



STATE OF NEVADA
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MEMORANDUM

TO: Advisory Commission on the Administration of Justice
James Austin, Ph.D.

FROM: Brett Kandt, NVPAC Executive Director

DATE: April 19, 2012

RE: Key Information Regarding Nevada's Prison Population

As discussed at the April 17th meeting of the Commission, I would respectfully suggest that Dr. Austin provide (to the extent he has not already done so), and the Commission review, the following data regarding Nevada's prison population:

State incarceration rate per 100,000 population. Prison population divided by state population. This is a key figure used by the Bureau of Justice Statistics and will provide a macro ranking on how Nevada's incarceration policies compare to all 50 states. For 2009, the U.S. average was 502; Nevada was 470.

State prison commitment rate. Total number of prison commitments for the year divided by the total number of felons convicted in that year. This is another key figure used by the Bureau of Justice Statistics. The national average is 40%.

Determine what comprises Nevada's prison commitment rate. The commitment rate consists of 4 separate categories:

- 1) Felons sentenced directly to prison by the judge.
- 2) Probation failures sentenced to prison.
- 3) Parolees returned to prison for a conviction for a new crime.
- 4) Parolees returned to prison for violating the terms of their parole.

This may be the most critical information to obtain. The breakdown of those four categories will reveal what percentage of those sent to prison each year are parole or probation failures. This data will enable the Commission to conclusively determine to what extent trends in the prison population can be attributed to sentences or to the failure of parole or probation programs.

Cost per prisoner, and the marginal cost of adding or subtracting prisoners.

Until a sufficient number of prisoners are released to actually close facilities and lay off guards and other personnel, the marginal cost of removing a prisoner basically consists of food and medical care, which must be offset by the increased costs of supervising additional parolees.

Parole and probation recidivism rate.

This is important for two reasons: 1) it shows the cost of increased crime in Nevada's communities from parole and probation failures; and 2) it shows whether the state needs to redirect resources to improve parole and probation programs. If it is determined that parole and probation failures, and not sentences, are driving prison population, the state can focus on improving parole or probation programs and increasing intermediate sanctions. However, recidivism should be analyzed by crime category, since 1) certain offenses have higher reoffense rates; and 2) the recidivism rate increases over time for certain offenses.

Document Nevada's prison population by category.

The most relevant data is prisoners serving sentences for capital crimes and those serving sentences for violent crimes, relative to the total prison population. However, the breakdown should also identify those prisoners serving sentences for identity theft and other technology-facilitated fraud crimes, for the reasons detailed in the last paragraph of this memorandum.

Determine average length of actual prison stay, broken down for violent and non-violent prisoners.

Only after sufficient data is developed on the state prison commitment rate demonstrating that the right felons are being sent to prison should the analysis turn to the length of sentence. This is a key statistic Pew Research Center and the Council of State Governments use to compare states. Even if prison terms in Nevada are significantly longer than the national averages, it is significant if the state only sends a small percentage of its felons directly to prison, with the balance of the prison population a probation or parole failure. This would demonstrate that while Nevada prisoners may serve longer sentences, they are either the most violent offenders, or offenders who forfeited their chance at a lower sentence.

Violent crime rate.

Nevada has the highest crime rate and the highest violent crime rate in the country, and has led in both categories for several years [see attached data]. Nevada has not experienced the significant drop in violent crime that has occurred nationwide over the last two decades. This is relevant in that, taken into consideration with the data above, it supports the conclusion that Nevada appropriately triages prison commitments to those that pose the greatest threat to public safety, and consequently, those prisoners will have longer sentences and/or be more likely to return to prison as parole failures.

The rise of tech crime.

Finally, please note that historical data tracking violent crime and property crime categories fails to fully account for the rise of identity theft and other technology-facilitated fraud crimes. Preliminary data indicates that Nevada is among those states that lead the nation in these newly-emerging tech crimes, which destroy lives and exact a tremendous social and economic cost. The traditional methodologies for categorizing and tracking crime will have to be revised to reflect tech crimes. Furthermore, any strategy to mitigate increases in prison populations by moving out non-violent offenders needs to account for the public threat posed by the perpetrators of tech crimes.