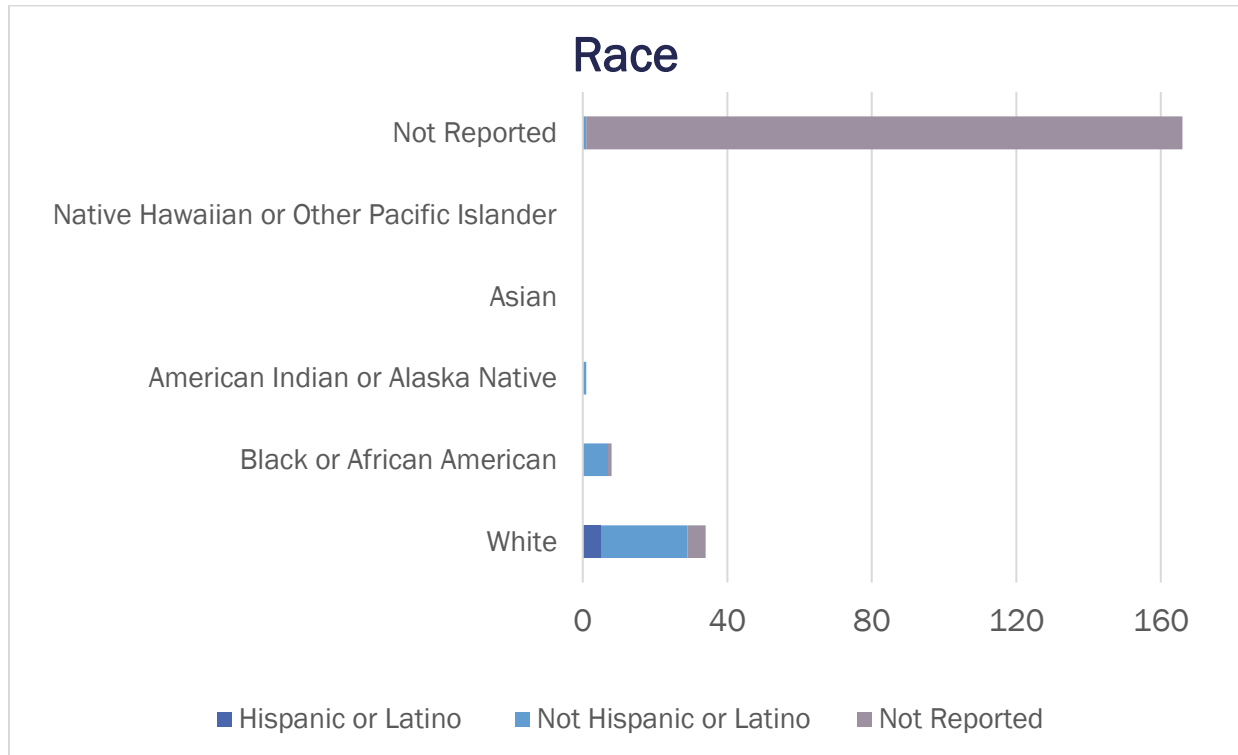
As shown, "Not Reported" represents a significant category due to the data collection challenges mentioned previously. However, for race, "Not Reported" only accounts for 15.27% of defendants. For defendants, 39.41% were reported to be White and 43.35% were reported to be Black or African American. Of the nine total reported Hispanic or Latino defendants, seven had their race listed as White, one as Black or African American, and one as other.

REPORTED DEFENDANT AGE & GENDER



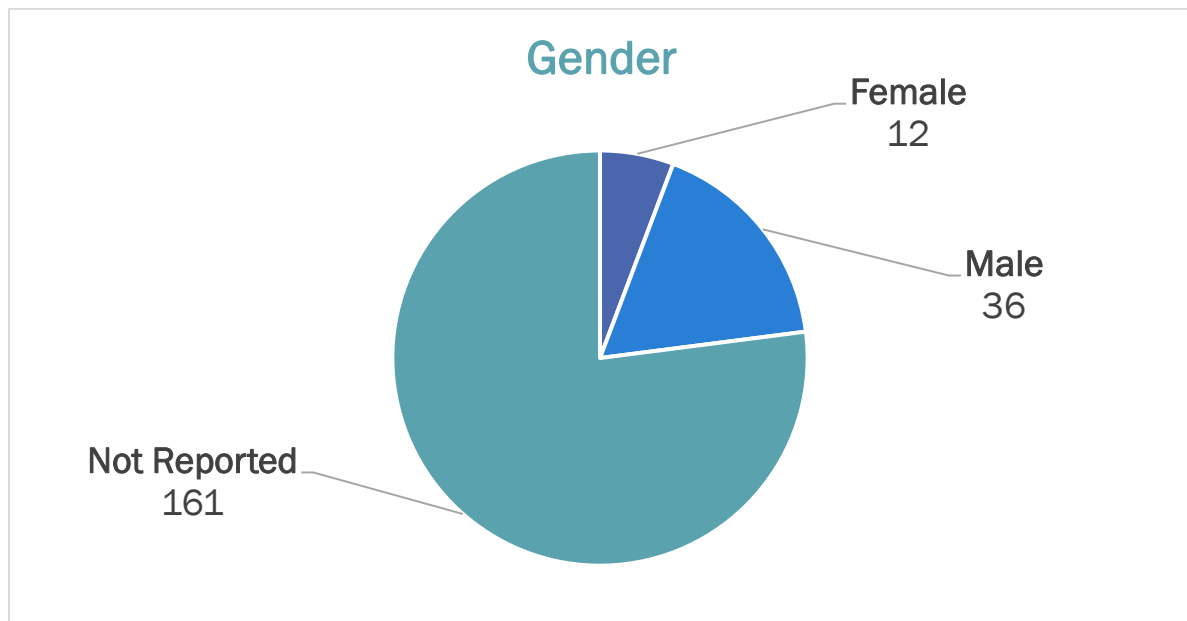
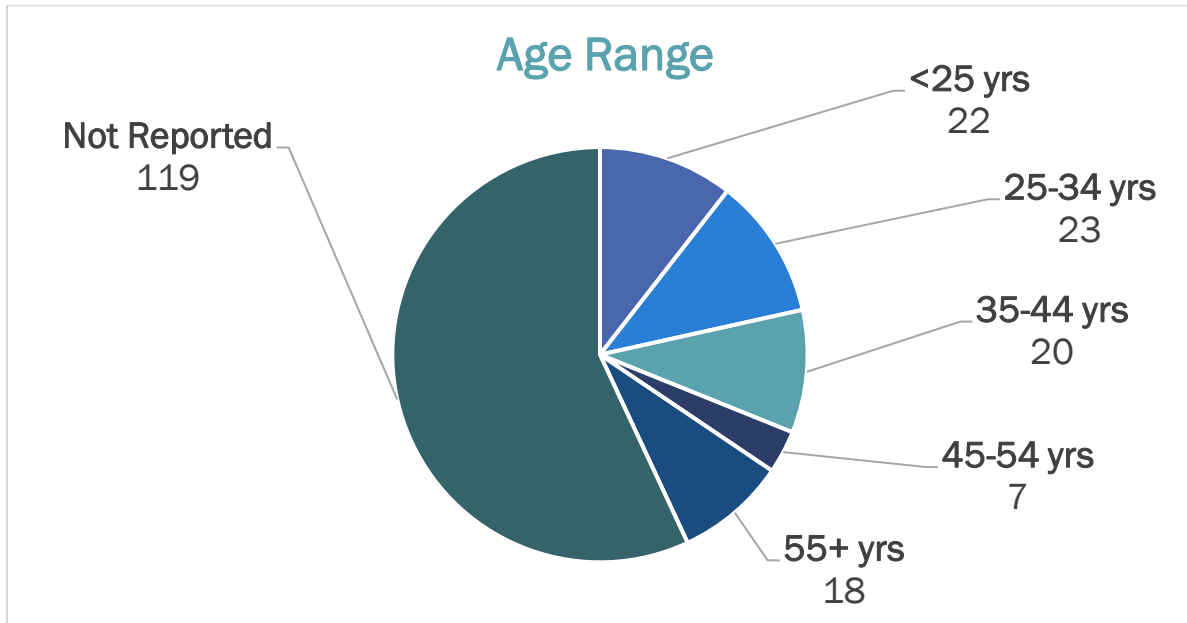
Just over 60% of defendants are younger than 35. The less than 25 years old age group represents 34.48% of the defendants while the 25 to 34 years old range represents 26.11%. Defendants in the 55+ category range from 56 to 86 years old. Most defendants are male and account for 80.30% of the total. There was no reported gender for 11.33% of defendants.

REPORTED HOMICIDE VICTIM RACE & ETHNICITY



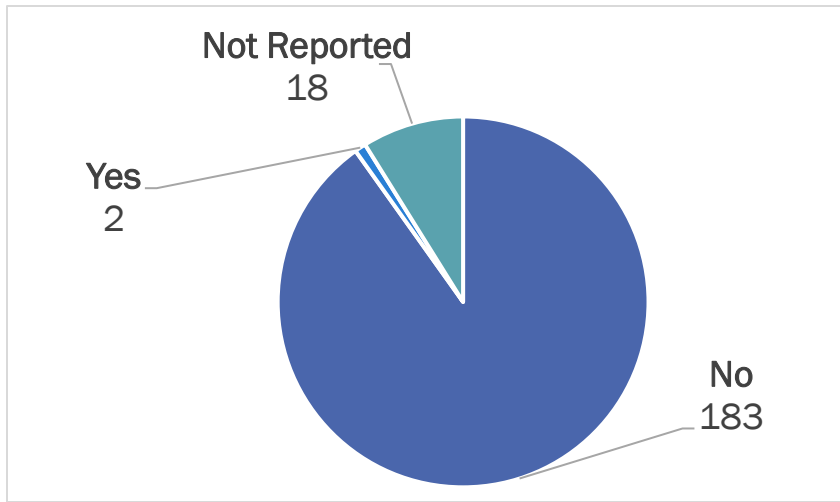
Out of the total of 209 victims, 163, or 78.95%, had no reported race or ethnicity. Of the reported 34 White victims, five reported were Hispanic or Latino. There were eight total Black or African American victims reported, and only one American Indian or Alaska Native.

REPORTED HOMICIDE VICTIM AGE & GENDER



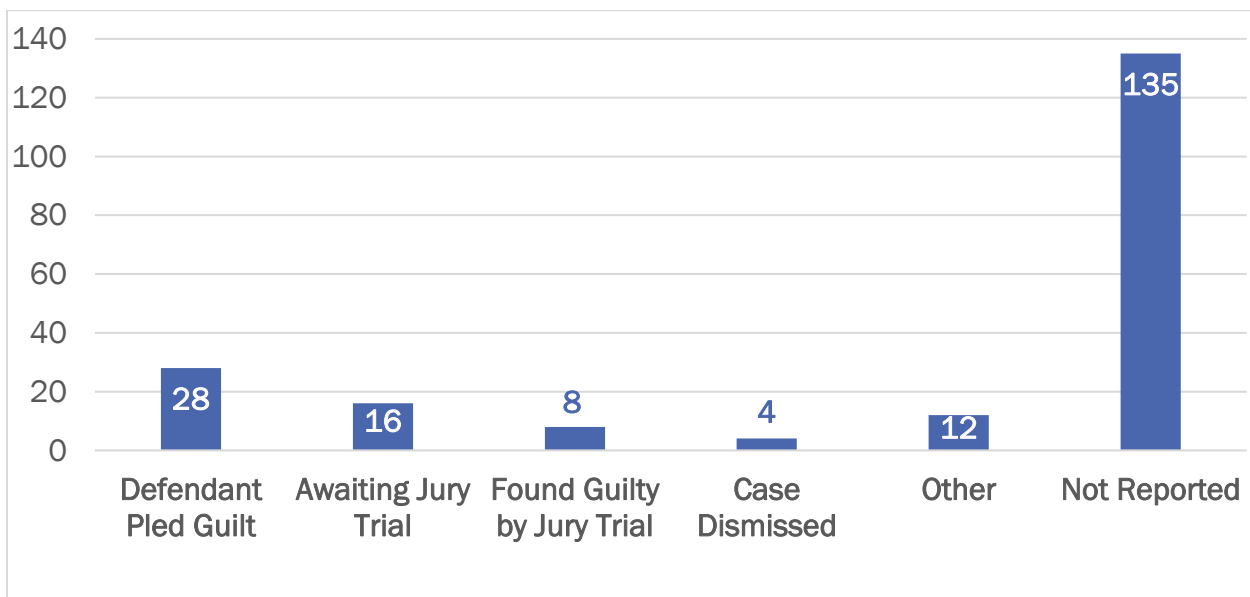
There was no listed age for 56.94% of the victims. The smallest age range of victims were between the ages of 45 and 54 years old representing only 3.35% of the total. There was no listed gender for 77.03% of the reported victims. While 17.72% of the reported victims were male, 5.74% were female.

NOTICE OF INTENT TO SEEK THE DEATH PENALTY



The overwhelming majority of cases did not result in a notice of intent to seek the death penalty as 183 out of the 203 cases, or 90.15%, were reported “No”. A notice of intent to seek the death penalty was filed in only two cases reported: one in Clark County and the other in Lyon County. All instances that were “Not Reported” came from Washoe County.

FINAL CASE DISPOSITION



For dispositions, 13.79% of Defendants pled guilty, 7.88% are awaiting a jury trial, 3.94% have been found guilty by jury trial, and 1.97% had their case dismissed. The 5.94% of Other Dispositions represent instances that did not fit into these categories, i.e. case pending, defendant deemed incompetent, defendant suicide, outstanding warrant, etc. Of all reported cases, 66.5% did not list final case disposition. Of these, 128 are from Clark County and seven from Nye County, the other 15 counties provided a Final or Pending Case Disposition in all cases.