

Advisory Commission on the Administration of Justice

Justice Reinvestment Presentation #3

November 8, 2018

Agenda

- Follow-Up Questions
- File Review Findings
- Community Supervision Data
- What Works to Reduce Recidivism?
 - Data and Practices
- Summary Takeaways
- Policy Development Overview

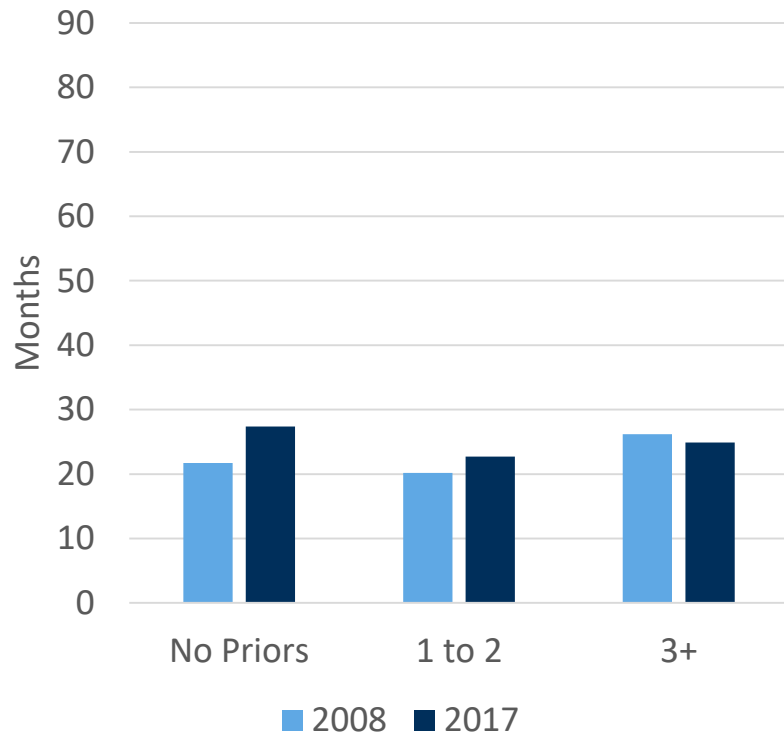
Data Used

- Data sources include
 - Nevada Department of Corrections
 - Division of Probation and Parole
 - Administrative Office of the Courts
 - Second Judicial District Court (Clark County)
 - Eighth Judicial District Court (Washoe County)
- Unless stated otherwise, all data presented was analyzed by CJI in consultation with providing agency
- Data presented here may not match agency reports due to different methodologies for analysis

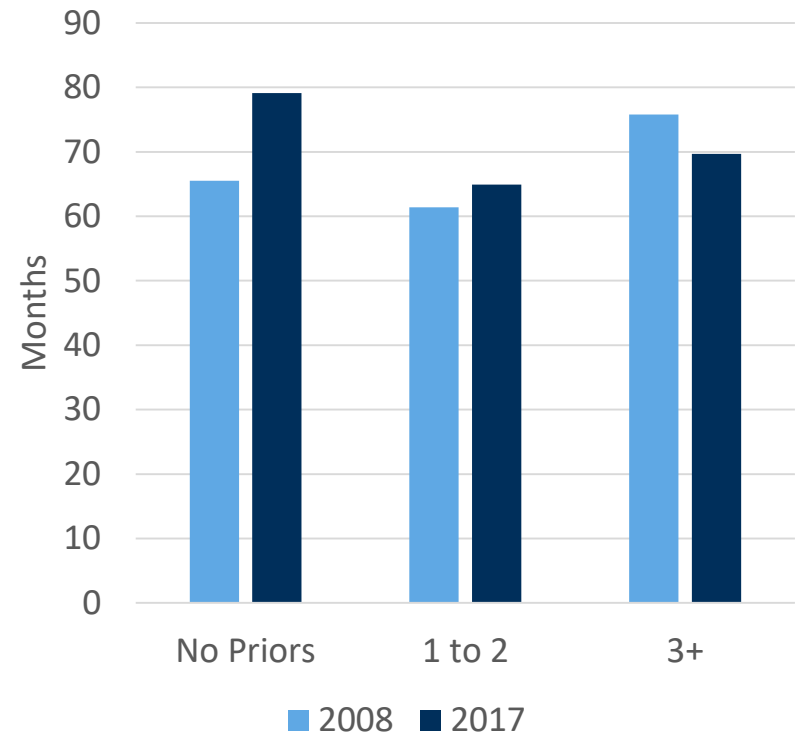
Follow-Up Questions

Sentences Grew Most for First-Time Felony Offenders

Mean Minimum Sentence Imposed for New Prisoners by Number of Prior Felonies, 2008 vs 2017



Mean Maximum Sentence Imposed for New Prisoners by Number of Prior Felonies, 2008 vs 2017

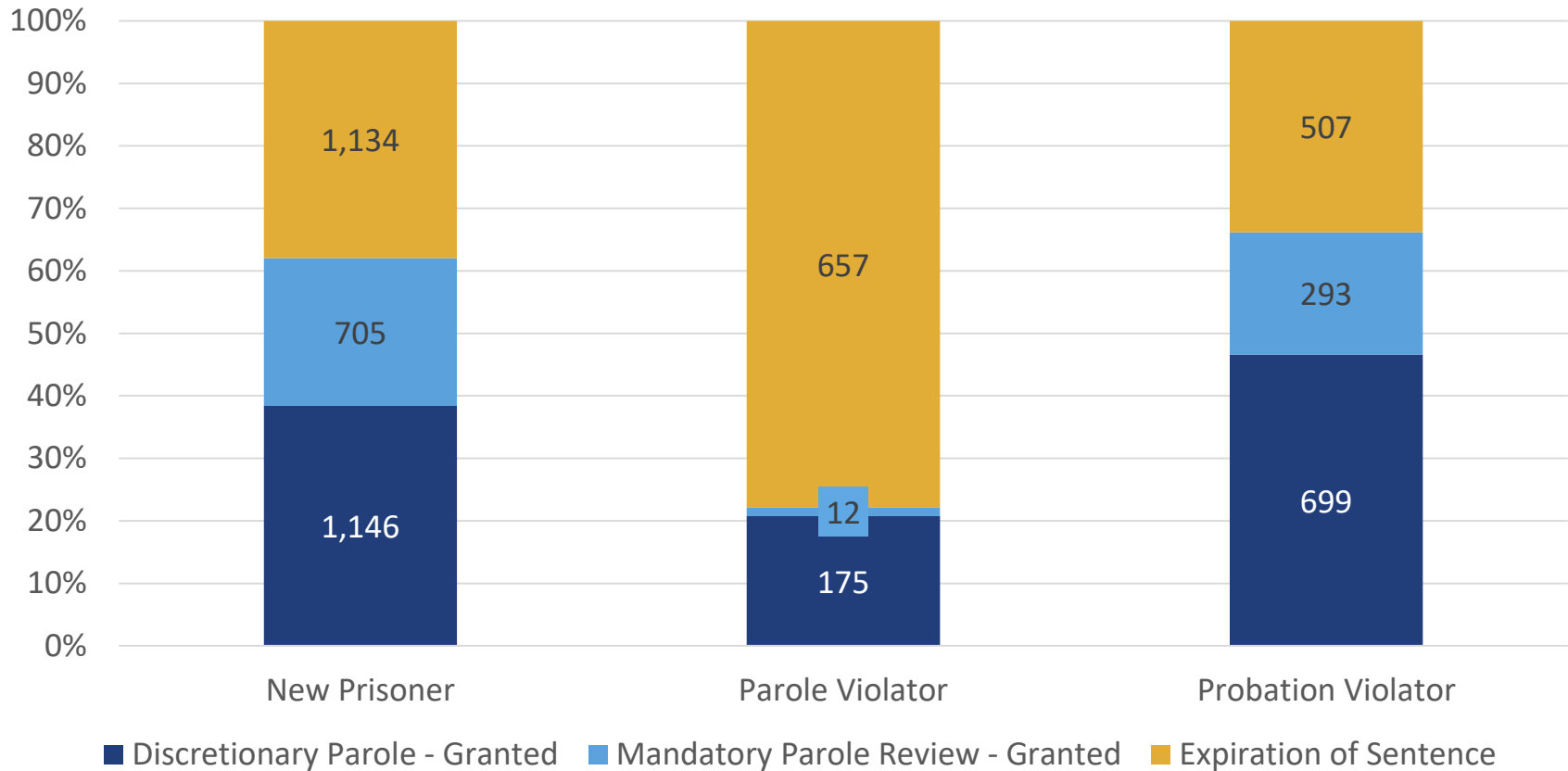


Trends in Trafficking Admissions Vary Across the State

County	2017 New Prisoner Admissions	% Change Since 2008
Clark	136	20%
Washoe	50	-7%
Carson	14	56%
Elko	9	125%
Churchill	7	75%
Humboldt	5	-29%
Lyon	5	150%
Nye	4	0%
White Pine	4	
Eureka	1	
Lander	1	
Lincoln	1	-50%
Mineral	1	
Pershing	1	
Douglas	0	-100%
Esmeralda	0	
Storey	0	-100%

Parole Violators Most Likely to Expire Sentence in Custody

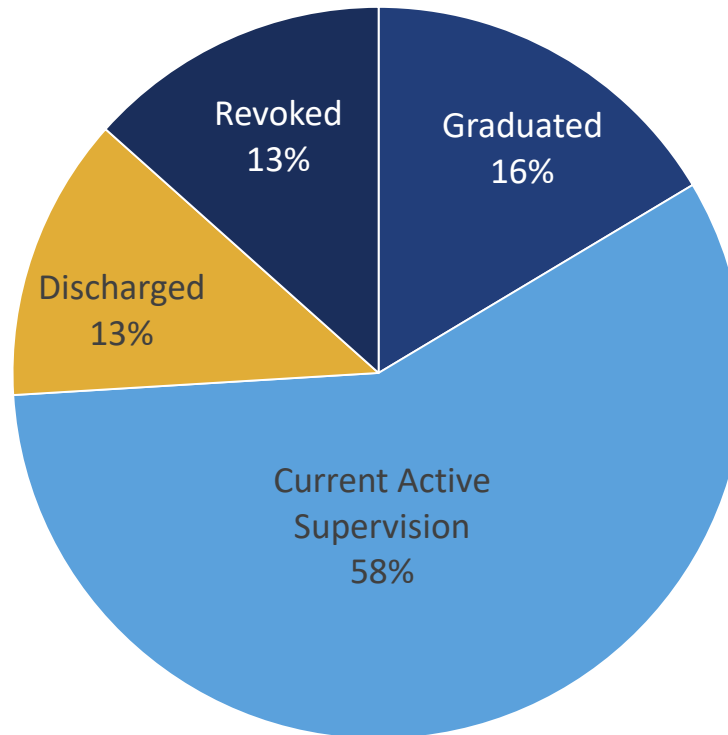
Prison Releases by Release Type and Admission Type, 2017



Source: Nevada Department of Corrections

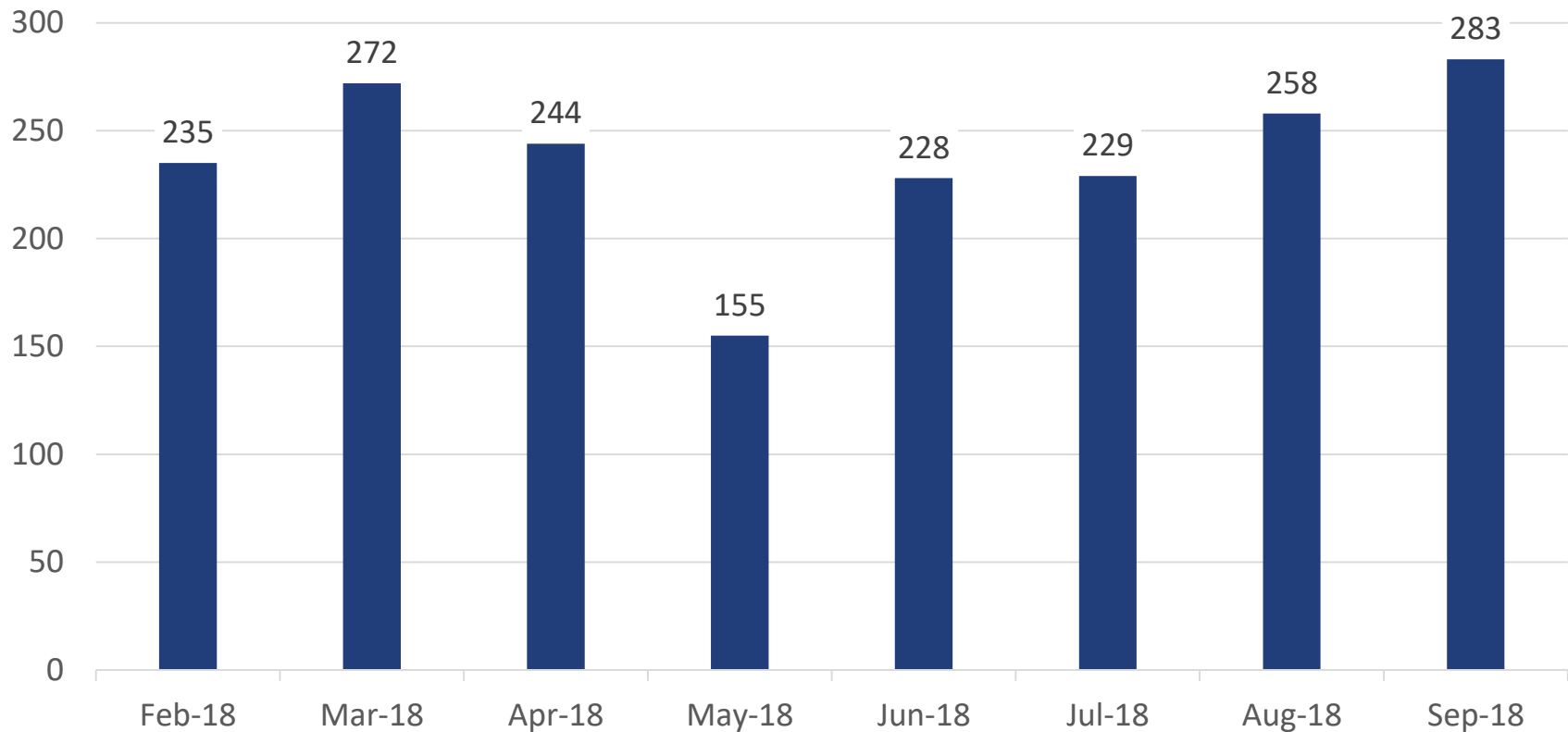
Graduates Slightly Outpace Revocations in First Year of Day Reporting Center

Participants in Nevada Day Reporting Centers by Outcome Status, 2018



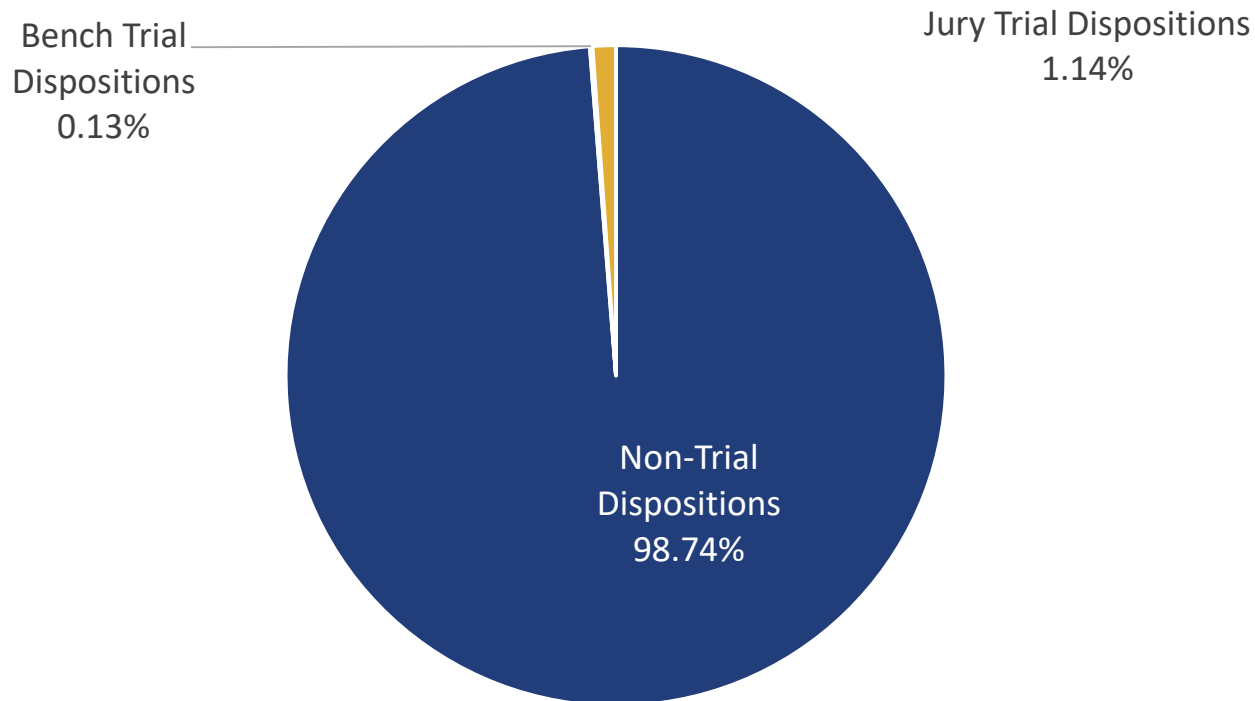
283 People in Prison Pending Parole Plan Approval

Offenders Overdue for Parole Release in
NDOC Custody Population by Month, 2018



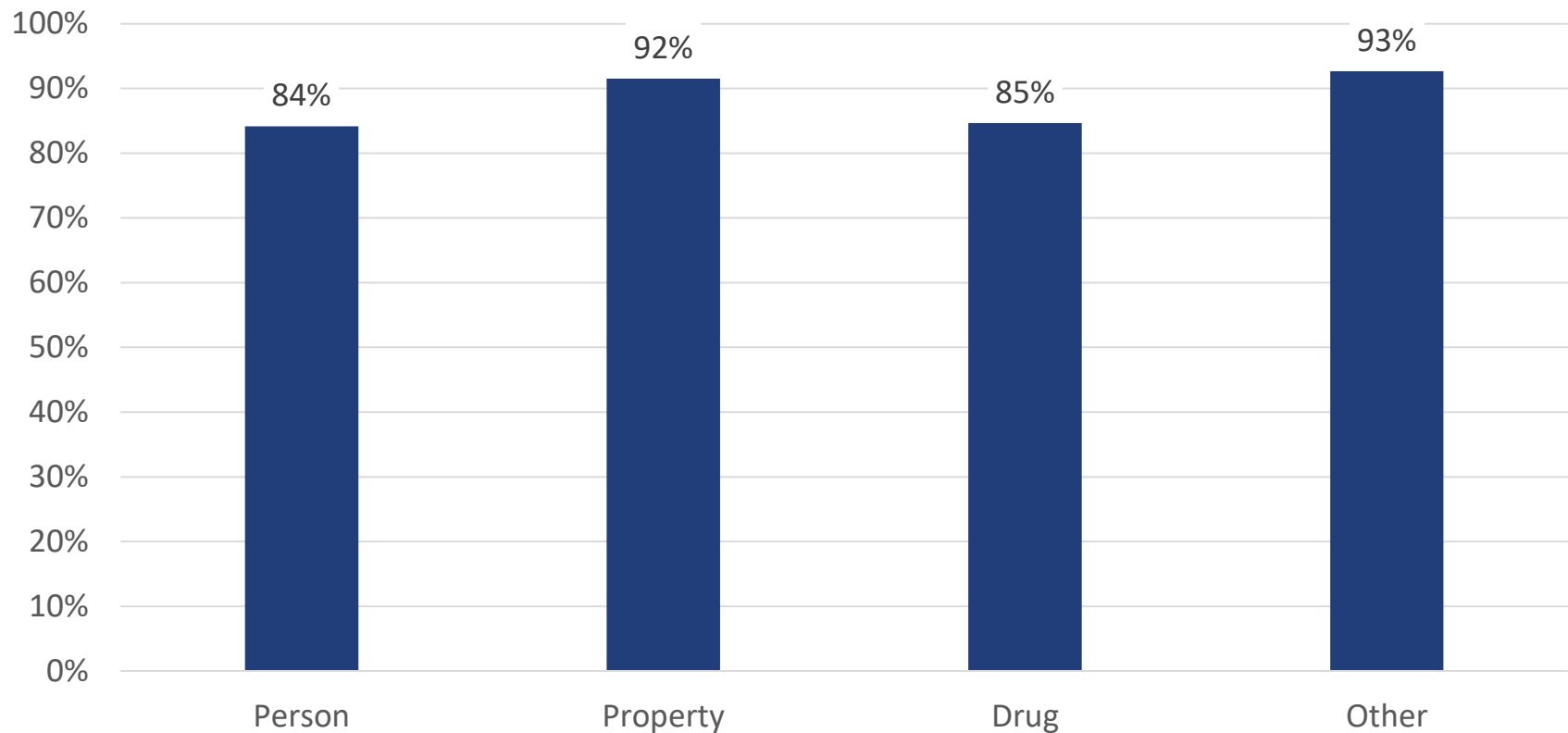
Under 2% of District Court Cases in Nevada are Resolved at Trial

New Criminal Case Filings in Nevada District Courts by Disposition Type,
FY 2017



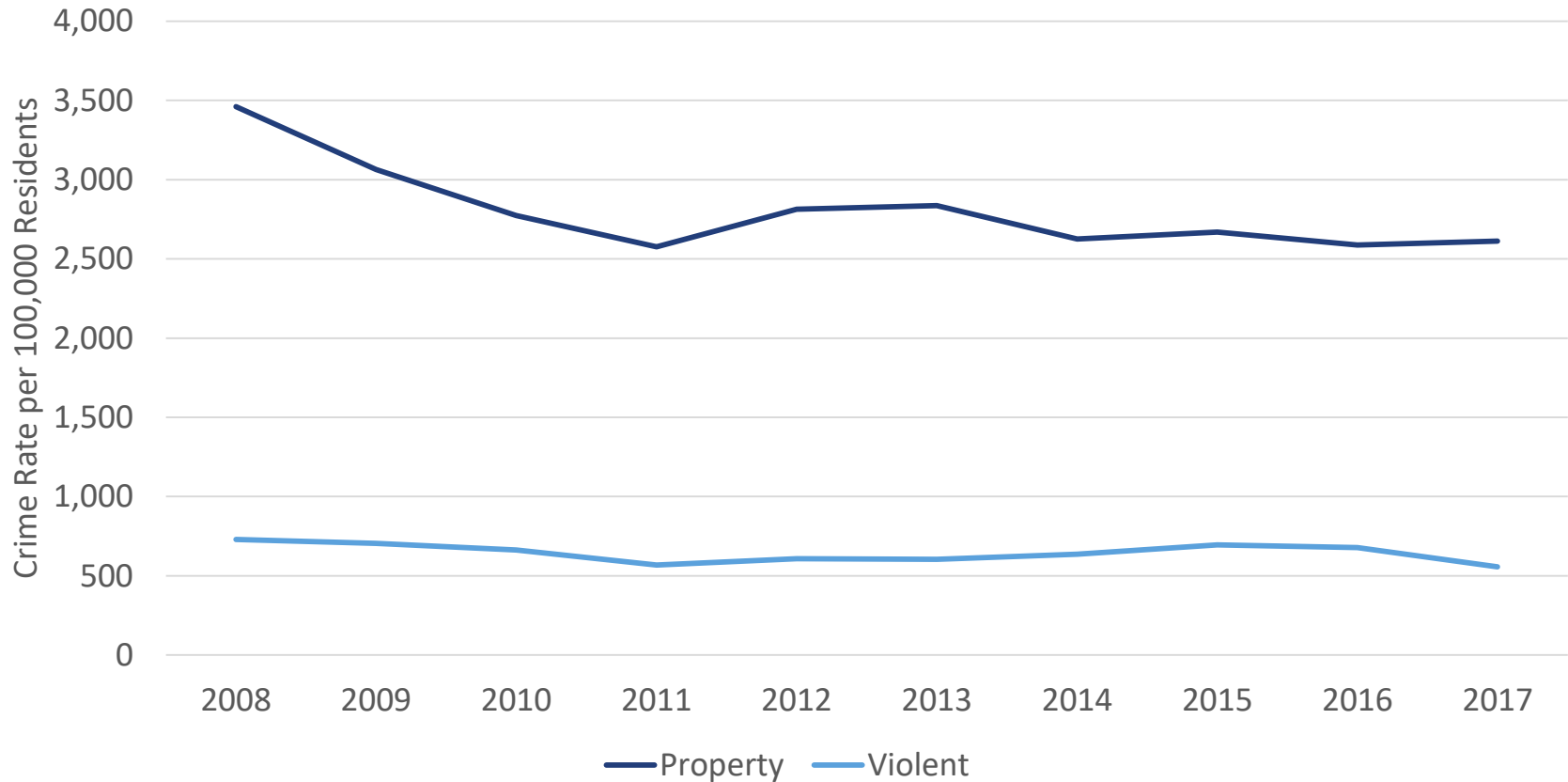
88% of Felony Dispositions Reached via Guilty Plea Before Trial

Share of Felony Cases Disposed via Guilty Plea Before Trial by Offense Type, FY 2017



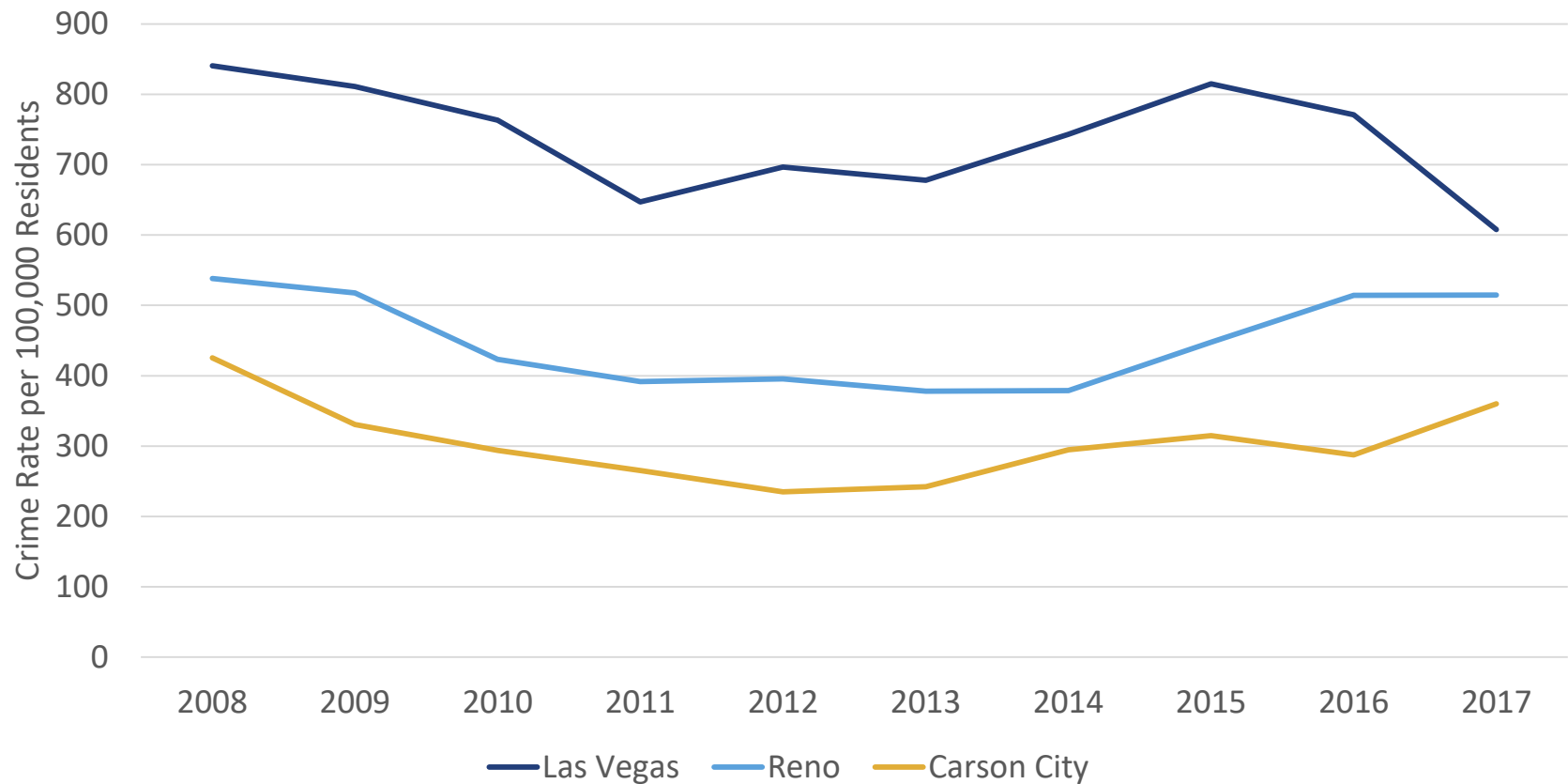
Property Crime Rate Dropped 25%, Violent Crime Rate Dropped 24%

Crime Rate in Nevada by Type, 2008-2017

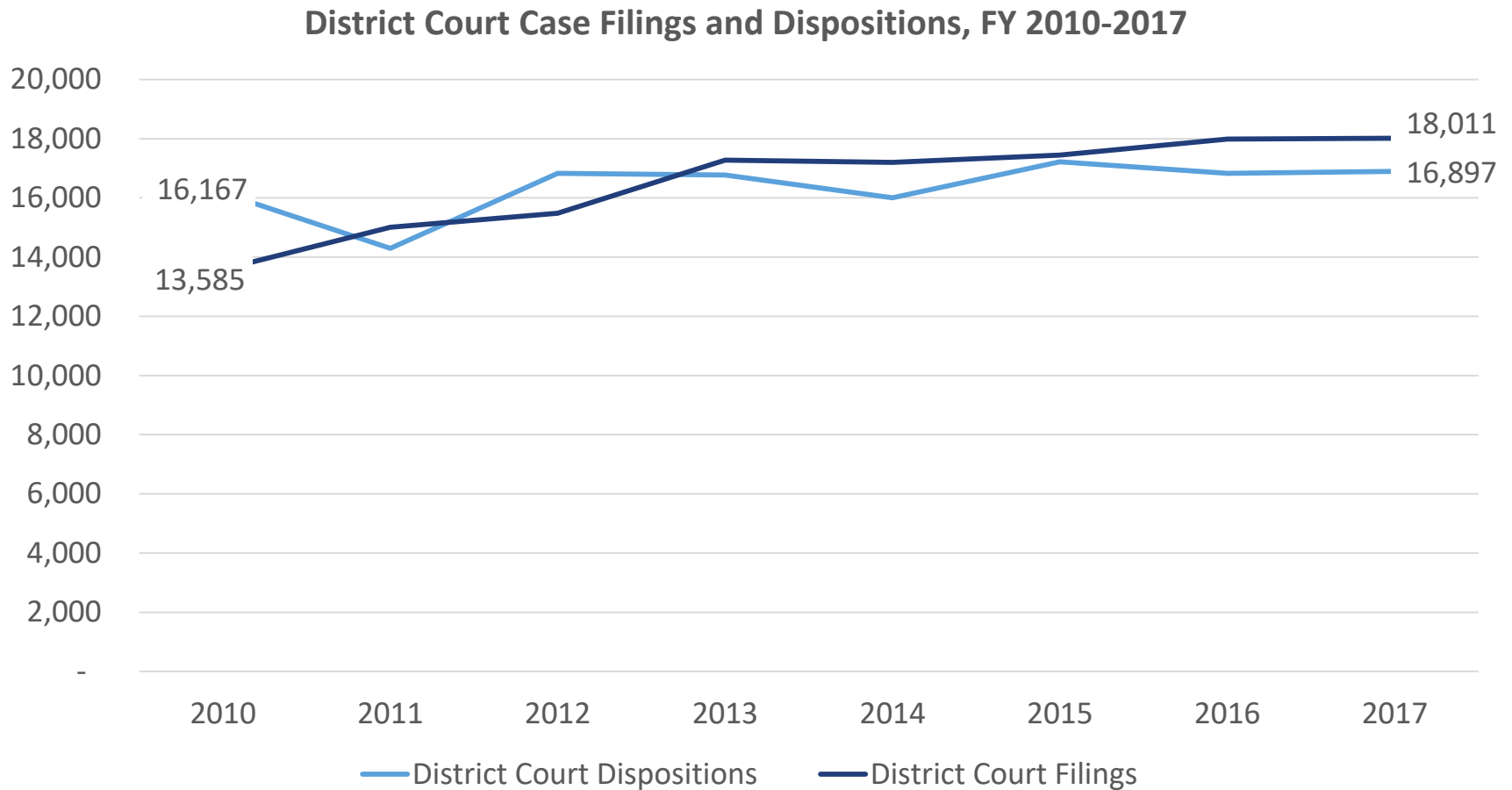


Violent Crime Decline in Las Vegas Driving Statewide Trend

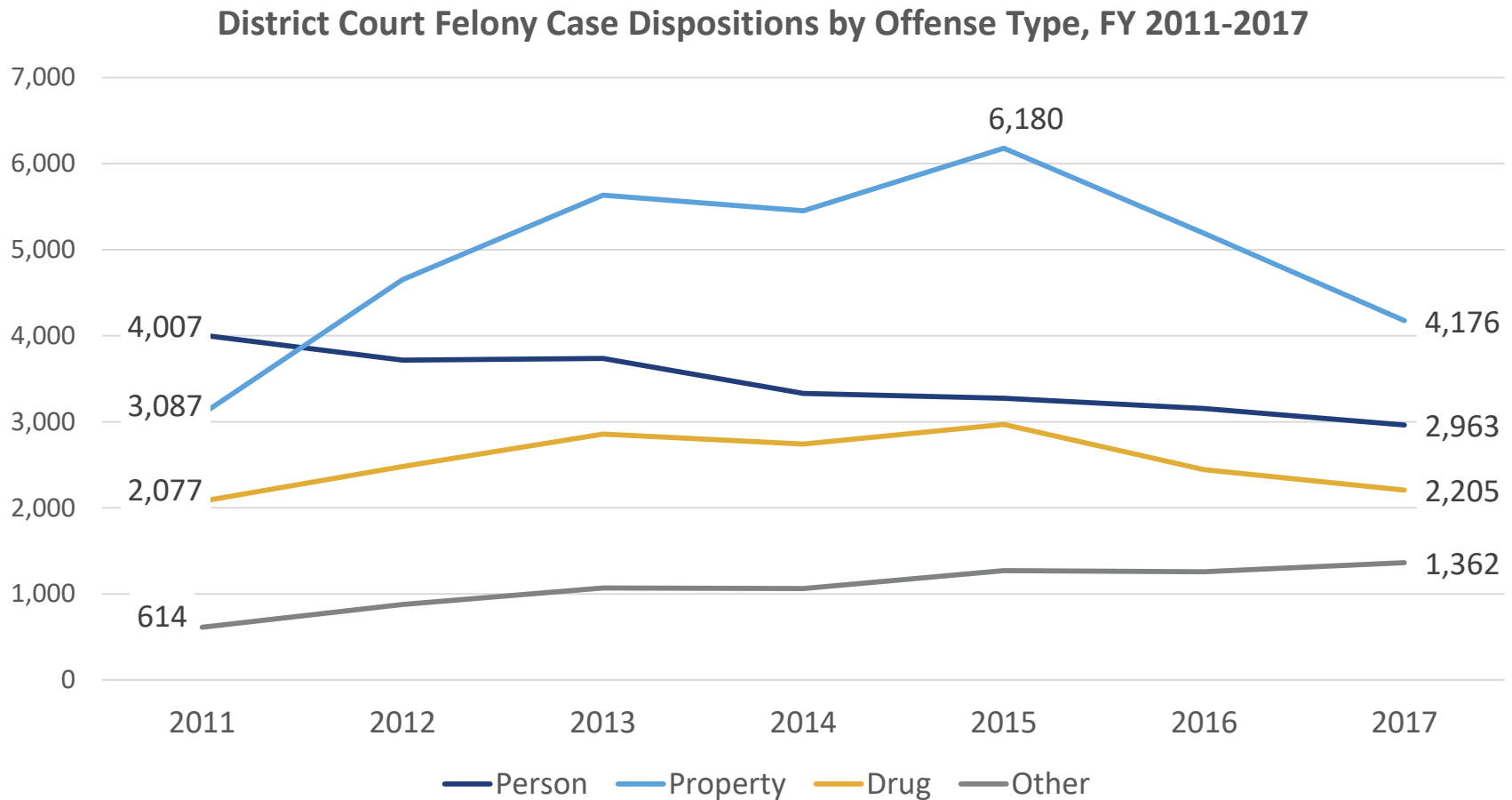
Violent Crime Rate in Nevada by Metropolitan Statistical Area, 2008-2017



District Court Filings Increased 33% While Dispositions Stabilized



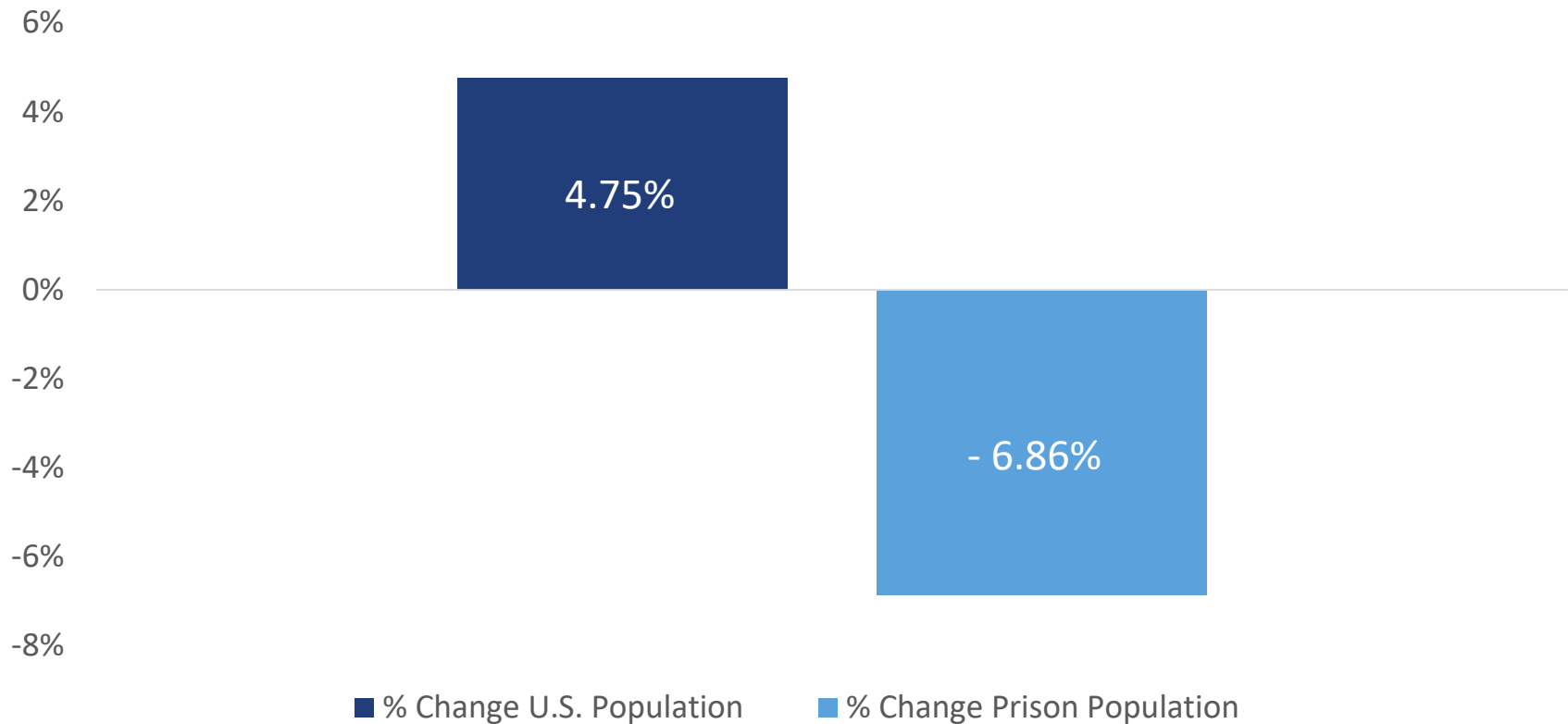
Property Dispositions Peaked in 2015 As Person Dispositions Steadily Dropped



Source: Administrative Office of the Courts. Data excludes administrative closures and other manners of disposition. FY 2010 not displayed due to changes in reporting model

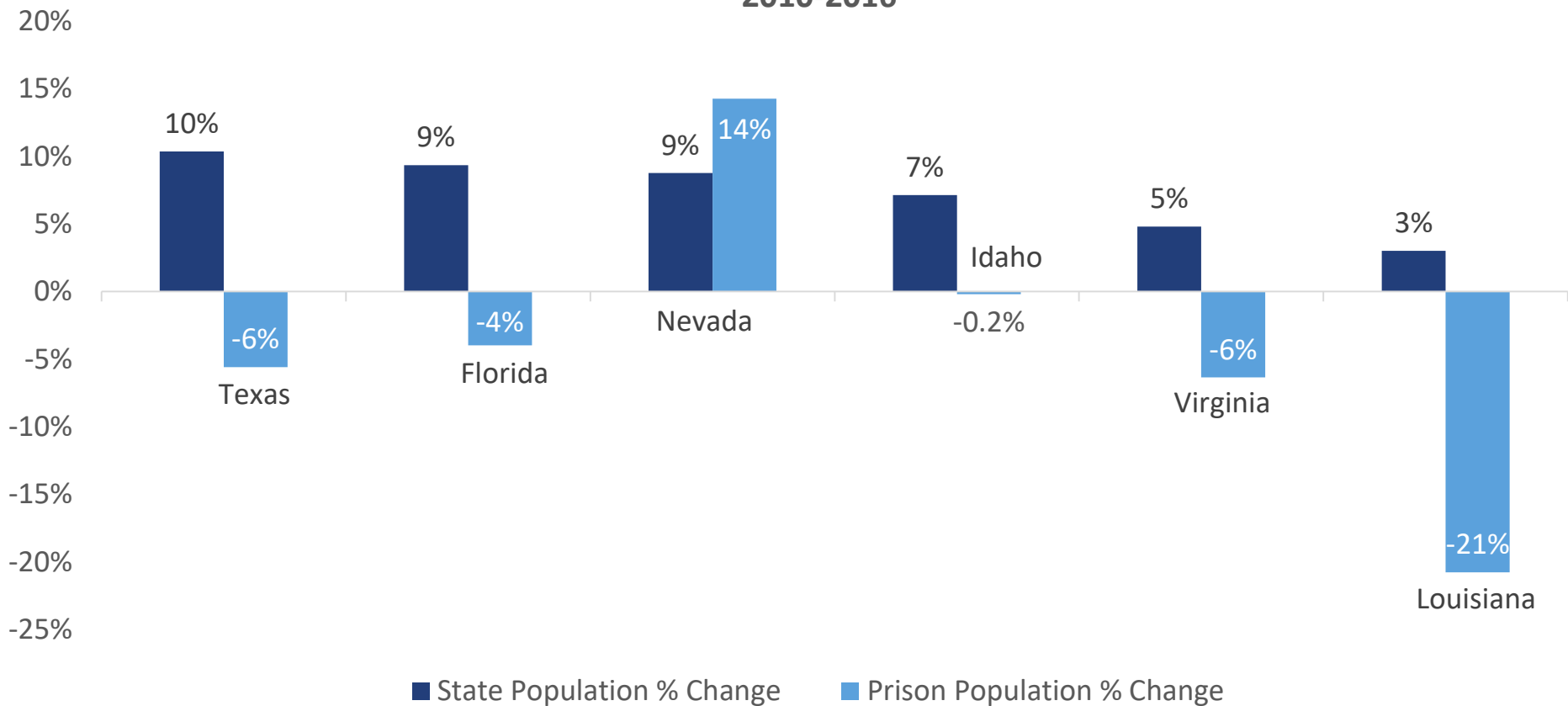
U.S. Population Rises While U.S. Incarcerated Population Drops

Percent Change of U.S. Total Population vs Percent Change of U.S. State and Federal Prison Population, 2010-2016



State Population Growth Does Not Cause Prison Population Growth

Percent Change in State Population vs Percent Change of State Prison Population, 2010-2016

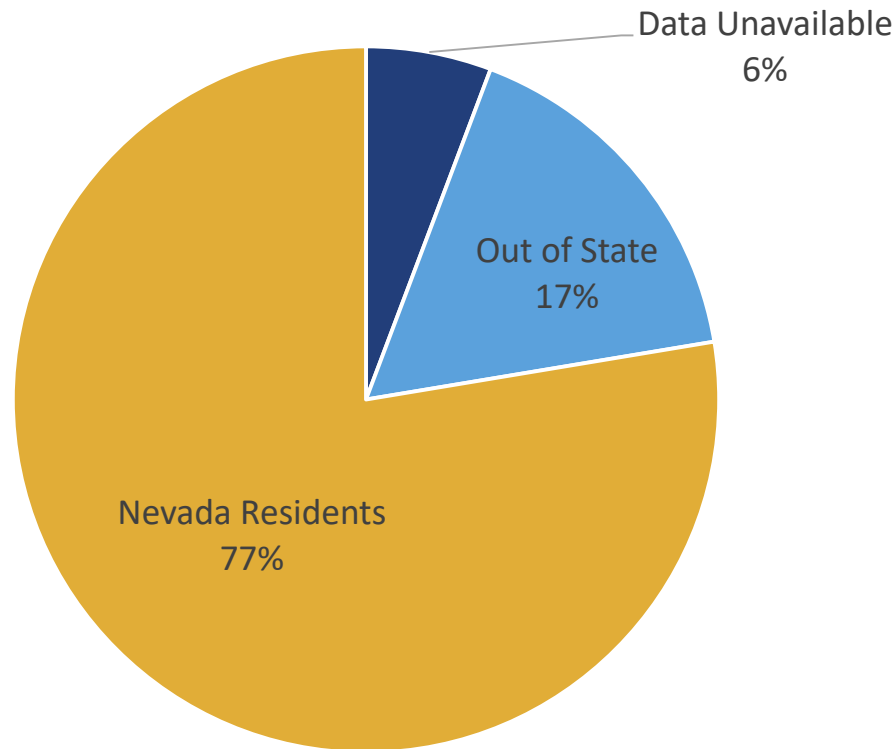


Case Study: Florida

- Florida's state population grew 9.36% to 20.6 million between 2010 to 2016
- In addition, Florida received 112.4 million visitors in 2016, a 36% increase over 2010
- Florida's prison population declined by 4% between 2010 and 2016
- Admissions to prison declined 28% and revocations declined 39% between 2007 and 2016

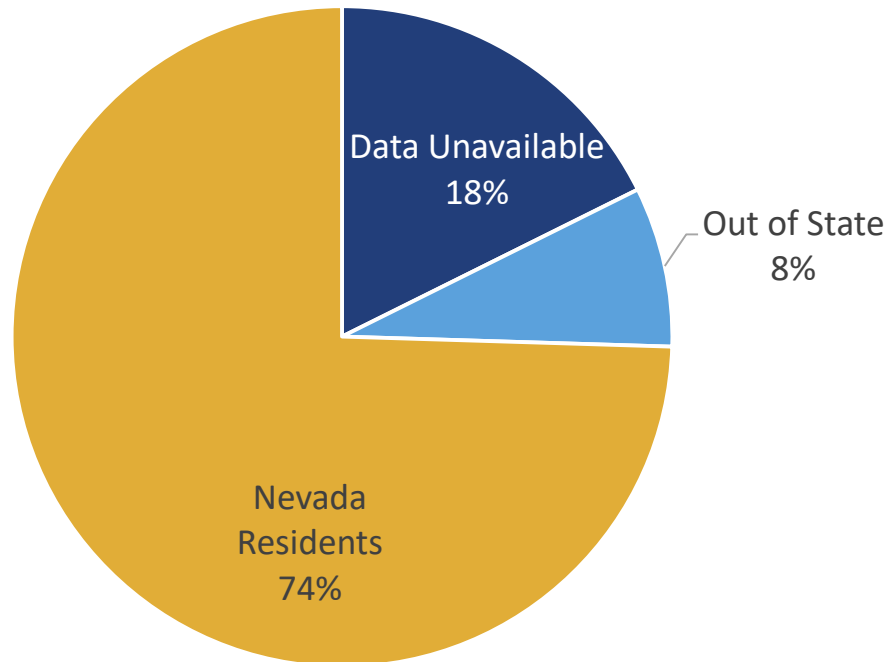
77% of PSIs Reviewed Involved Nevada Resident Defendants

State Residency for Offenders in PSI File Review, 2017



74% of Felony Defendants in Washoe County are Nevada Residents

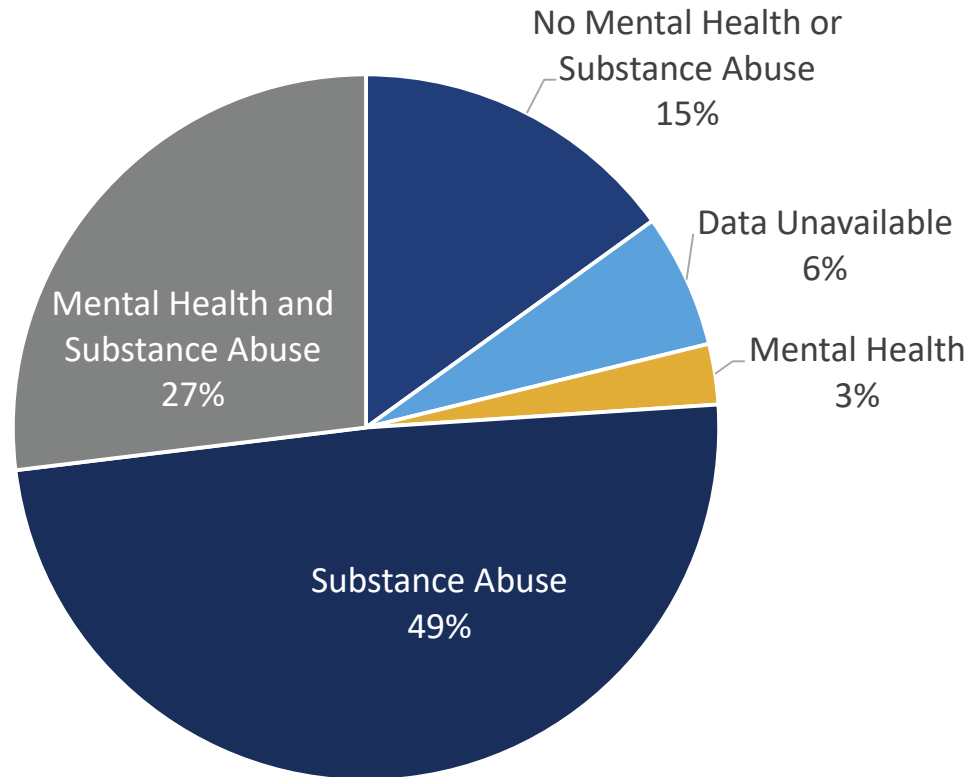
State Residency for Criminal Defendants in Second Judicial District Court,
2017



File Review Findings

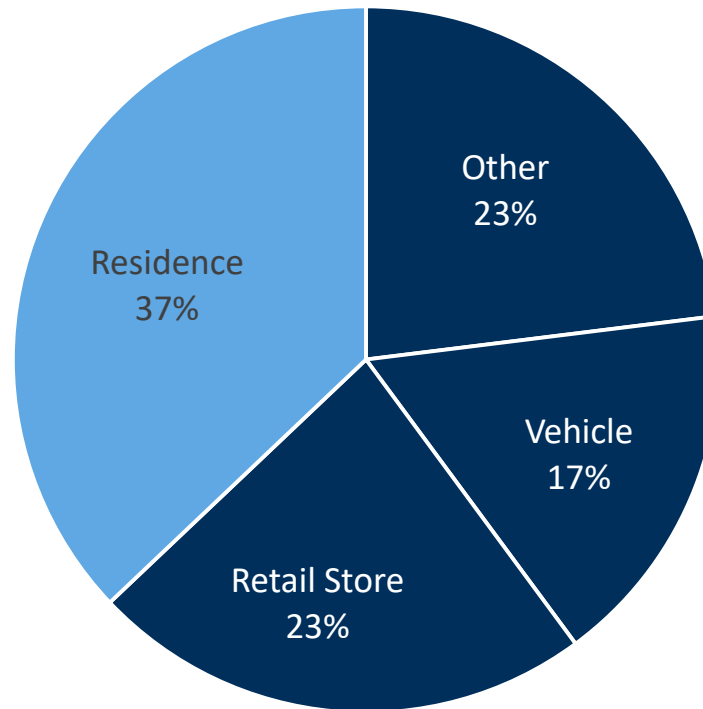
79% of PSIs Reviewed Indicated Behavioral Health Needs

PSI File Review by Mental Health and Substance Abuse, 2017



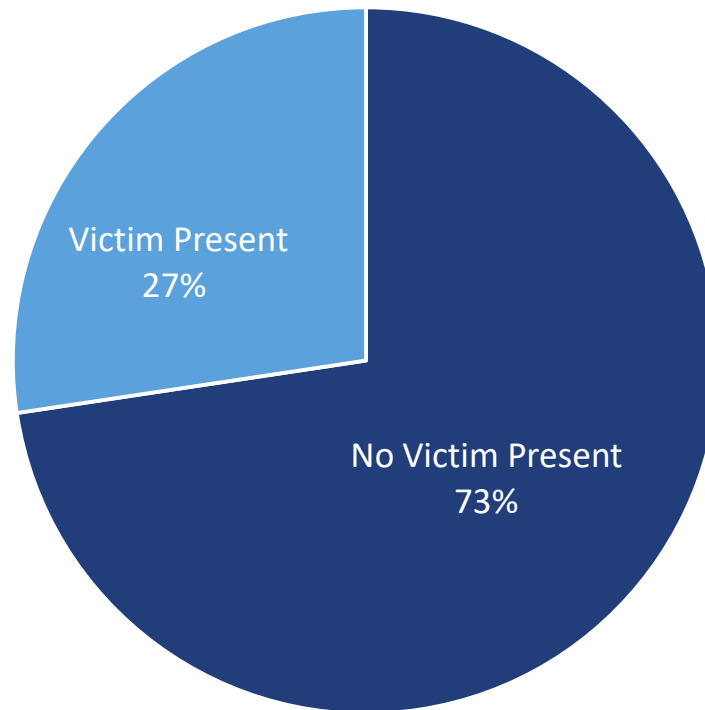
63% of Burglaries Were Non-Residential

Burglary Admissions in PSI File Review by Location, 2017



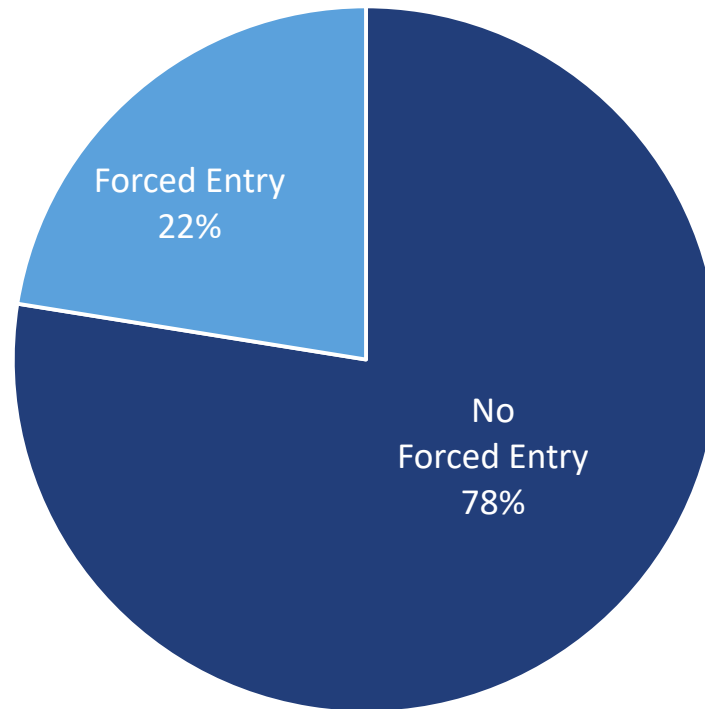
More Than 70% of Burglaries Occurred With No Victim Present

Burglary Admissions in PSI File Review by Presence of Victim, 2017



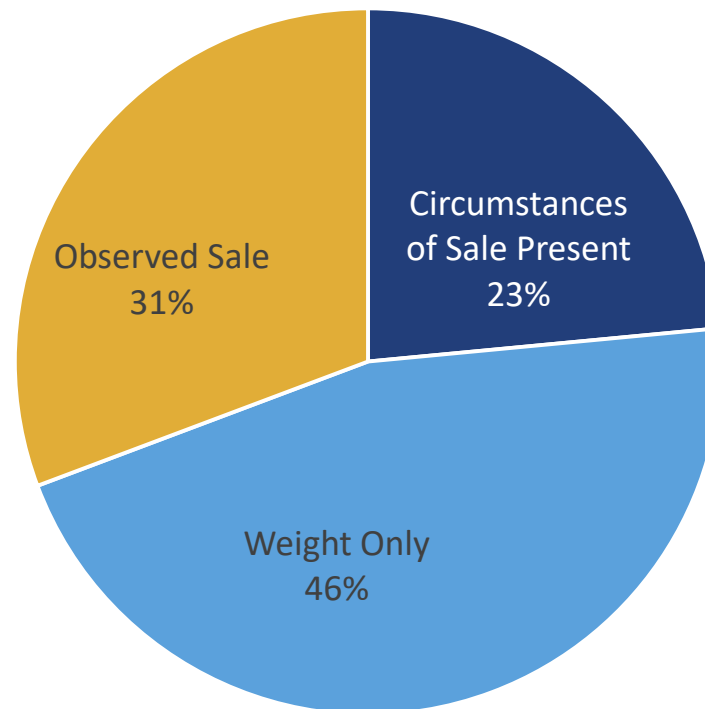
Nearly 80% of Burglaries Involved No Forced Entry

Burglary Admissions in PSI File Review by Evidence of Forced Entry, 2017



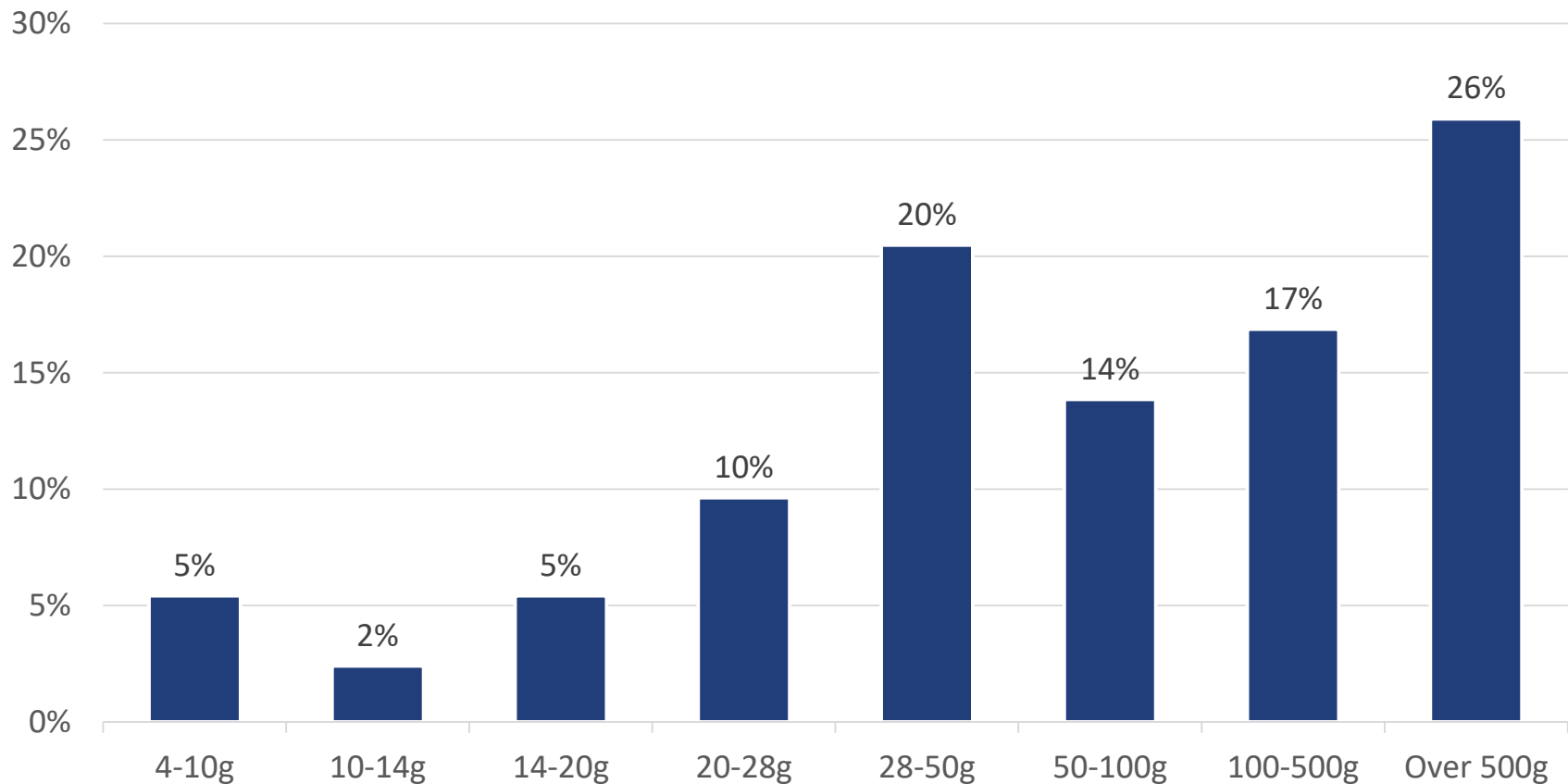
46% of Trafficking Cases Were Charged On Weight Alone

Trafficking Admissions in PSI File Review by Indicia of Sale, 2017



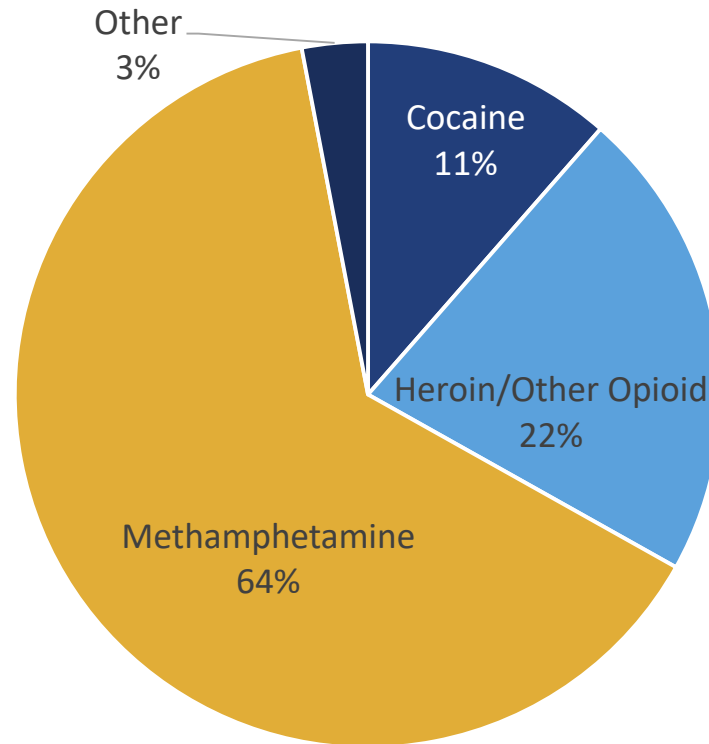
Wide Range of Weights Identified in Felony B Trafficking Cases

Trafficking Admissions in PSI File Review by Weight of Controlled Substance, 2017



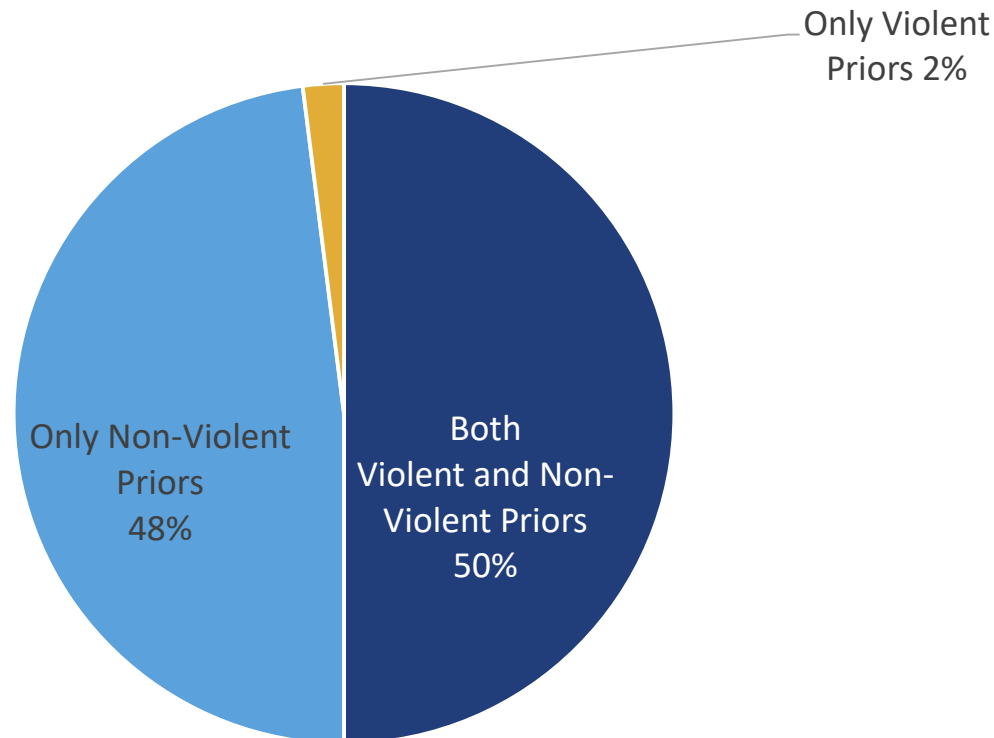
Methamphetamine Most Commonly Implicated Drug in Trafficking Cases

Trafficking Admissions in PSI File Review by Controlled Substance, 2017



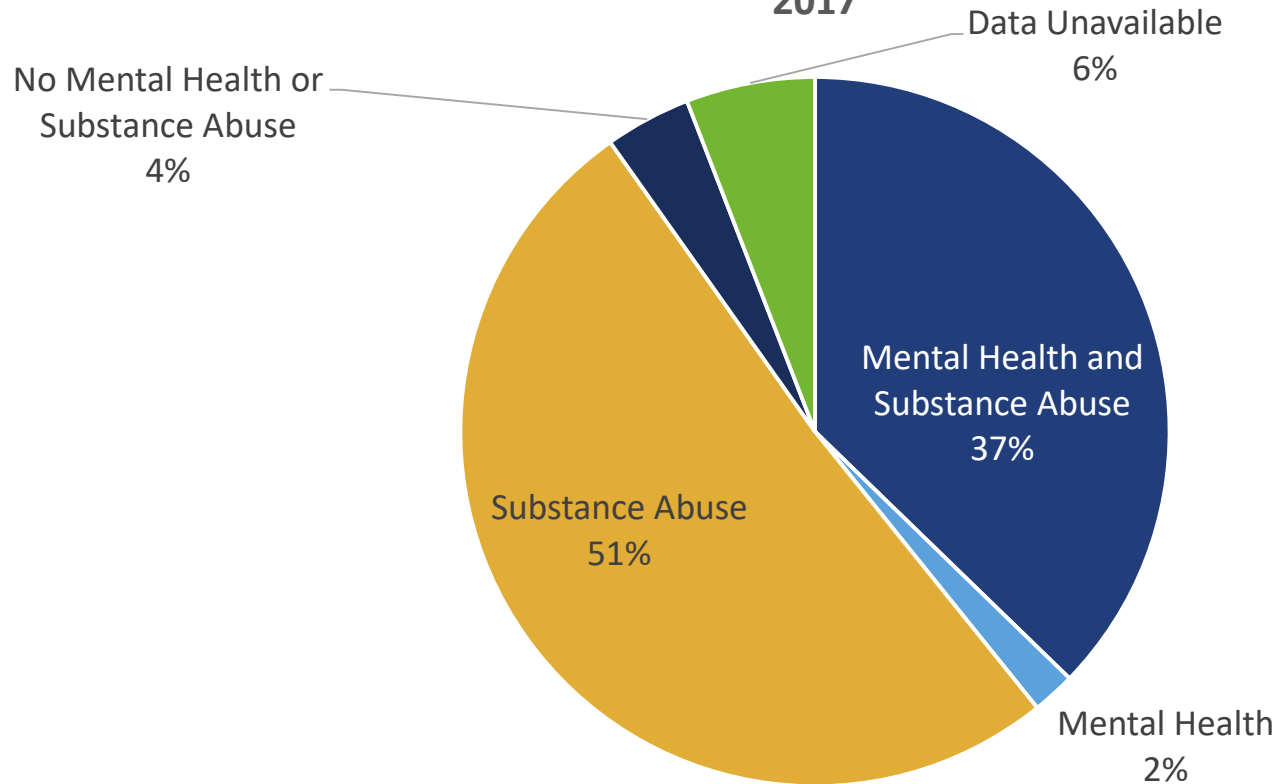
48% of Habitual Criminal Admissions Had No Prior Violent Felonies

Habitual Criminal Admissions in PSI File Review by Nature of Prior Felony Convictions, 2017



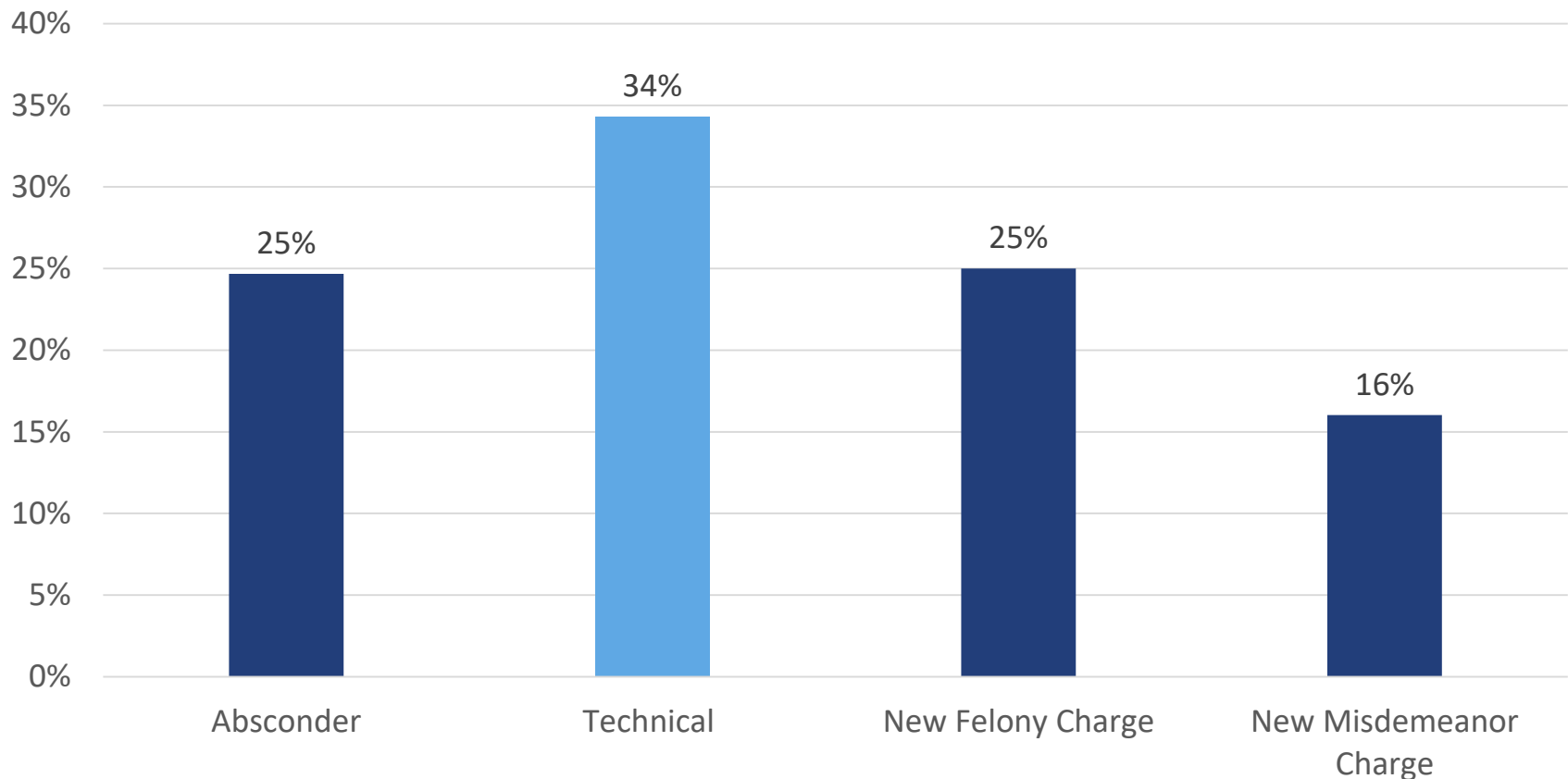
90% of Habitual Criminals Present Behavioral Health Needs

Habitual Criminals in PSI File Review by Mental Health and Substance Abuse, 2017



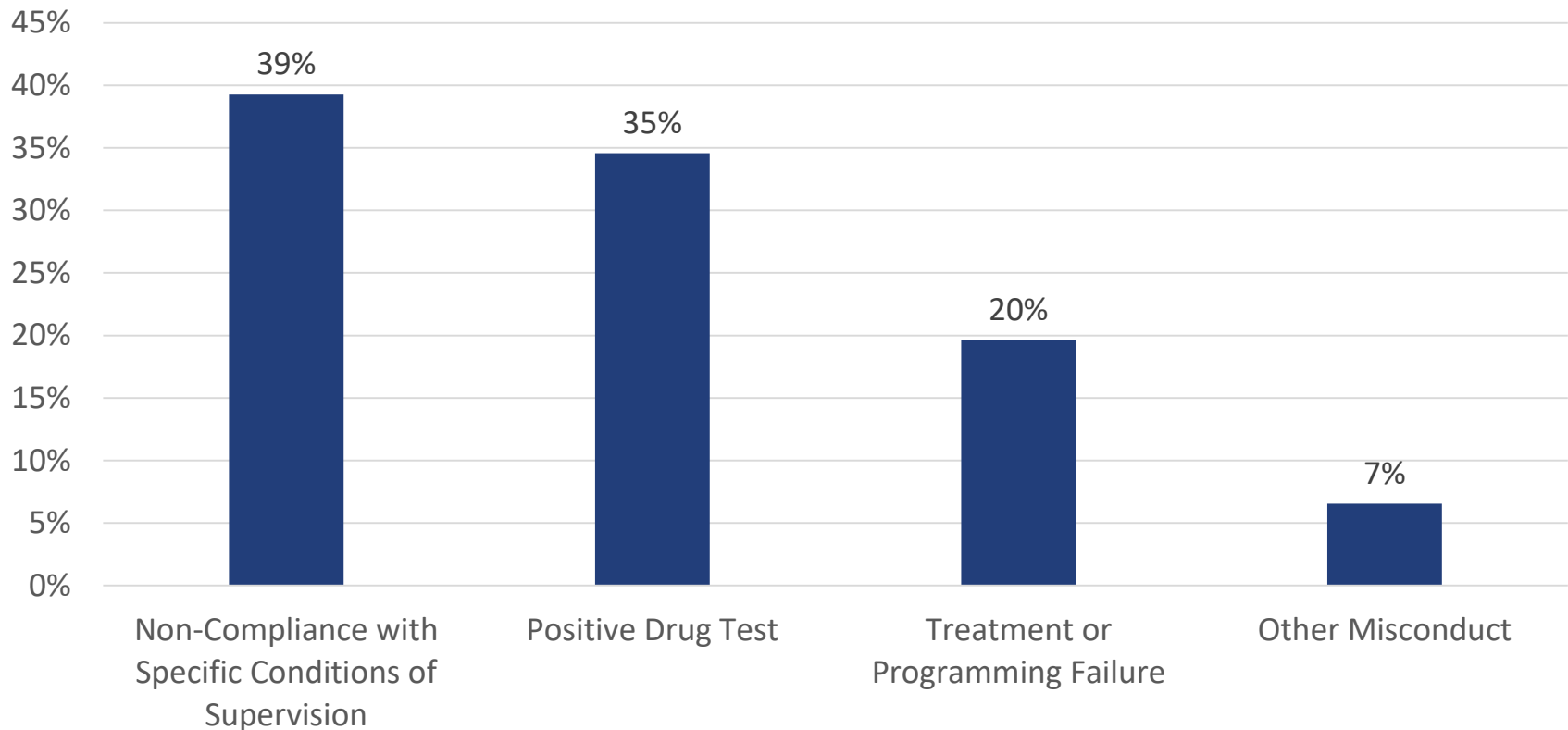
34% of Community Supervision Returns Sent to Prison For Technical Violations

Most Recent Violation in Violation Report File Review by Type, 2017



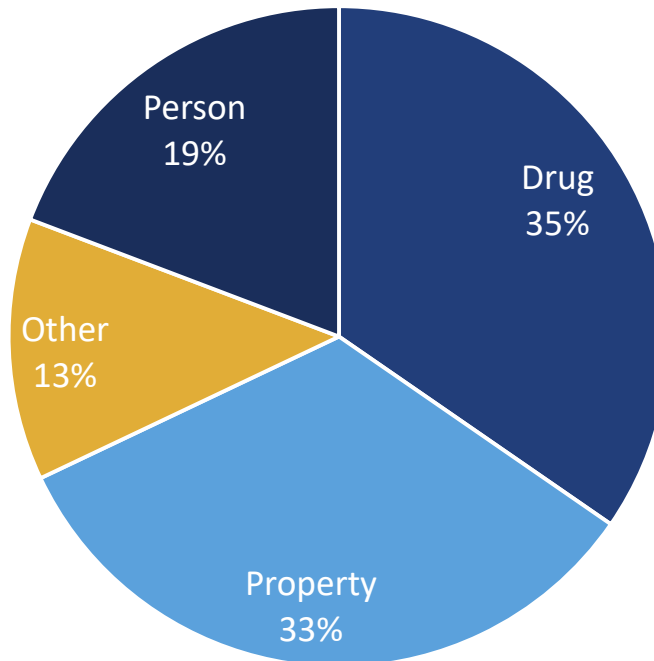
Substance Abuse A Major Factor Behind Revocations for Technical Violations

Technical Violations by Type as Most Recent Violation in Violation Report File Review, 2017



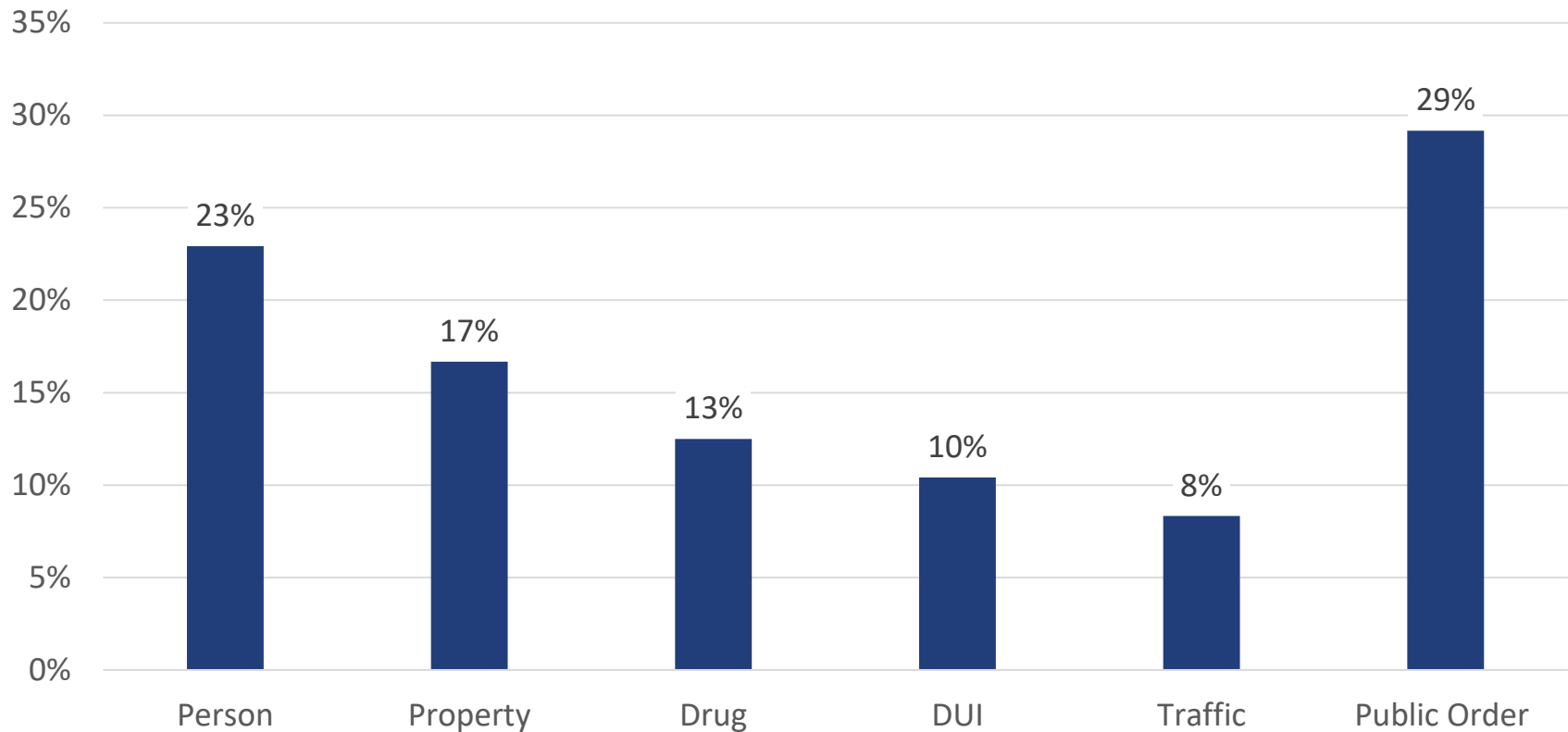
Drug and Property Charges Most Common for Violators Facing New Felony

New Felony Charge by Type as Most Recent Violation in Violation Report File Review, 2017



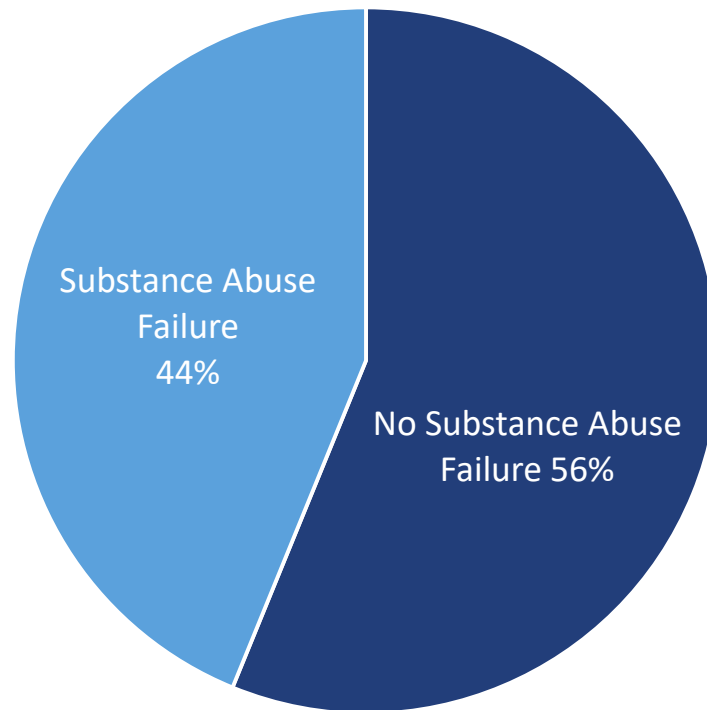
Public Order Offenses Dominate New Misdemeanor Charges for Violators

New Misdemeanor by Type as Most Recent Violation in Violation Report File Review, 2017



44% of Failures on Supervision Involved Substance Abuse

Substance Abuse Supervision Failures in Violation Report File Review, 2017



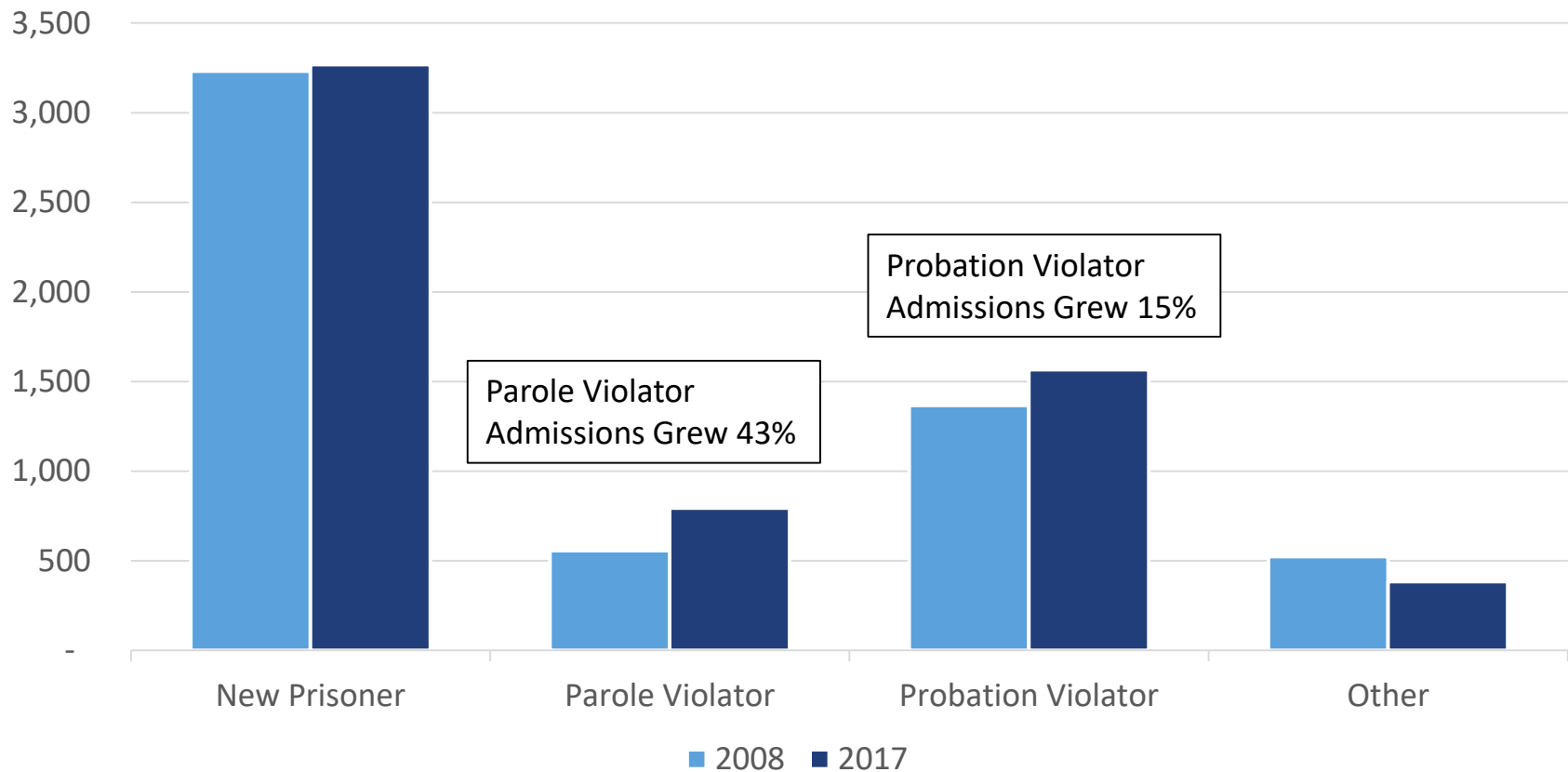
Key Takeaways

- 63% of burglaries are non-residential
 - The majority of burglaries do not include any forced entry and have no victim present
- 46% of trafficking cases are solely based on an individual possessing the threshold weight
 - The defendant's role in the transaction does not dictate charge or the disposition
- Substance abuse issues are prevalent among community supervision violators
 - 44% of failures on supervision involve substance abuse
 - Drug test and treatment failure are among the most common technical violations leading to revocation

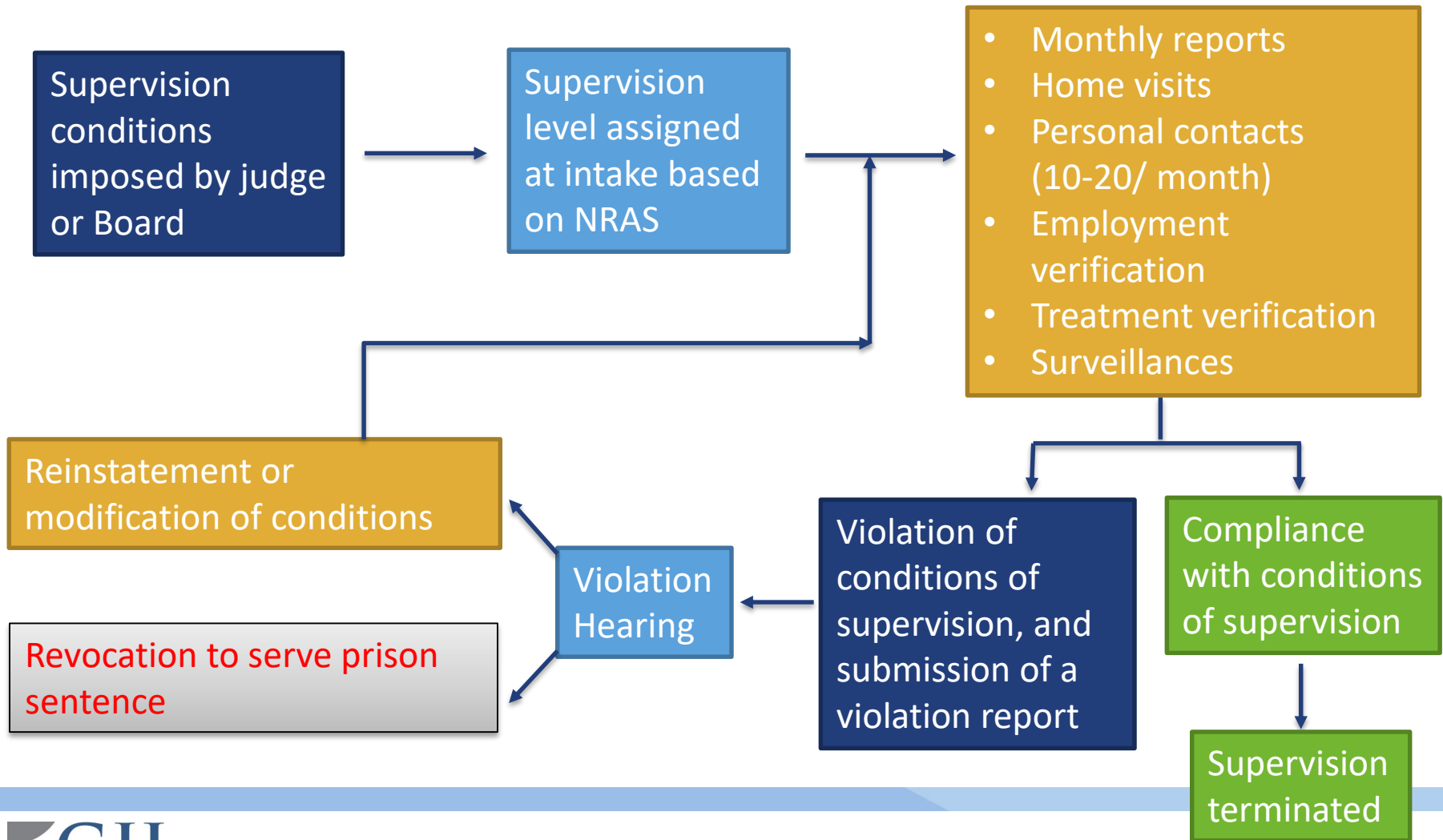
Community Supervision Data

Admissions Growth Concentrated Among Community Supervision Returns

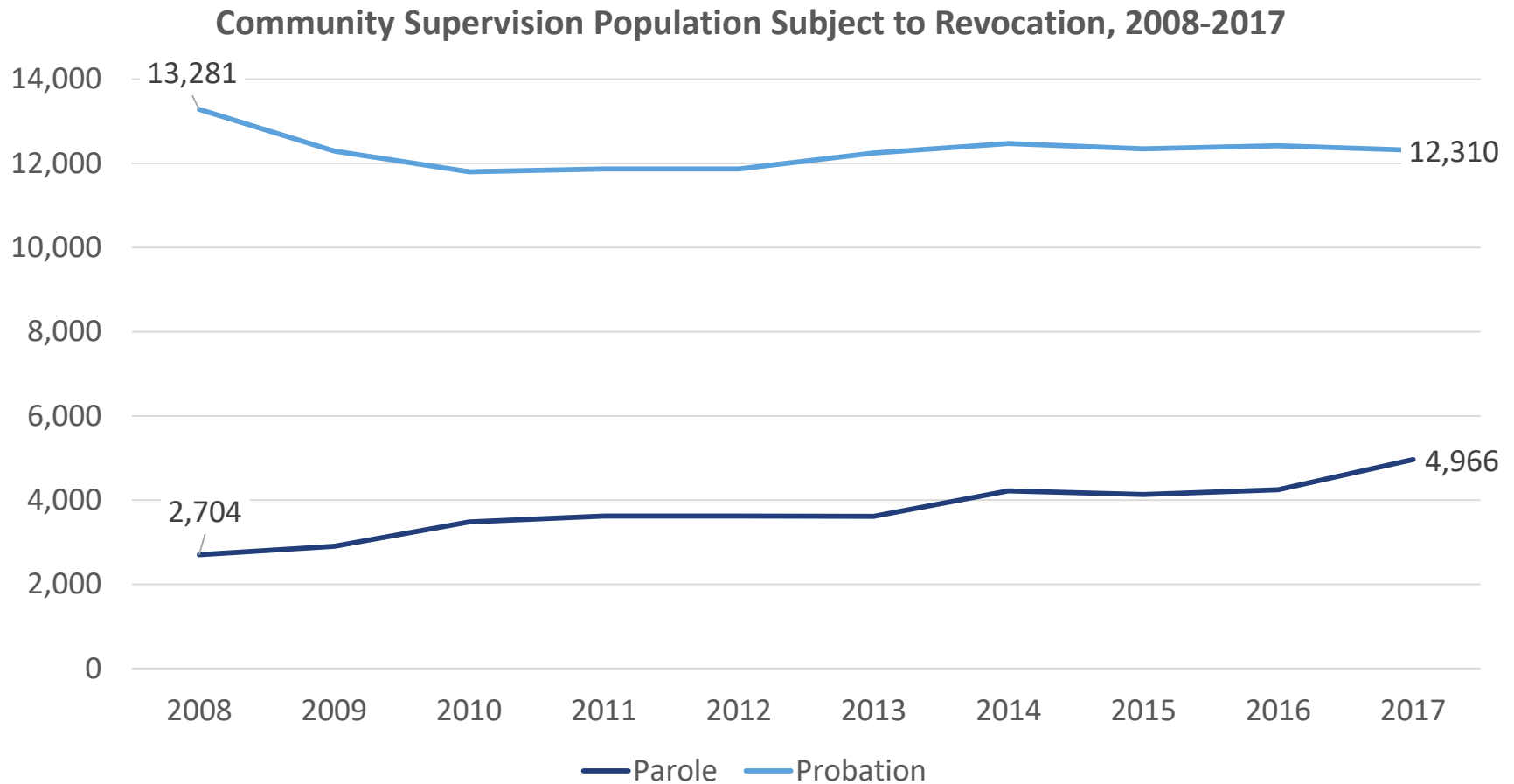
Prison Admissions by Admission Type, 2008 vs 2017



Community Supervision Process



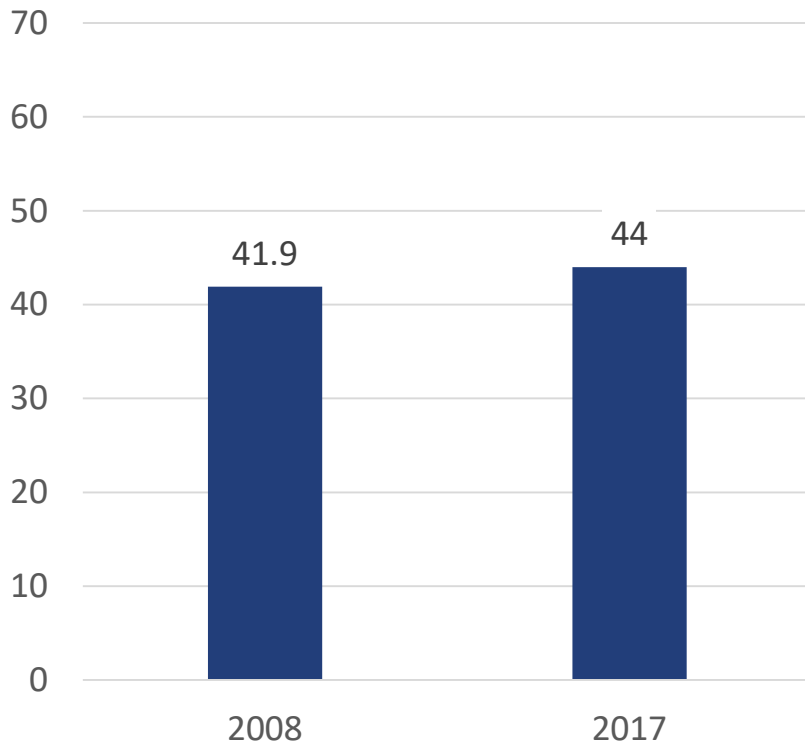
Parole Population Grew 84% as Number of Probationers Declined 7%



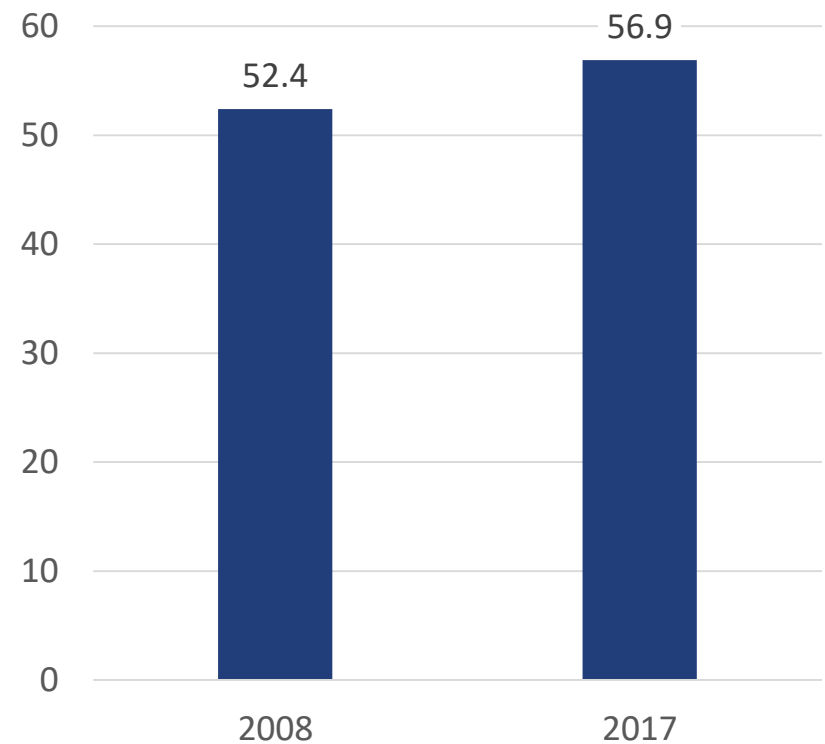
Source: Nevada Division of Parole and Probation. Populations exclude inmates granted parole and currently in prison awaiting release, as well as Nevada-based supervisees under the custody of other states

Probation Sentences Imposed in Clark County Have Grown Over Last Decade

Mean Length of Indeterminate Sentences to Probation from the Eighth Judicial District Court, 2008 vs 2017

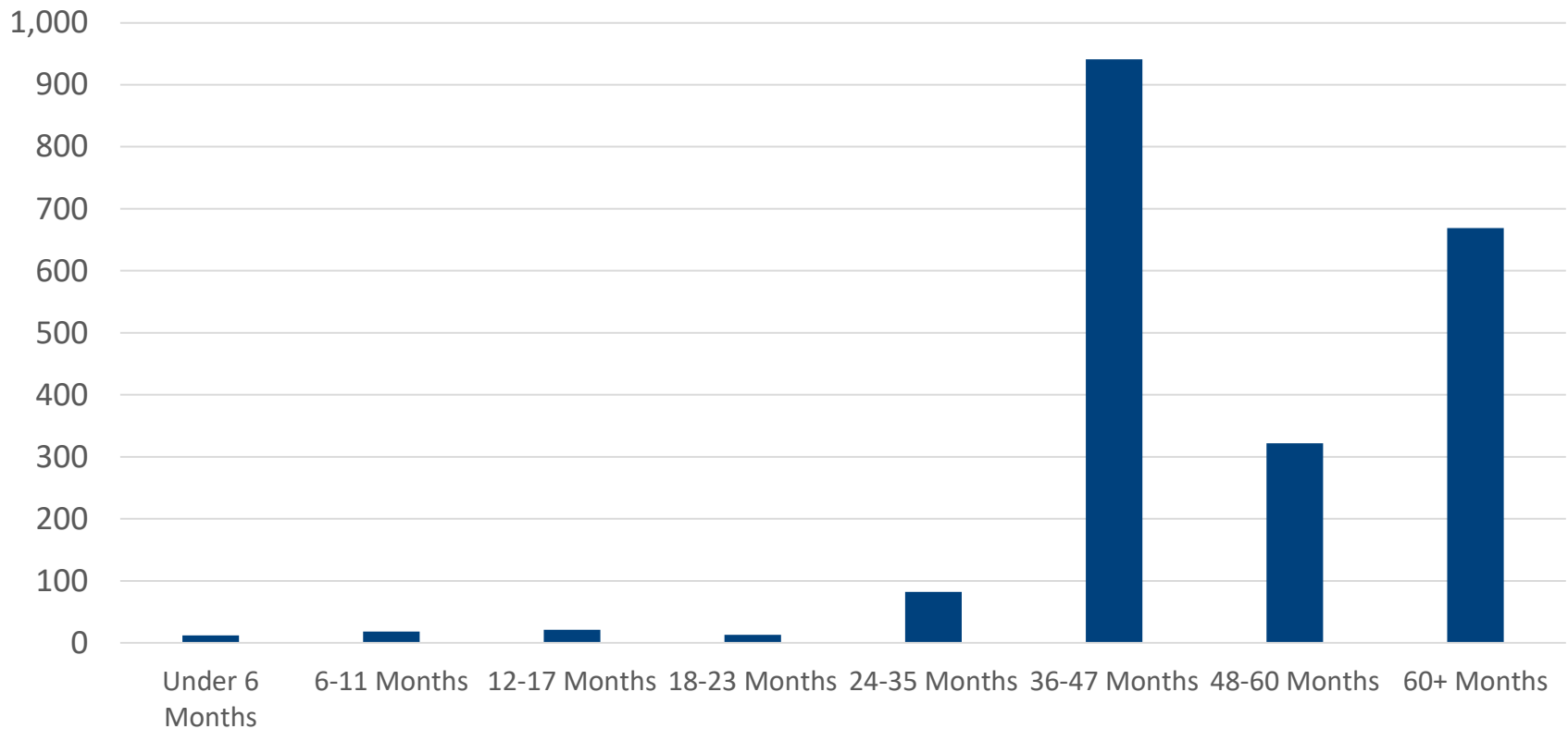


Mean Length of Fixed Sentences to Probation from the Eighth Judicial District Court, 2008 vs 2017



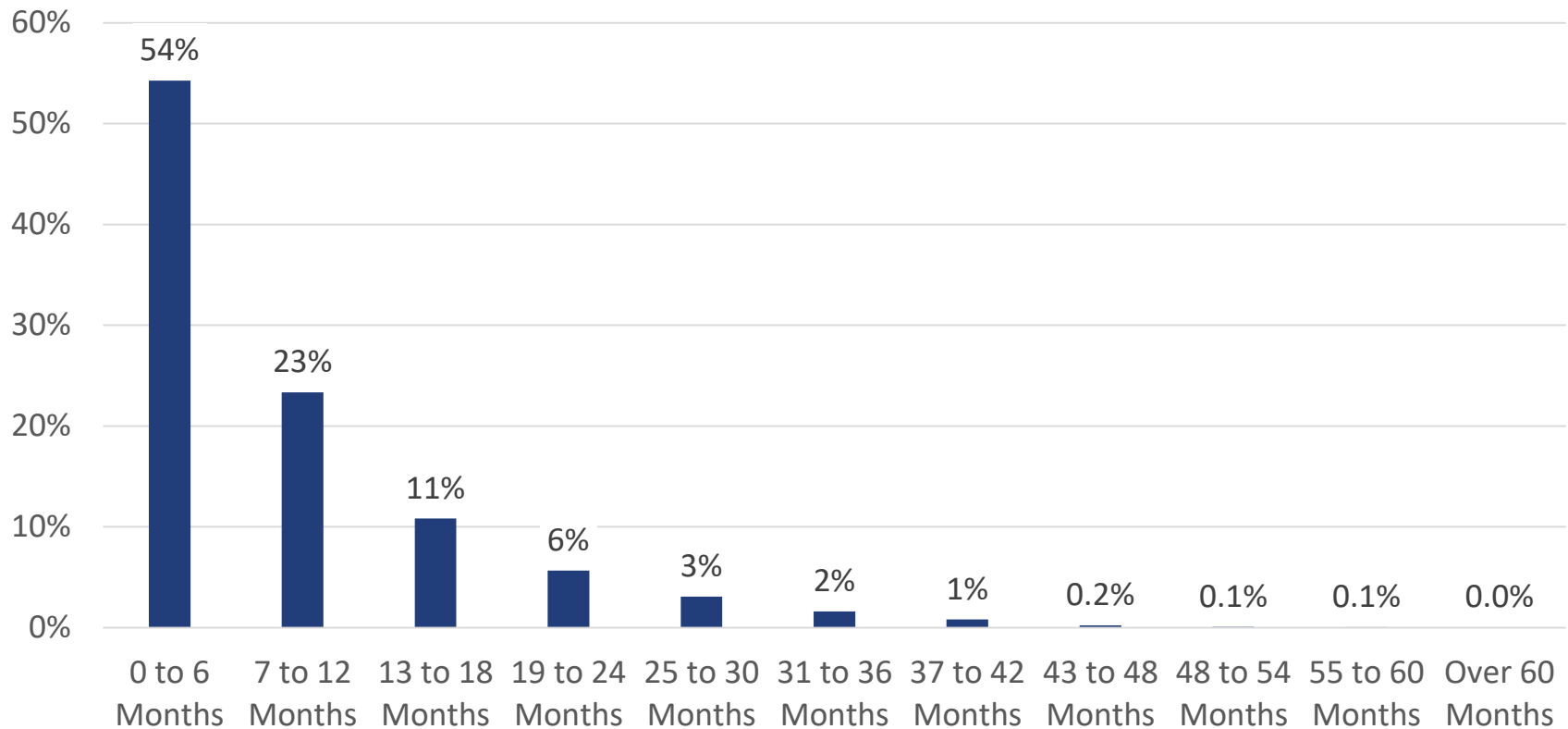
93% of Clark County Probation Sentences Are At Least Three Years

Probation Sentences from the Eighth Judicial District Court by Type and Length of Sentence Imposed, 2017



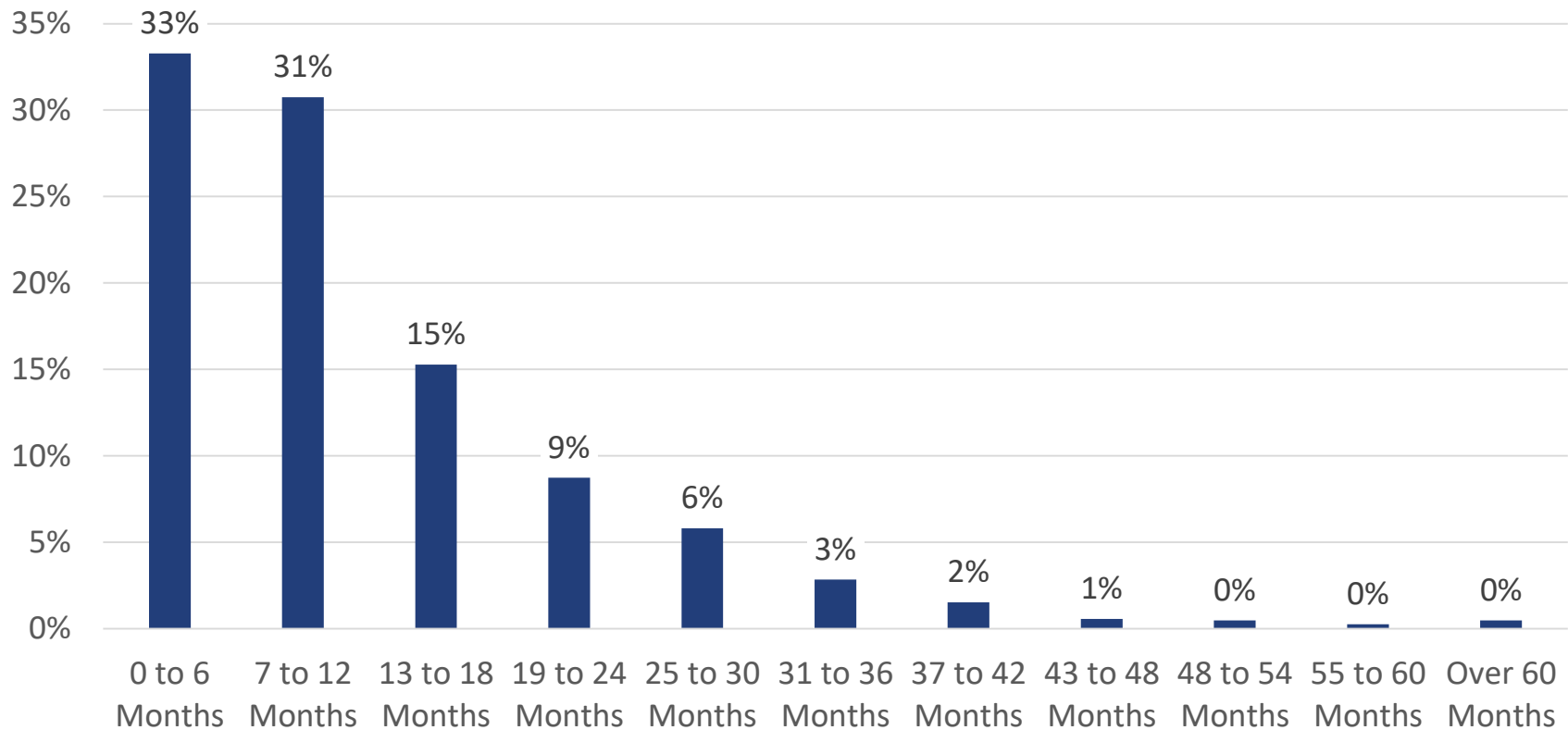
Over Half of Washoe Violation Reports Filed in First 6 Months of Supervision

Months Before Filing of Probation Violation Report in Second Judicial District Court



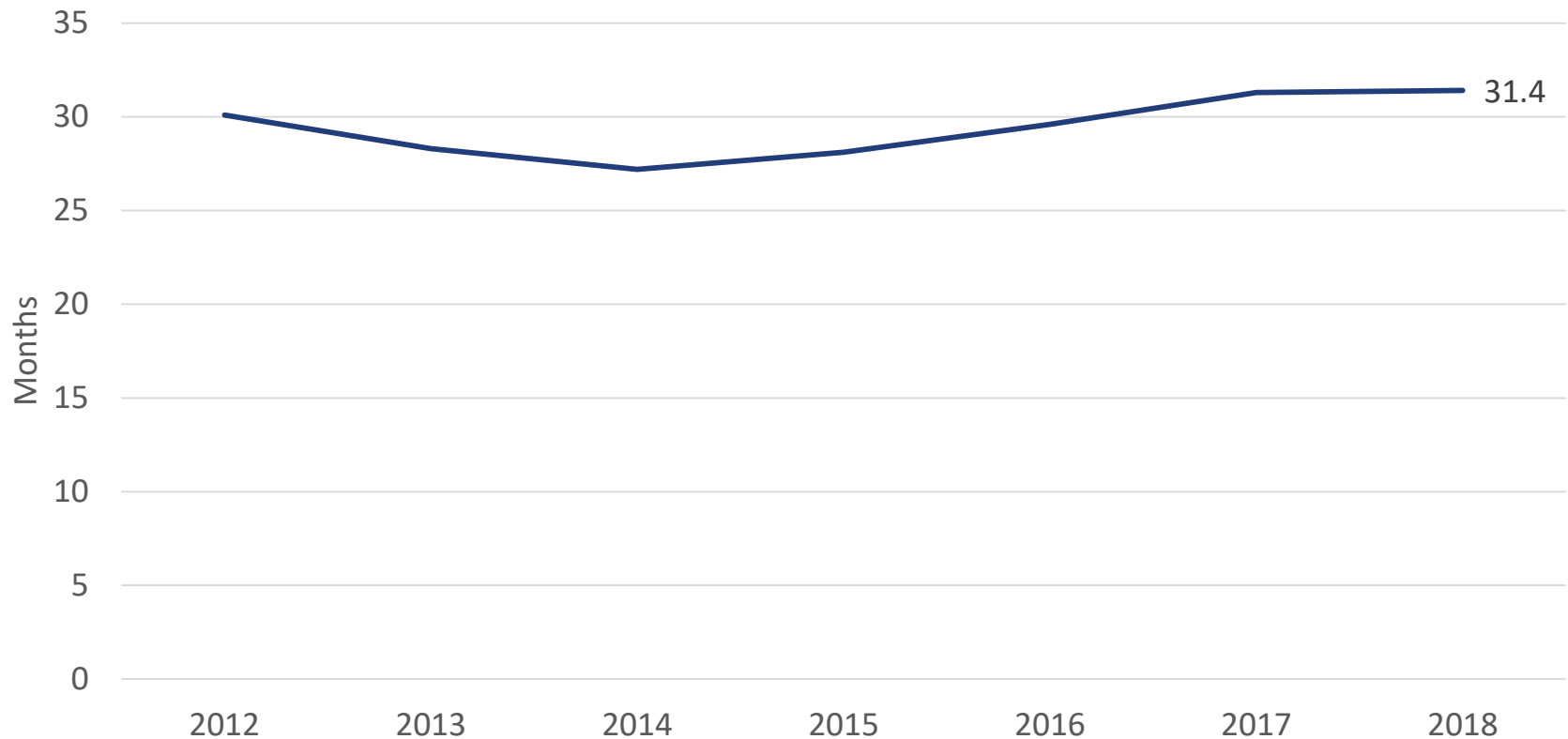
1 in 3 Probation Revocations in Washoe Occurred Within 6 Months

Share of Probation Violators by Months Before Probation Revocation in Second Judicial District Court

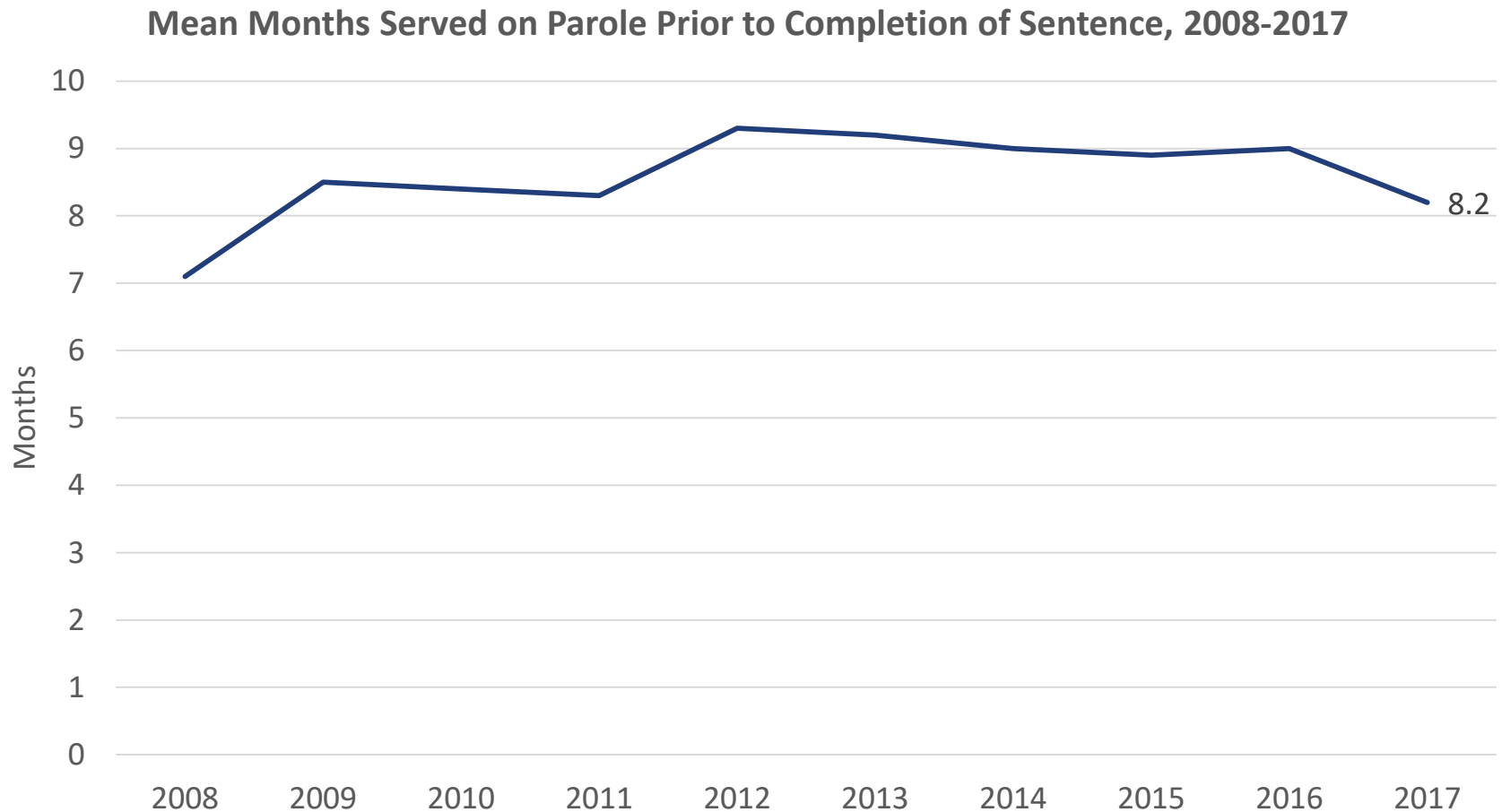


Discharged Probationers Spend An Average of 31 Months on Supervision

Mean Months Served on Probation Prior to Completion in the Second Judicial District Court by Year of Discharge, 2012-2018



Discharged Parolees Spend An Average of 8 Months On Supervision



Key Takeaways

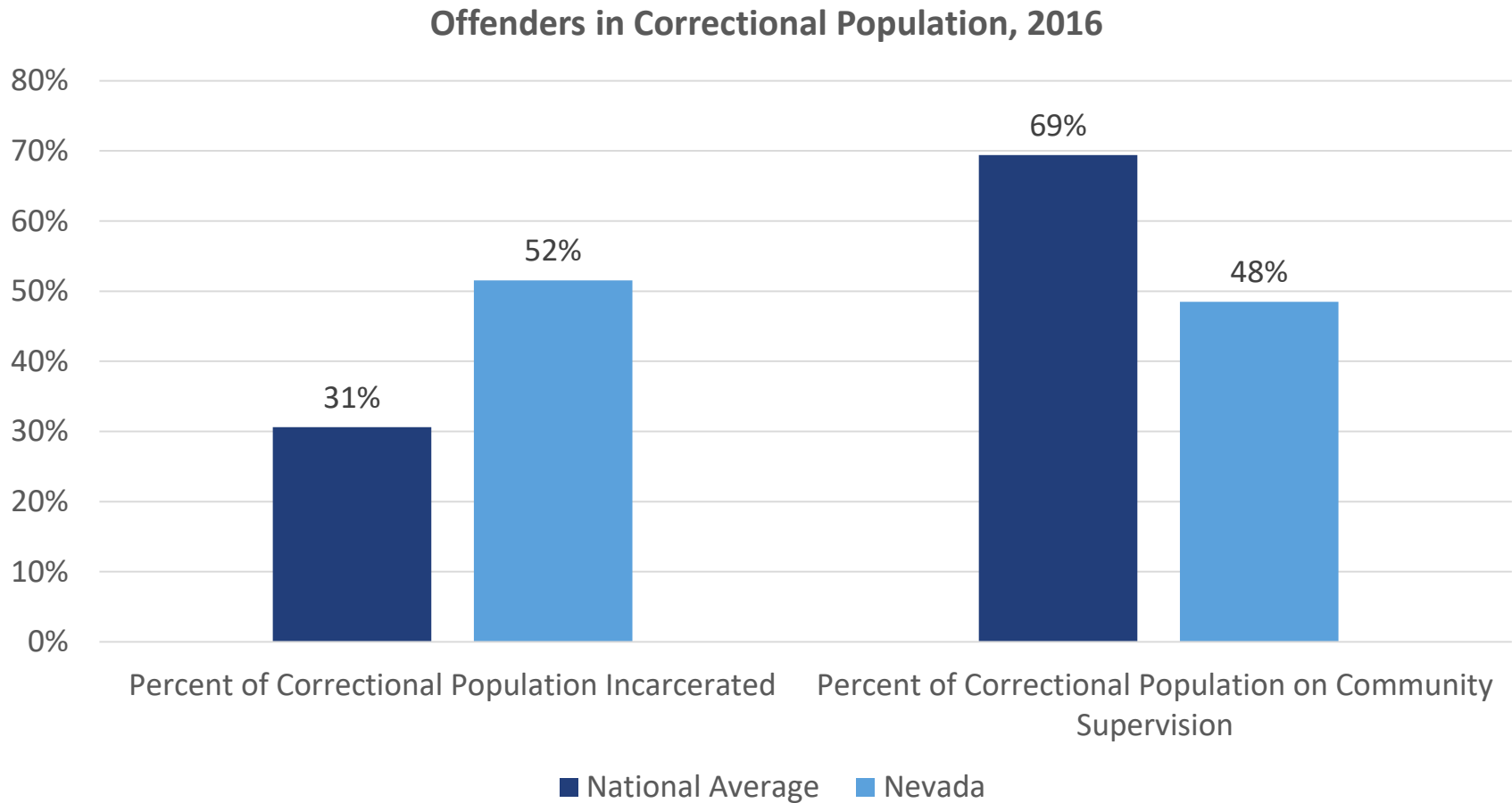
- Prison admissions increased 43% for parole violators and 15% for probation violators since 2008
 - Underlying parole population grew by more than 2,200 while probation population shrunk by nearly 1,000
- Probation failures occur early despite lengthy sentences
 - 93% of Clark County probation sentences were for three or more years, and the average sentence was 45 months
 - 1 in 3 probation revocations in Washoe County occurred during in the first six months of supervision
 - Discharged probationers served an average of 31 months

Reducing Recidivism: Data and Evidence-Based Practices

Does Incarceration Reduce Recidivism?

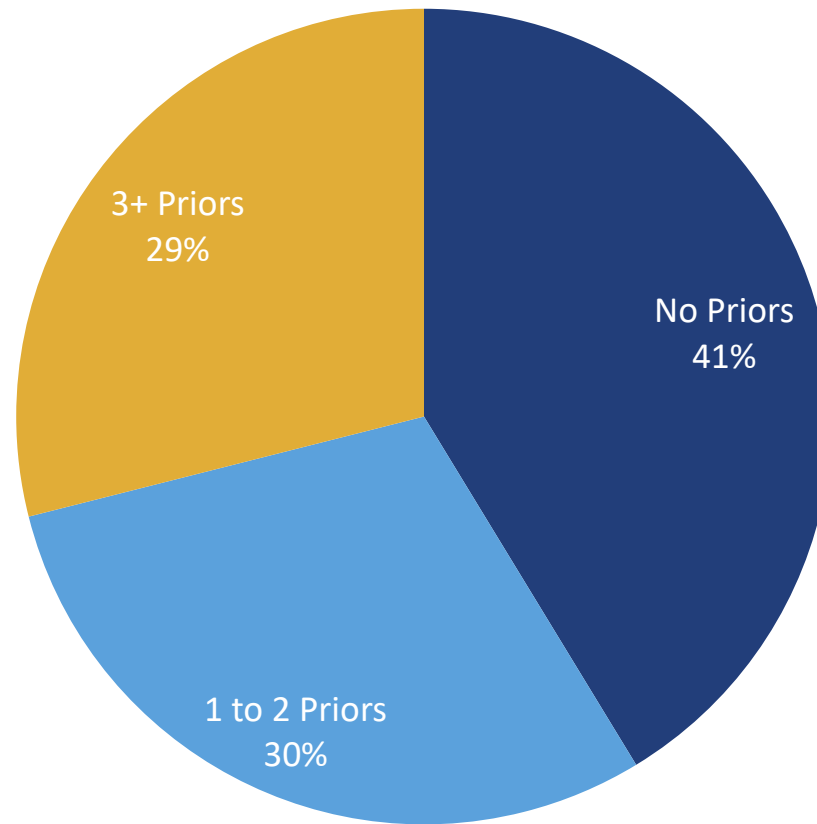
- Research finds that incarceration is not more effective than non-custodial sanctions at reducing recidivism
 - Nagin & Snodgrass (2013): Found incarceration made no significant difference in 1, 2, 5, and 10-year re-arrest rates compared to non-custodial sanctions
 - Campbell Collaboration (2015) (meta-analysis): Found incarceration has a null or criminogenic effect on re-arrest and re-conviction rates compared to non-custodial sanctions
- In fact, research shows for many low-level offenders, incarceration can actually increase recidivism
 - Nieuwbeerta, Nagin, and Blokland (2009): Found first-time, imprisoned offenders who served less than 1 year were 1.9 times as likely to be reconvicted within 3 years, compared to offenders sentenced in the community

Compared to Other States, Nevada Uses Incarceration More than Community Supervision



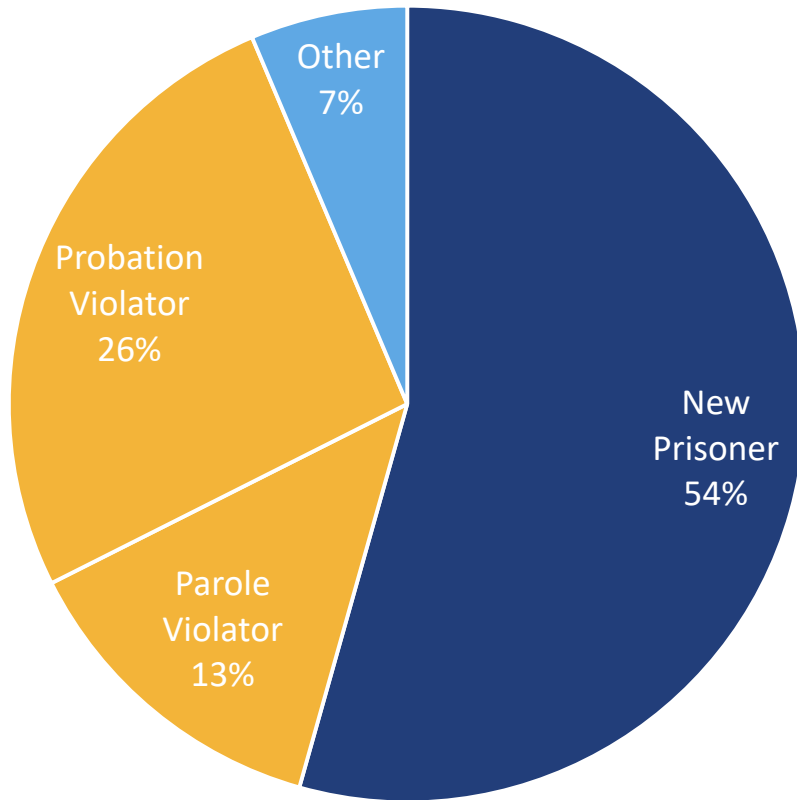
4 in 10 Admissions Have No Prior Felony Convictions

Prison Admissions by Prior Felony Convictions, 2017



39% of Admissions Come From Community Supervision Failures

Prison Admissions by Admission Type, 2017

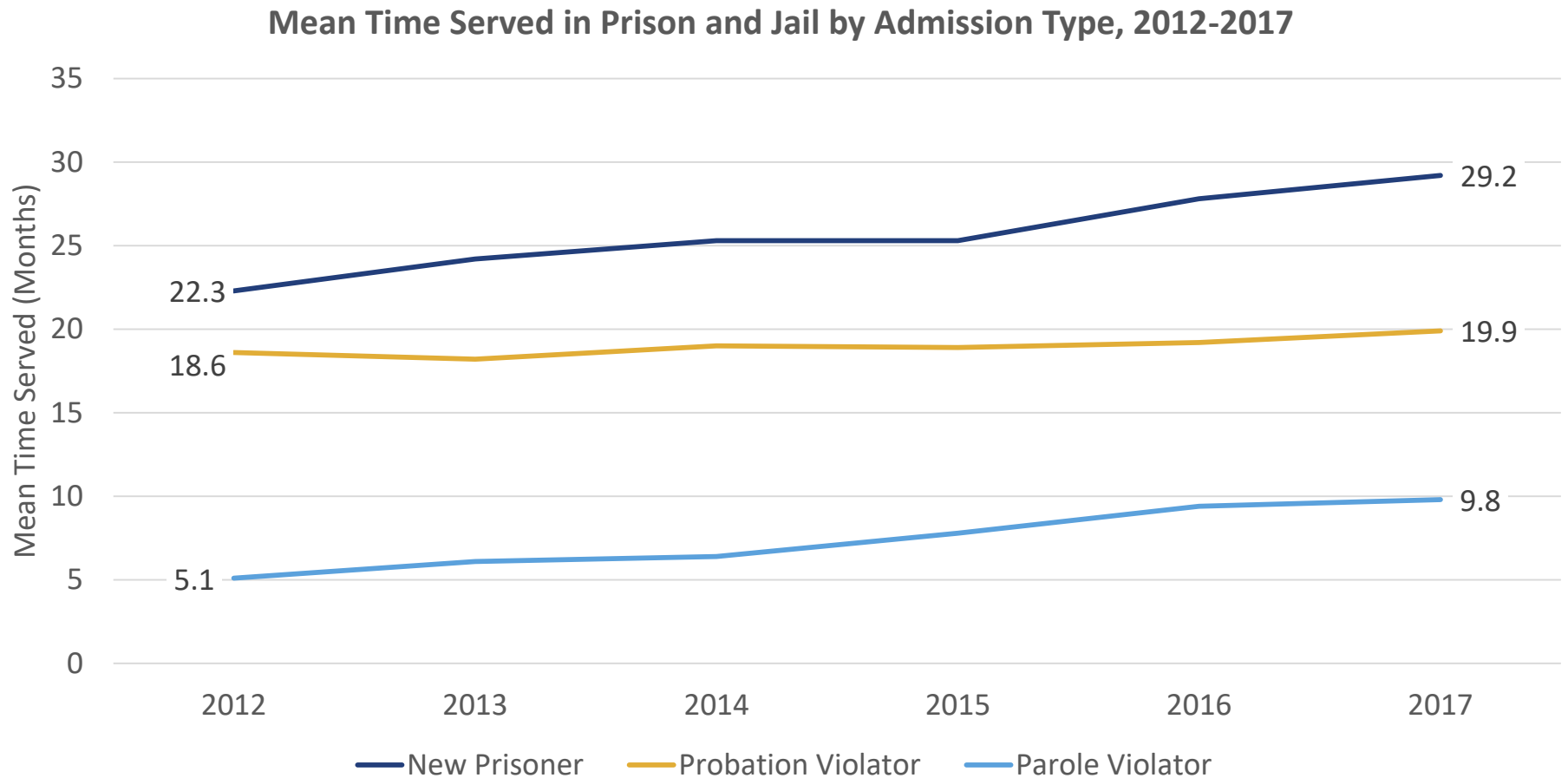


- 794 parole violators were admitted in 2017, an increase of 43% from 2008
- 1,566 probation violators were admitted in 2017, an increase of 15% from 2008

Do Longer Sentences Reduce Recidivism?

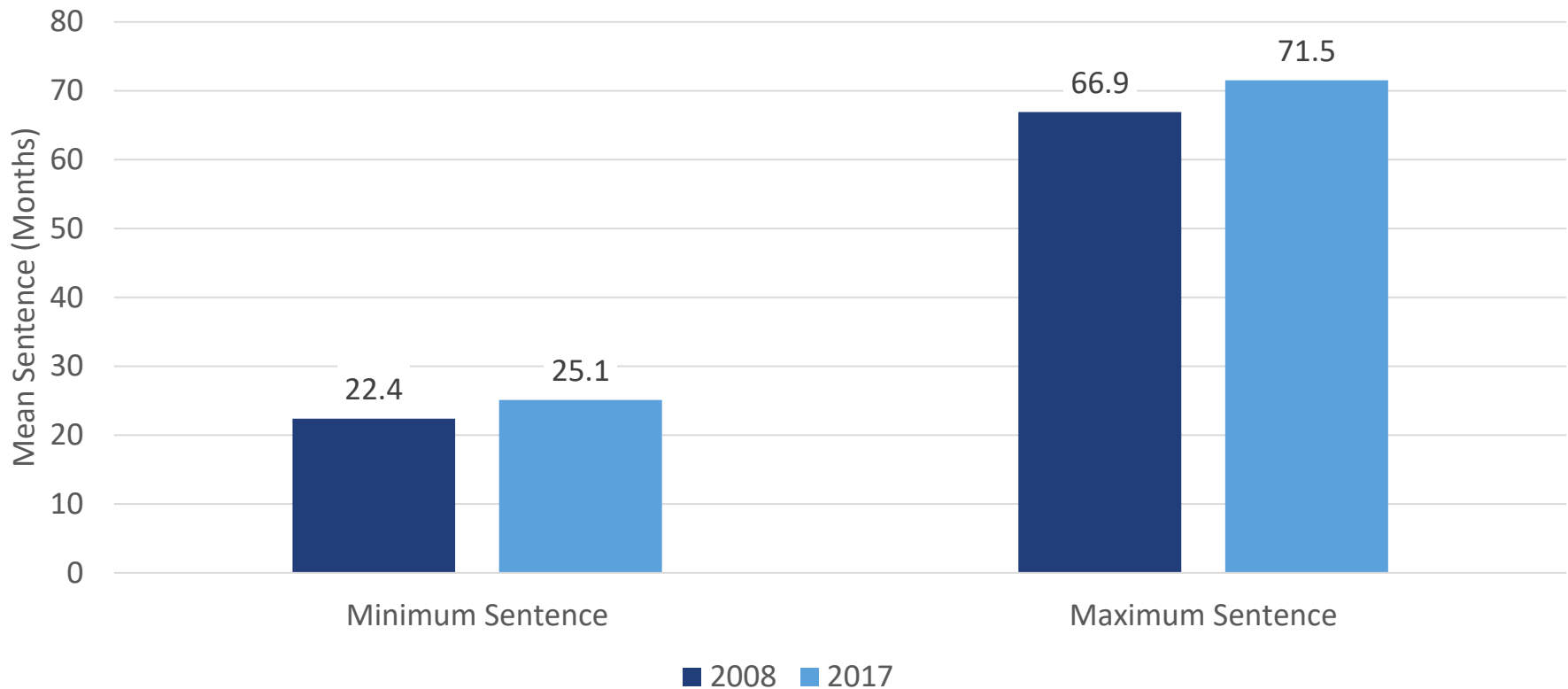
- Research finds that longer prison stays do not reduce recidivism more than shorter stays
 - Nagin, Cullen & Jonson (2009) (systematic review): Found no relationship between time served and recidivism
 - Meade, et al. (2012): Prison terms of 5 years or less have no effect on recidivism; prison terms of 10 years or more have some reduction in re-arrest due to aging out
- Studies show little to no evidence that longer periods of incarceration yield significant deterrent effects
 - United States Research Council (2014): Lengthy prison sentences are ineffective as a crime control measure to prevent crime by incapacitation

Time Served Up 31%, Nearly 7 Months for New Prisoners



Both Min and Max Sentences Have Increased for Newly Sentenced Prisoners

Mean Minimum and Maximum Sentences for New Prisoner Admissions,
2008 vs. 2017

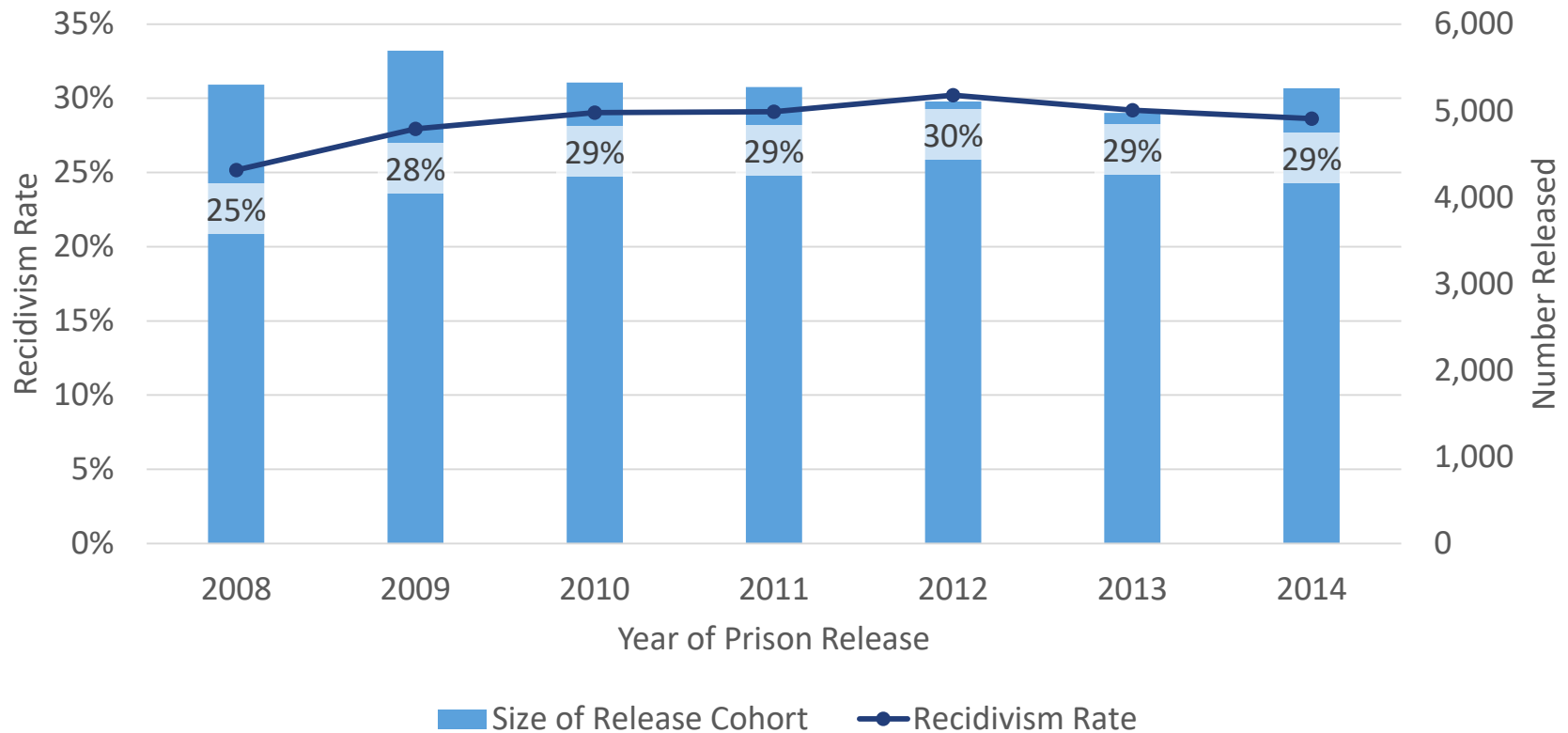


Recidivism in Nevada

- Nevada Department of Corrections (NDOC) defines recidivism as “the proportion of felony offenders that return to prison within 36 months of release”
- NDOC uses this definition to measure outcomes for annual reporting

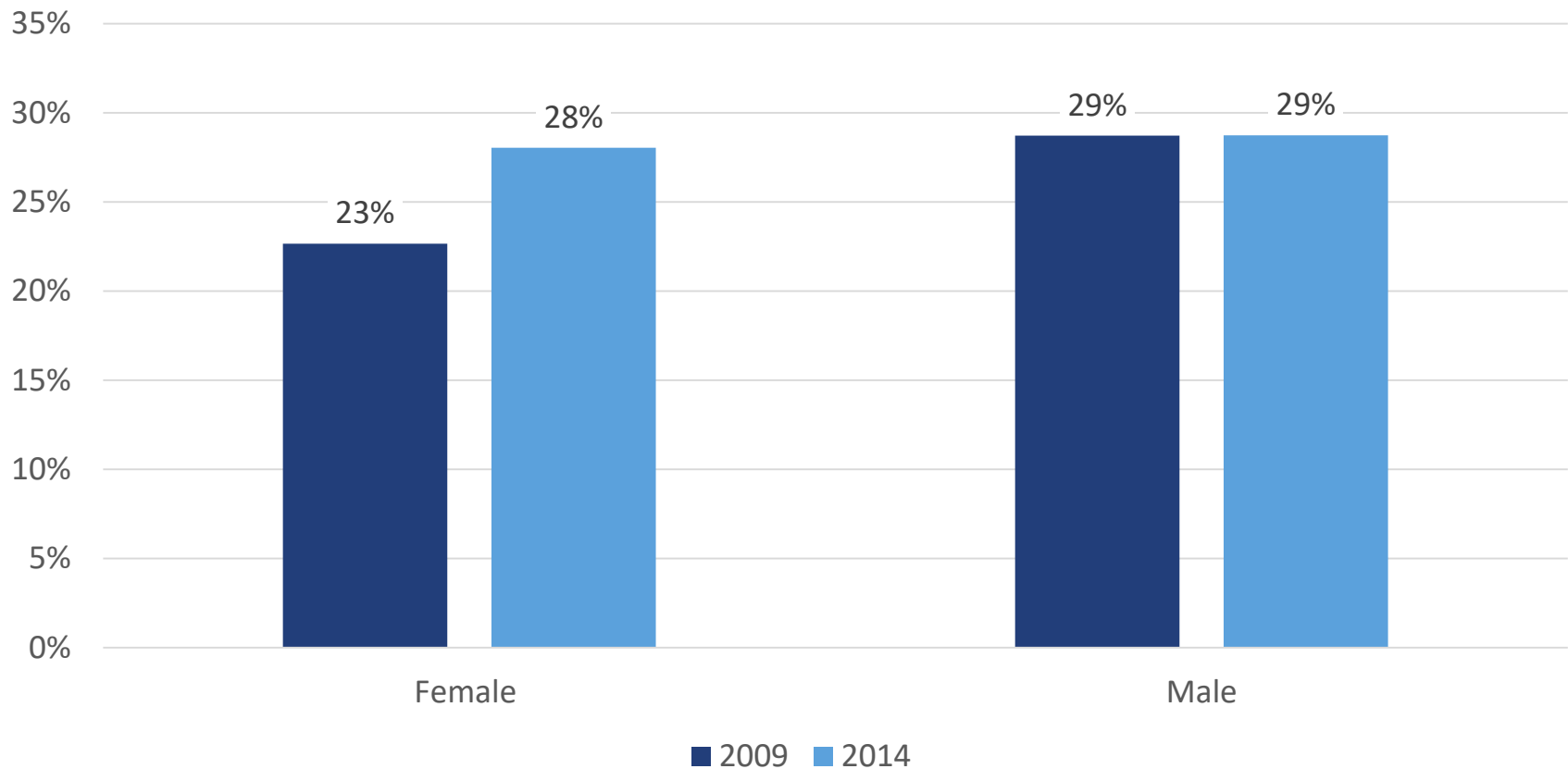
1,506 People Released from Prison in 2014 Returned Within 3 Years

36-Month Recidivism Rate and Release Cohort Size for Cohorts Released, 2008-2014



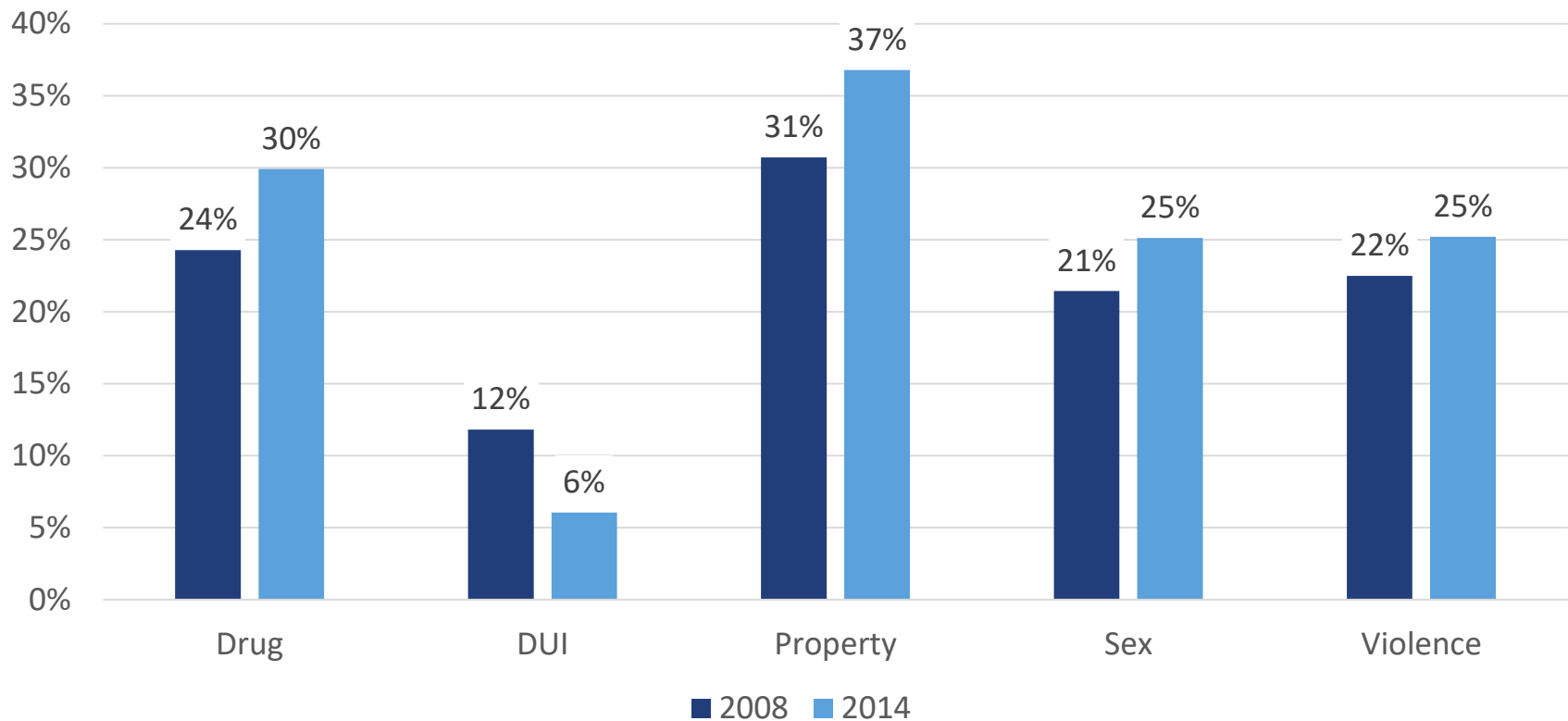
Recidivism Rates Have Grown for Female Offenders

36-Month Recidivism Rate by Gender for Cohorts Released, 2009 vs 2014



Recidivism Rates Up for All Offense Types Except DUI

36-Month Recidivism Rate by Offense Type for Cohorts Released,
2008 vs 2014



Key Takeaways

- Wide body of research on reducing recidivism finds:
 - Incarceration can increase recidivism for low-level offenders
 - Longer prison stays do not reduce recidivism more than shorter stays
- NDOC analysis finds that 29% of individuals released from prison will return within three years
 - Just over 1,500 people released from prison in 2014 had already returned to prison by 2017
 - Recidivism rates grew the most for female offenders, drug and property offenders

What Works to Reduce Recidivism?

Evidence-Based Practices

- **Risk, Need, Responsivity:** Focus on high-risk individuals, target criminogenic needs, address programming barriers
- **Frontload resources** for individuals on community supervision
- **Incorporate treatment into supervision**
- Use **swift, certain, and proportional sanctions** to address negative behavior
- **Reinforce positive behavior** with rewards and incentives
- Monitor **quality, fidelity, and outcomes**

Risk, Need, and Responsivity

- Research Summary
 - Focus resources on high-risk offenders, target interventions on factors most closely tied to recidivism, and address programming barriers
- Nevada Practices
 - Standard conditions are imposed for all offenders regardless of risk level, criminogenic needs, or responsivity factors impacting their ability to successfully complete certain conditions
 - There is no requirement that supervision practices and resources be focused on high-risk offenders or be tailored to those factors that are most likely to cause recidivism

Limited Adherence to RNR Model

- The results of the risk and needs assessment are not used to create individualized conditions of supervision
 - There is no clear state statute requiring the use of a validated risk and needs assessment to identify appropriate supervision conditions and guide programming referrals
 - The Nevada Risk Assessment System (NRAS), which identifies supervision levels for offenders, is conducted after conditions are already imposed
 - A person's treatment conditions are not based on a needs assessment

Supervision Conditions Do Not Account for Programming Barriers

- Responsivity factors such as housing, transportation, and mental health issues are not considered when setting conditions of supervision
 - Some programs individually address programming barriers, such as the Day Reporting Center, the Ridge House, and Siegal Suites, but there is no system-wide infrastructure in place
- P&P officers must get approval from the judge or Board of Parole Commissioners to modify conditions if they find a programming barrier is impeding their supervisees' success

Supervision Conditions

Standard Conditions

- Must Report
- Must Notify Residence & No Out-of-State Travel
- No Intoxicants & Controlled Substances
- No Weapons
- No Contact With Prohibited Associates
- Must Seek Employment
- Must Pay Financial Obligations
- Must Abide by Curfew

Special Conditions

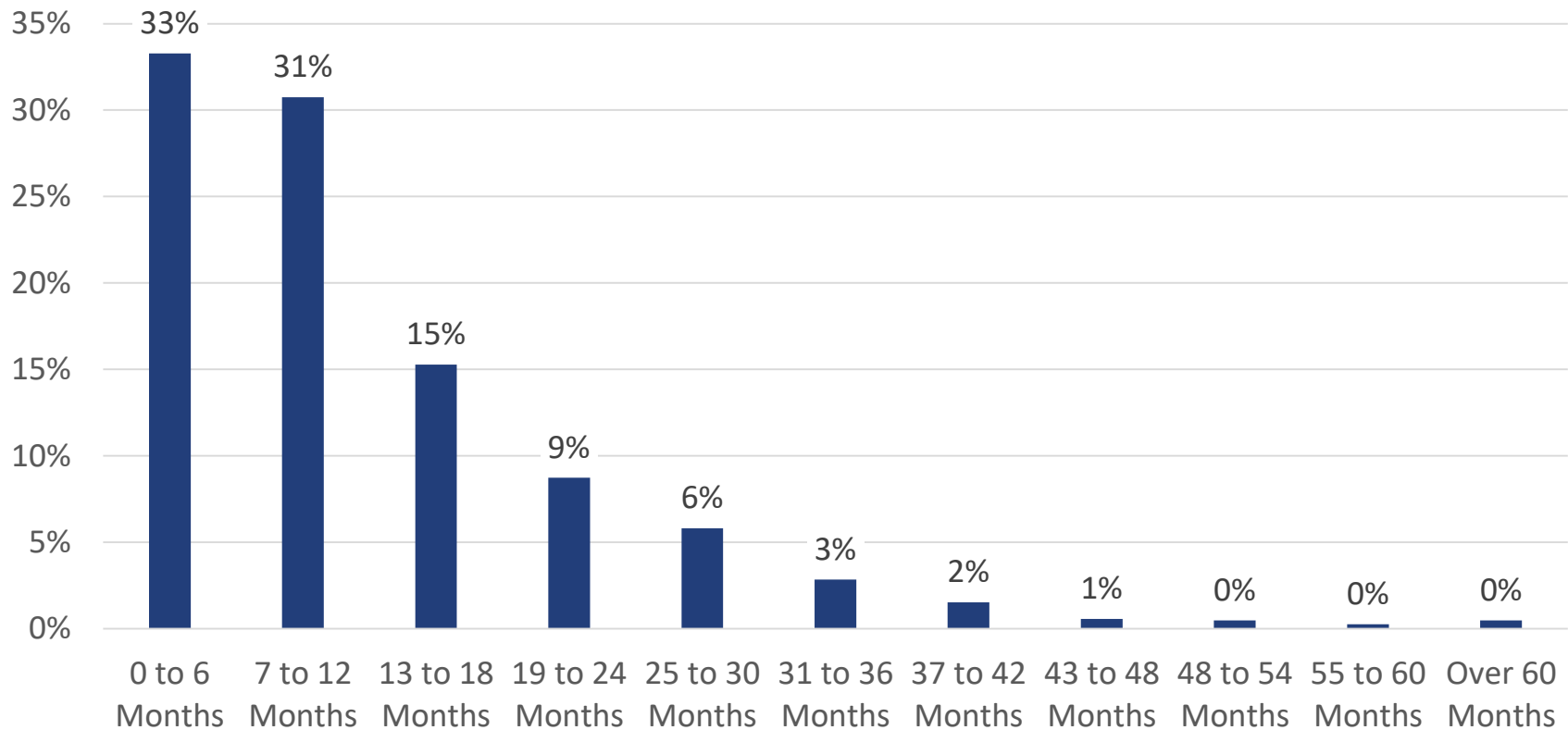
- Must Obtain Substance Abuse or Mental Health Evaluation
- Must Complete GED Program
- Must Complete Gambling or Financial Counseling
- Must Pay Restitution to Victim & Fines
- No Gambling
- No Contact With Known Gang Affiliates

Frontloading Resources

- Research Summary
 - Because recidivism is most likely to occur in the first few months of supervision, focusing resources at the beginning of supervision reduces the likelihood of reoffending
- Nevada Practices
 - Majority of offenders are revoked within their first year
 - Different forms of supervision, which allow officers to focus resources on those offenders who need it most, are only available in certain jurisdictions
 - Parole reentry plan concentrates on residency and does not provide any other reentry services

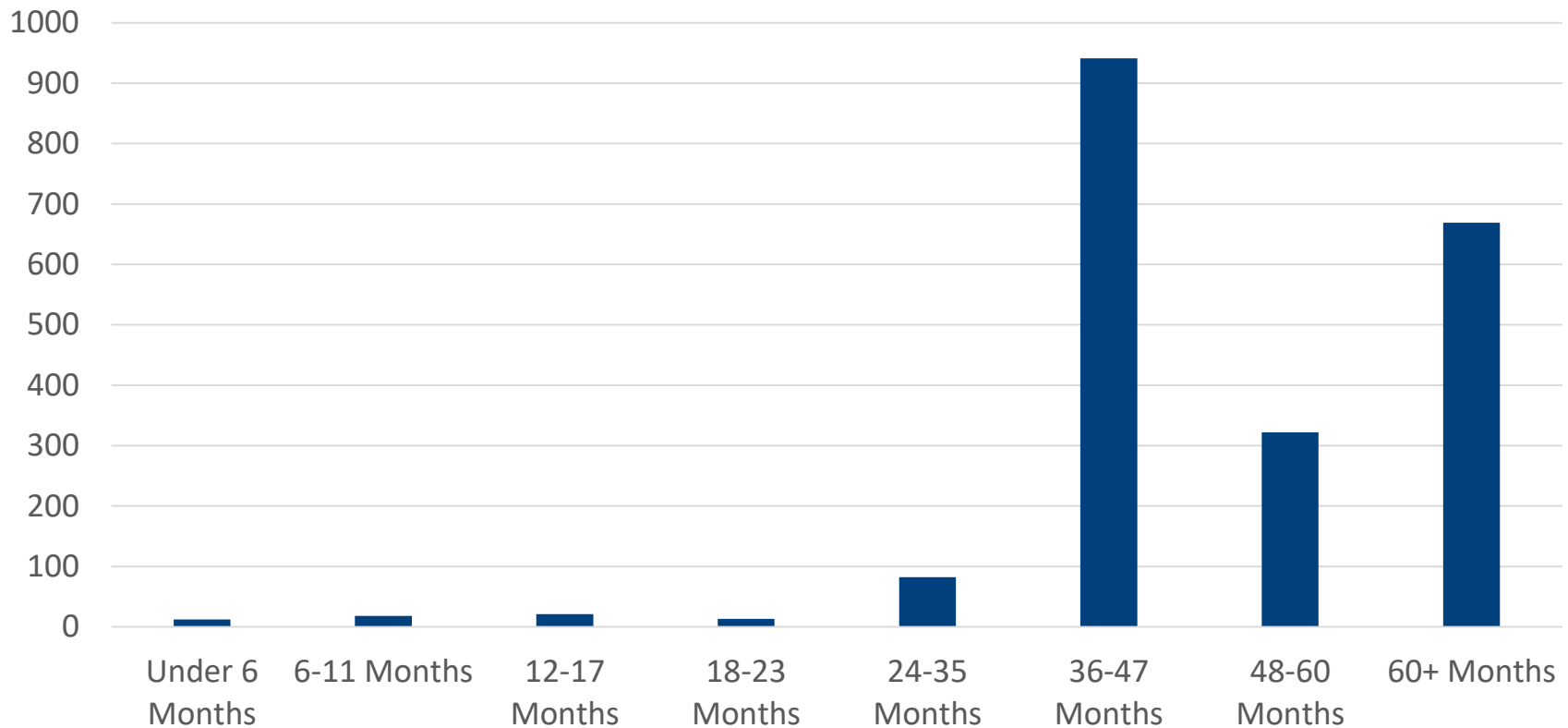
1 in 3 Probation Revocations in Washoe Occurred Within 6 Months

Share of Probation Violators by Months Before Probation Revocation in Second Judicial District Court



93% of Clark County Probation Sentences Last At Least Three Years

Probation Sentences from the Eighth Judicial District Court by Type and Length of Sentence Imposed, 2017



Providing Reentry Resources Largely Discretionary

Area	Practices
Clothing, Food, and Transportation	NDOC <u>may</u> work with inmates to obtain clothing, food, and transportation
Financial	NDOC <u>may</u> provide a sum of up to \$100 at departure from the institution
ID and Important Documents	NDOC <u>may</u> work with an inmates to provide them with a photo ID. Staff works to secure social security cards, identification cards, and birth certificates for inmates prior to reentry
Housing	NDOC <u>may</u> place the offender in a transitional housing for released offenders
Employment and Education	Specialists must review opportunities for educational programming as well as availability for inmates to participate in college courses
Healthcare	NDOC <u>in practice</u> provides inmates with a 30 day supply of medication and makes referrals to a federally qualified healthcare service provider. However this is not required by statute

Parole Reentry Plan Focuses on Residency Options

- Nevada statute requires inmates granted parole to have a reentry plan approved by P&P in order to be released
 - Plan focuses exclusively on residency options and the requirements are not outlined in statute
- There are many circumstances that make it difficult to secure appropriate residency:
 - Offenders awaiting indigent funding
 - Offenders waiting for interstate compact acceptance
 - Offenders refusing to submit plans
 - Restrictions on housing due to sex offender status
 - NDOC disciplinary action since parole was granted

Incorporate Treatment into Supervision

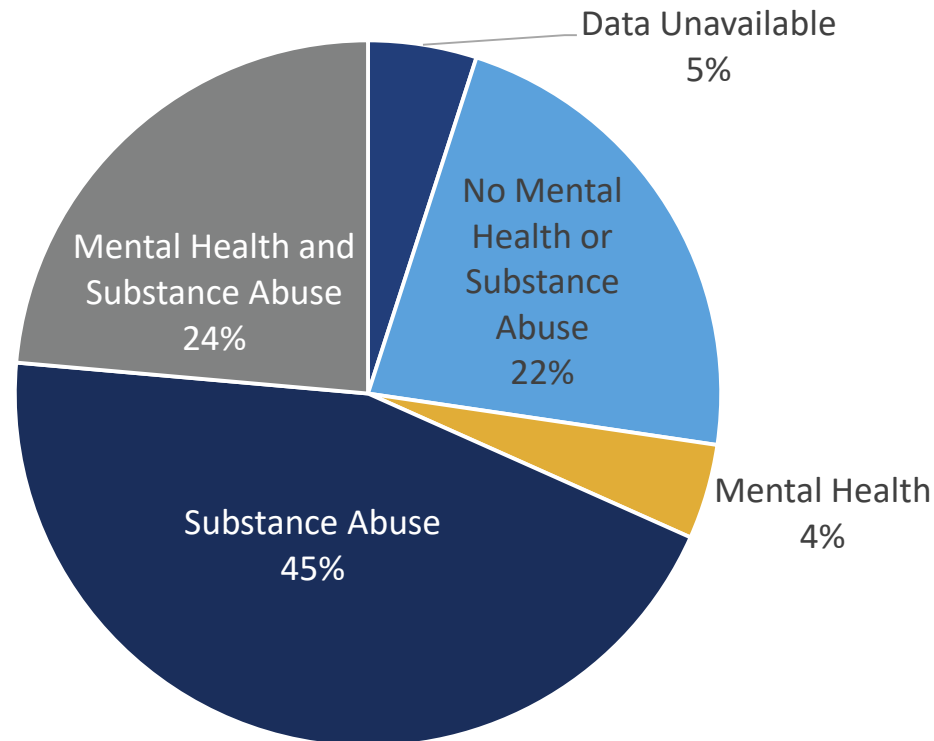
- Research Summary
 - A supervision model focused only on surveillance is not effective at reducing recidivism
 - Treatment and programming that target an individual's criminogenic needs must be incorporated into supervision practices to reduce recidivism
- Nevada Practices
 - Limited programming or services in the community to address criminogenic needs
 - There are no formal individualized case plans to address on-going treatment and programming needs
 - Treatment referrals are not based on a needs assessment
 - Substance abuse is a predominant factor in revocations

Substance Abuse Prevalent Among Community Supervision Violators

- For 44% of violators, substance abuse was a predominant factor in their supervision failure
 - 65% reported a substance abuse issue in their PSI
 - 25% had an underlying drug offense
- 37% of community supervision violators had failed drug test violations
- 12% of violators had a failed drug test as their most recent violation

73% of Community Supervision Violators Indicated Behavioral Health Needs

Behavioral Health of Community Supervision Violators in File Review, 2017



Use Swift, Certain, and Proportional Sanctions

- Research Summary
 - Swift, certain, and proportional sanctions are more effective than delayed, random, and severe sanctions
- Nevada Practices
 - Nevada statute does not require the use of alternative sanctions prior to revocation when responding to violations of the conditions of supervision
 - There are no notification or documentation requirements for using graduated sanctions
 - There are no time frame requirements for responsive conduct prior to arrest for a violation

Reinforce Positive Behavior with Incentives and Rewards

- Research Summary
 - Studies show that recidivism can be reduced by incentivizing and rewarding pro-social behavior. Using incentives and rewards at a higher rate than sanctions increases the likelihood of success
- Nevada Practices
 - Pro-social behavior is incentivized through earned credits
 - Parolees cannot earn credits for programs or treatment like probationers and inmates can
 - Early termination of probation is discretionary and lacks administrative or statutory criteria

Monitor Quality, Fidelity, Outcomes

- Research Summary
 - Evidence-based practices require ongoing support and evaluation
- Nevada Practices
 - No statutory requirement for validation of risk and needs assessments
 - Quality assurance policies to ensure proper scoring of the risk and needs assessment tool have not been implemented across agencies
 - Training on evidence-based supervision practices is not statutorily required
 - Agencies do not have uniform definitions for key variables

Gaps in Data Collection, Consistency and Collaboration

- Agencies have outdated data tracking systems that do not facilitate inter-agency communication or data analysis across systems
- Agencies often have discrepancies when measuring the same variable
- Court system is not unified, and each court has a different data system
- Treatment records are not tracked across agencies or community providers

Key Takeaways

- Standard conditions of supervision are imposed without consideration of an individual's criminogenic needs, level of risk, or barriers to success
- Substance abuse is a predominant factor in the failures of community supervision violators
- High incidence of failure in first 6 months of supervision underlines the need to frontload case management, support, and treatment services for high-risk offenders
- Despite changes made to incorporate certain evidence-based policies and practices, important steps to ensure the practices are implemented with fidelity are missing

Summary Takeaways

Summary Takeaways

- Nevada's prison population has grown 7%, driven by increases in the number of people sent to prison and the length of time they spend incarcerated
 - Admissions are up 6% since 2008, driven by community supervision violators
 - Time served is up 20% since 2008, driven by longer sentences and fluctuating parole release rates
 - This growth is not the result of crime rates, higher case filings, or population increases
- Non-person offenses play a large part in this growth
 - Non-person offenses now make up 66% of prison admissions and serve 30% longer on average than in 2012

Summary Takeaways

- Burglary and attempted burglary are the two most common offenses at admission
 - 63% of burglaries were non-residential
 - 70% of burglaries did not involve a forced entry
- Admissions for possession of a controlled substance increased 53% since 2008
 - The average minimum sentence imposed is 13 months and the average maximum is 37 months
- Sentence lengths increased most for first-time felony offenders
 - Four out of 10 admissions in 2017 were for first-time felony offenders

Summary Takeaways

- Amid admissions growth and longer sentences, recidivism rates are up for nearly all offense types
 - Just over 1,500 people released during 2014 returned to prison within three years
 - Community supervision violators are typically revoked within their first year on probation or parole
 - Revocations are often due to substance abuse issues
- Nevada's female prison population has grown 29%
 - Driven by 39% growth in admissions over the past decade, particularly for drug and property offenses
 - Recidivism rates for women have grown at a faster rate than men

Policy Development

Subgroup Questions

- How can the data findings inform a more effective criminal justice system?
- What policies and practices need to be adjusted to focus resources on higher-risk offenders to improve public safety?
- How can we address behavioral health needs within the criminal justice system?
- What are we doing well that should be expanded?

Sentencing and Pretrial Diversion Subgroup

- Examine policies and opportunities that divert individuals from the criminal justice process, an adjudication of guilt, or incarceration
- Examine offense and sentencing policies such as
 - Sentencing recommendations through the PSI report
 - Misdemeanor and felony classifications
 - Sentencing constraints such as mandatory minimum terms
 - Sentence ranges

Release, Reentry, and Community Supervision Subgroup

- Examine parole and release policies that incentivize program and treatment participation and reduce delays transitioning to the community
- Review reentry preparation and transition practices to reduce supervision failure and improve stability in the community
- Examine community supervision policies and practices to improve outcomes and reduce recidivism

Subgroup Membership

Sentencing and Pretrial Diversion	Release and Reentry
Chair: Justice Hardesty Paola Armeni Julie Butler Director Callaway District Attorney Jackson Deputy Public Defender Jones Brady Assemblywoman Krasner Judge Wilson Amy Rose	Chair: Chairman Yeager Judge Bateman Chairman DeRicco Director Dzurenda Senator Ford Kymberli Helms Attorney General Laxalt Sheriff McNeil Chief Wood

Next Steps

- Victims' Roundtable
 - November 8th: Reno at 10am
 - November 9th: Las Vegas at 10am
- Subgroup Meetings
 - Sentencing and Pretrial: Carson City
 - November 29th at 9am
 - December 18th at 1pm
 - Release and Reentry: Las Vegas
 - November 27th at 9am
 - December 18th at 9am
- Final Meeting: January 11th

Questions?

Contact

- Contact information

Maura McNamara

Phone: 617-529-3654

Email: mmcnamara@crj.org

Alison Silveira

Phone: 617-733-1437

Email: asilveira@crj.org

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