



University of Nevada, Reno

Nevada Truth in Sentencing Commission: November Update

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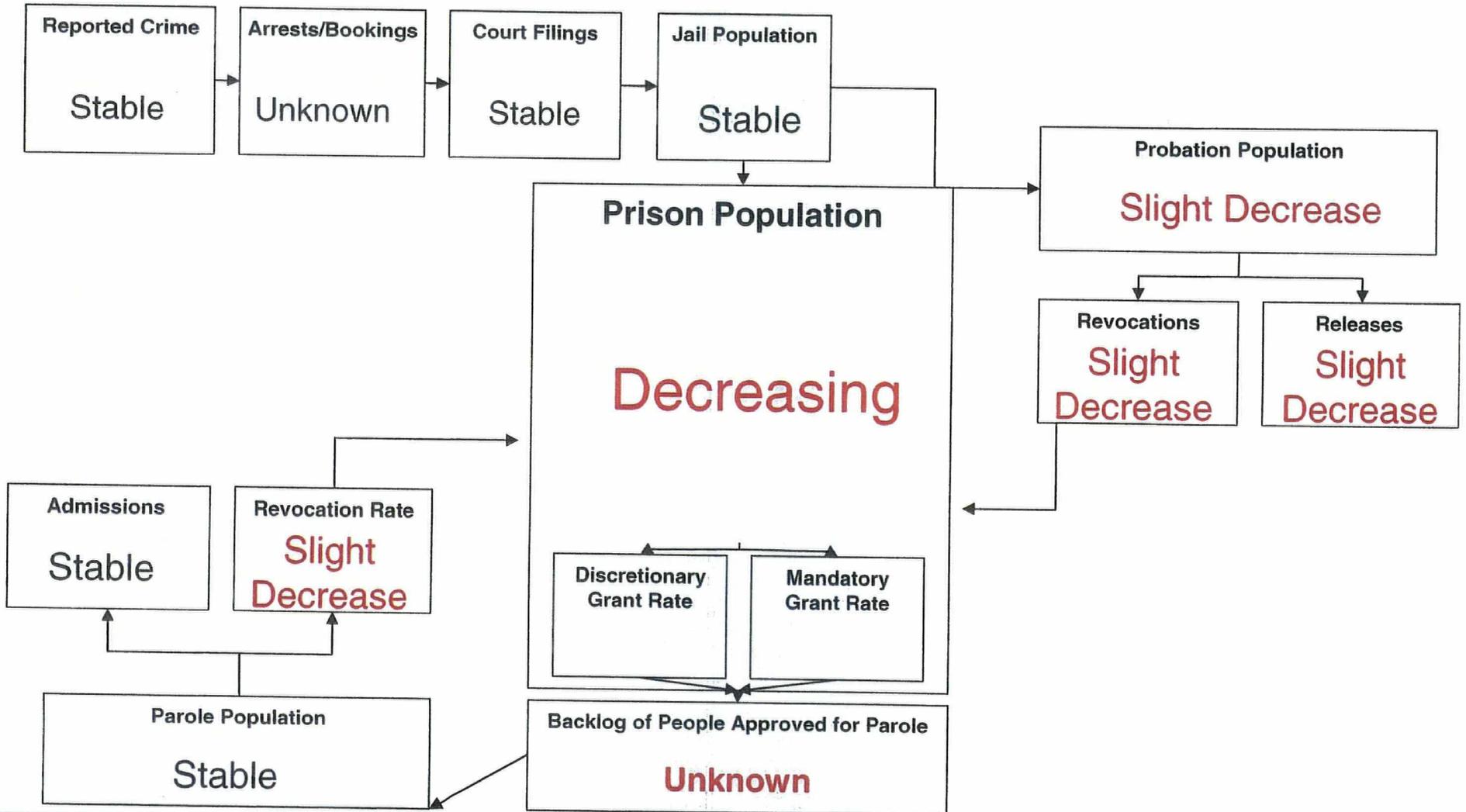
**Grant Sawyer Center for Justice Studies
University of Nevada, Reno
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Truth in Sentencing
Exhibit C pg 1 of 19 Date: 12-3-08
Submitted by: S. Austin



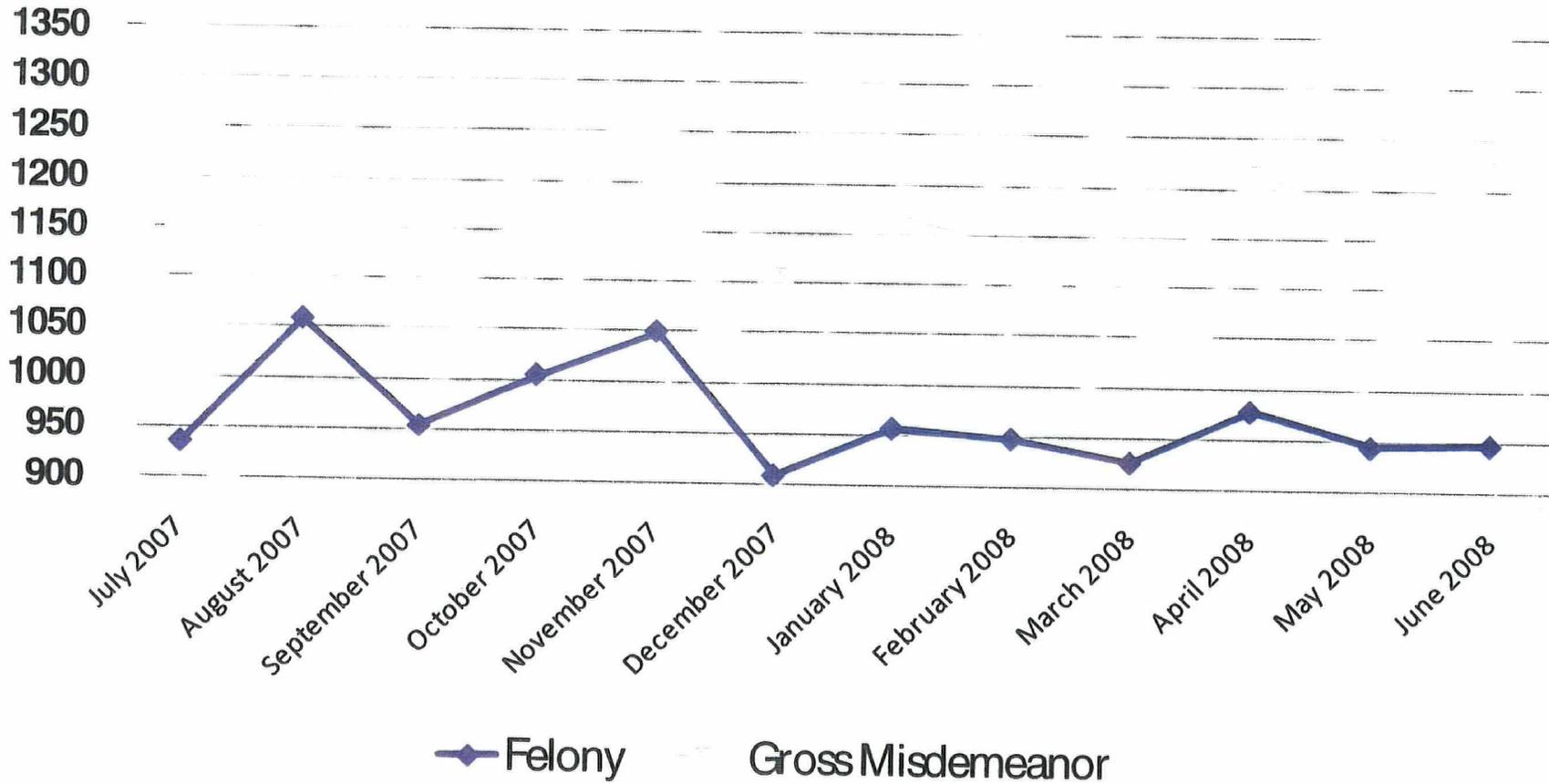
Nevada Key Trends – October 2008





Year to Date Court Filings by District

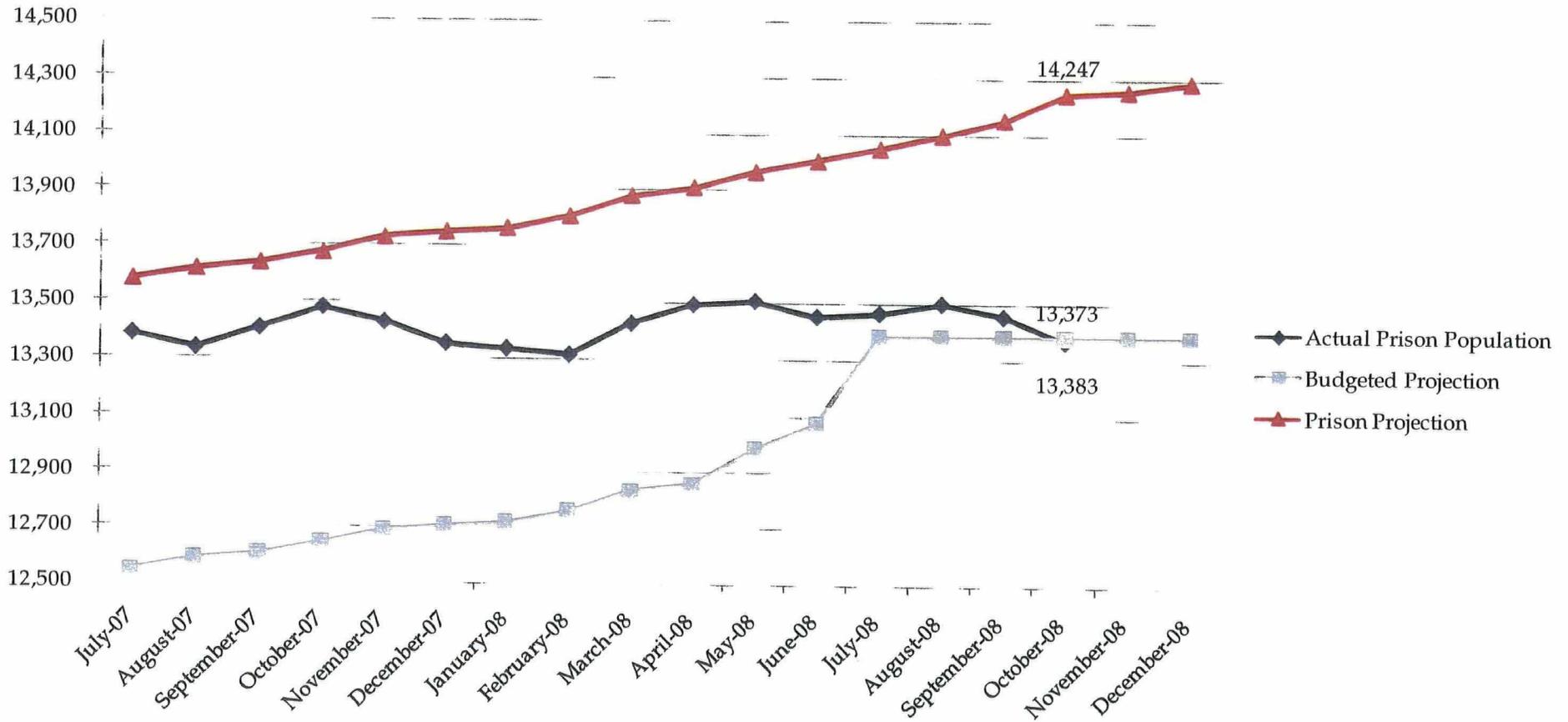
Court Filing Trends July 2007 - June 2008





Monthly Prison Population vs. Budget Projections – October 08

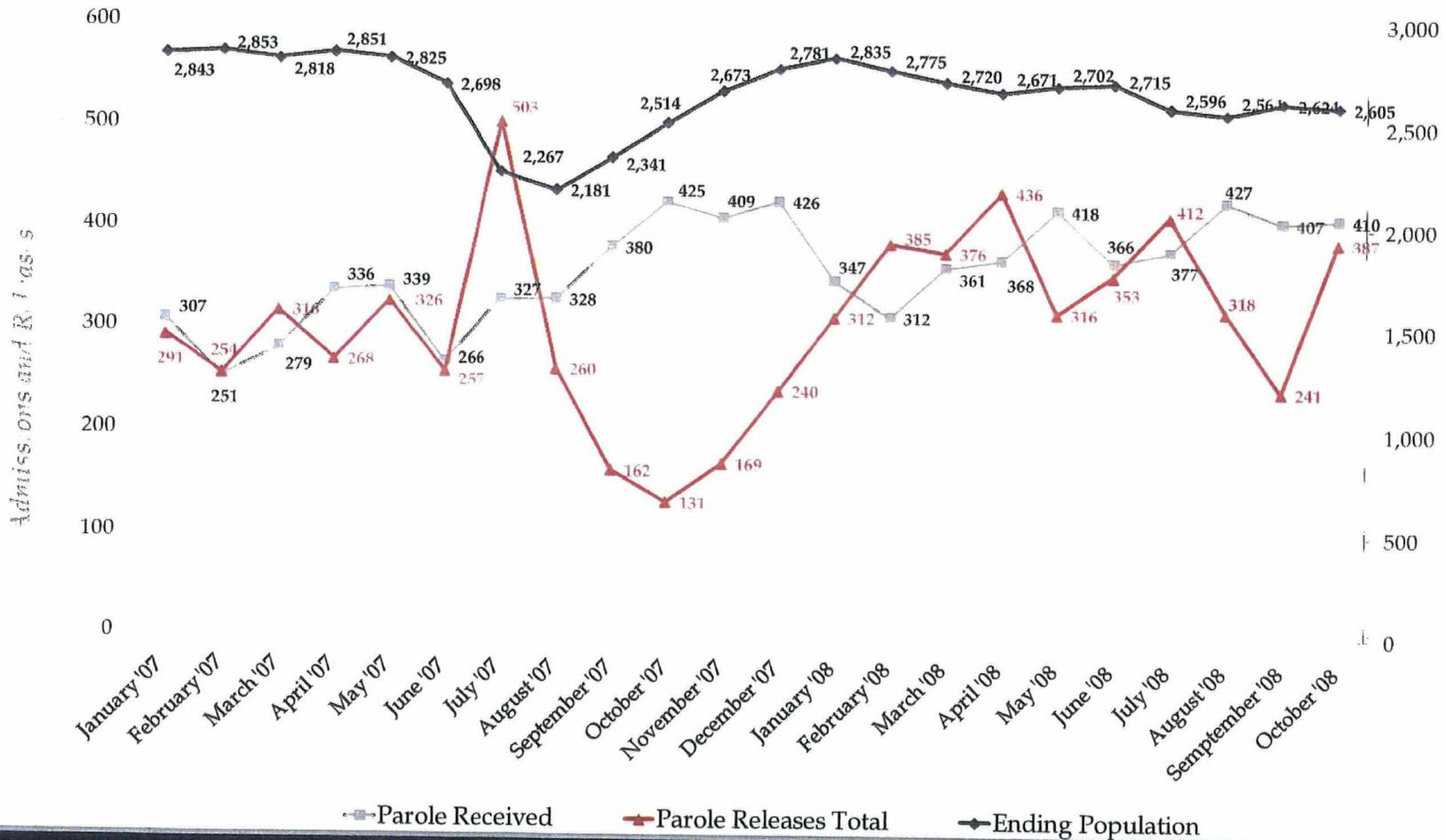
Nevada End of Month Prison Population vs. Budgeted Projections: July 2007 thru Dec 2008





Nevada Parole Population Trends

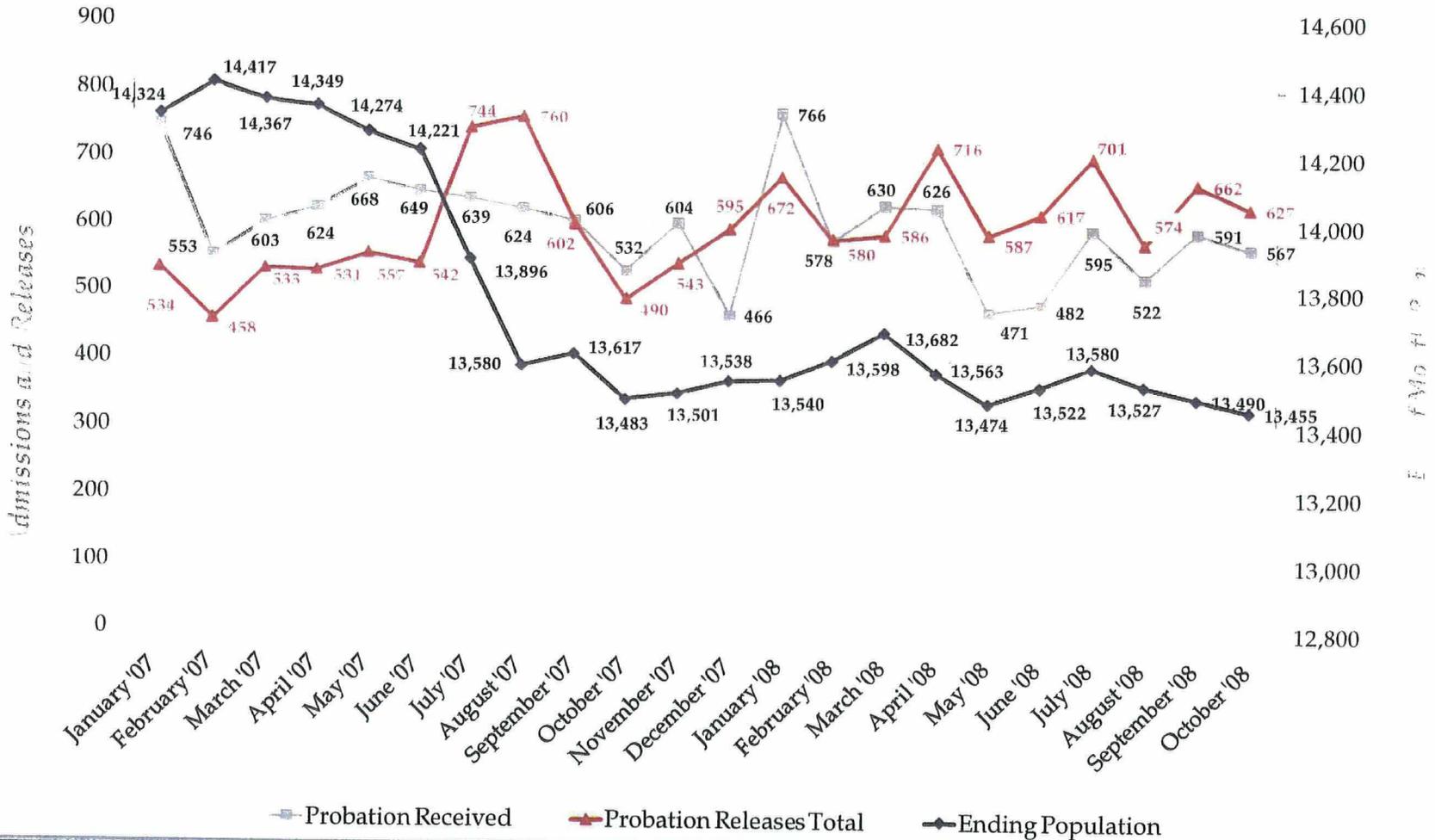
Nevada Parole Population Trends: January 2007 - October 2008





Nevada Probation Population Trends

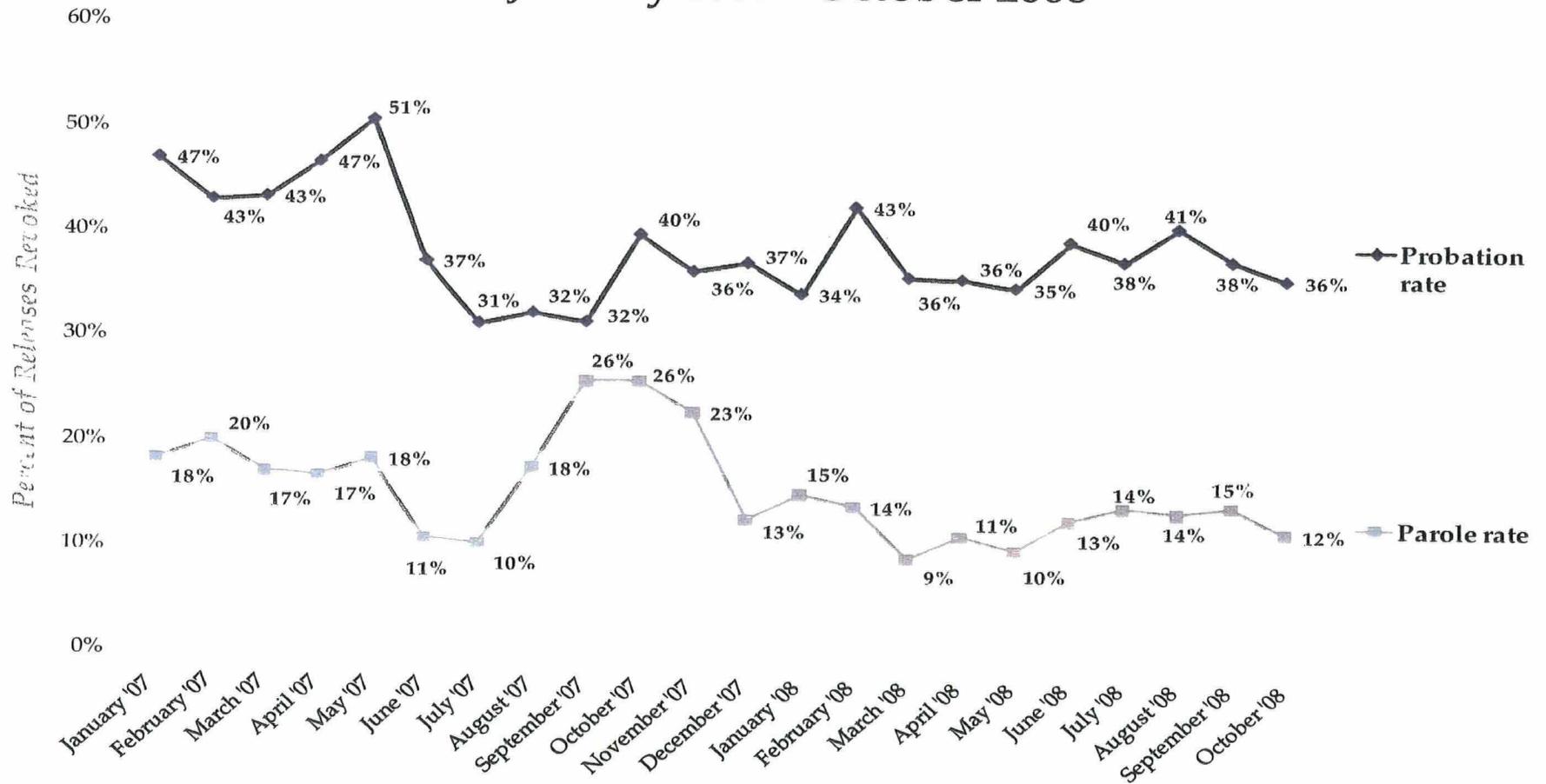
Nevada Probation Population Trends: January 2007 - October 2008





NV Parole and Probation Revocation

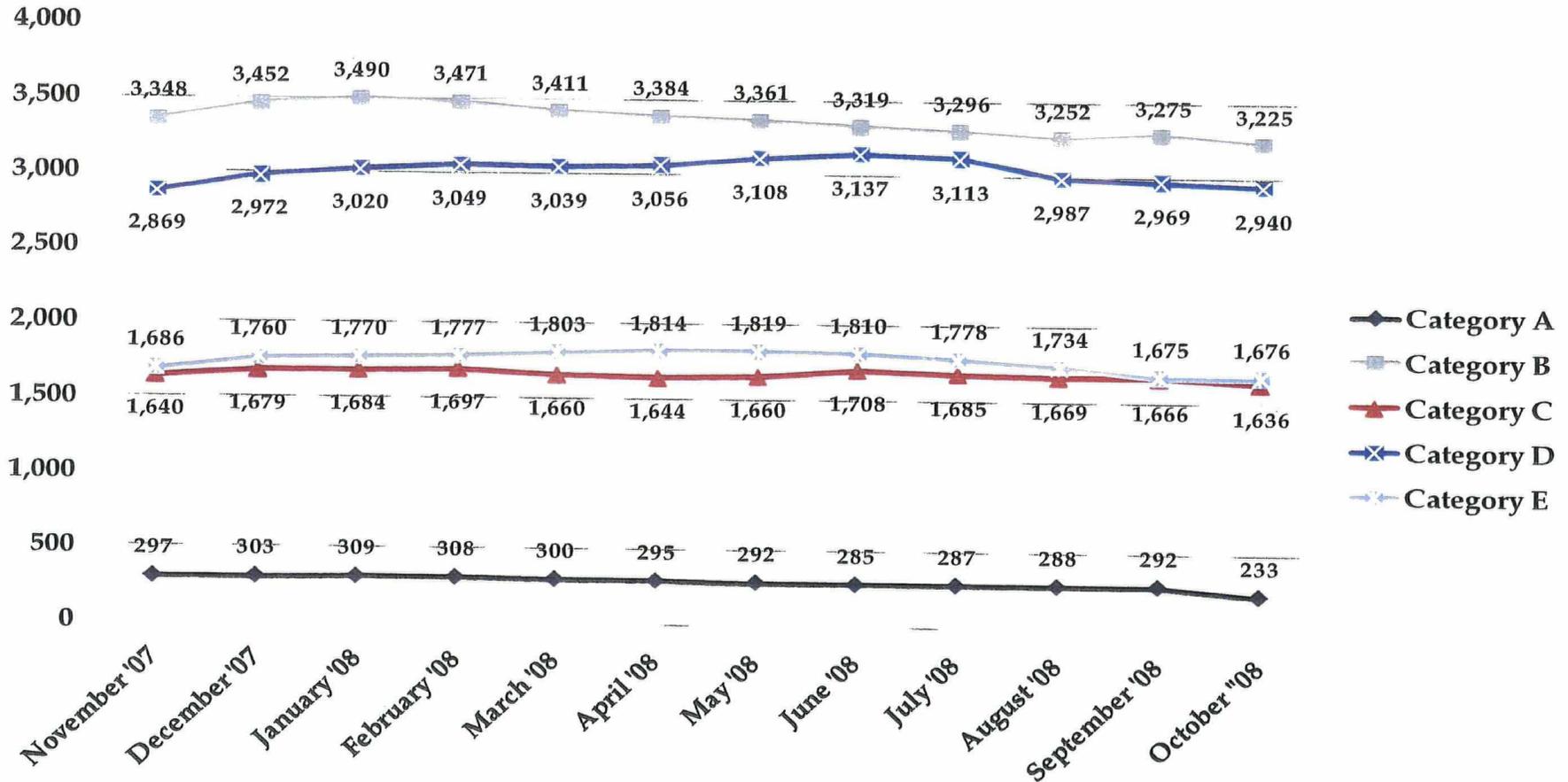
Parole and Probation Revocation Rates: January 2007 - October 2008





NV Parole and Probation Updates

Number of Offenders by Felony Category: November 2007 - October 2008



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Year to Date Court Filings by District

	Criminal Defendants	
	Felony	Gross Misdemeanor
First Judicial District		
Carson City District Court	222	59
Storey County District Court	29	5
Second Judicial District		
Washoe County District Court	1,985	994
Third Judicial District		
Churchill County District Court	135	18
Lyon County District Court	190	41
Fourth Judicial District		
Elko County District Court	251	6
Fifth Judicial District		
Esmeralda County District Court	3	1
Mineral County District Court	30	10
Nye County District Court	243	22 (estimate)
Sixth Judicial District		
Humboldt County District Court	63	24
Lander County District Court	18	2
Pershing County District Court	82	-
Seventh Judicial District		
Eureka County District Court	14	2
Lincoln County District Court	36	6
White Pine County District Court	78	8
Eighth Judicial District		
Clark County District Court	8,322	1,427
Ninth Judicial District		
Douglas County District Court	146	7
Total	11,847	2,632



NDOC Program Completions Educational Programs

<i>Program Name</i>	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct
GED	28	61	56	38	92	51	12	25	2	40
High School Diploma	15	25	33	29	109	39	4	2	15	16
College Certificate	1	0	0	0	4	2	0	0	0	0
AA	2	0	0	0	0	7	2	3	6	5
BA/BS	0	0	0	0	3	0	0	0	0	0
MA/MS	0	0	0	0	0	0	0	0	0	0
<i>Subtotal Educational Programs</i>	46	86	89	67	208	99	18	30	23	61



NDOC Program Completions Vocational Programs

<i>Program Name</i>	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct
Air Cond. and Heating	6	2	0	0	7	0	0	0	0	0
Auto CAD	3	5	9	2	2	0	0	0	2	1
Auto Mechanics/Auto Shop	4	1	1	5	25	1	2	2	0	0
Automotive Technology	0	0	0	10	10	2	6	6	6	0
Braille I, II, & III	3	2	0	3	0	0	0	3	2	5
Business	10	0	0	0	0	1	0	0	0	0
Computers	28	23	22	13	29	7	0	0	2	9
Computer Business Applications	2	9	10	7	10	6	0	0	7	4
Computer Repair	0	0	4	0	8	0	0	0	2	2
Construction	1	2	1	5	19	0	0	0	0	1
Culinary	7	11	6	10	42	23	4	22	13	19
Drafting	0	0	0	0	0	0	0	0	0	0
Dry Cleaning	0	0	0	0	0	0	0	4	0	0
Entrepreneurship	2	1	0	0	2	0	0	0	0	0
Landscaping and Gardening	0	0	5	0	0	0	18	21	0	0
3-D Studio Max (HDSP)	0	0	0	0	0	0	0	0	0	0
<i>Subtotal Vocational Programs</i>	66	56	58	55	154	40	30	58	34	41



NDOC Program Completions Substance Abuse Programs

<i>Program Name</i>	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct
Addiction Prevention Education	90	48	39	96	45	27	38	88	46	56
Aftercare from Therapeutic Community	1	1	2	15	11	1	1	0	0	0
ARCH Therp Comm I, II, & III	8	7	24	4	25	15	5	20	19	31
ANCHOR Program	10	0	2	0	0	0	0	0	0	0
DUI -Male population	0	0	0	0	0	32	0	0	0	0
DUI-Female population	0	0	0	0	0	0	0	0	0	0
Moral Recognition Therapy	6	0	0	0	0	0	0	0	0	0
OASIS Therapeutic Comm I, II, & III	43	12	30	159	20	30	32	38	22	30
<i>Subtotal SA Treatment Programs</i>	158	68	97	274	101	105	76	146	87	117
Total Monthly Program Completions	270	210	244	396	463	244	124	235	144	219

Major Findings

Demographic Trends:

- During the past two decades, Nevada has been the fastest growing state in the US.
- This demographic growth has been a major reason of the increase in the states probation, parole and prison populations and associated costs.
- While the state's 2.7 million is projected to increase by another million people over the next decade, the growth will be less for the male population age 20-29 -- the population group that is most likely to become involved in criminal activities and the criminal justice system.

Crime Trends:

- Since 1994, like most states, Nevada experienced a sharp decline in its serious crime rate.
- However, unlike other states, since 2000, the violent crime rate (mostly assaults) has slightly increased.
- Compared to other states, Nevada has a significantly higher crime rate (both property and violent) but most of that higher rate is limited to certain areas within Las Vegas and Clark County. The remainder of the state has relatively low crime rates.
- Arrests, bookings and court filings have been stable

Impact of the 1995 Truth in Sentencing Legislation

- The original legislation was intended to increase the amount of time served for sentenced felons by requiring them to serve no more than 40 percent of the maximum sentence imposed by the court (prior to 1995, inmates could be parole eligible at 33% of the maximum sentence).
- The major effect has been an overall increase in the length of stay by approximately 15% which has added an additional 2,000 inmates with an additional annual costs of approximately \$43 million per year.
- The increase in LOS would have been far more significant had the Parole Board not adopted new guidelines and significantly increased its parole grant rate from 30% to over 50%.

Major Sentencing Findings

- For the nearly 11,000 criminal court dispositions in 2007, the population is largely a young, white male population who has been convicted of property or victimless drug crimes. A significant number have a drug use/abuse problem.
- Significant numbers have not been previously placed on formal supervision nor have they been previously incarcerated in state prison.
- The vast majority have had their sentence positively impacted by plea bargaining.

- The vast majority of the sentences are in the B (29%) and D (27%) categories. For the prison disposition, the Class B crimes dominate (53% of all prison dispositions).
- The prison disposition rate for felony cases is 33% which is slightly below the 40% reported for all state criminal courts reported by the US DOJ
- The prison disposition rate would be 42% if the courts were to follow the recommendations of the probation department.
- In 2007, 1099 persons were recommended a prison term by P and P but received a probation term.
- Had the Courts followed the P and P recommendations the prison population would be at least 1,500 to 2,000 higher than it is now.
- For the minimum sentences there is virtually no variation in the imposed minimum sentences – especially for the Class C, D, and E cases which all have a median sentence length of 12 months.
- The B cases have a median minimum sentence of 24 months which is twice the minimum terms for the other crime categories but well below the median maximum of 60 months.

- The wide variation in the imposed maximum and minimum sentences clearly underscores the importance of the Parole Board decision-making process.
- For probation terms with the lone exception of the small number of Class A crimes, all probationers regardless of the offense class receive a 36 month term.
- Approximately 1,300 technical probation violators enter prison each year and serve an average of 21 months before being released. They occupy approximately 2,500 beds
- Looking at the factors that are associated with the court's disposition and sentence length, the courts base these decisions largely on the nature of the offense, prior criminal conduct, drug and alcohol use and abuse, gender, and age. In general these are appropriate criteria for the courts to use.
- There is a new trend that for the Class B cases sentenced to prison, there has been a steady increase in the maximum and minimum sentence imposed by the courts.

Impact of AB510 Thus Far

- In general the bill, along with the decline in court filings, has helped lowered the prisoner population, help lowered the probation population, and help lowered the parole and probation revocation rates without aggravating the state's crime rate.
- There is insufficient evidence to determine if the cases impacted by AB510 have higher or lower return to prison rates due to shorter prison terms.
- Currently their recidivism rate is equivalent to all released prisoners.

Impact of AB 510 Thus far

7/1/07 - 11/18/08	Total	Returned	% Returne
All Releases			
Discharge	3971	461	12%
Paroled	4688	663	14%
Total Releases	8659	1124	13%
Received Credits	1877	247	13%
No Credits			
Discharged	799	35	4%
Paroled	1351	114	8%

Suggested Recommendations

Recommended Sentencing Reforms

- In the future, all proposed changes to the sentencing structure need to be fully debated and assessed with their expected impact on the correctional system, state resources and public safety. The lack of such a debate will necessarily lead to the implementation of in-effective or counter-productive reforms.
- The Commission should continue to revisit and re-examine the proportionality of the numerous forms of punishment embedded in the current NRS code. Such a re-examination would have a special focus on the Class B crimes, the threshold for drug trafficking (amount), other victimless crimes, theft (dollar amount for a felony), burglary, and sex crimes.
- The P and P criteria for recommending probation versus prison either needs to be revised to meet the criteria being used by the Courts or should be discontinued.
- If the current P and P criteria is to be continued, overly subjective items such as “Honesty” and “Motive” should be removed.
- A ban on the use of prison for Class Es who violate the terms of their mandatory probation term should be imposed.
- A maximum limit (such as 12 months of incarceration) should be imposed for probationers whose probation term has been revoked.
- Similarly limits on the length of probation should be imposed reflecting the serious of the crime.
- Class A and B offenses should be permitted to have their parole eligibility dates advanced using similar but not identical formulas that now apply to Class C, D, and E offenses.

Information Systems and Technology

- The P and P must add the ethnicity variable of Hispanic which is consistent with the US Census Bureau.
- The NRS code should be expanded to allow for a more detailed specification of the crimes for which the person has been charged and convicted of.
- All Nevada criminal courts must complete a standard sentencing form that reflects the disposition of all felony and gross misdemeanor cases from the point of arrest.

Organizational Changes

- The state's correctional services should be re-organized under a Department of Correctional Services. Such a re-organization is similar to the several other states (Texas, Rhode Island, Michigan, Ohio, and Louisiana to name a few).
- Such a comprehensive re-organization improve access to critical data and greater efficiency in the utilization of state resources.
- Independent of the above recommendation, an additional staff are needed to enhance both the assessment process and the P and P supervision capabilities.
- The independent monitoring capability that has now been developed needs to continue to assess and evaluate current and proposed criminal justice trends and policies.