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**STATE OF NEVADA  
DEPARTMENT OF SENTENCING POLICY  
Nevada Sentencing Commission**

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July 31, 2020

**MEMORANDUM**

TO: Brenda Erdoes, Director  
Legislative Counsel Bureau

FROM: The Nevada Sentencing Commission

SUBJECT: Projected Amount of Costs Avoided Report

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Pursuant to NRS 176.01347, the Nevada Sentencing Commission is required to submit on or before August 1 of each even-numbered year, a report on the projected amount of costs avoided due to the enactment of Assembly Bill 236 from the 2019 Legislative Session. The report must be submitted to: (1) the Governor; and (2) the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

The August 2020 report is attached to this memorandum. For questions, please contact Victoria Gonzalez, Executive Director of the Department of Sentencing Policy at [vfgonzalez@ndsp.nv.gov](mailto:vfgonzalez@ndsp.nv.gov) or 775.684.7390.

Thank you for the continued support of the Nevada Sentencing Commission, the Department of Sentencing Policy, and implementation of AB 236.

cc: Michelle White, Chief of Staff, Office of the Governor



STATE OF NEVADA



# Nevada Sentencing Commission

## Projected Amount of Costs Avoided Report

August 2020

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# BACKGROUND

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## ***History***

In 2018, Governor Brian Sandoval, Supreme Court Chief Justice Michael Douglas, Speaker Jason Frierson, and Senate Majority Leader Aaron Ford requested technical assistance through the Justice Reinvestment Initiative (JRI). As part of this JRI effort, the Advisory Commission on the Administration of Justice (ACAJ) was charged with developing policies to reduce crime and recidivism, while shifting resources toward more cost-effective safety strategies. The ACAJ is a statutorily established commission comprised of 18 members representing a bi-partisan group of criminal justice stakeholders, including representatives from the judiciary, legislature, law enforcement, prosecutorial and defense bars, corrections agencies, and the community.

Over a period of six months, the ACAJ conducted a rigorous review of sentencing and corrections data in Nevada, evaluated current policies and programs across the State, discussed best practices and models in sentencing and corrections from other states, and engaged in in-depth policy discussions. Based on this review, the majority of the members of the ACAJ supported 25 policy recommendations which were introduced in Assembly Bill 236 (AB 236) during the 2019 Legislative Session.<sup>1</sup> AB 236 was passed by the Legislature and was signed into law by Governor Steve Sisolak on June 14, 2019. However, all of the provisions of AB 236 did not become effective until July 1, 2020. Therefore, the objectives of this report are limited because of the lack of data since the effective date.

## ***Goals of Justice Reinvestment***

The recommendations developed by the ACAJ were designed to accomplish five goals of the JRI effort in Nevada:

1. Strengthen responses to the behavioral health needs of offenders.
2. Focus prison resources on serious and violent offenders.
3. Improve the efficiency and effectiveness of community supervision.
4. Minimize barriers to successful reentry.
5. Ensure the sustainability of criminal justice reforms.

This report will help address the statutory mandates in NRS 176.01343 and 176.01347 and advance all of these goals by using prison population projections to calculate savings and then make recommendations to reinvest potential savings realized as a result of goal number 2 and recommending reinvestment into programs, agencies, and services related to goals 1, 2, 3, and 4, which will ultimately advance goal number 5.

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<sup>1</sup> See Appendix G.

# CONSIDERATIONS IN DEVELOPING A METHODOLOGY

## **Statutory Requirements**

**NRS 176.01343** requires the Nevada Sentencing Commission (Commission) to track and assess the outcomes resulting from the enactment of AB 236. Assembly Bill 80 (AB 80) of the 2019 Legislative Session established the Nevada Department of Sentencing Policy (Department) and moved the Commission, which was previously housed in the Legislature, to be housed in the Department.<sup>2</sup>

The Department assists the Commission in carrying out its powers and duties, including those requirements concerning the oversight of JRI as enacted in AB 236. Tracking and assessing outcomes resulting from the enactment of AB 236 means that the Commission identifies various performance measures and indicators and produces statutorily required deliverables. One deliverable is this report.

**NRS 176.01347(3)** requires the Commission to prepare and submit a report each biennium on the projected amount of costs avoided because of the enactment of AB 236. The statute requires for each report:

- Submitting the report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature no later than August 1 of each even-numbered year.
- Providing the projected amount of costs avoided by the State for the next biennium because of the enactment of AB 236.
- Providing recommendations for reinvestment of the projected amount of costs avoided into behavioral health programs and services to reduce recidivism.<sup>3</sup>

## **No Methodology Prescribed**

The statute does not prescribe a formula or methodology to calculate the projected amount of costs avoided. Therefore, the Commission needed to adopt a methodology to do so. The Commission met on April 29, 2020, June 24, 2020, and July 29, 2020 to discuss and approve a methodology. The methodology approved and adopted by the Commission takes various factors into consideration including the formula for the *statement of the amount of costs avoided* and the methodology used by the ACAJ in 2018 to calculate possible savings if JRI criminal justice reforms were enacted.

## **Formula for Statement of the Amount of Costs Avoided**

The Commission considered the *statement of the amount of costs avoided* required pursuant to NRS 176.01347(1) and 176.01347(2). The Commission is required to adopt a formula for the *statement* and the formula must include the following:

- The prison population projections required pursuant to NRS 176.0129 for calendar year 2018; and
- The actual number of inmates incarcerated by NDOC during each year.

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<sup>2</sup> See Appendix B.

<sup>3</sup> See Appendix C.

## ***Prison Population Projections***

Pursuant to NRS 176.0129, the Governor's Office of Finance (GFO) is required to annually contract with an independent contractor to complete forecasts for the prison population in this State.<sup>4</sup> These prison population projections must include a ten-year forecast, referred to as the forecast horizon, during the ten years immediately following the date of the projections. This contract is currently being fulfilled by JFA Associates (JFA) and the current contract requires three separate forecast cycles to be completed in April 2020, October 2020, and February 2021.

JFA was also the independent contractor who completed the prison population projections for calendar year 2018. JFA completed three prison population projections for the 2018 contract cycle which were completed by April 2018, September 2018, and February 2019.

To determine which 2018 projections to use and to further inform the methodology to adopt for the projected amount of costs avoided, the Commission reviewed components of the methodology used by the ACAJ in 2018.

### ***2018 Methodology for Projected Amount of Costs Avoided***

The policy recommendations supported by the ACAJ projected to reduce the growth in the prison population which would result in savings related to corrections if such recommendations were enacted. Those savings can be referred to as the projected amount of costs avoided identified in 2018. Therefore, the Commission reviewed certain aspects of the methodology used by the ACAJ in 2018 to inform the methodology that the Commission would adopt for the projected amount of costs avoided in 2020.

In 2018, the ACAJ relied on prison population projections completed in August 2018. The introductory statement in the August 2018 projections indicated that it represented the September 2018 forecast cycle required by its contract with GFO.<sup>5</sup>

### ***Variable Cost Per Prisoner***

Another component of the methodology used by the ACAJ in 2018 to calculate the projected amount of costs avoided was a variable cost per prisoner. This variable cost per prisoner was multiplied by the difference in prison population projections if the policy recommendations were adopted and successfully enacted, and the projections if the policy recommendations were not adopted.

The variable cost per prisoner used in 2018 included certain costs for incarcerating inmates. These types of costs were identified as costs that change as the number of inmates increased or decreased. These variable costs included, without limitation, costs associated with:

- Medical treatment
- Institutions
- Remote camps
- Non-remote camps
- Transitional housing

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<sup>4</sup> See Appendix A.

<sup>5</sup> See Appendix D.

Fixed costs such as administrative and facility maintenance costs were not included as they do not change without a significant reduction in prison bed usage. The inclusion of fixed costs in prison projections are only used when there is a facility or unit closure anticipated.

## ANALYSIS OF SAVINGS

### ***2018 Projected Amount of Costs Avoided***

The analysis conducted by the ACAJ in 2018 found that the prison population in Nevada had grown significantly which resulted in higher spending on prisons and fewer resources available for measures to reduce recidivism. This included a lack of funding for treatment and services. The ACAJ identified key drivers of the prison population in the State and made policy recommendations to address those key drivers which would slow the growth of the population of incarcerated persons. If successfully enacted, the policy recommendations made by the ACAJ in 2018 would result in certain impacts and projected savings, or a projected amount of costs avoided.<sup>6</sup> The possible impacts and projections through 2028 included:

- Reducing the growth of prison population by more than 1,000 beds
- Averting 89 percent of the projected growth
- Avoiding over \$640 million additional corrections costs

Now that the policy recommendations for criminal justice reform have been enacted in AB 236, the Commission is tasked with tracking and assessing the actual impacts from this reform, identifying the projected amount of costs avoided each biennium, and making recommendations for reinvestment.

### ***2020 Projected Amount of Costs Avoided***

On July 29, 2020, the Commission adopted a methodology to calculate the projected amount of costs avoided. The methodology adopted by the Commission will promote sustainable and reliable projections of costs avoided. In light of the previous methodology used by the ACAJ in 2018, the statutory requirements for the formula for the *statement of costs avoided*, and the need to include additional considerations, assumptions, and contexts related to the costs of incarcerating persons, the methodology will include:

- A comparison of prison population projections from August 2018 and the most current projections available which are from February 2020.
- A variable cost per prisoner, which will include, medical costs, institution costs, remote camp costs, non-remote camp costs, and transitional housing costs and calculated as an average annual operating cost for NDOC as a whole.
- Other relevant considerations, assumptions, and contextual considerations when identifying the projected amount of costs avoided.

The intent of the projected amount of costs avoided is *not* to present a concrete tally of savings. The Commission recognizes that there are various operating mechanisms to consider when calculating correctional costs. The intent of the Commission in identifying the projected amount of costs avoided is to review certain trends in corrections and costs associated with corrections, and then identify

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<sup>6</sup> See Appendix G.

potential savings that can be reinvested to provide direction to the Legislature and the Governor to further the goal of JRI in Nevada.

## **February 2020 Inmate Projections**

As noted in the introduction of the prison population projections, the forecast prepared and published by JFA for February 2020 identified what it called a “dramatic decrease” in the male and female population in the latter half of 2019 and through January 2020. The decrease was due to an “unexpected decrease in the number of new court commitments” which mean there were fewer intakes at the Nevada Department of Corrections (NDOC).<sup>7</sup>

Because it is too early to tell if this decrease is a trend or a one-time occurrence, for purposes of the projections, JFA identified two types of assumptions to be used for the forecasts: Baseline and Worst-Case Scenario.

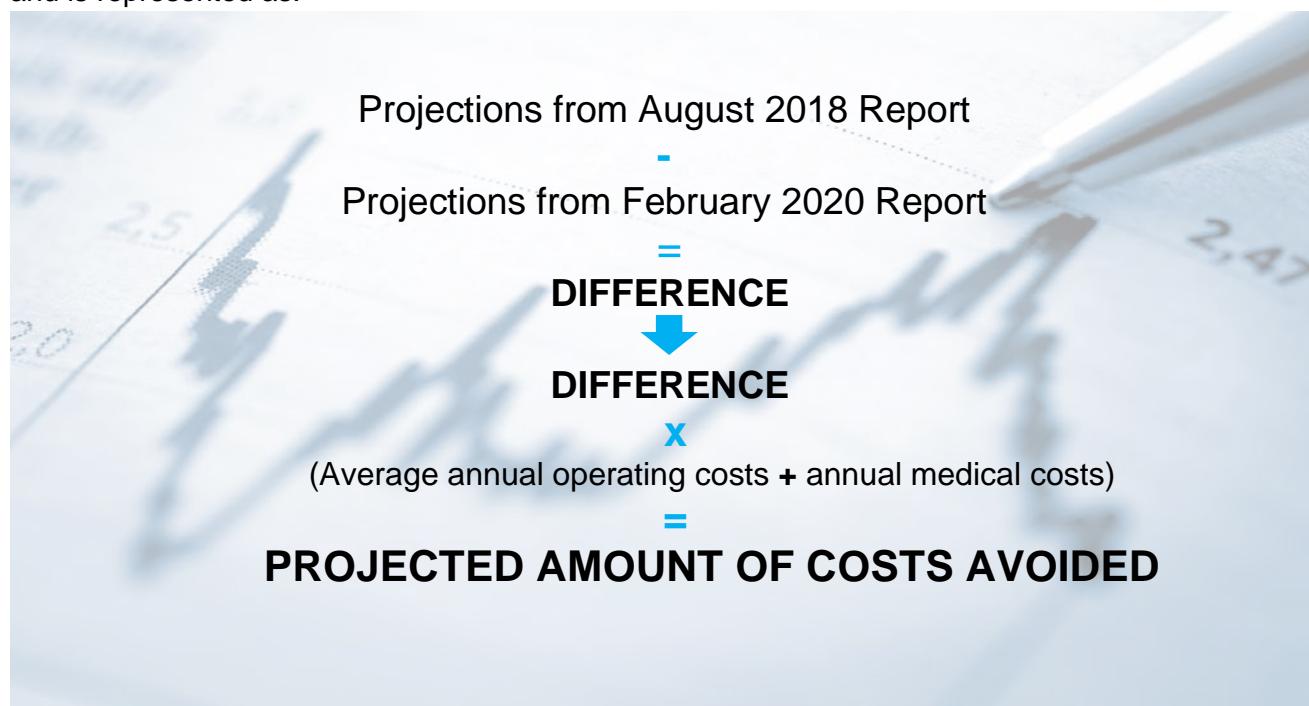
**Baseline Scenario:** The projections for the baseline scenario assumes that there will not be a rebound in new court admissions and the growth will average 1.6 percent through the ten-year forecast horizon.

**Worst-Case Scenario:** The projections for the worst-case scenario assumes that there will be a rebound in new court admissions and then they will “grow modestly” for the rest of the ten-year forecast horizon.

For the purposes of this report, the Commission will use the same terms and identify separate projections based on these two possible forecasts. Additionally, JFA explores possible explanations for this and the Commission will explore its own considerations and will closely watch the trends over time. These will be discussed in the “Possible Drivers for Unexpected Decreases” section of this report.

## **Calculations**

The formula for calculating the projected amount of costs avoided uses the methodology stated above and is represented as:



<sup>7</sup> See Appendix E.

The table below represents the calculations of the projected amount of costs avoided using the methodology adopted by the Commission on July 29, 2020 and the formula stated above. Again, the intent of these calculations is *not* to represent a concrete tally of potential savings over the next two years. These amounts represent an evaluation of certain information that is used to identify costs associated with the prison population in Nevada. Later sections of this report include additional considerations for identifying potential savings that could be associated with criminal justice reform.

	2022		2023	
	Baseline	Worst Case*	Baseline	Worst Case*
Projections from August 2018 JFA Report	14,181	N/A (use Baseline)	14,331	N/A (use Baseline)
Projections from February 2020 JFA Report	12,789	13,157	12,859	13,058
Difference	1,392	1,024	1,472	1,273
FY 2020 Average Daily Operating Cost	\$46.53	\$46.53	\$46.53	\$46.53
FY 2020 Average Annual Operating Cost	\$16,983.45	\$16,983.45	\$16,983.45	\$16,983.45
FY 2020 Average Daily Medical Cost	\$10.38	\$10.38	\$10.38	\$10.38
FY 2020 Average Annual Medical Cost <sup>8</sup>	\$3,788.70	\$3,788.70	\$3,788.70	\$3,788.70
Projected Amount of Costs Avoided	\$28,914,832.80	\$21,270,681.60	\$30,576,604.80	\$26,442,946.95

### ***A Note About Individual Institution Costs and Impacts of Closures***

At the June 24, 2020 meeting of the Commission, NDOC indicated that as the inmate population increases or decreases, the operating costs for each institution do not change dramatically. NDOC further indicated at that meeting that the closure of any facility, unit, or camp would result in significant and tangible savings. At the writing of this report, NDOC has not indicated any specifics regarding potential closures of facilities, units, or camps.

The Commission will continue to review the status of facilities, units, and camps of NDOC and include any savings identified if any of these are closed.

### ***Possible Drivers for Unexpected Decreases***

As discussed above, there were unexpected decreases in new court commitments from June 2019 through January 2020. JFA stated that “while there is no clear explanation of why” the new admissions dropped, further analysis from JFA indicated that the decline occurred mainly in “lower serious and non-violent offenders.” JFA also noted that at the time the projections were completed, AB 236 had not gone into effect yet. The “recent decline occurred in large part among populations targeted in AB 236 (excluding parole violators).” This means it is possible that criminal justice agencies began putting into practice policies that are consistent with AB 236.

JFA also noted a decrease in the prison population due to increased releases to parole. There has been an increased rate the last couple of years and JFA noted that the overall parole rate increased to 65.2 in 2019.<sup>9</sup>

It can be concluded that there is a trend of criminal justice reform in Nevada. The decreased new court commitments demonstrate a shift away from the incarceration of certain offenders. No matter the

<sup>8</sup> See Appendix F for source of costs.

<sup>9</sup> See Appendix E.

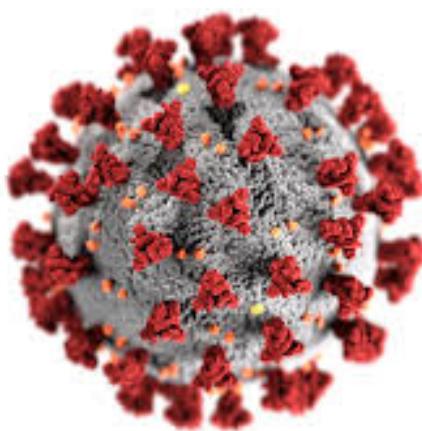
amount of savings due to such a shift, to maintain this criminal justice reform and promote public safety, the Commission recommends that the Legislature and the Governor consider reinvesting the amounts saved into behavioral health and treatment programs to decrease recidivism. This will reinforce the policy recommendations adopted in AB 236 throughout all three branches of government and the entire criminal justice system in Nevada.

The Commission will closely track the prison population projections and trends over time and return to these potential explanations and continue its analysis of the impacts of criminal justice reform in Nevada.<sup>10</sup>

## ***COVID-19 Crisis***

The second week of March 2020 marked Governor Sisolak's significant responses to the COVID-19 Crisis in Nevada. That week the Governor directed schools, state offices, and non-essential businesses to close to the public. At the April 13, 2020 meeting of the Commission, Director Charles Daniels of the Nevada Department of Corrections reported to the Commission that NDOC had started taking preventative measures in February 2020 to protect NDOC institutions from infection. At the June 24, 2020 meeting of the Commission, Director Daniels reported that there was less than one percent rate of infection among inmates. As of the writing of this report, the citizens of Nevada are required to wear masks in public and practice social distancing. This means that many businesses and state agencies have remained closed and the future of school attendance in Fall 2020 is unknown.

The COVID-19 Crisis may have an impact on sentencing and corrections in this State. At this time and at the time that JFA published its forecast of prison population projections, it is too early to determine if and to what extent that impact will be. The Commission will continue to research, and review data related to the COVID-19 Crisis and its impact on sentencing and corrections in Nevada. The data, calculations, and methodologies identified in this report are a strong starting point for these discussions and will be revisited by Commission on a regular basis.



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<sup>10</sup> In the future, the Commission will also consider the costs on local jails and other local detention facilities to assess the relationship between the projected amount of costs avoided on the local level and cost deference to jails.

## 31<sup>st</sup> Special Session

On July 8, 2020, the Nevada Legislature commenced a Special Session to address the budgetary shortfalls facing the State as a result of the COVID-19 Crisis. Every state agency made substantial cuts to their budget, most averaged around twenty percent. NDOC was not exempt from these cuts. The following cuts to the budget of NDOC were made in section 34 of Assembly Bill 3 (AB 3):<sup>11</sup>

Facility	2020-2021	AB 3
Prison Medical Care	\$49,645,119	\$49,560,119
Correctional Programs	\$8,805,647	NO CHANGE
Southern Nevada Correctional Center	\$230,715	\$230,700
Southern Desert Correctional Center	\$28,526,480	\$28,505,636
Nevada State Prison Correctional Center	\$73,709	NO CHANGE
Northern Nevada Correctional Center	\$31,400,077	\$30,912,584
Warm Springs Correctional Center	\$12,568,277	\$12,561,352
Ely State Prison Correctional Center	\$30,955,001	\$30,510,506
Lovelock Correctional Center	\$27,953,898	\$27,414,155
Florence McClure Correctional Center	\$18,472,165	\$18,462,301
Stewart Conservation Camp	\$1,882,097	\$1,881,624
Ely Conservation Camp	\$1,534,034	\$1,533,511
Humboldt Conservation Camp	\$1,540,289	\$1,539,841
Three Lakes Valley Conservation Camp	\$3,116,454	\$3,115,657
Jean Conservation Camp	\$1,813,993	\$1,813,445
Pioche Conservation Camp	\$1,938,308	\$1,937,711
Carlin Conservation Camp	\$1,454,181	\$1,453,525
Wells Conservation Camp	\$1,494,526	\$1,493,854
Silver Springs Conservation Camp	\$4,471	NO CHANGE
Tonopah Conservation Camp	\$1,513,507	\$1,515,978
Northern Nevada Transitional Housing	\$457,943	\$457,656
High Desert State Prison	\$58,600,514	\$58,568,801
Casa Grande Transitional Housing	\$3,435,064	\$2,942,328

It is reasonable to expect a recovered economy and to see budget projections restored. The Commission will consider restored costs when it submits its next report.

## GUIDING PRINCIPLES AND PRIORITIES FOR REINVESTMENT

**NRS 176.01347** provides guiding principles when making reinvestment decisions. This guiding principle is to:

“Reinvest the amount of [savings] to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism.”

The Commission is aware that it is not an appropriations body but a recommending body. The Commission will not make specific recommendations about how much should be spent on any specific program, agency, or service. However, NRS 176.01347 requires the Commission to prioritize specific

<sup>11</sup> See Appendix H.

recommendations to meet certain needs related to criminal justice reform. Pursuant to those statutorily recommended needs, the Commission recommends that the Legislature and the Governor target the following needs, in accordance with the principle identified above and the five goals of JRI in Nevada.

**Reentry:** Funding for reentry programs should help to build robust services and programs to assist people who are leaving or have recently left prison and help reduce recidivism. The Commission recommends that the Legislature and the Governor reinvest in:

- ❖ NDOC programs for:
  - The reentry of offenders and parolees
  - Vocational training and employment of offenders
  - The education for offenders
  - Transitional work
- ❖ The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community.

**Behavioral Health Needs:** The ACAJ in 2018 found that many jurisdictions in Nevada have launched programs to respond to individuals with behavioral health issues but a lack of funding limits availability throughout the state. The Commission recommends that the Legislature and the Governor provide funding to:

- ❖ A behavioral health field response grant program developed and implemented pursuant to NRS 289.675.
- ❖ The Nevada Local Justice Reinvestment Coordinating Council created by NRS 176.014 for the purpose of making grants to counties for programs and treatment that reduce recidivism.

**Behavioral Health Needs and Reentry:** Reinvesting in the Division of Parole and Probation would meet both needs identified above by providing funding to support:

- ❖ The Division of Parole and Probation's:
  - Services for offenders reentering the community
  - Supervision of probationers and parolees
  - Scientifically proven programs to reduce recidivism

While the statute requires that only the programs at the Division of Parole and Probation be scientifically proven, the Commission recommends that, to the extent possible, the majority of programs which receive funding be those that have been rigorously evaluated. The focus should be on evidenced-based programs. In the last couple of years, NDOC has moved towards evidence-based programming in practice and in statute. Reinvestment could help strengthen this endeavor. Whether the programs are evidence-based or not, the funding of programs should include an evaluation component to ensure that the programs are being effective in implementation and effective in meeting the needs of Nevada.

Reinvesting in these programs, agencies, and services will meet many and real pressing needs for justice-involved persons throughout the entirety of Nevada and provide tools to those charged with

changing behavior and outcomes. Reinvesting in programs, agencies, and services like these will also improve public safety. They are essential to the success of criminal reform in this State. The Legislature and the Governor should endeavor to meet the needs that Nevada has right now. Without significant reinvestment, the criminal justice system will not achieve the desired outcomes of reduced recidivism and improved public safety as articulated in AB 236.

## CONCLUSION

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The calculation of projected amount of costs avoided is premature because of the effective date of AB 236, yet the prison population projections indicate the potential impact of AB 236.

Additionally, the Commission recognizes the budget cuts made in response to the COVID-19 Crisis will impact any calculation of a projected amount of costs, were it to be made. However, it is never too early to consider reinvestment and strengthening those programs, agencies, and services to promote public safety, reduce recidivism,<sup>12</sup> and ensure the success of the criminal justice reform enacted in AB 236. This report is the first step of the Commission in fulfilling the promise of AB 236 and ensuring the sustainability of these reforms. The Commission looks forward to reviewing the prison population projections, evaluating savings, and recommending reinvestment for the good of all Nevadans.

### Appendix

The Appendix can be viewed by accessing the report under the “Resources” tab at <http://sentencing.nv.gov>

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<sup>12</sup> In the future, the Commission will take into consideration the definition of “recidivism” or “recidivism rate” from various agencies, including, without limitation the following definitions:

- a) “The number of people who are convicted of a gross misdemeanor or felony in the State of Nevada within three (3) years after termination from any case in which that person was supervised by the Division of Parole and Probation,” as provided by the Division of Parole and Probation of the Department of Public Safety.
- b) “The number of offenders who return to the NDOC for a new conviction or parole violation within 36 months after being released to the community after completion of a sentence, or after serving the minimum mandatory sentence and being released to parole in the community,” as provided by the Nevada Department of Corrections.



STATE OF NEVADA



# APPENDIX

## Nevada Sentencing Commission

**Projected Amount of Costs Avoided  
Report**



August 2020

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## **A. NRS 176.0129**

The Office of Finance shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, to:

1. Review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:
  - (a) In a facility or institution of the Department of Corrections;
  - (b) On probation;
  - (c) On parole; and
  - (d) Serving a term of residential confinement, during the 10 years immediately following the date of the projection; and
2. Review preliminary proposals and information provided by the Commission and project annually the number of persons who will be:
  - (a) In a facility or institution of the Department of Corrections;
  - (b) On probation;
  - (c) On parole; and
  - (d) Serving a term of residential confinement, during the 10 years immediately following the date of the projection, assuming the preliminary proposals were recommended by the Commission and enacted by the Legislature.

## **B. NRS 176.01343**

1. The Sentencing Commission shall:
  - (a) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data from the Department of Corrections:
    - (1) With respect to prison admissions:
      - (I) The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score;
      - (II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and
      - (III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.
    - (2) With respect to parole and release from prison:
      - (I) The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;
      - (II) The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;
      - (III) The recidivism rate of persons released from prison by type of release; and

(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.

(3) With respect to the number of persons in prison:

- (I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;
- (II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;
- (III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and
- (IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

(b) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to the following data, which the Division shall collect and report to the Sentencing Commission:

(1) With respect to the number of persons on probation or parole:

- (I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;
- (II) The average term of probation imposed for persons on probation by type of offense;
- (III) The average time served by persons on probation or parole by type of discharge, felony category and type of offense;
- (IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;
- (V) The total number of supervision discharges by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;
- (VI) The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism;
- (VII) The number of persons identified as having a mental health issue or a substance use disorder; and
- (VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

(2) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense: (I) The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder; (II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision; (III) The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and (IV) The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

(c) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to savings and reinvestment, including, without limitation: (1) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system; (2) The total annual costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019, as calculated pursuant to [NRS 176.01347](#); and (3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(d) Track and assess trends observed after the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation: (1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and (2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

(f) Prepare and submit a report not later than the first day of the second full week of each regular session of the Legislature to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Chief Justice of the Nevada Supreme Court. The report must include recommendations for improvements, changes and budgetary adjustments and may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

(g) Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:
3. "Technical violation" has the meaning ascribed to it in [NRS 176A.510](#).
4. "Type of admission" means the manner in which a person entered into the custody of the Department of Corrections, according to the internal definitions used by the Department of Corrections.

5. "Type of offense" means an offense categorized by the Department of Corrections as a violent offense, sex offense, drug offense, property offense, DUI offense or other offense, consistent with the internal data systems used by the Department of Corrections.

## **C. NRS 176.01347**

Development of formula to calculate costs avoided by enactment of chapter 633, Statutes of Nevada 2019; submission of statements and reports regarding costs avoided.

1. The Sentencing Commission shall develop a formula to calculate for each fiscal year the amount of costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019. The formula must include, without limitation, a comparison of:
  - (a) The annual projection of the number of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to [NRS 176.0129](#) for calendar year 2018; and
  - (b) The actual number of persons who are in a facility or institution of the Department of Corrections during each year.
2. Not later than December 1 of each fiscal year, the Sentencing Commission shall use the formula developed pursuant to subsection 1 to calculate the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and submit a statement of the amount of the costs avoided to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.
3. Not later than August 1 of each even-numbered year, the Sentencing Commission shall prepare a report containing the projected amount of costs avoided by this State for the next biennium because of the enactment of chapter 633, Statutes of Nevada 2019, and recommendations for the reinvestment of the amount of those costs to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism. In preparing the report, the Commission shall prioritize providing financial support to:
  - (a) The Department of Corrections for programs for reentry of offenders and parolees into the community, programs for vocational training and employment of offenders, educational programs for offenders and transitional work programs for offenders;
  - (b) The Division for services for offenders reentering the community, the supervision of probationers and parolees and programs of treatment for probationers and parolees that are proven by scientific research to reduce recidivism;
  - (c) Any behavioral health field response grant program developed and implemented pursuant to [NRS 289.675](#);
  - (d) The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and
  - (e) The Nevada Local Justice Reinvestment Coordinating Council created by [NRS 176.014](#) for the purpose of making grants to counties for programs and treatment that

reduce recidivism of persons involved in the criminal justice system.

4. Not later than August 1 of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

## **D. JFA August 2018 Projections**

**Nevada Department of Correction  
Ten Year Prison Population Projections  
2018-2028**

by  
**Wendy Ware**  
**Dr. James Austin**  
**Gillian Thomson**

**August 2018**

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## **NEVADA DEPARTMENT OF CORRECTIONS TEN-YEAR PRISON POPULATION PROJECTIONS**

### **I. INTRODUCTION**

The Nevada State Budget Office has asked JFA Associates, LLC (JFA) to produce three separate forecasts for the state prison population to be completed in April 2018, September 2018, and February 2019. JFA, under the direction of Ms. Wendy Ware, utilized the Wizard 2000 simulation model to produce prison population projections for male and female offenders. This briefing document represents the results of the analysis and simulation for the second forecast cycle, September 2018.

For the current forecast, JFA reviewed current inmate population trends and analyzed computer extract files provided by the Nevada Department of Corrections (NDOC). This briefing document contains a summary of projections of male and female inmates through the year 2028, a summary of recent offender trends, and an explanation of the primary assumptions on which the projections are based. The contents that follow are based on the analysis of computer extract files provided by the Department of Corrections in August 2018 as well as general population and crime trend data. All figures are contained in Appendix A of this document.

#### **Accuracy of Past Forecast**

Overall, the March 2018 forecast accurately estimated the Nevada state prison population for the first half of 2018. Tracking of the forecast by gender also proved accurate for the first half of 2018.

The March 2018 forecast of the male inmate population estimated the actual population at an average of 0.3 percent per month for the first six months of 2018 (an average accuracy of  $\pm 2.0$  percent is considered accurate). The forecast slightly overestimated the actual male population throughout the six-month time frame.

The March 2018 forecast of the female population slightly underestimated the actual population from January through March before overestimating the actual population from April through June. The forecast estimated the actual female population by an average monthly difference of 0.3 percent through the first six months of 2018, well within acceptable standards.

### **II. BACKGROUND**

The forecast of correctional populations in Nevada was completed using Wizard 2000 projection software. This computerized simulation model mimics the flow of offenders through the state's prison system over a ten-year forecast horizon and produces monthly projections of key inmate groups. Wizard 2000 represents a new version of the previously used Prophet Simulation model and introduces many enhancements over the Prophet Simulation model. The State of Nevada utilized the Prophet Simulation software to produce its prison population forecast for more than ten years. JFA upgraded the existing Nevada model into the latest Wizard 2000 software in order to take full advantage of the model's newest features.

Prior to 1995, sentenced inmates in Nevada received a maximum sentence and were required by law to serve at least one-third of the maximum sentence before a discretionary parole release hearing was held. Those offenders not granted discretionary parole release were released on mandatory parole three months prior to their maximum sentence expiration date. Under SB 416, offenders in Nevada are assigned both a maximum and a minimum sentence as recommended by Nevada State Parole and Probation officers. A complex grid was developed to recommend these sentences. The grid was revised several times between July 1995 and March 1996 before a final formula was agreed upon. The resulting statute-mandated

offenders are not eligible for discretionary parole release until they have served their entire minimum sentence (less jail credits). Monthly good-time earned credits are no longer applied to the reduction of the time until discretionary parole eligibility. The system of mandatory parole release remained unchanged under the new statute. In addition to these sentence recommendation changes, SB 416 also put in place the diversion of all E felony offenders from prison.

The current simulation model mimics the flow of inmates admitted under two sentencing policies: 1) inmates admitted to prison with “old law” sentences and 2) inmates admitted under SB 416. Within the simulation model, all inmates admitted to prison are assigned minimum and maximum sentences for their most serious admitting offenses. The model performs time calculations, simulates the parole hearing process, and releases offenders from prison based on existing laws and procedures.

In July 2007, the State of Nevada passed AB 510 which changed three main aspects of a prisoner’s good time credit calculations. First, under AB 510 the monthly earning of good time for an offender who engages in good behavior increased from 10 days to 20 days. Second, AB 510 increased the amount of good time awarded for all education, vocations training and substance abuse treatment programs completed while incarcerated. Credits for program completion would apply to both the minimum and maximum sentences. Lastly, AB 510 provided that certain credits to the sentence of an offender convicted of certain category C, D or E felonies (that do not involve violence, a sexual offense or a DUI) will be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence. Previously, these credits could not be applied to the minimum term imposed, only the maximum.

AB 510 was passed and went into effect on all offenders to be admitted to the NDOC in July 2007. Also, offenders housed within the NDOC at that time were made retroactively eligible for all credits listed in the bill (to July 1, 2000). This caused an immediate and dramatic increase in the number of offenders who were parole eligible reflected in the 2007-2008 data.

### III. TRENDS IN POPULATION AND CRIME IN NEVADA

**Significant Finding:** The Nevada population grew at an astonishing rate for over two decades through 2007. The average annual rate of growth from 2000 to 2007 was 3.8 percent. Since 2007, the state's population has grown at a much slower rate (an average annual rate of 1.4 percent from 2007 to 2017 according to the U.S. Census), but has picked up in recent years. From 2016 to 2017, Nevada's population grew by 2.0 percent.

**Significant Finding:** Levels of serious crime in Nevada rose in the first part of the 1990s (average annual increases of 6.8 percent for UCR Part I crimes from 1990 to 1995), fell in the latter part of that decade (average annual decreases of -4.2 percent from 1995 to 1999), and then increased every year from 1999 to 2006 (average annual increases of 5.3 percent). From 2006 through 2011, UCR Part I crimes in Nevada declined each year with an average decrease of -6.7 percent. From 2011 to 2012, UCR Part I crimes in Nevada rose by 10.9 percent, and have alternately increased and decreased more modestly since. From 2015 to 2016, UCR Part I crimes in Nevada fell by -1.3 percent.

**Significant Finding:** Rates of UCR Part I crimes in Nevada were high and generally rising for the first half of the 1990s – hitting a high in 1994 of any rate observed in the past two decades -- and then fell distinctly the latter part of the decade. The UCR Part I crime rate rose from 2001 to 2003, and remained fairly level from 2003 through 2006. From 2006 through 2011, the state's serious crime rate decreased each year at an average rate of -8.3 percent per year. In a distinct departure from that downward trend, the UCR Part I crime rate in Nevada rose 9.4 percent from 2011 to 2012. Since 2012, the UCR Part I crime rate in Nevada has remained fairly steady, and posted a -3.2 percent decline from 2015 to 2016.

#### A. Population

The U.S. Census Bureau conducts a decennial census and the Census Bureau's Population Estimates Program publishes population estimates between censuses. After each decennial census, the Census Bureau examines its estimates and revises them, where necessary. In September 2011, the U.S. Census undertook such a revision, and the new estimates for 2001 to 2009 appear in TABLE 1. The decennial census results for Nevada for 2000 and 2010 are shown in bold in TABLE 1, while the remainder of the column shows the US Census estimates for July 1 of each year.

For over two decades through 2007, Nevada experienced a phenomenal growth in population and was the nation's fastest-growing state between 2000 and 2010.<sup>1</sup> The state population growth slowed for a couple years, but since 2012, Nevada has been among the top 10 fastest growing states in the country each year.<sup>2</sup> Just as it was from 2015 to 2016, Nevada was the 2<sup>nd</sup> fastest growing state in the nation from 2016 to 2017.<sup>3,4</sup>

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<sup>1</sup> U.S. Census Bureau. Press Release 12/21/2011  
[<http://www.census.gov/newsroom/releases/archives/population/cb11-215.html>]

<sup>2</sup> Population change and rankings: April 1, 2010 to July 1, 2016 (NST-EST2016-popchg2010-2016)  
[<http://www.census.gov/data/datasets/2016/demo/popest/state-total.html>]

<sup>3</sup> U.S. Census Bureau Press Release 12/20/2016  
[<http://www.census.gov/newsroom/press-releases/2016/cb16-214.html>]

<sup>4</sup> U.S. Census Bureau Press Release 12/20/2017  
[<https://www.census.gov/newsroom/press-releases/2017/estimates-idaho.html>]

**TABLE 1: ESTIMATES OF NEVADA'S POPULATION: 2000 – 2016**

Year	Population Estimates (US Census)	% change
<b>2000</b>	<b>1,998,250*</b>	
<b>2001</b>	2,098,399	5.0%
<b>2002</b>	2,173,791	3.6%
<b>2003</b>	2,248,850	3.5%
<b>2004</b>	2,346,222	4.3%
<b>2005</b>	2,432,143	3.7%
<b>2006</b>	2,522,658	3.7%
<b>2007</b>	2,601,072	3.1%
<b>2008</b>	2,653,630	2.0%
<b>2009</b>	2,684,665	1.2%
<b>2010</b>	<b>2,700,551*</b>	0.6%
<b>2011</b>	2,718,170	0.7%
<b>2012</b>	2,752,410	1.3%
<b>2013</b>	2,786,547	1.2%
<b>2014</b>	2,831,730	1.6%
<b>2015</b>	2,883,057	1.8%
<b>2016</b>	2,939,254	1.9%
<b>2017</b>	2,998,039	2.0%
<b>Numeric Change 2007-2017</b>	<b>396,967</b>	
<b>Percent Change 2007-2017</b>	<b>15.3%</b>	
<b>Average Annual Change 2007-2017</b>		<b>1.4%</b>

\* Actual April 1, 2000 and 2010 US Census figures. All other figures are July 1 estimates from the US Census Bureau. Note that the US Census Bureau occasionally updates prior year estimates. As such, the estimates shown will sometimes differ from prior year's reports.

The population numbers in Table 1 demonstrate a staggering rate of growth in Nevada's population between 2000 and 2007, with average annual growth estimates of 3.8 percent. From 2000 to 2010, Nevada's population increased by over 700,000 people to exceed 2.7 million people in 2010. However, since 2007, the pace of growth has slowed substantially. According to the U.S. Census estimates, from 2007 to 2017, the average annual rate of growth was 1.4 percent, with the increase in Nevada's population from July 2016 to July 2017 estimated at 2.0 percent.

In March 2017, the Nevada State Demographer issued population projections for a 5-year period: 2017-2021, based on the 2016 population estimates. They projected the state population to increase at an average annual rate of 1.2 percent over that time frame.

## B. Crime

Observing historical levels of crime can provide some guidance in projecting future admissions to prison. During the 1990s, the level of the most serious violent and property crimes (defined by the FBI's Uniform Crime Reports Part I Crime category) in Nevada increased steadily during the first part of the decade, and then displayed a generally decreasing trend during the latter. From 1990 to 1995, the number of UCR Part

I crimes in Nevada increased each year, rising at an average annual rate of 6.8 percent. From 1995 to 1999, the number of UCR Part I crimes fell at an average annual rate of -4.2 percent. Serious crime increased each year from 2000 to 2006 at an average of 6.0 percent per year. From 2006 to 2011, UCR Part I crimes in Nevada fell at an average of -6.7 percent per year. Bucking the downward trend, UCR Part I crimes in Nevada rose by 10.9 percent from 2011 to 2012. Since 2012, UCR Part I crimes in Nevada have increased and decreased fairly modestly each year, displaying a -1.3 percent decline from 2015 to 2016. (See Figure 1).

It is worth noting that the total number of UCR Part I violent crimes reported are at the highest level observed in at least the past 25 years, with the FBI reporting 20,118 Part I violent crimes in Nevada in 2015 and 19,936 in 2016.<sup>5</sup> Since the number of UCR Part I property crimes (76,067 reported in Nevada by the FBI in 2016) far outnumber the violent crimes, the general upward trend in serious violent crimes is not readily observed in the overall trends of serious crime in Nevada. The number of serious property crimes in Nevada for each of the past eight years has been below the average of the past 25 years.

The area served by the Las Vegas Metropolitan Police Department (LVMPD) has generally exhibited similar changes in crime levels as the state as a whole. This area represents approximately half of the state's population and over half of the state's Part I crime. The area served by the LVMPD experienced a decline in UCR Part I crimes from 1995 to 2000, but posted increases each year from 2000 to 2006. The average annual increase from 2000 to 2006 was 7.9 percent. Like the statewide trend, serious crime in the LVMPD's jurisdiction fell each year from 2006 to 2011 with an average annual decrease of -6.8 percent. From 2011 to 2012, serious crime increased by 11.1 percent in the LVMPD's jurisdiction. Since 2012, Part I crimes in the LVMPD's jurisdiction has alternately risen and fallen, displaying a -2.7 percent drop from 2015 to 2016. (See Figure 2). Similar to the state picture, the raw number of serious violent crimes reported in the LVMPD's jurisdiction in 2015 was at its highest level in the past 20 years, while the raw number of serious property crimes reported are below the 20-year average and have been for the past eight years. Notably, serious violent crime in the LVMPD's jurisdiction fell by -6.0 percent from 2015 to 2016.

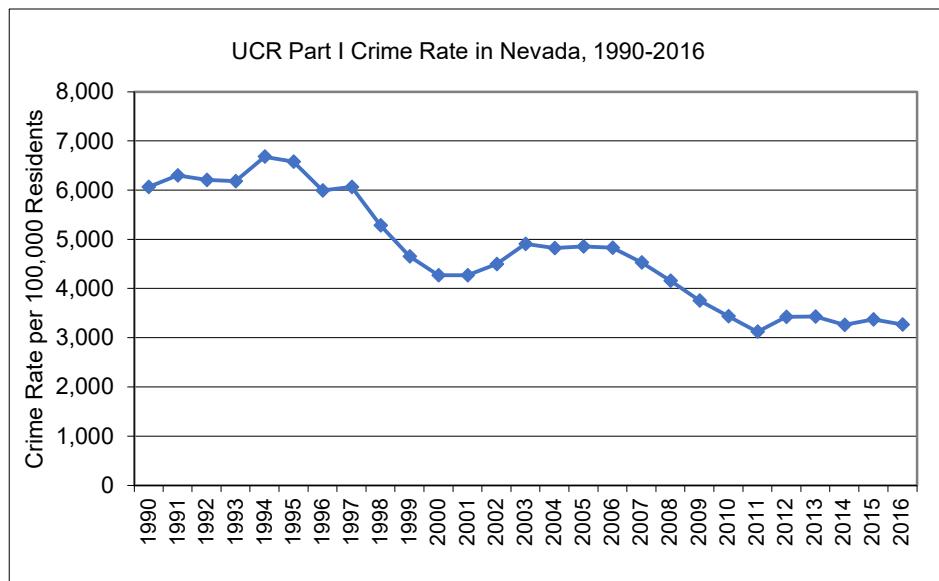
### **C. Putting Population and Crime Together: Crime Rates**

The decline in serious crime in the later part of the 1990's occurred as the state population continued its dramatic increase -- resulting in a distinct shift in crime *rates*. From 1990 to 1997, the UCR Part I crime rate in Nevada remained fairly steady, while from 1997 to 2001, the rate fell significantly at an average annual rate of -8.3 percent. After increases from 2001 to 2003, there was little movement in the overall Part I crime rate from 2003 to 2006. Then, each year from 2006 to 2011, Nevada experienced a sharp decline in its UCR Part I crime rate. The average annual decrease in UCR Part I crime rate from 2006 to 2011 was -8.3 percent. From 2011 to 2012, the UCR Part I crime rate in Nevada rose 9.6 percent and have been fairly flat since. From 2015 to 2016, the UCR Part I crime rate in Nevada fell -3.2 percent.

Notably, the Nevada UCR Part I crime rates are among the lowest observed in the past 25 years, as displayed in the following chart.

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<sup>5</sup> Uniform Crime Reports, Crime in the United States – 2015, Federal Bureau of Investigation, Table 4. Uniform Crime Reports, Crime in the United States – 2016, Federal Bureau of Investigation, Table 2.



In the area served by the LVMPD, the crime rate dropped by an average annual rate of -8.2 percent from 1995 to 2001.<sup>6</sup> Like the statewide trends, the large percentage declines in the crime rates for the LVMPD jurisdiction in the late 1990s did not continue as the serious crime rate rose notably from 2001 to 2003. After remaining largely unchanged from 2003 to 2006, the LVMPD crime rate declined each year from 2006 to 2011 dropping at an average annual rate of -8.7 percent. From 2011 to 2012, the UCR Part I crime rate in the LVMPD's jurisdiction rose 9.5 percent, and has alternately increased and decreased in the years since. The serious crime rate in the LVMPD's jurisdiction fell -4.5 percent from 2015 to 2016.

#### D. Comparison of Nevada and the United States

In the discussion above, the population and crime data are observed in terms of changes over time within Nevada. In TABLE 2, we present Nevada's population and crime data compared to the national levels and trends. TABLE 2 makes clear the striking increases in Nevada's population relative to the national trends over the past decade. From 2007 to 2017, Nevada's population growth (15.3 percent) far outpaced the national population growth (8.1 percent). From 2016 to 2017, the increase in population for Nevada (2.0 percent) still exceeded the rise in the nation's population (0.7 percent).

In terms of crime rates in 2016, Nevada had a notably higher serious *violent* crime rate per 100,000 inhabitants as compared to the nation, while it had a higher but more similar serious *property* crime rate to the nation as a whole. The long term trends in the crime rates for Nevada and the nation over the past 10 years were similar, although Nevada posted a larger ten-year decline than the entire country, with Nevada's serious crime rate dropping -32.4 percent compared to the nationwide decline of -25.8 percent from 2006 to 2016. In the recent term, from 2015 to 2016, Nevada's serious crime rate exhibited a larger decline than the national serious crime rate with Nevada's decreasing by -3.2 percent while the nation saw a decline of -1.3 percent.

In the past ten years, Nevada's state prison population has grown 7.3 percent while the state prison population for the nation as a whole has declined -4.3 percent. Aside from an uptick in 2013, the US state prison population has declined each year since 2009. In Nevada, the state prison population decreased each year from 2007 to 2010, and then increased each year from 2011 to 2016 to end at its highest level.

<sup>6</sup> The FBI did not show the reported crime for the LV MPD for 1997. For the 1995-2000 average, it was assumed that the 1997 figure was the average of the 1996 and 1998 figures.

From 2006 to 2015, the nationwide state prison population decreased at an average annual rate of -0.3 percent, while Nevada's prison population grew at an average annual rate of 0.4 percent.<sup>7</sup>

The 2016 state prisoner incarceration rate in Nevada (481.5 per 100,000 residents) exceeded that of the nation (407.0 per 100,000).

**TABLE 2: COMPARISON BETWEEN UNITED STATES AND NEVADA ON POPULATION, CRIME AND CORRECTIONS MEASURES**

	United States	Nevada
<b>POPULATION<sup>8</sup></b>		
Total Population (7/1/17)	325,719,178	2,998,039
Change in Population		
1-year change (7/1/16 – 7/1/17)	0.7%	2.0 %
10-year change (7/1/07 – 7/1/17)	8.1%	15.3%
<b>CRIME RATE<sup>9</sup> (Rate per 100,000 inhabitants)</b>		
UCR Part I Reported Crime Rates (2016)		
Total	2,837.0	3,264.7
Violent	386.3	678.1
Property	2,450.7	2,586.6
Change in Total Reported Crime Rate		
1-year change (2015-2016)	-1.3%	-3.2%
10-year change (2006-2016)	-25.8%	-32.4%
<b>PRISON POPULATION<sup>10</sup> (State Prisoners Only)</b>		
Total Inmates 2016	1,316,205	14,153
1-year change (2015-2016)	-1.0%	3.4%
10-year change (2006-2016)	-4.3%	7.3%
Average annual change (2006-2015)	-0.3%	0.4%
Incarceration Rate (per 100,000 inhabitants) <sup>11</sup>	407.0	481.5

<sup>7</sup> Prisoners in 2015, Bureau of Justice Statistics Bulletin (December 2016). Nevada data provided by the Nevada Department of Corrections is from CY2015.

<sup>8</sup> U.S. Census Bureau, Population Division. Population estimates for July 1, 2017.

<sup>9</sup> Uniform Crime Reports, Crime in the United States – 2016, Federal Bureau of Investigation, Tables 1 and 2.

<sup>10</sup> Prisoners in 2016, Bureau of Justice Statistics Bulletin (January 2018). Nevada data provided by the Nevada Department of Corrections is from CY2016.

<sup>11</sup> Rates were generated by using U.S. Census population estimates from 7/1/2016.

#### IV. INMATE POPULATION LEVELS AND ACCURACY OF THE MARCH 2018 PROJECTION

**Significant Finding:** Overall, the March 2018 forecast estimated the Nevada state prison population very closely for the first half of 2018 (an average monthly difference in the projected and actual populations of 0.3 percent).

**Significant Finding:** The forecast of the male inmate population estimated the actual population very closely and within acceptable standards (at an average of 0.3 percent per month). The forecast slightly overestimated the actual male population throughout the six-month time frame, but by no more than 0.5 percent in any month in the first half of 2018.

**Significant Finding:** The forecast of the female population slightly underestimated the actual population from January through March 2018 (at an average monthly difference of -1.2 percent) and then slightly overestimated the actual population from April through June 2018 (at an average monthly difference of 1.8 percent). Over the whole six-month time frame, the average monthly difference of the forecast and the actual population was 0.3 percent.

TABLE 3 and Figures 3 and 4 illustrate the accuracy of the March 2018 projections of the male and female inmate populations. The monthly inmate projections are compared with the actual population counts reported by the NDOC.

The March 2018 forecast of the male inmate population for January through June 2018 estimated the actual male inmate population very closely throughout the six-month period. The forecast slightly overestimated the actual male population each month with an average monthly difference of 0.3 percent from January through June. The largest difference from the actual population occurred in May when it differed by 0.5 percent. As Figure 3 illustrates, the actual male population makes small changes both up and down from month to month while the estimated male population shows a very modest rise each month.

The average monthly numeric error for the male forecast for January through June 2018 was 42 offenders and the average monthly percent difference was 0.3 percent. (See Figure 3 and TABLE 3.)

Female prison populations are historically more volatile than male populations because of their smaller sizes and facility constraints, and projections are generally less accurate. The March 2018 forecast of the female inmate population underestimated the actual female inmate population from January through March, before overestimating the actual population from April through June as the female population experienced notable declines in April and May.

The average monthly numeric error for the female forecast for January through June 2018 was 4 offenders and the average monthly percent difference was 0.3 percent. (See Figure 4 and TABLE 3.)

TABLE 3: ACCURACY OF THE MARCH 2018 FORECAST:  
TOTAL INMATE POPULATION JANUARY - JUNE 2018

## V. INMATE POPULATION TRENDS

### A. Trends in Admissions

**Significant Finding:** From 2003 to 2006, total male admissions grew significantly at an average annual rate of 7.3 percent. From 2007 to 2010, however, male admissions were either virtually unchanged from the prior year or showed distinct declines. After increasing in 2011, male admissions exhibited further declines in 2012 and 2013, and in 2013 were at their lowest level in the past decade. However, in 2014 and 2015, male admissions rose by 4.1 and 5.2 percent, respectively, and hit their highest level since 2008. In 2016, male admissions grew by a much smaller 0.9 percent, and by a slightly larger amount (1.6 percent) in 2017. In 2018, total male admissions are on track to grow by 2.3 percent, if the trends of the first six months of the year hold.

**IMPORTANT NOTE:** The male admissions trends of the past three years are increasingly influenced by the admissions to the Parole Housing Unit (PARHU). It is important to note these offenders are granted parole, recorded as a release and then recorded as an immediate admission into the PARHU. This alters the resulting trends in both admission and release movement types.

Starting in 2015, 68 male offenders who were released to parole and determined to not have place to live were temporarily housed in an NDOC transitional housing unit that is included in the total prison population count. In 2016, the number of released offenders admitted to this unit increased to 243 and increased again in 2017 to 277. If those PARHU admissions are not included in the total admissions counts, then the increase in male admissions in 2015 would be 3.9 percent (instead of 5.2), and in 2016, male admissions would have declined by -2.5 percent (rather than grow by 0.9 percent), and in 2017, male admissions would have increased by 1.0 percent (rather than 1.6 percent). In the first six months of 2018, PARHU admissions are slightly below the levels observed in 2015 and 2016, and are continuing to influence admissions trends nonetheless.

**Significant Finding:** Male new commitment admissions declined or held steady from 2007 to 2013, changing at an average annual rate of -2.6 percent. In 2014, male new commitment admissions increased by 3.9 percent and further increased by 5.5 percent in 2015. In 2016, male new commitment admissions declined by -2.9 percent, but then rebounded by 2.8 percent in 2017. In 2018, male new commitment admissions are on track to decline by -1.2 percent.

**Significant Finding:** After decreasing substantially each year from 2003 through 2008, male parole violator admissions increased at an average annual rate of 17.2 percent from 2008 through 2011. After holding steady in 2012, male parole violator admissions dropped -13.2 percent in 2013, followed by an increase in 2014 and then a decrease in 2015, both of about 5 percent. Male parole violator admissions in 2016 were virtually unchanged from the prior year, but then fell by -9.3 percent in 2017. In 2018, male parole violator admissions are on track to jump by 32.5 percent.

**Significant Finding:** For the past decade, female admissions have been quite erratic. After growing at an average annual rate of 15.3 percent from 2003 to 2006 – rising from 535 females admitted in 2003 to 815 in 2006 – female admissions declined notably for two years and then largely erased those declines with increases over the following two years. After a decline of -6.4 percent in 2011, female admissions grew at an average annual rate of 4.3 percent from 2011 to 2016. In 2017, female admissions grew by 15.9 percent to 1,052 (the highest annual count observed to date). In 2018, female admissions are on track to decline by -8.7 percent. Notably in the first half of 2018, female new commitment admissions are set to decline by -16.4 percent while female parole violator admissions are on track to increase by 17.5 percent.

**IMPORTANT NOTE:** If the female PARHU admissions in 2016 ( $n=46$ ) and 2017 ( $n=115$ ) are excluded, then in 2016, total female admissions actually declined by -1.9 percent (rather than grew 3.3 percent) and grew by 8.7 percent (rather than by 15.9 percent) in 2017. In 2018, the possible decline in female admissions of -8.7 percent would be -11.8 percent if the PARHU admissions were excluded from admissions counts.

TABLE 4 and TABLE 5 present the male and female admissions to prison from 2008 to 2018 (January through June). The NDOC provided a data file of admissions to prison in the first half of 2018. Figures 5 and 6 show the male and female admissions to prison over the past decade, distinguishing the new court commitments from the parole violators. In the admissions tables and figures, the Parole Housing Unit admissions are captured in the “Other/Missing” column.

After reaching a high of nearly 6,300 in 2006 and 2007, total admissions to NDOC declined notably over the next two years to approximately 5,800 in 2009. After two years of modest increases followed by two years of slightly larger decreases, total admissions hit 5,617 in 2013 – the lowest level since 2004. From 2014 to 2017, total admissions grew at an average annual rate of 3.7 percent to reach 6,485. If the trends of the first half of 2018 hold for the remainder of the year, then the total admissions to NDOC would rise by 0.5 percent to 6,520 – a new high. HOWEVER, if the offenders admitted to the Parole Housing Unit are not included in the total admissions counts, then in 2015, total admissions would increase by 4.1 percent (rather than 5.2), and the 2016 total admissions would decline by -2.4% to just under 6,000 (rather than increase by 1.2 percent). In 2017, total admissions would have increased by 2.1 percent without the PARHU admissions (rather than by 3.6). If the admissions trends of the first half of 2018 hold for the remainder of the year, then admissions would total 6,520 in 2018, but without PARHU admissions, they would be 6,140.

### 1. Males Admitted to Prison

From 2008 to 2018 (January thorough June), the average annual change in the number of males admitted to prison for any reason was 0.6 percent. From 2003 to 2006, male admissions to NDOC grew at an average annual rate of 7.3 percent. From 2006 to 2013, the number of male admissions followed a generally downward path, declining at an average annual rate of -1.7 percent. In 2012 and 2013, male admissions were below 5,000 for the first time since 2004. In 2014 and 2015, total male admissions to NDOC increased by approximately 4 percent each year. The 2016 count of male admissions increased by 0.9 percent (or declined -2.5 percent if the PARHU admissions are excluded). In 2017, total male admissions rose by 1.6 percent (or by 1.0 percent if PARHU admissions are excluded). If the trends from the first half of 2018 hold for the remainder of the year, then male admissions would increase by 2.3 percent to a high of 5,560; excluding PARHU admissions, male admissions would increase by 3.1 percent to 5,314 in 2018.

Male new commitment admissions declined at an average annual rate of -3.1 percent from 2008 to 2012. After being almost unchanged in 2013, male new commitment admissions rose by 3.9 percent in 2014 and again by 5.5 percent in 2015. In 2016, male new commitment admissions declined by -2.9 percent, before rebounding by 2.8 percent in 2017. In 2018, male new commitment admissions are on track to decline by -1.2 percent.

Male parole violator admissions have been quite erratic over the past decade. They increased at an average annual rate of 13.1 percent from 2008 through 2012 (after decreasing at an average annual rate of -10.8 percent from 2003 through 2008). Male parole violator admissions exhibited a sharp decline of -13.2 percent in 2013 before rising by 4.9 percent in 2014, and then falling by -5.1 percent in 2015. In 2016, male parole violator admissions were virtually unchanged

compared to 2015, and then declined by -9.3 percent in 2017. In 2018, male parole violator admissions are on track to jump by 32.5 percent, driven by large increases especially in discretionary parole violators.

Note that male new commitment admissions have ranged from 81 to 88 percent of total male admissions to NDOC each year throughout the past decade. In the first half of 2018, male new commitment admissions accounted for 79.5 percent of all male admissions. This dip is explained by the decline in male new commitment admissions and the increase in parole violator admissions.

## **2. Females Admitted to Prison**

From 2008 to 2018 (January through June), the average annual change in the number of females admitted to prison was 2.2 percent. Female admissions fluctuated with alternating increases and decreases every year from 1996 to 2004. Fluctuations have continued. After growing by 20.0 percent from 2005 to 2006, female admissions either declined or held steady from 2006 to 2009 at an average annual rate of -4.0 percent. From 2010 to 2013, female admissions alternately rose (9.2 percent), fell (-6.4 percent) and rose again (5.2 percent). They held fairly steady in 2013, before increasing by 7.9 percent in 2014 and by 5.1 percent in 2015. In 2016, total female admissions increased by 3.3 percent and then by a whopping 15.9 percent in 2017 to reach the highest number of female admissions to date (1,052). However, as highlighted above, if the PARHU admissions are excluded, total female admissions in 2016 declined by -1.9 percent (rather than increased by 3.3 percent), and rose by 8.7 percent in 2017 (rather than increased by 15.9 percent). If the trends from the first half of 2018 hold for the remainder of the year, then female admissions would decrease by -8.7 percent to 960; excluding PARHU admissions, female admissions would decrease by -11.8 percent to 826 in 2018.

Prior to 2017, female new commitments peaked at 746 in 2006. They declined each year through 2009, then showed an 8.0 percent increase in 2010 that was erased in 2011. Female new commitment admissions grew at an average annual rate of 4.7 percent from 2011 to 2015. In 2016, female new commitment admissions decreased by -2.3 percent, followed by a substantial increase of 13.3 percent in 2017 to reach 811 – a new high point. In 2018, female new commitment admissions are on track to decrease by -16.4 percent.

Female parole violator admissions either rose or remained the same each year from 2006 to 2012, growing at an average annual rate of 13.9 percent. In a distinct shift, female parole violator admissions declined by -14.6 percent in 2013. That decline has been erased by increases of 12.2 percent and 5.1 percent in 2014 and 2015, respectively. In 2016, female parole violator admissions remained the same as 2015, before declining by -13.1 percent in 2017. In 2018, female parole violator admissions are on track to jump by 17.5 percent.

Note that female new commitment admissions have ranged from approximately 80 to 90 percent of total female admissions to NDOC each year throughout the past decade. In 2017, female new commitment admissions accounted for 77.1 percent of all female admissions, and in the first half of 2018, they accounted for 70.6 percent. However, if one excludes the PARHU admissions, female new commitment admissions were 86.6 percent of total female admissions in 2017 and 82.1 percent in the first half of 2018.

TABLE 4: HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE: MALES: 2008–2018 (JAN–JUN)

Year	New Court Commitments & Probation Violators	Safekeepers	Int. Sanction Probation**	NPR/CC	Total New Commitments <sup>≈</sup>	Discretionary Parole Violators	Mandatory Parole Violators	Total Parole Violators	Other/ Missing	TOTAL
2008 <sup>^</sup>	4,318	245		59	4,622	493	44	537	77	5,236
2009	4,118	286		71	4,475	577	6	583	17	5,075
2010	4,089	258		58	4,405	663	1	664	11	5,080
2011 <sup>+</sup>	3,897	262	38	70	4,269	723	128	858 <sup>++</sup>	61 <sup>^</sup>	5,188
2012 <sup>+</sup>	3,732	265	8	70	4,081	743	120	863	0	4,944
2013	3,769	220	44	53	4,088	639	110	749	5	4,842
2014	3,804	291	73	79	4,247	658	128	786	7	5,040
2015	4,123	268	28	60	4,481	628	118	746	76 <sup>##</sup>	5,303
2016	4,042	221	9	76	4,350	642	103	745	254 <sup>##</sup>	5,349
2017	4,182	215	0	74	4,471	566	110	676	286 <sup>##</sup>	5,433
2018 (Jan–Jun)	2,091	93	0	24	2,209	382	66	448	123 <sup>##</sup>	2,780
2018 (Ann'd)*	4,182	186	0	48	4,418	764	132	896	246 <sup>##</sup>	5,560
Numeric Change 2008–2018(ann'd)	-136	-59		-11	-204	271	88	359		324
Percent Change 2008–2018(ann'd)	-3.1%	-24.1%		-18.6%	-4.4%	55.0%	200.0%	66.9%		6.2%
Average Annual Percent Change 2008–2018(ann'd)	-0.2%	-1.7%		1.2%	-0.4%	5.4%		6.2%		0.6%
Percent Change 2017–2018(ann'd)	0.0%	-13.5%		-35.1%	-1.2%	35.0%	20.0%	32.5%		2.3%

NOTE: The admissions data shown are from the NDOC admissions data file.

\* The 2018 data from January through June was annualized by simply multiplying by 2.

<sup>^</sup> The 2008 admissions datafile did not contain admissions by type for July and August. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

<sup>+</sup> The admissions data shown for 2011 and 2012 have been updated to reflect data from an NDOC report provided to JFA in March 2013. Changes to the counts are mostly minor, but due to differences in how small populations of admitted offenders are categorized, past data is not fully comparable with data from 2011 and beyond. Prior years' data has not been re-categorized.

\*\* Prior to the March 2013 data update, the Intermediate Sanction Probation admissions had been included in the New Commitment & Probation Violator column.

<sup>≈</sup> The following admissions are included in the Total New Commitments column for the year indicated; these small numbers of admissions are not shown in a separate column:

2011: 2 Intermediate Sanction Parole admissions

2012: 5 Interstate Compact admissions and 1 PRC admission

2013: 2 PRC admissions

2015: 2 PRC admissions

2016: 2 PRC admissions

2018: 1 Interstate Compact

<sup>++</sup> Includes 7 SafeKeeper Misdemeanor admissions not shown in a separate column.

<sup>^</sup> The 61 admissions shown in the Other/Missing column for 2011 were for the PRIDE program. The drop in mandatory parole violators down to 1 in 2010, followed by an increase to 128 in 2011 (which is an increase of 12700%) generates a misleading result for the average annual change in mandatory parole violators over the past 10 years (124.5%).

<sup>##</sup> Prisoners admitted to the Parole Housing Unit (PARHU) after release to parole are shown in the Other/Missing column (they had been counted with Discretionary Parole Violators). In 2016, 243 male offenders were admitted to PARHU. In 2017, 277 male offenders were admitted to PARHU.

TABLE 5: HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE: FEMALES: 2008–2018 (JAN–JUN)

Year	New Court Commitments & Probation Violators	Safekeepers	NPR/CC	Total New Commitments <sup>≈</sup>	Discretionary Parole Violators	Mandatory Parole Violators	Total Parole Violators	Other/ Missing	TOTAL
2008 <sup>^</sup>	615	3	3	621	72	3	75	21	708
2009	603	2	6	611	104	2	106	2	719
2010	646	5	9	660	117	1	118	7	785
2011 <sup>+</sup>	605	0	5	611	108	9	118 <sup>++</sup>	6 <sup>^</sup>	735
2012 <sup>+</sup>	623	2	3	629 <sup>≈≈</sup>	138	6	144	0	773
2013	644	2	5	651	114	9	123	1	775
2014	685	4	8	697	123	15	138	1	836
2015	723	1	9	733	139	6	145	1	879
2016	707	1	8	716	143	2	145	47 <sup>##</sup>	908
2017	800	2	9	811	116	10	126	115 <sup>##</sup>	1,052
2018 (Jan–Jun)	334	1	3	339	70	4	74	67 <sup>##</sup>	480
2018 (Ann'd) <sup>*</sup>	668	2	6	678	140	8	148	134 <sup>##</sup>	960
<b>Numeric Change</b>									
<b>2008–2018(ann'd)</b>	<b>53</b>	<b>-1</b>	<b>3</b>	<b>57</b>	<b>68</b>	<b>5</b>	<b>73</b>	<b>168</b>	
<b>Percent Change</b>									
<b>2008–2018(ann'd)</b>	<b>8.6%</b>	<b>-33.3%</b>	<b>100.0%</b>	<b>9.2%</b>	<b>94.4%</b>	<b>166.7%</b>	<b>97.3%</b>	<b>21.2%</b>	
<b>Average Annual Percent Change</b>									
<b>2008–2018(ann'd)</b>	<b>1.2%</b>	<b>--</b>	<b>17.3%</b>	<b>1.2%</b>	<b>8.5%</b>	<b>105.3%</b>	<b>8.2%</b>	<b>2.2%</b>	
<b>Percent Change</b>									
<b>2017–2018(ann'd)</b>	<b>-16.5%</b>	<b>0.0%</b>	<b>-33.3%</b>	<b>-16.4%</b>	<b>20.7%</b>	<b>-20.0%</b>	<b>17.5%</b>	<b>-8.7%</b>	

NOTE: The admissions data shown are from the NDOC admissions data file.

\* The 2018 data from January through June was annualized by simply multiplying by 2.

<sup>^</sup> The 2008 admissions datafile did not contain admissions by type for July and August. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

<sup>+</sup> The admissions data shown for 2011 and 2012 have been updated to reflect data from an NDOC report provided to JFA in March 2013. Changes to the counts are mostly minor, but due to differences in how small populations of admitted offenders are categorized, past data is not fully comparable with data from 2011 and beyond. Prior years' data has not been re-categorized.

<sup>≈</sup> The following admissions are included in the Total New Commitments column for the year indicated; these small numbers of admissions are not shown in a separate column:

2011: 1 Intermediate Sanction Probation admission

2012: 1 Interstate Compact admission

2018: 1 PRC admission

<sup>++</sup> Includes 1 SafeKeeper Misdemeanor admission not shown in a separate column.

<sup>^</sup> The 6 admissions shown in the Other/Missing column for 2011 were for the PRIDE program.

<sup>##</sup> Prisoners admitted to the Parole Housing Unit (PARHU) after release to parole are shown in the Other/Missing column. In 2017, 46 female offenders were admitted to PARHU. In 2018 (Jan–Jun), 67 female offenders were admitted to PARHU.

## B. Trends in Parole Release Rates

**Significant Finding:** *In the first half of 2018, overall release rates increased compared to 2017 after having increased substantially from 2016 to 2017. The overall release rate in 2016 was 51.2 – the lowest rate since 2008. Then in 2017, the overall release rate rose to 62.5 before rising to 64.3 in the first half of 2018 (the highest rate since 2000).*

**Significant Finding:** *Overall discretionary release rates for the first half of 2018 rose to 64.7 (the highest rate since 2000). Both the male and female discretionary release rates rose in the first half of 2018 after having increased dramatically in 2017 compared to 2016.*

**Significant Finding:** *Overall mandatory release rates for the first half of 2018 stayed the same as that observed in 2017 (at 63.4). The mandatory release rates had risen notably from 2016 to 2017; the male mandatory release rate rose by 6.1 percentage points, while the female mandatory release rate increased by 6.5 percentage points.*

TABLE 6 compares parole release rates from 2008 through 2018 (January through June) by type of parole hearing.

TABLE 7 and TABLE 8 present the parole release rate characteristics for male and female inmates in the first half of 2018. Figures 7 and 8 present recent parole release rate data: Figure 7 shows the overall release rates from 2010 to 2018 (Jan-Jun) by type of hearing, while Figure 8 presents the data from 2015 to 2018 (Jan-Jun) disaggregated by gender. Since 1999, JFA has generated release rate statistics disaggregated by gender. The simulation model utilizes these gender-based release rates. For discretionary release hearings, the release rates for female offenders are higher than for male offenders. The rates for mandatory release hearings used to be fairly similar for males and females, but have become consistently higher for females as well.

Release rates issued in the report are actually release rates rather than grant rates. If an offender is temporarily granted parole and then it is rescinded before an offender is released or if an offender is not heard within 30 days of their minimum eligibility date, it is counted in JFA's statistics as a denial. Parole board statistics would label this as a grant and then a denial in the former case or a grant in the latter case. To avoid confusion, all rates presented in this report are labeled release rates rather than grant rates.

- For male inmates in the first half of 2018, the total discretionary release rate ranged from 57.1 for A felons to 82.2 for E felons. The 2018 (Jan-Jun) discretionary release rates for males are notably higher than those observed in 2017 for all but the D felons.
- From 2004 to 2007, the overall male discretionary release rate hovered around 47 to 48. In 2008, the male discretionary release rate fell to 43.5, before jumping to 51.3 in 2009, and to 60.4 in 2010. They then declined each year, hitting 44.9 in 2016, before leaping to 58.6 in 2017 and rising again to 61.5 in the first half of 2018.
- For female inmates in the first half of 2018, the total discretionary release rates ranged from 74.3 for B felons to 96.7 for E felons. Female inmates experienced higher discretionary release rates in 2018 (Jan-Jun) for A, C and E felon as compared to 2017.

- In 2005, the total discretionary release rate for female offenders was 57.2 percent (the lowest it had been in the prior five years). The female discretionary release rate jumped to 68.9 in 2006. After dipping in 2007, female discretionary release rate rose markedly each year to reach 84.8 in 2010. The female discretionary release rate bounced around in the upper 70s from 2012 to 2015 before falling to 72.1 in 2016. The female discretionary release rate jumped up to 82.9 in 2017 and increased again in the first half of 2018 to 83.8.
- The mandatory parole release rate for male offenders in the first half of 2018 was 61.7 percent, up from 60.8 in 2017 and up significantly from 54.7 percent in 2016. The mandatory parole release rate for male offenders had declined each year from 2009 to 2015.
- The mandatory parole release rate for female offenders in the first half of 2018 was 81.7 – down from 82.8 in 2017. The mandatory release rate had been 76.3 in 2016.
- The total discretionary release rate for males and females together was in the high-40/low-50 range from 2003 to 2007. The total discretionary release rate fell to 46.3 in 2008, and then shot up to 63.1 in 2010. Aside from a slight uptick in 2014, the total discretionary release rate declined each year from 2010 to 2016 when it dropped to 48.6. In 2017, the total discretionary release rate leaped to 62.1 before rising further to 64.7 in the first half of 2018.
- The mandatory release rate for males and females combined was around 60 for 2003 to 2005, before jumping to around 70 for 2006 and 2007. In 2008, the mandatory release rate dropped significantly to 55.6, and then it rebounded to 69.2 in 2009. From 2009 to 2015, the mandatory release rate declined each year, hitting 56.0 in 2015. In 2016, the mandatory release rate edged up slightly to 56.6 and then rose significantly to 63.4 in 2017 where it stayed for the first half of 2018. (See Figures 7 and 8.)

**TABLE 6: PAROLE RELEASE RATES 2008–2018 (JAN-JUN)**

	Discretionary Release Rate	Mandatory Release Rate	Total Release Rate
<b>Males</b>			
2008	43.5	53.0	46.8
2009	51.3	66.9	55.3
2010	60.4	64.4	61.4
2011	59.7	62.7	60.5
2012	55.6	59.8	56.8
2013	52.6	57.2	54.0
2014	52.3	54.6	53.0
2015	49.7	54.0	51.1
2016	44.9	54.7	48.2
2017	58.6	60.8	59.3
2018 (Jan-Jun)	61.5	61.7	61.6
<b>Females</b>			
2008	67.2	78.4	70.7
2009	75.9	88.0	78.7
2010	84.8	81.6	84.0
2011	84.3	82.8	84.0
2012	79.9	82.4	80.4
2013	77.4	73.6	76.5
2014	79.4	79.7	79.5
2015	76.8	74.1	76.2
2016	72.1	76.3	73.1
2017	82.9	82.8	82.9
2018 (Jan-Jun)	83.8	81.7	83.4
<b>Total</b>			
2008	46.3	55.6	49.5
2009	54.4	69.2	58.2
2010	63.1	65.9	63.9
2011	62.7	64.2	63.1
2012	58.7	61.7	59.5
2013	55.7	58.7	56.6
2014	55.9	57.0	56.2
2015	53.5	56.0	54.3
2016	48.6	56.6	51.2
2017	62.1	63.4	62.5
2018 (Jan-Jun)	64.7	63.4	64.3

TABLE 7: INMATE PAROLE RELEASE HEARINGS HELD: MALES 2018 (JAN-JUN)

Offender Felony Category	Discretionary Parole Release Rates				Total Discretionary Parole Release Rate	*Average Wait Time (months) to Discretionary Release Hearing	Total Mandatory Parole Release Rate	Total Parole Release Rate
	Hearing #1	Hearing #2	Hearing #3	Hearing #4				
<b>A Felons</b>	44.6	48.4	66.7	61.1	74.5	57.1	29.1	50.0
<b>B Felons</b>	56.2	56.3	77.6	62.1	83.3	58.3	13.4	65.6
<b>C Felons</b>	60.0	80.0	N/A	N/A	N/A	60.9	12.0	55.8
<b>D Felons</b>	64.2	(6/8) = 75.0	N/A	N/A	N/A	64.5	12.0	49.4
<b>E Felons</b>	81.8	(2/2) = 100.0	N/A	N/A	N/A	82.2	12.0	66.7
<b>TOTAL</b>	60.4	59.7	75.0	61.7	77.5	61.5	14.4	61.7

TABLE 8: INMATE PAROLE RELEASE HEARINGS HELD: FEMALES 2018 (JAN-JUN)

Offender Felony Category	Discretionary Parole Release Rates				Total Discretionary Parole Release Rate	*Average Wait Time (months) to Discretionary Release Hearing	Total Mandatory Parole Release Rate	Total Parole Release Rate
	Hearing #1	Hearing #2	Hearing #3	Hearing #4				
<b>A Felons</b>	(1/1) = 100.0	(1/2) = 50.0	(1/1) = 100.0	N/A	(2/2) = 100.0	(5/6) = 83.3	(n=1) 38.6	(1/1) = 100.0
<b>B Felons</b>	74.4	75.0	(2/3) = 66.7	(1/2) = 50.0	(2/2) = 100.0	74.3	12.8	91.7
<b>C Felons</b>	92.3	80.0	(2/3) = 66.7	N/A	N/A	89.7	(n=8) 12.0	58.3
<b>D Felons</b>	84.7	(3/3) = 100.0	N/A	N/A	N/A	85.5	(n=9) 12.0	82.4
<b>E Felons</b>	96.3	(3/3) = 100.0	N/A	N/A	N/A	96.7	(n=1) 12.0	80.0
<b>TOTAL</b>	84.6	80.0	(5/7) = 71.4	(1/2) = 50.0	(4/4) = 100.0	83.8	13.0	85.1

\* Many of the cases in the parole hearing data file were missing a next hearing entry, and so the calculation of the “Average Wait Time (months) to Discretionary Release Hearing” is based on an unusually small number of cases.

### C. Trends in the Prison Inmate Population

**Significant Finding:** From year-end 2017 to June 30, 2018, the Nevada State prison population fell by -87 offenders, or -0.6 percent, to 13,775. In May 2017, the Nevada State prison population hit its highest month-end total: 14,179.

**Significant Finding:** Looking at the Nevada State prison population since 2000, the Nevada prison population exhibited modest growth in 2001 and 2002, followed by stronger growth from year-end 2002 to 2006 (posting average annual increases of 6.0 percent). In 2007 through 2014, the population declined or posted relatively small increases. The 4.6 percent increase in the Nevada State prison population from 2014 to 2015 was the largest observed since 2006. In 2016, the prison population grew by 3.4 percent before falling by -2.1 percent in 2017 and by -0.6 percent in the first half of 2018.

**Significant Finding:** From year-end 2017 to June 30, 2018, the male and female prison populations declined by -0.5 percent and -2.1 percent, respectively.

**Error! Reference source not found.** and Figure 9 present the year-end inmate populations for male and female inmates from 2008 to June 30, 2018.

- The male prison population increased by 289 offenders from end of year 2007 to end of June 2018 – a total increase of 2.4 percent with an average increase of 0.3 percent per year. From year-end 2017 to June 30, 2018, the male inmate population decreased by -60 offenders, or -0.5 percent, for a total of 12,512 male inmates.
- The female prison population increased by 221 offenders from end of year 2007 to end of June 2018 – a total increase of 21.2 percent with an average increase of 2.1 percent per year. From year-end 2017 to June 30, 2018, the female confined population decreased by -27 offenders, or -2.1 percent, for a total of 1,263 female inmates.
- Females made up 9.2 percent of the state prison population at the end of June 2018. In the past decade, the percentage of the prison population that is female has ranged from 7.6 to 9.3 percent.
- When looking at the changes in the population over the past decade or so, the population grew rapidly from year-end 2002 to 2006 before showing a mix of much slower growth and declines through year-end 2014. The total population grew notably in 2015 and 2016 before declining in 2017 and the first six months of 2018.
- The male population grew at an average annual rate of 5.7 percent from year-end 2002 to 2006. After growing by 2.0 percent from 2006 to 2007, the male population declined or posted modest increases in 2007 through 2014 – declining at an average annual rate of -0.3 percent. The increases of 4.2 percent in 2015 and 3.0 percent in 2016 were a sharp departure from the trends observed through much of the prior decade. That two-year increase, however, was halted in 2017 with the male population decreasing -2.1 percent, followed by a decrease of -0.5 percent in the first half of 2018.
- The female population has shown greater fluctuation: the average annual rate of change was 13.3 percent from year-end 2003 to 2006, and -6.1 percent from year-end 2006 to 2009. In 2010 and 2011, the female population continued to decline, but at a slower pace. From year-end 2011 to 2016, the female population grew at a steady and significant rate -- an average annual rate of 6.4

percent. Like the male population, the upward trend in the female population halted in 2017 with a decline of -2.1 percent, followed by another -2.1 percent decline in the first half of 2018.

**TABLE 9: HISTORICAL INMATE POPULATION: 2008 – JUNE 30, 2018**

<b>Year</b>	<b>Male Population</b>	<b>Female Population</b>	<b>Total Population</b>
<b>2008</b>	12,223	1,042	13,265
<b>2009</b>	11,911	980	12,891
<b>2010</b>	11,790	979	12,769
<b>2011</b>	11,811	967	12,778
<b>2012</b>	11,845	1,038	12,883
<b>2013</b>	11,963	1,091	13,054
<b>2014</b>	11,961	1,130	13,091
<b>2015</b>	12,466	1,226	13,692
<b>2016</b>	12,836	1,317	14,153
<b>2017</b>	12,572	1,290	13,862
<b>June 30, 2018</b>	12,512	1,263	13,775
<b>Numeric Change 2008–6/30/18</b>	<b>289</b>	<b>221</b>	<b>510</b>
<b>Percent Change 2008–6/30/18</b>	<b>2.4%</b>	<b>21.2%</b>	<b>3.8%</b>
<b>Average Annual Percent Change 2008–6/30/18</b>	<b>0.3%</b>	<b>2.1%</b>	<b>0.4%</b>
<b>Percent Change 2017–6/30/18</b>	<b>-0.5%</b>	<b>-2.1%</b>	<b>-0.6%</b>

Numbers represent end of calendar year figures.

#### D. Trends in Length of Stay

**Significant Finding:** When A felons are excluded, the overall average length of stay for male inmates paroled in the first six months of 2018 rose notably from 2017, while for females paroled in 2018 (January through June), it decreased notably.

**Significant Finding:** For males and females discharged from prison, their average length of stay in the first six months of 2018 was very similar to what was observed in 2017 – longer than what was observed in 2015 and 2016, but shorter than lengths of stay for offenders discharged in 2014.

**Important Note:** The average length of stay calculations have been modified from past reports. Starting in the April 2016 report, offenders sentenced to Life With Parole are included in the analysis in their appropriate felony categories. In addition, parole violators with no new convictions have been excluded from the length of stay analysis. Results presented in the tables for prior years have been re-analyzed and updated using the new criteria, and will not be comparable to results presented in reports prior to April 2016. Finally, offenders released from the Parole Housing Unit are excluded from the analysis.

**Important Note:** While Tables 10 and 11 display the average length of stay for inmates in the various felony categories by release type, it is important to note that the proportion of inmates who are released in the various felony categories changes from year to year, and thus the overall average lengths of stay are influenced by those changing proportions.

**Error! Reference source not found.** and **Error! Reference source not found.** present the average length of stay for male and female inmates by felony category and release type (parole or discharge) for 2015 to 2018 (January through June).

- The average length of stay for males released to parole over the past few years (excluding the relatively small population of A felons) has remained fairly steady around 24 months with the exception of a drop to 22.8 months in 2015. However, in the first six months of 2018, the average length of stay for males released to parole (excluding A felons) rose notably to 25.3 months.
- The average length of stay for females released to parole (excluding the very small number of A felons) fell between 14.0 and 15.0 months from 2014 to 2016. In 2017, the average length of stay for females released to parole (excluding A felons) rose slightly to 15.2 months, before falling fairly substantially to 13.4 months.
- The average length of stay for males discharged from prison (excluding the relatively small population of A felons) rose notably in 2017 to 28.5 months after spending two years at just under 27 months. In the first six months of 2018, the average length of stay for discharged males ticked up slightly to 28.6 months. It is notable that the average length of stay for males discharged from prison in 2017 and 2018 (Jan-Jun) was still slightly lower than that observed in 2014.
- Similar to the males discharged from NDOC in 2017, the average length of stay for female inmates discharged from prison (excluding the very small number of A felons) rose distinctly to 22.1 months after spending two years just under 20 months. In the first six months of 2018, the average length of stay for discharged females declined slightly to 21.9 months. Again, like the males, the average length of stay for females discharged from prison in 2017 and 2018 (Jan-Jun) was still slightly lower than that observed in 2014.

**TABLE 10: AVERAGE LENGTH OF STAY FOR MALE INMATES BY RELEASE TYPE: 2015-2018 (JAN-JUN)**

Offender Felony Category	LENGTH OF STAY (months)							
	2015		2016		2017		2018 (Jan-Jun)	
	Parole	Discharge	Parole	Discharge	Parole	Discharge	Parole	Discharge
<b>A Felons</b>	141.3	56.2	145.0	81.5	178.4	96.7	182.1	91.2
<b>B Felons</b>	32.7	32.3	37.5	35.6	37.4	39.5	39.2	38.5
<b>C Felons</b>	8.8	15.9	10.1	17.1	11.2	18.0	10.3	18.1
<b>D Felons</b>	7.0	12.2	8.3	14.4	8.4	16.2	7.8	16.6
<b>E Felons</b>	5.7	10.2	7.4	13.4	7.3	15.8	6.5	17.3
<b>TOTAL</b>	<b>27.2</b>	<b>28.0</b>	<b>30.7</b>	<b>28.5</b>	<b>31.2</b>	<b>29.7</b>	<b>32.3</b>	<b>29.6</b>
<b>TOTAL (No A Felons)</b>	<b>22.8</b>	<b>26.8</b>	<b>24.5</b>	<b>26.9</b>	<b>24.1</b>	<b>28.5</b>	<b>25.3</b>	<b>28.6</b>

**TABLE 11: AVERAGE LENGTH OF STAY FOR FEMALE INMATES BY RELEASE TYPE: 2015-2018 (JAN-JUN)**

Offender Felony Category	LENGTH OF STAY (months)							
	2015		2016		2017		2018 (Jan-Jun)	
	Parole	Discharge	Parole	Discharge	Parole	Discharge	Parole	Discharge
<b>A Felons</b>	153.0 (n=3)	19.5 (n=1)	109.8	55.3 (n=2)	129.7 (n=7)	---	117.4 (n=5)	129.9 (n=1)
<b>B Felons</b>	22.2	23.7	24.9	27.3	26.8	30.4	22.5	28.8
<b>C Felons</b>	7.2	15.6	8.8	15.0	8.9	17.4	8.2	18.4
<b>D Felons</b>	6.0	13.3	7.7	13.5	7.1	15.0	6.7	12.5
<b>E Felons</b>	5.4	11.8 (n=9)	7.4	12.5	6.8	11.1	5.9	11.6
<b>TOTAL</b>	<b>14.7</b>	<b>19.7</b>	<b>17.0</b>	<b>20.3</b>	<b>16.4</b>	<b>22.1</b>	<b>15.0</b>	<b>23.8</b>
<b>TOTAL (No A Felons)</b>	<b>14.0</b>	<b>19.7</b>	<b>15.0</b>	<b>19.8</b>	<b>15.2</b>	<b>22.1</b>	<b>13.4</b>	<b>21.9</b>

IMPORTANT NOTE ABOUT TABLES 10 & 11: If comparing these tables to previous versions of this report, please note that offenders sentenced to Life With Parole are now included in the analysis in their appropriate Felony Category. The very small number of offenders with a Life or Death sentence who are released continue to be excluded from these tables. Safekeepers discharged from prison also continue to be excluded from these tables. Prior year data has been re-analyzed using the same criteria listed above so that the results are comparable across the years shown. These tables, however, are not comparable to the ones in reports issued prior to April 2016. Offenders released from the Parole Housing Unit are excluded from these tables.

**SUPPLEMENTAL: AVERAGE LENGTH OF STAY FOR PAROLE VIOLATORS: 2013-2018**

Parole Violators	LENGTH OF STAY (months)					
	2013	2014	2015	2016	2017	2018 (Jan-Jun)
<b>PVs: No new offense</b>	7.1	8.0	9.6	10.7	11.6	11.9
<b>PVs: With new offense</b>	17.6	28.0	23.0	24.6	25.4	24.8

The table above presents the results of a separate analysis of the average length of stay of parole violators released over the past several years. For parole violators with no new offense, their average length of stay has displayed a steady upward trend from 7.1 months in 2013 to 11.9 months in 2018 (Jan-Jun). For the small number of parole violators with a new offense, their average length of stay has alternately increased and decreased, but has hovered near 25 months for the past few years.

## VI. KEY POPULATION PROJECTION ASSUMPTIONS

The inmate population projections contained in this report were completed using the Wizard simulation model. The model simulates the movements of inmates through the prison system based on known and assumed policies affecting both the volume of admissions into the system and the lengths of stay for inmates who are housed in prison. It simulates the movements of individual cases, by felony class subgroup, and projects each separately. Males and females, as well as inmates sentenced under different sentencing policies, move through the system differently. The forecast presented in this document was produced using the CY 2017 data presented in this report. The list below summarizes the key additional assumptions not inherently reflected in the CY 2017 data.

Forecast assumptions and resulting forecast for this report are the same as the JFA April 2018 report. As stated and shown throughout this report, the April 2018 forecast is tracking exceptionally well and all influencing trends are also tracking as predicted. These trends will continue to be monitored and will be adjusted as need in the December 2018 report.

### A. Future Release Rates:

**Future discretionary release rates will reflect a hybrid of 2016 and 2017 observed parole release rates. Future mandatory parole release rates will be held at an overall discretionary rate of 50.6 percent for males and 76.2 percent for females. Mandatory release rates will be held at an overall rate of 56.4 percent males and 75.0 for females.**

As noted earlier in the report:

#### Trends in Parole Release Rates

**Significant Finding:** In 2017, overall discretionary and mandatory release rates for male and female offenders increased substantially as compared to 2016. The overall release rate in 2016 was 51.2 – the lowest rate since 2008. Then in 2017, the overall release rate was 62.5 (close to the highest rates since 2000 of approximately 63 observed in 2010 and 2011).

**Significant Finding:** Both the male and female discretionary release rates rose dramatically by 13.7 and 10.8 percentage points, respectively, compared to 2016.

**Significant Finding:** Overall mandatory release rates for 2017 rose notably from 2016. The male mandatory release rate rose by 6.1 percentage points, while the female mandatory release rate increased by 6.5 percentage points.

As a reminder, we present a portion of the table of parole release rates over the past decade for males and females shown earlier in the report:

PAROLE RELEASE RATES 2007 –2017

	Discretionary Release Rate	Mandatory Release Rate	Total Release Rate
<b>Males</b>			
2007	47.9	70.0	52.2
2008	43.5	53.0	46.8
2009	51.3	66.9	55.3
2010	60.4	64.4	61.4
2011	59.7	62.7	60.5
2012	55.6	59.8	56.8
2013	52.6	57.2	54.0
2014	52.3	54.6	53.0

	<b>Discretionary Release Rate</b>	<b>Mandatory Release Rate</b>	<b>Total Release Rate</b>
2015	49.7	54.0	51.1
2016	44.9	54.7	48.2
2017	58.6	60.8	59.3
<b>Females</b>			
2007	63.1	76.4	65.0
2008	67.2	78.4	70.7
2009	75.9	88.0	78.7
2010	84.8	81.6	84.0
2011	84.3	82.8	84.0
2012	79.9	82.4	80.4
2013	77.4	73.6	76.5
2014	79.4	79.7	79.5
2015	76.8	74.1	76.2
2016	72.1	76.3	73.1
2017	82.9	82.8	82.9

Parole release rates assumed in this forecast were derived from careful consideration, examination and comparison of 2017 and 2016 release rates. As stated above, the dramatic increase in both mandatory and discretionary grant rates make future predictions on parole release trends extremely difficult at this juncture. JFA researchers spoke at length with parole board, NDOC and other state officials on the reasons for the increase in parole release rates and the likelihood of the rates continuing in the coming months and years. After extensive analysis and comparison of both year's parole release numbers, there was no discernable pattern as to what crime types, offenders or denial reasons had changed. Rather, the data suggested an overall increase in parole release practices. One notable exception was within some of the more serious offender crimes. Some violent crime and high-level A and B felonies had lower parole release rates in 2017 than in 2016.

Historically in prison systems, a dramatic increase in grant rates as a result of new policy efforts is often not sustainable at the level first seen. Based on this and to support a forecast used for long term planning, the following assumptions were made to arrive at assumed parole release rates for the simulation model. Each grant rate assumption was made individually by gender and idgroup.

1. Idgroups whose 2017 release rate were 10 or fewer percentage points higher than the 2016 rate, were assumed to be the 2016 rate plus 60% of the percentage point increase.
2. Idgroups whose 2017 release rate were between 10 and 20 percentage points higher than the 2016 rate, were assumed to be the 2016 rate plus 50% of the percentage point increase.
3. Idgroups whose 2017 release rate were greater than 20 percentage points higher than the 2016 rate, were assumed to be the 2016 rate plus 40% of the percentage point increase.
4. Idgroups whose 2017 release rate was lower than the 2016 rate, were assumed to be at the 2017 rate.

An analysis of parole release rates in 2016, 2017 and the resulting assumptions for the 2018 forecast by Wizard model idgroup is presented below. For the baseline projections presented in this document, probabilities of parole release are assumed to be as presented in the table below. The release rates associated with each gender and felony class subgroup, for each of five hearings, are assumed to remain unchanged at these rates over the forecast horizon.

### Mandatory Parole Release Rates: 2016, 2017 & Forecast Assumption for 2018

Male	2016	2017	Assumed Rate For 2018 Forecast	Female	2016	2017	Assumed Rate For 2018 Forecast
Burglary_AB	49.5%	58.4%	54.8%	Burglary	81.8%	83.3%	82.7%
Drug_AB	76.7%	85.7%	82.1%	Drug_AB	57.1%	96.3%	72.8%
Drug_CD	67.1%	67.4%	67.3%	Drug_CD	100.0%	100.0%	100.0%
DUI	66.4%	77.2%	71.8%	DUI	84.6%	90.9%	88.4%
E_Felon	58.5%	67.5%	63.9%	E_Felon	100.0%	100.0%	100.0%
Life	--	--		Other_Non-Violent	42.9%	87.5%	60.7%
Murder	50.0%	20.0%	20.0%	Property_AB	100.0%	86.4%	86.4%
Other_Non-Violent	58.7%	54.7%	54.7%	Property_C	72.4%	75.0%	74.0%
Property_AB	69.1%	67.3%	67.3%	Property_D	85.7%	78.6%	78.6%
Property_C	58.9%	62.8%	61.2%	Sex_Viol_AB	79.2%	69.2%	69.2%
Property_D	53.8%	68.8%	61.3%	Sex_Viol_CD	37.5%	66.7%	49.2%
Rape_Sex_A	100.0%	33.3%	33.3%	Weapon	75.0%	90.0%	82.5%
Sex_BCD	50.4%	62.7%	56.6%	<b>Total</b>	76.3%	82.8%	<b>79.2%</b>
Violent_AB	44.9%	48.1%	46.8%				
Violent_CD	40.7%	49.8%	46.2%				
Weapon	50.9%	52.5%	51.9%				
<b>Total</b>	<b>54.7%</b>	<b>60.8 %</b>	<b>57.2%</b>				

### Discretionary Parole Release Rates: 2016, 2017 & Forecast Assumption for 2018

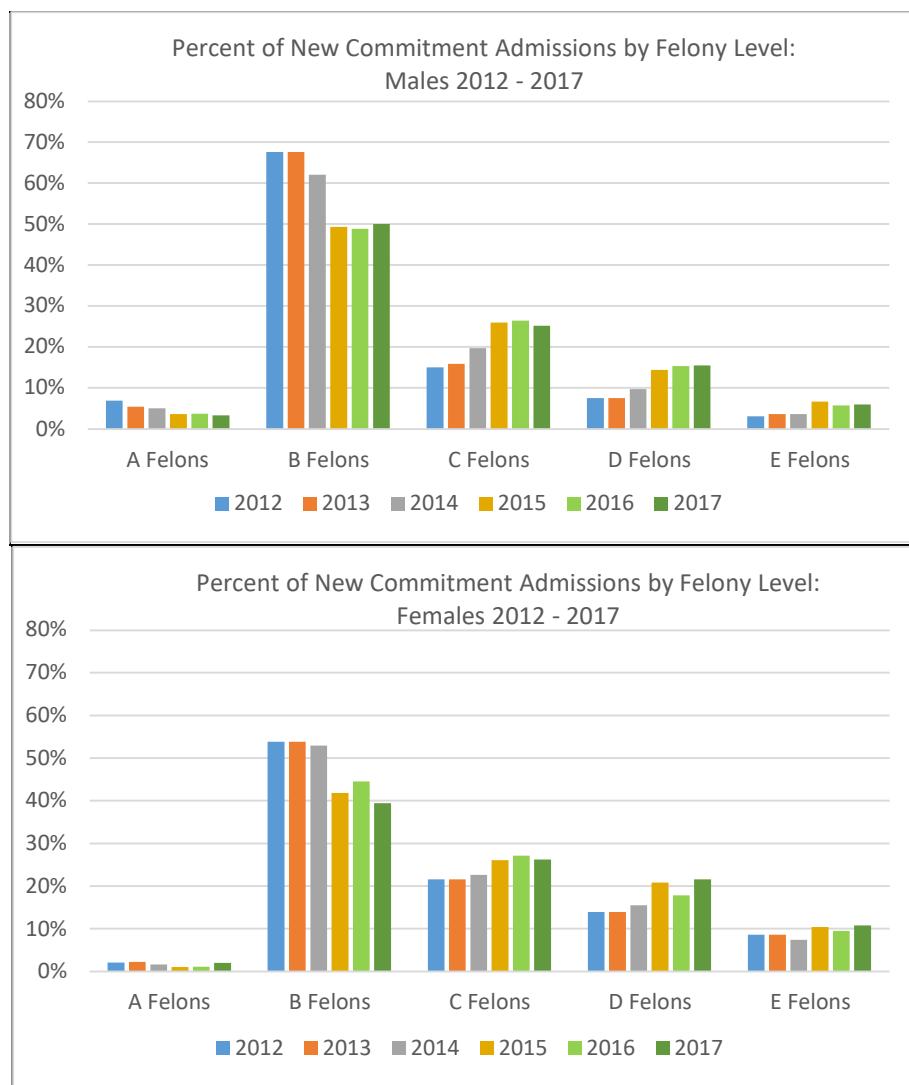
Male	2016	2017	Assumed Rate For 2018 Forecast	Female	2016	2017	Assumed Rate For 2018 Forecast
Burglary_AB	43.4%	60.1%	51.8%	Burglary	71.9%	79.6%	76.5%
Drug_AB	69.1%	80.8%	75.0%	Drug_AB	88.6%	97.5%	93.9%
Drug_CD	61.1%	72.9%	67.0%	Drug_CD	95.0%	95.7%	95.4%
DUI	48.8%	75.6%	59.5%	DUI	70.6%	81.3%	76.0%
E_Felon	67.3%	80.5%	73.9%	E_Felon	90.7%	96.3%	94.1%
Life	41.5%	53.5%	47.5%	Lifer	40.0%	57.1%	48.6%
Murder	56.9%	53.7%	53.7%	Muder_Sex_Viol	90.0%	85.7%	85.7%
Other_Non-Violent	33.3%	45.4%	39.4%	Other_Non-Violent	64.7%	72.0%	69.1%
Property_AB	51.0%	64.2%	57.6%	Property_AB	80.6%	87.9%	85.0%
Property_C	45.3%	61.2%	53.3%	Property_C	63.8%	81.3%	72.6%
Property_D	45.5%	69.7%	55.2%	Property_D	78.1%	86.3%	83.0%
Rape_Sex_A	32.4%	34.5%	33.7%	Sex_Viol_AB	46.3%	63.6%	55.0%
Sex_BCD	19.7%	26.3%	23.7%	Sex_Viol_CD	55.2%	46.4%	46.4%
Violent_AB	37.9%	48.9%	43.4%	Weapon	42.9%	70.0%	53.7%
Violent_CD	28.6%	29.5%	29.1%	<b>Total</b>	<b>72.1%</b>	<b>82.9%</b>	<b>76.2%</b>
Weapon	42.3%	54.7%	48.5%				
<b>Total</b>	<b>44.9%</b>	<b>58.6%</b>	<b>50.6%</b>				

## B. Future Admissions Composition:

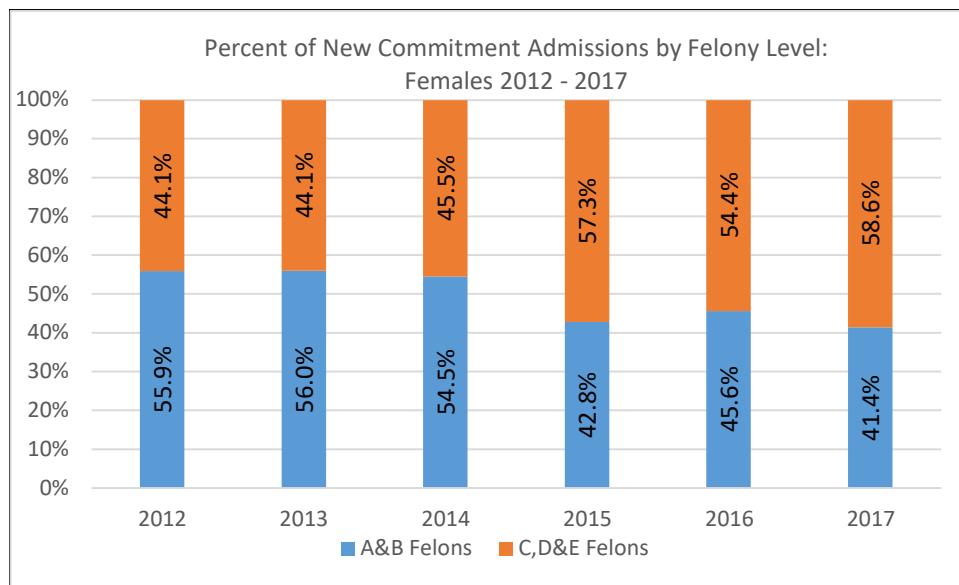
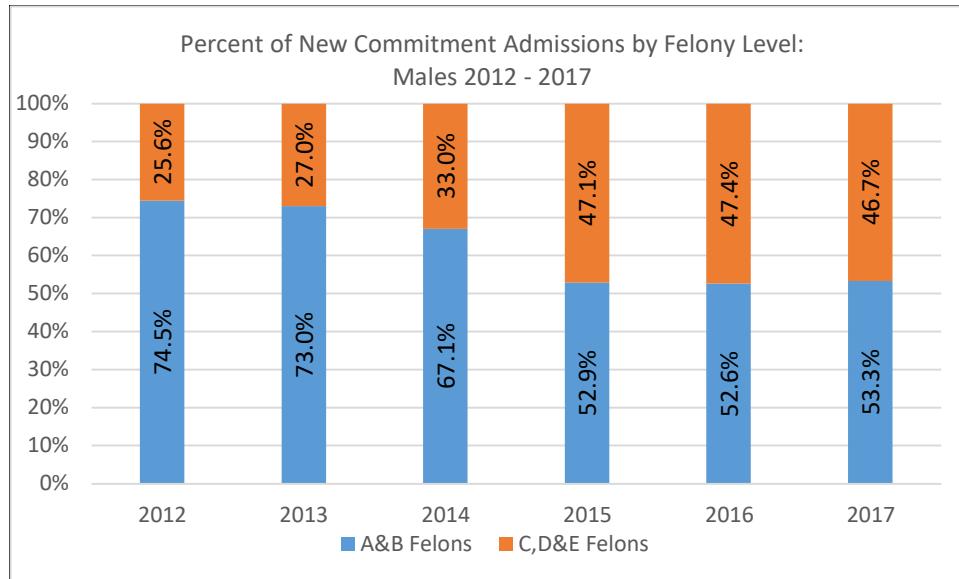
The composition of future new commitment admissions is assumed to be the same as the composition of new commitment admissions during 2017.

Projections in this report are based on admission and release data provided to JFA Associates by the NDOC for 2017. Future admissions are assumed to “look like” these admissions in terms of the proportion of admitting charges, sentences received, jail credit days earned, good time credit awards, and serving times to parole eligibility. (See [Error! Reference source not found.](#) and [Error! Reference source not found..](#))

The composition of new commitment admissions has shifted notably in the past several years. This trend first emerged in 2014, continued in 2015, and leveled off in 2016 and 2017. As we noted in this section of the February 2015 JFA report: “For both the males and females, we see a slightly lower percentage of new commitment admissions in 2014 who are A and B felons and a correspondingly higher percentage of C and D felons, as compared to 2013.” The same shift occurred in 2015 but to a larger degree: the percentage of new commitment admissions who are A and B felons dropped significantly for males and females with corresponding increases in the percentage of C, D, and E felons. Again, the composition of new commitment admissions by felony level in 2016 and 2017 looked very similar to 2015. These trends are illustrated below.



The trends can be seen more plainly when one looks at A & B felons jointly and comparing them to C, D and E felons jointly. The tables below illustrate the changing trends. In 2012 and 2013, the percentage of male new commitment admissions that were A or B felons was nearing 75 percent; from 2015 to 2017, it was around 53 percent. For females in 2012 and 2013, A and B felons represented about 56 percent of total female new commitment admissions; in 2015 and 2016, that had dropped closer to 45 percent. And in 2017, it dropped further to 41.4 percent.



The following analysis focuses on 2014 to 2015 as the largest shifts occurred between those years. As noted above, the profile of new commitment admissions in 2016 and 2017 was fairly similar to 2015, demonstrating a leveling off of the changes.

A comparison of the count of new commitment B felons in 2014 and 2015 also demonstrates the shift. In 2014, there were 2,405 male new commitments in the B felony level; in 2015, even though the total male new commitment admissions increased by over 300 (an increase of 7.8 percent), the number of B felon new commitments declined to 2,060 (a decrease of -14.3

percent). The same general result was observed among female new commitments in 2014 and 2015.

This shift toward more offenders in lower felony levels, however, does not necessarily indicate a decline in the severity of the offenses of those being newly admitted. Further analysis of data provided by NDOC shows the shift is due in part to more A and B felons being assigned to a lower felony level than the default felony level associated with their offense. A comparison of the percentage of offenders who were assigned to a lower felony level than their default felony level in 2014 and 2015 illustrates the change:

- In 2014, among male new commitments with a default felony level of A, 26.3 percent were assigned a lower felony level. In 2015, among male new commitments with a default felony level of A, 53.9 percent were assigned a lower felony level.
- In 2014, among male new commitments with a default felony level of B, 9.2 percent were assigned a lower felony level. In 2015, among male new commitments with a default felony level of B, 16.3 percent were assigned a lower felony level.
- In 2014, among female new commitments with a default felony level of B, 13.0 percent were assigned a lower felony level. In 2015, among female new commitments with a default felony level of B, 22.2 percent were assigned a lower felony level.

This shift in the assignment of felony levels also appears to have affected the sentence lengths of those remaining in each felony level. Presumably, the offenders with less serious offenses (and thus shorter sentences) are the ones more likely to be assigned a lower felony level. Taking away more of the less serious offenders from a felony level would result in a higher average sentence among those that remain. This has been observed in 2015 and is displayed in TABLES 13-15.

The average maximum and minimum sentences for male new commitments in felony levels A and B in 2015 were far higher than in 2014. Male new commitment B felons saw an increase in their average maximum sentence from 86.1 months in 2014 to 100.7 months in 2015 and an increase in average minimum sentence from 32.4 months in 2014 to 38.2 months in 2015.

**(Error! Reference source not found. and Error! Reference source not found. and FIGURE 10.)**

A similar result appears in an analysis of the female new commitments. The average maximum sentence for female new commitments in felony level B in 2015 was notably higher than in 2014. Female new commitment B felons saw an increase in their average maximum sentence from 74.5 months in 2014 to 84.1 months in 2015. The average minimum sentence for female new commitments rose from 27.5 months in 2014 to 30.8 months in 2015. **(Error! Reference source not found. and Error! Reference source not found. and FIGURE 11).**

Although it appears there is a trend to assign lower felony levels for certain crimes, sentences for male new commitments were higher overall. Among male new commitments, the overall average maximum sentence in 2014 was 90.9 months while in 2015, it was 94.3 months; their overall minimum sentence in 2014 was 31.5 months, while in 2015, it was 42.9 months.

Among female new commitments, the overall average maximum sentence in 2014 was 66.1 months while in 2015, it was lower: 64.7 months; their overall minimum sentence in 2014 was 21.9 months, while in 2015, it was up slightly to 23.2 months.

It should be noted that minimum average sentences for both male and female new commitments in felony levels C, D and E remained at similar levels over the past few years. Unlike A and B felons, offenders in felony levels C, D and E (excluding sex and violent crimes) are eligible for monthly goodtime earning credits to be applied to reduce time to discretionary parole eligibility. Thus, the trend of the past few years toward a lower assigned felony level for some A and B felons to C, D and E levels has had an overall neutral/slightly downward impact on the prison population.

It is assumed that the composition, felony level assignment and sentences of new commitments by gender will remain as observed in 2017 throughout the forecast horizon.

**C. Future Admissions Counts:**

**Male and female new commitment admissions are projected to at an average rate of (1.5%) every year through the year 2028.**

Male new commitment admissions increased each year from 2002 to 2006, at an average annual rate of 8.9 percent. After declining modestly from 2006 to 2008<sup>12</sup>, male new commitment admissions continued a fairly steady decline from 2008 to 2012, falling at an average annual rate of -3.1 percent. In 2013, male new admissions were largely unchanged. In 2014 and 2015, male new commitment admissions increased at an average annual rate of 4.7 percent. The -2.9 percent decline in male new commitment admissions in 2016 was erased by a similar increase in 2017. The three-year average rate of increase in male new court commitments is 1.8 percent per year while the five-year rate of increase is 1.9%.

Over the past two decades, female new commitment admissions have fluctuated widely with several years of increases and decreases of varying magnitudes. From 2004 to 2006, female new commitments grew at an average annual rate of 14.7 percent. Again, JFA does not know the count of female new commitments in 2007, but female new commitment admissions declined approximately -16.8 percent from 2006 to 2008, and then dropped by another -1.6 percent in 2009. Altering course, the female new commitment admissions grew by 8.0 percent in 2010, before declining by -7.4 percent in 2011. From 2011 to 2015, female new court commitments increased at an average annual rate of 4.7 percent. In 2016, female new commitment admissions declined by -2.3 percent before leaping by 13.3 percent in 2017. The three-year average rate of increase in female new court commitments is 2.4 percent per year while the five-year rate of increase is 2.0%.

With the modest growth in male and female new commitments in 2017 combined with a similar three and five-year rate of admissions, new commitments are projected to grow at an average rate of 1.3 percent and 2.1 percent per year, respectively.

JFA feels dividing admissions to prison into categories is essential in looking at drivers of the overall prison population. New court commitments will spend significantly longer on average than parole violators and PARHU offenders. PARHU admissions in 2017 have stabilized and NDOC has indicated this is the continued level that will be seen over the forecast horizon.

**D. Future Parole Revocation and Parole Violators Returned to Prison Rates:**

**Both male and female parole violators are assumed to grow at a slightly faster rate over the forecast horizon than observed in 2016 and 2017.**

---

<sup>12</sup> Again, since the admissions datafile for 2008 did not contain admissions by type for July and August 2008. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August. Thus, the full count of new commitments for 2008 is an estimate.

After hovering around 1,000 for the first part of the 2000s, the number of parole violators admitted to NDOC declined by approximately -8 percent each year from 2004 to 2006 to hit 802. (See **Error! Reference source not found.**) Then from 2006 to 2008, parole violator admissions declined by -23.7 percent. The decrease in parole violations was a result of AB 510 which shortened the time on parole for most offenders. With less time on parole, there is less opportunity for revocation. After 2008, the number of parole violators returned to prison increased substantially until 2012 when the number admitted to NDOC was again around 1,000. For the next several years, the number of parole violators remained around 900, and in 2017, dropped to 802. (See **Error! Reference source not found.**)

Due to a dramatic increase in the parole release rate and the reinstatement of parole hearings held in absentia, a large volume of offenders was released from prison to parole in 2017. It is assumed these parolees and future offenders released from prison will fail parole and be returned to prison at the same rate as observed in 2017. The increased volume of parolees with a constant rate of return generates a forecasted increase in the number of parole violators returned to prison. Both male and female parole violators returned to prison are assumed to increase at a slightly higher rate than new commitments, at a rate of 1.8 percent per year.

**TABLE 12: PAROLE VIOLATORS ADMITTED BY YEAR: 2000-2017**

Year	Total Parole Violators	Percent Change
2000	1,006	
2001	972	-3.4
2002	1,021	+5.0
2003	1,048	+2.6
2004	961	-8.3
2005	885	-7.9
2006	802	-9.4
2007*		
2008**	612	-23.7 (change from 2006)
2009	689	+12.6
2010	782	+13.5
2011^	976	+24.8
2012^	1,007	+3.2
2013	872	-13.4
2014	924	+6.0
2015	891 <sup>#</sup>	-3.6
2016	890	-0.1
2017	802	-9.9

Prior to 2007, this table utilized counts from the NDOC monthly reports. After 2008, this table was populated using counts from the NDOC admissions datafiles.

\* The admissions data file for 2007 from NDOC provided unreliable data for admissions by type, so the parole violator admissions could not be established.

\*\* The admissions data file for 2008 did not contain admissions by type for July and August 2008. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

^ 2011 and 2012 counts were updated using NDOC monthly reports provided in March 2013.

# In 2015, 68 offenders admitted to the Parole Housing Unit (PARHU) after release to parole had been included in the count of parole violators in the April 2016 report. Those 68 have been removed from the 2015 count shown above.

#### **NOTE: Housing of Arizona Contract Inmates**

**As of December 2017, there were 199 Arizona offenders housed under contract in the Nevada State Prison system. It is assumed these offenders will continued to be housed at**

**this number over the forecast horizon. The level of contract beds is not assumed to increase or decrease based on any trends.**

**TABLE 13: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: MALES: 2015<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	151	3.6%	28.1	763.8	680.5	469.1
B Felons	2,060	49.3%	28.4	201.6	100.7	38.2
C Felons	1,089	26.0%	27.8	139.2	45.5	12.0
D Felons	603	14.4%	28.4	125.0	39.9	9.8
E Felons	279	6.7%	29.0	129.8	37.9	8.0
Subtotal	4,182	100.0%				
Missing	3					
Total	4,185					

**TABLE 14: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: MALES: 2016<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	153	3.7%	28.3	762.2	647.5	404.1
B Felons	2,006	48.9%	29.1	206.2	105.4	37.2
C Felons	1,085	26.4%	28.5	131.7	46.6	12.2
D Felons	626	15.3%	28.7	126.0	40.1	9.6
E Felons	233	5.7%	29.8	108.4	37.6	7.6
Subtotal	4,103	100%				
Missing	13					
Total	4,116					

**TABLE 15: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: MALES: 2017<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	141	3.3%	28.4	812.9	665.5	468.6
B Felons	2,127	50.0%	28.8	208.8	103.2	36.3
C Felons	1,071	25.2%	28.3	141.8	47.5	12.6
D Felons	658	15.5%	28.4	117.8	39.8	9.5
E Felons	254	6.0%	29.9	127.4	39.2	8.3
Subtotal	4,251	100.0%				
Missing	4					
Total	4,255					

<sup>^</sup> These tables include New Commitments admissions as well as a small population of offenders who were 'Not Physically Received (NPR).' They do not include Safe Keepers or Intermediate Sanction Probationers. Offenders sentenced to Life and Life With Parole were put in their assigned felony categories; the vast majority of the time, they are A felons.

**TABLE 16: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: FEMALES: 2015<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	7	1.0%	27.5	927.7	665.7	453.7
B Felons	306	41.8%	29.0	147.1	84.1	30.8
C Felons	191	26.1%	28.3	116.1	43.6	10.6
D Felons	152	20.8%	28.1	93.7	37.6	8.3
E Felons	76	10.4%	28.8	132.2	38.3	8.1
Subtotal	732	100%				
Missing	0					
Total	732					

**TABLE 17: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: FEMALES: 2016<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	8	1.1%	29.0	736.6	620.0	560.1
B Felons	318	44.5%	28.8	150.6	86.7	30.4
C Felons	194	27.1%	27.9	129.3	43.7	10.4
D Felons	127	17.8%	27.9	116.3	37.7	8.2
E Felons	68	9.5%	28.1	115.5	38.6	8.6
Subtotal	715	100.0%				
Missing	0					
Total	715					

**TABLE 18: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: FEMALES: 2017<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	16	2.0%	28.6	1,091.4	637.8	304.5
B Felons	319	39.4%	28.6	183.6	85.9	29.4
C Felons	212	26.2%	28.0	131.4	44.0	10.8
D Felons	175	21.6%	28.6	110.6	38.5	8.5
E Felons	87	10.8%	28.9	117.5	38.2	7.9
Subtotal	809	100.0%				
Missing	0					
Total	809					

<sup>^</sup> These tables include New Commitments admissions as well as a small population of offenders who were 'Not Physically Received (NPR).' They do not include Safe Keepers or Intermediate Sanction Probationers. Offenders sentenced to Life and Life With Parole were put in their assigned felony categories; the vast majority of the time, they are A felons.

**TABLE 19: HISTORICAL AND PROJECTED NEW COMMITMENT AND TOTAL ADMISSIONS: 2007-2028**

Year	Males	Females	Total
Admit Group:	NC / Total	NC / Total	NC / Total
<b>2007**</b>	/ 5,489	/ 792	/ 6,281
<b>2008^</b>	4,622 / 5,236	621 / 717	5,243 / 5,953
<b>2009</b>	4,475 / 5,075	611 / 719	5,086 / 5,794
<b>2010</b>	4,405 / 5,080	660 / 785	5,065 / 5,865
<b>2011#</b>	4,269 / 5,188	611 / 735	4,880 / 5,923
<b>2012#</b>	4,081 / 4,944	629 / 773	4,710 / 5,717
<b>2013</b>	4,088 / 4,842	651 / 775	4,739 / 5,617
<b>2014</b>	4,247 / 5,040	697 / 836	4,944 / 5,876
<b>2015</b>	4,481 / 5,303	733 / 879	5,214 / 6,182
<b>2016</b>	4,350 / 5,349	716 / 908	5,066 / 6,257
<b>2017</b>	4,471 / 5,433	811 / 1,052	5,282 / 6,485
	<b>Projected</b>	<b>Projected</b>	<b>Projected</b>
<b>2018</b>	4,561 / 5,519	835 / 1,081	5396 / 6,600
<b>2019</b>	4,643 / 5,612	860 / 1,108	5503 / 6,720
<b>2020</b>	4,726 / 5,705	886 / 1,136	5612 / 6,841
<b>2021</b>	4,797 / 5,784	910 / 1,162	5707 / 6,946
<b>2022</b>	4,855 / 5,849	933 / 1,187	5788 / 7,036
<b>2023</b>	4,913 / 5,914	952 / 1,207	5865 / 7,121
<b>2024</b>	4,972 / 5,978	969 / 1,225	5761 / 7,203
<b>2025</b>	5,032 / 6,042	986 / 1,244	6018 / 7,286
<b>2026</b>	5,092 / 6,108	1001 / 1,260	6093 / 7,368
<b>2027</b>	5,153 / 6,174	1016 / 1,277	6169 / 7,451
<b>2028</b>	5,215 / 6,241	1028 / 1,290	6243 / 7,531
<b>Numeric Change 2007–2017</b>	-328 / -56	100 / 260	-228 / 204
<b>Percent Change 2007–2017</b>	-6.8% / -1.0%	14.1% / 32.8%	-4.1% / 3.2%
<b>Average Annual Percent Change 2007–2017</b>	-0.6% / 0.0%	1.6% / 3.1%	-0.4% / 0.4%
<b>Percent Change 2016–2017</b>	2.8% / 1.6%	13.3% / 15.9%	4.3% / 3.6%
<b>Numeric Change 2018 – 2028</b>	654 / 722	193 / 209	847 / 931
<b>Percent Change 2018 – 2028</b>	14.3% / 13.1%	23.1% / 19.4%	15.7% / 14.1%
<b>Average Annual Percent Change 2018 – 2028</b>	1.3% / 1.2%	2.1% / 1.8%	1.5% / 1.3%

\*\* NDOC monthly reports were unavailable for 2007, and the admissions data file for 2007 provided unreliable data for admissions by type, so JFA could not report the count of new commitment admissions for 2007. In order to calculate numeric and percent change as well as average annual percent change for the 10-year time frame, we estimated the admissions subcategories for 2007. To do so, we utilized the proportion of admissions in each subcategory for 2006 and 2008 (combined), and then applied those proportions to the total admissions in 2007.

<sup>^</sup> The 2008 admissions datafile did not contain admissions by type for July and August. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August

<sup>#</sup> 2011 and 2012 counts were updated from NDOC monthly reports provided in March 2013

## VII. PRISON POPULATION PROJECTIONS

This section contains the inmate population projections based on the assumptions set forth above. Projections are presented for male and female inmates, and the total inmate population.

**Error! Reference source not found.** presents the summary table of male, female and total population projections from 2017 to 2028.

### A. Projected Male Inmate Population

**Error! Reference source not found.** displays a summary of the historical and projected male inmate population for the period 2007 to 2028.

Figure 12 presents the March 2018 forecasts of male new commitment admissions and stock population.

#### Baseline Forecast

- In 2028, 13,593 male offenders are projected to be housed in the Nevada Department of Corrections system.
- The male inmate prison population was 12,572 at the end of 2017. The population is projected to increase slightly to 12,958 in 2023 and to 13,593 inmates by the end of 2028. The projected growth represents average increases of 0.8 percent per year through the year 2028.
- The male forecast for this cycle represents a noticeable lower forecast than the most recent Spring 2017 forecast. The lower forecast is a factor of the dramatic shift in one prison population driver, the parole release rate. As noted, there was a monumental increase in both the mandatory and discretionary release rates in 2017. Despite the modified grant rate assumption used for the forecast, the parole release rate remains the main driver of this lower forecast. It has been communicated to JFA that considerable long-term resources are being devoted to maintaining a relatively high parole release rate for the foreseeable future. However, this singular trend has a strong influence over the prison population level and it should be monitored closely. The accuracy of this forecast will depend largely on this assumption.

**TABLE 20: HISTORICAL AND PROJECTED INMATE POPULATION: MALES: 2007 – 2028**

<b>Year</b>	<b>Historical</b>	
<b>2007</b>	12,245	
<b>2008</b>	12,223	
<b>2009</b>	11,911	
<b>2010</b>	11,790	
<b>2011</b>	11,811	
<b>2012</b>	11,845	
<b>2013</b>	11,963	
<b>2014</b>	11,961	
<b>2015</b>	12,466	
<b>2016</b>	12,836	
<b>2017</b>	12,572	
		<b>Projected</b>
<b>2018</b>		12,580
<b>2019</b>		12,642
<b>2020</b>		12,694
<b>2021</b>		12,745
<b>2022</b>		12,846
<b>2023</b>		12,958
<b>2024</b>		13,083
<b>2025</b>		13,217
<b>2026</b>		13,329
<b>2027</b>		13,487
<b>2028</b>		13,593
<b>Numeric Change 2007–2017</b>	327	
<b>Percent Change 2007–2017</b>	2.7	
<b>Average Annual Percent Change 2007–2017</b>	0.3%	
<b>Percent Change 2016–2017</b>	-2.1%	
<b>Numeric Change 2018 – 2028</b>		1,013
<b>Percent Change 2018 – 2028</b>		8.1%
<b>Average Annual Percent Change 2018 – 2028</b>		0.8%

Numbers represent end of calendar year figures.

## B. Projected Female Inmate Population

**Error! Reference source not found.** displays a summary of the historical and projected female inmate population for the period 2007 to 2028.

Figure 13 presents the March 2018 forecasts of female new commitment admissions and stock population.

### Baseline Forecast

- In 2028, 1,481 female offenders are projected to be housed in the Nevada Department of Corrections system.
- The female inmate prison population was 1,290 at the end of 2017. The population is projected to increase to 1,373 in 2023 and to 1,481 inmates by the end of 2028. The projected growth represents average increases of 1.3 percent per year through the year 2028.
- The female forecast for this cycle represents a slightly lower forecast than the most recent Spring 2017 forecast. The lower forecast is a factor of the dramatic shift in the parole release rate, counterbalanced by an increasing new commitment trend. As noted, there was a monumental increase in both the mandatory and discretionary release rates in 2017. Despite the modified grant rate assumption used for the forecast, the parole release rate remains the main driver of this lower forecast. It has been communicated to JFA that considerable long-term resources are being devoted to maintaining a relatively high parole release rate for the foreseeable future. However, this singular trend has a strong influence over the prison population level and it should be monitored closely. The accuracy of this forecast will depend largely on this assumption.

**TABLE 21: HISTORICAL AND PROJECTED INMATE POPULATION: FEMALES: 2007 – 2028**

<b>Year</b>	<b>Historical</b>	
<b>2007</b>	1,096	
<b>2008</b>	1,042	
<b>2009</b>	980	
<b>2010</b>	979	
<b>2011</b>	967	
<b>2012</b>	1,038	
<b>2013</b>	1,091	
<b>2014</b>	1,130	
<b>2015</b>	1,226	
<b>2016</b>	1,317	
<b>2017</b>	1,290	
		<b>Projected</b>
<b>2018</b>		1,297
<b>2019</b>		1,310
<b>2020</b>		1,324
<b>2021</b>		1,338
<b>2022</b>		1,355
<b>2023</b>		1,373
<b>2024</b>		1,398
<b>2025</b>		1,415
<b>2026</b>		1,429
<b>2027</b>		1,453
<b>2028</b>		1,481
<b>Numeric Change 2007–2017</b>	194	
<b>Percent Change 2007–2017</b>	17.7%	
<b>Average Annual Percent Change 2007–2017</b>	1.8%	
<b>Percent Change 2016–2017</b>	-2.1%	
<b>Numeric Change 2018 – 2028</b>		184
<b>Percent Change 2018 – 2028</b>		14.2%
<b>Average Annual Percent Change 2018 – 2028</b>		1.3%

Numbers represent end of calendar year figures.

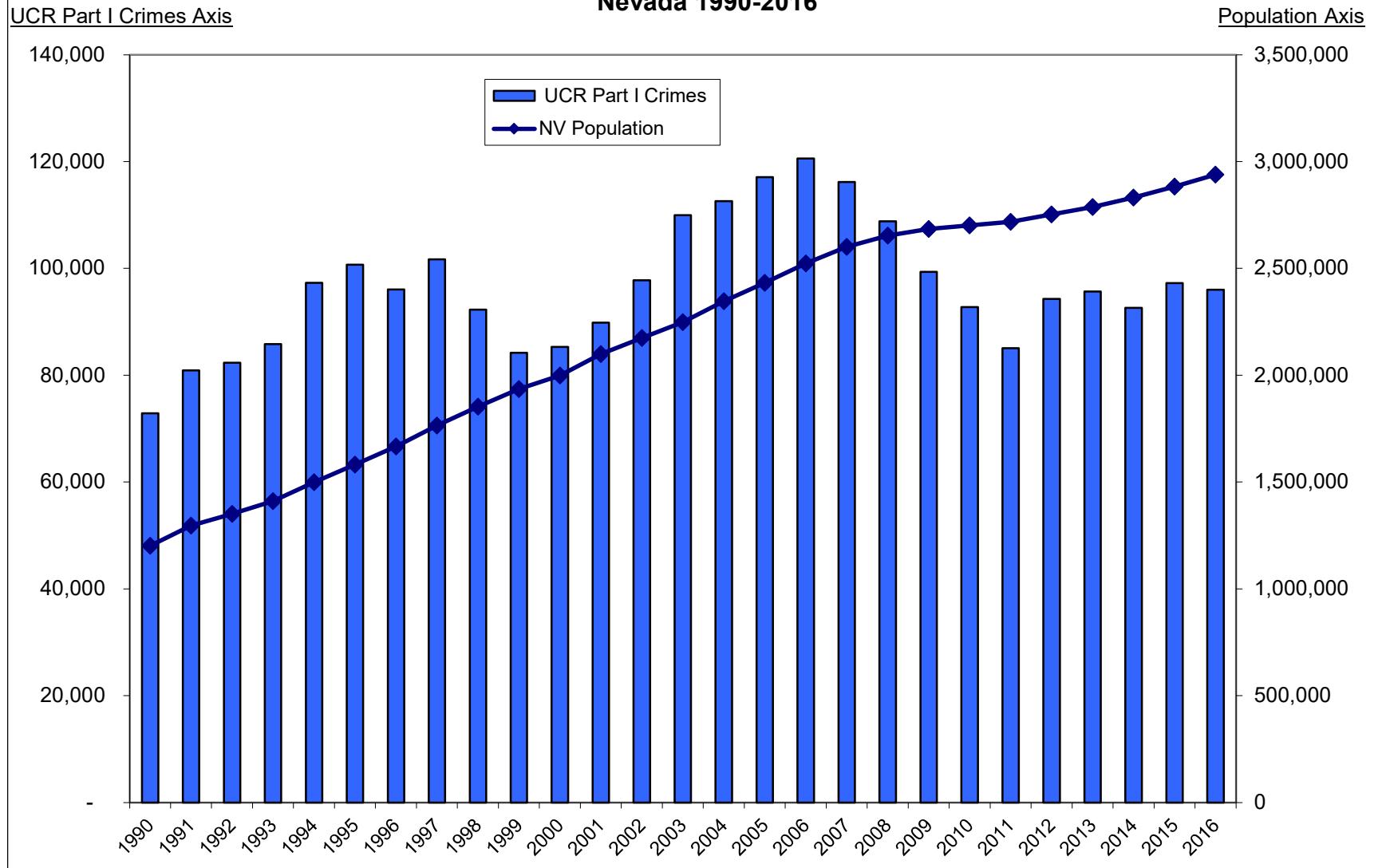
**TABLE 22: ACTUAL AND PROJECTED INMATE POPULATION: 2017 – 2028**

<b>Year</b>	<b>Male Population</b>	<b>Female Population</b>	<b>Total Population</b>
<b>2017</b>	12,572	1,290	13,862
<b>2018</b>	12,580	1,297	13,877
<b>2019</b>	12,642	1,310	13,952
<b>2020</b>	12,694	1,324	14,018
<b>2021</b>	12,745	1,338	14,083
<b>2022</b>	12,846	1,355	14,181
<b>2023</b>	12,958	1,373	14,331
<b>2024</b>	13,083	1,398	14,481
<b>2025</b>	13,217	1,415	14,653
<b>2026</b>	13,329	1,429	14,758
<b>2027</b>	13,487	1,453	14,940
<b>2028</b>	13,593	1,481	15,074
<b>Numeric Change 2018 – 2028</b>	1,013	184	1,197
<b>Percent Change 2018 – 2028</b>	8.1%	14.2%	8.6%
<b>Average Annual Percent Change 2018 – 2028</b>	0.8%	1.3%	0.8%

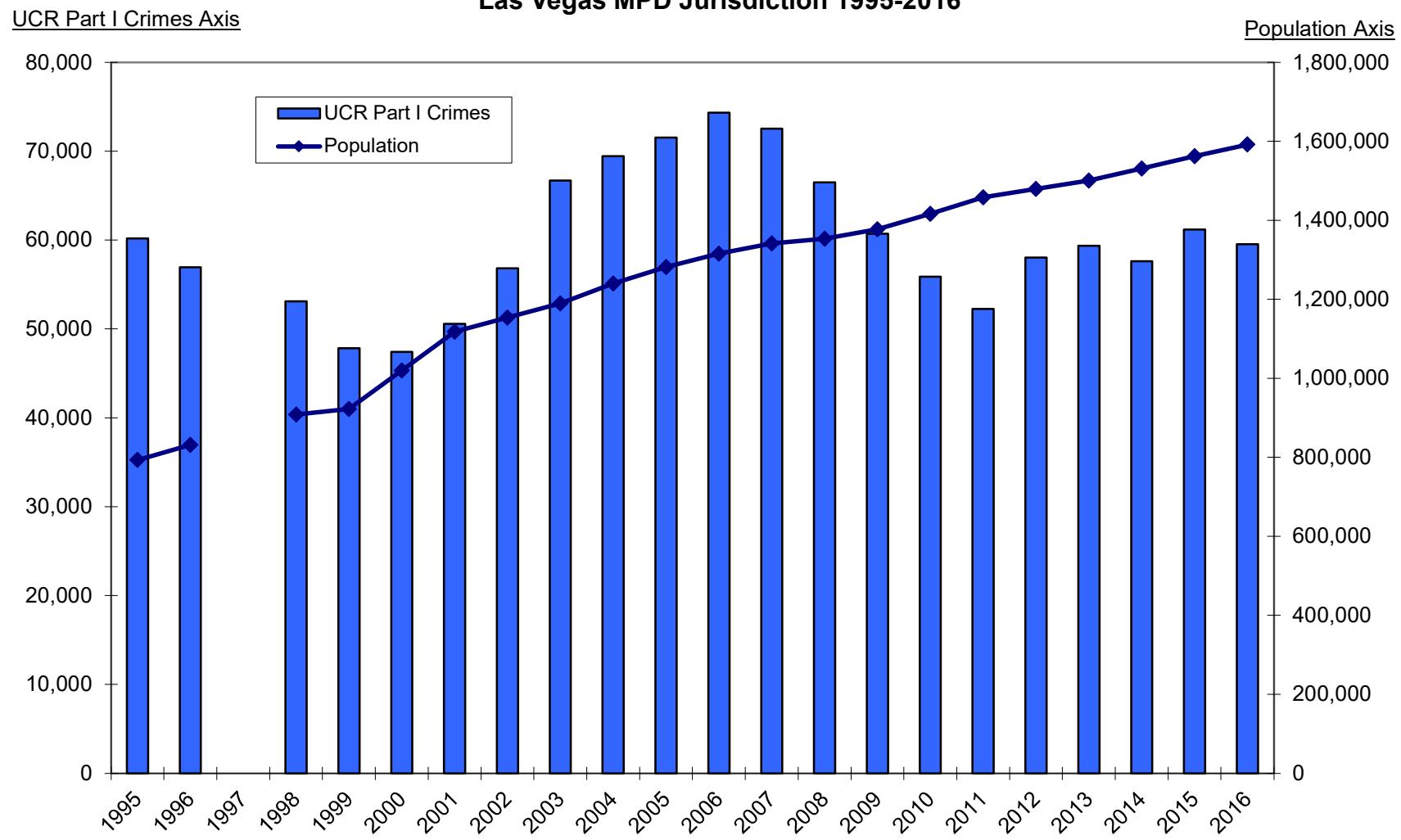
Projections numbers represent end of calendar year figures.

## **APPENDIX A: FIGURES**

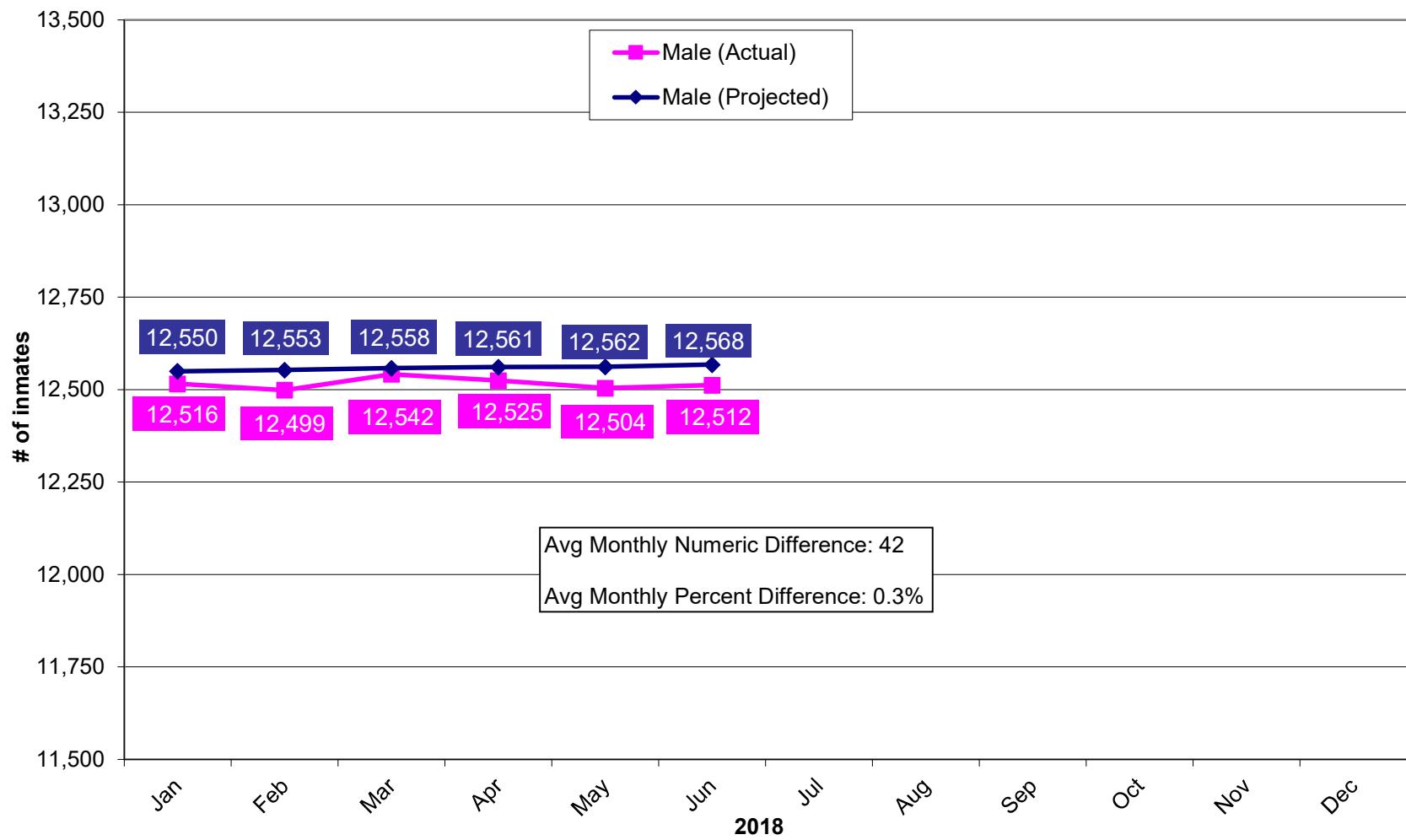
**FIGURE 1: Reported Crime and Population:  
Nevada 1990-2016**



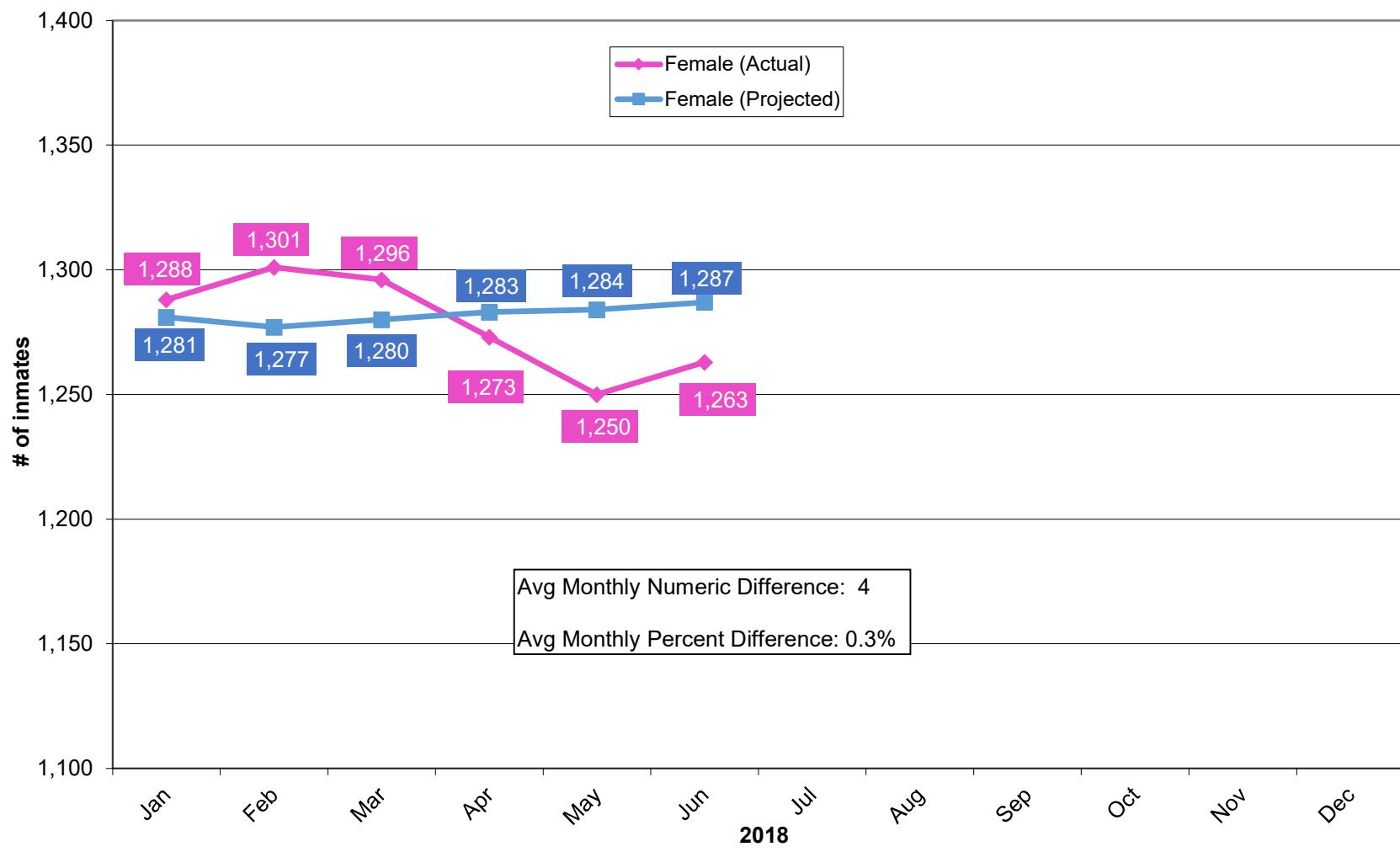
**FIGURE 2: Reported Crime and Population:  
Las Vegas MPD Jurisdiction 1995-2016**



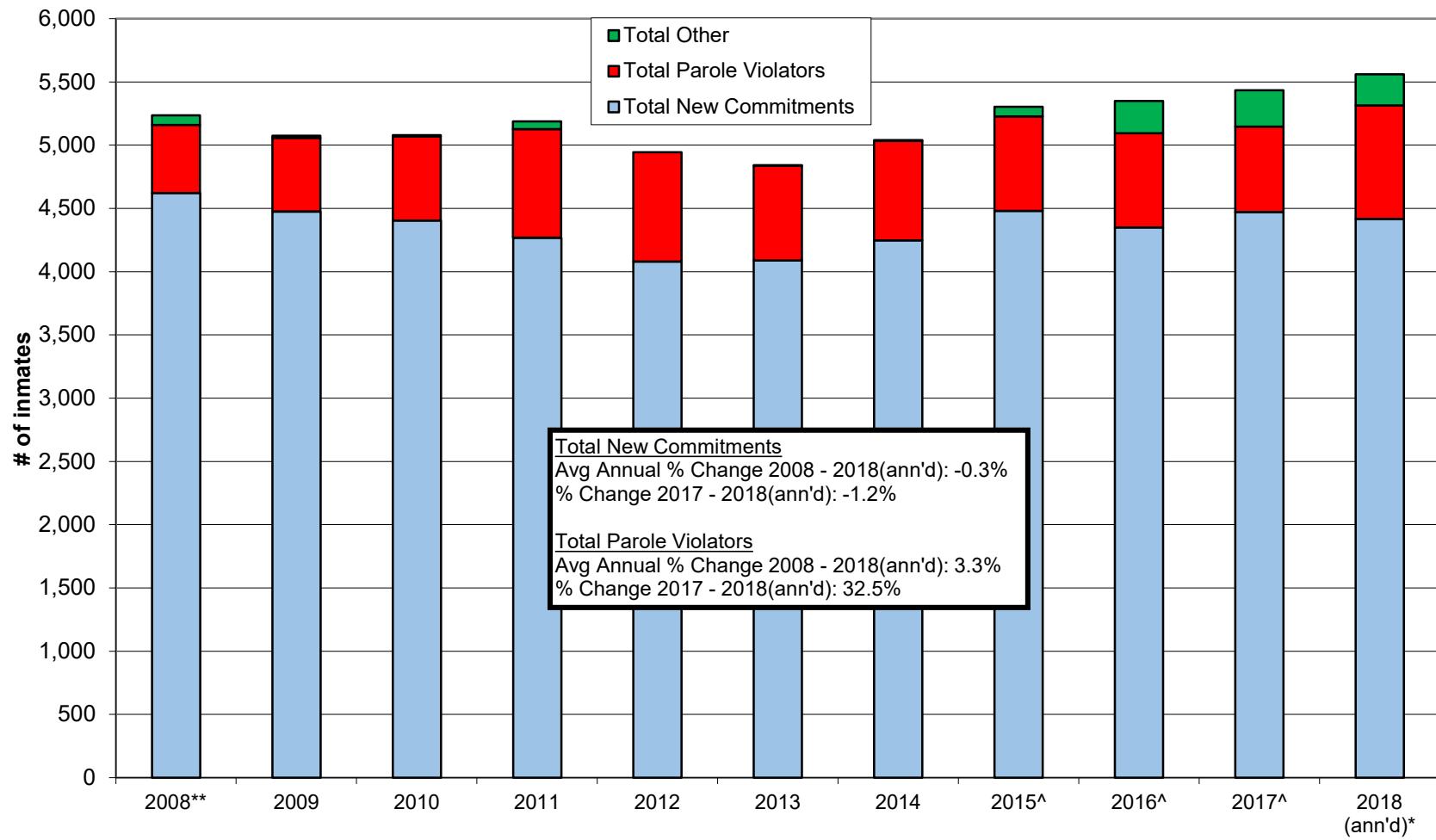
**FIGURE 3: Accuracy of JFA's March 2018 Forecast**  
**Total Male Inmate Population: January through June 2018**



**FIGURE 4: Accuracy of JFA's March 2018 Forecast**  
**Total Female Inmate Population: January through June 2018**



**FIGURE 5: Historical Male Admissions to Prison**  
**2008 - 2018 (Jan-Jun: Annualized)**

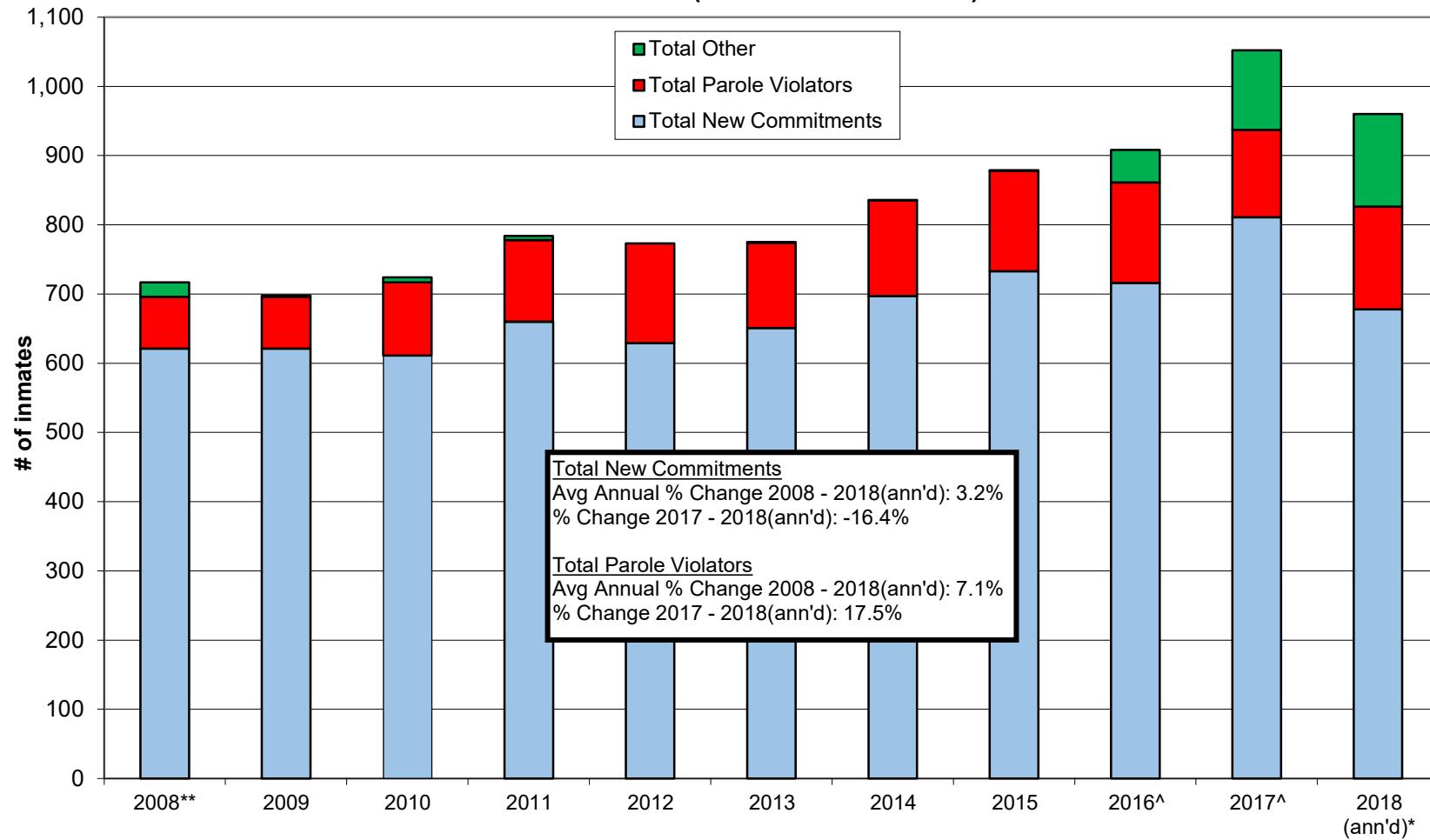


\*\*The 2008 admissions datafile did not contain admissions by type for July and August. We utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

\* The 2018 data from January through June was annualized by simply multiplying by 2.

^ Almost all of the "Others" in 2015 - 2018 are Parole Housing Unit admissions.

**FIGURE 6: Historical Female Admissions to Prison  
2008 - 2018 (Jan-Jun: Annualized)**

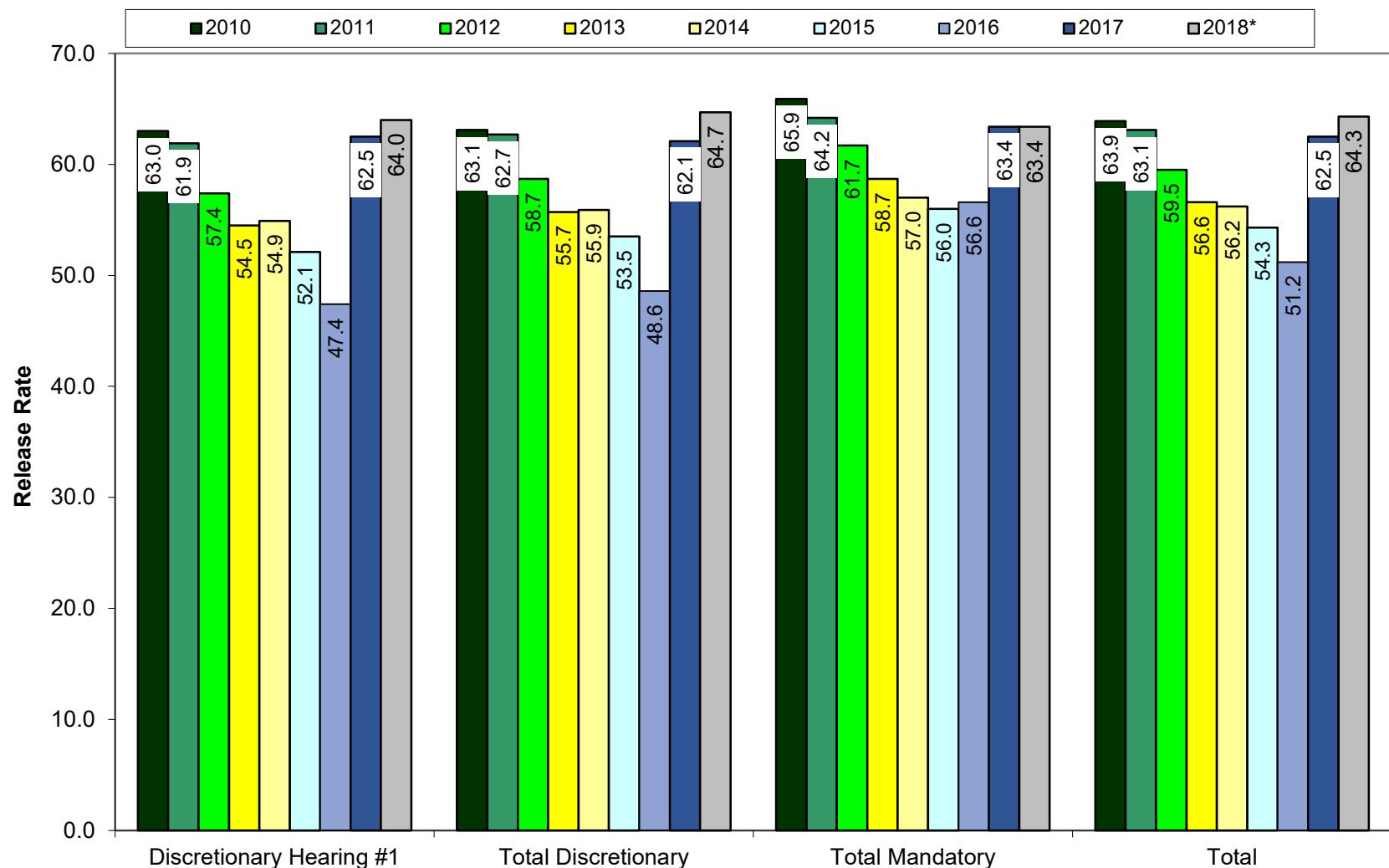


\*\* The 2008 admissions datafile did not contain admissions by type for July and August. We utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

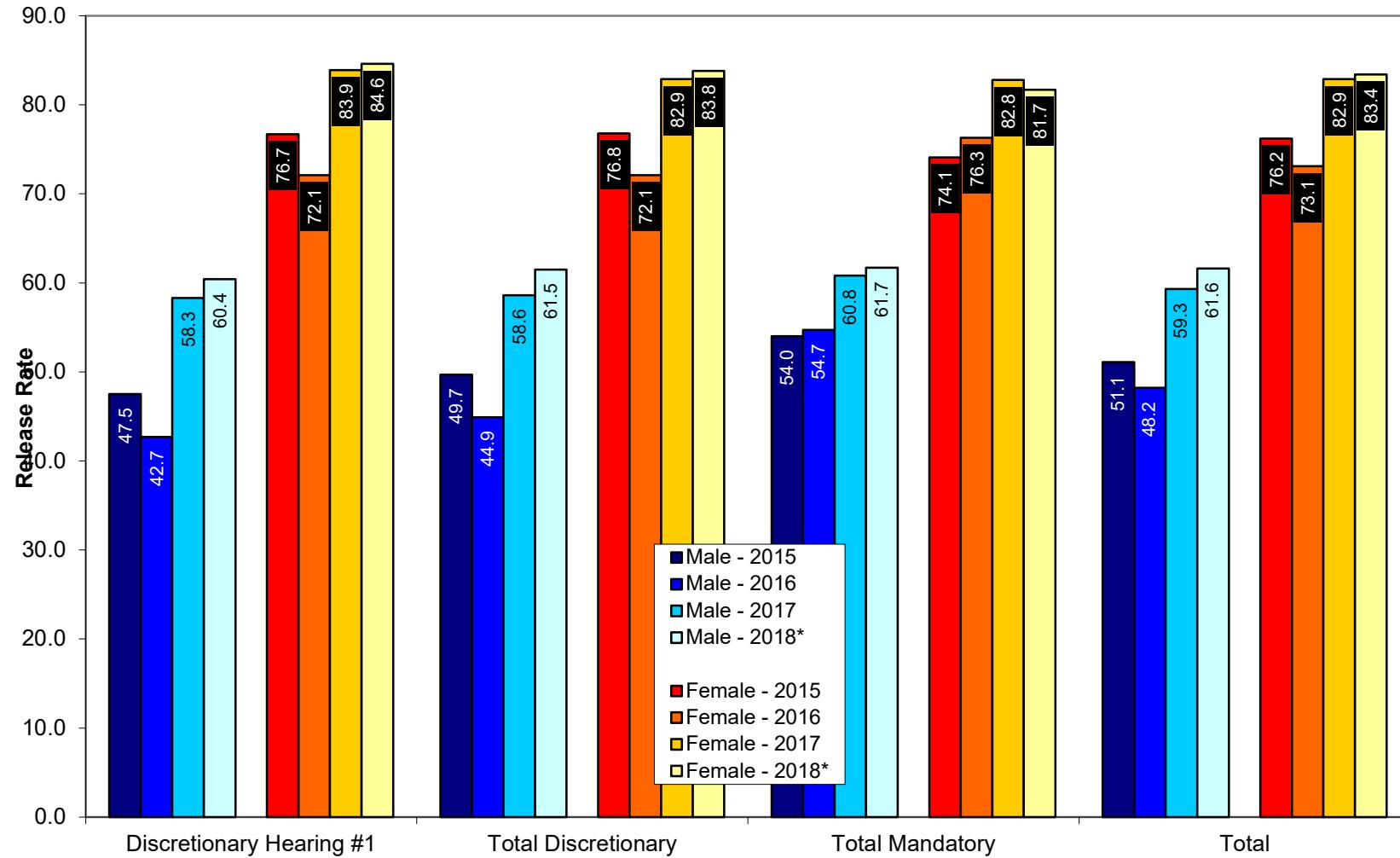
\* The 2018 data from January through June was annualized by simply multiplying by 2.

^ Virtually all of the "Others" in 2016 - 2018 are Parole Housing Unit admissions.

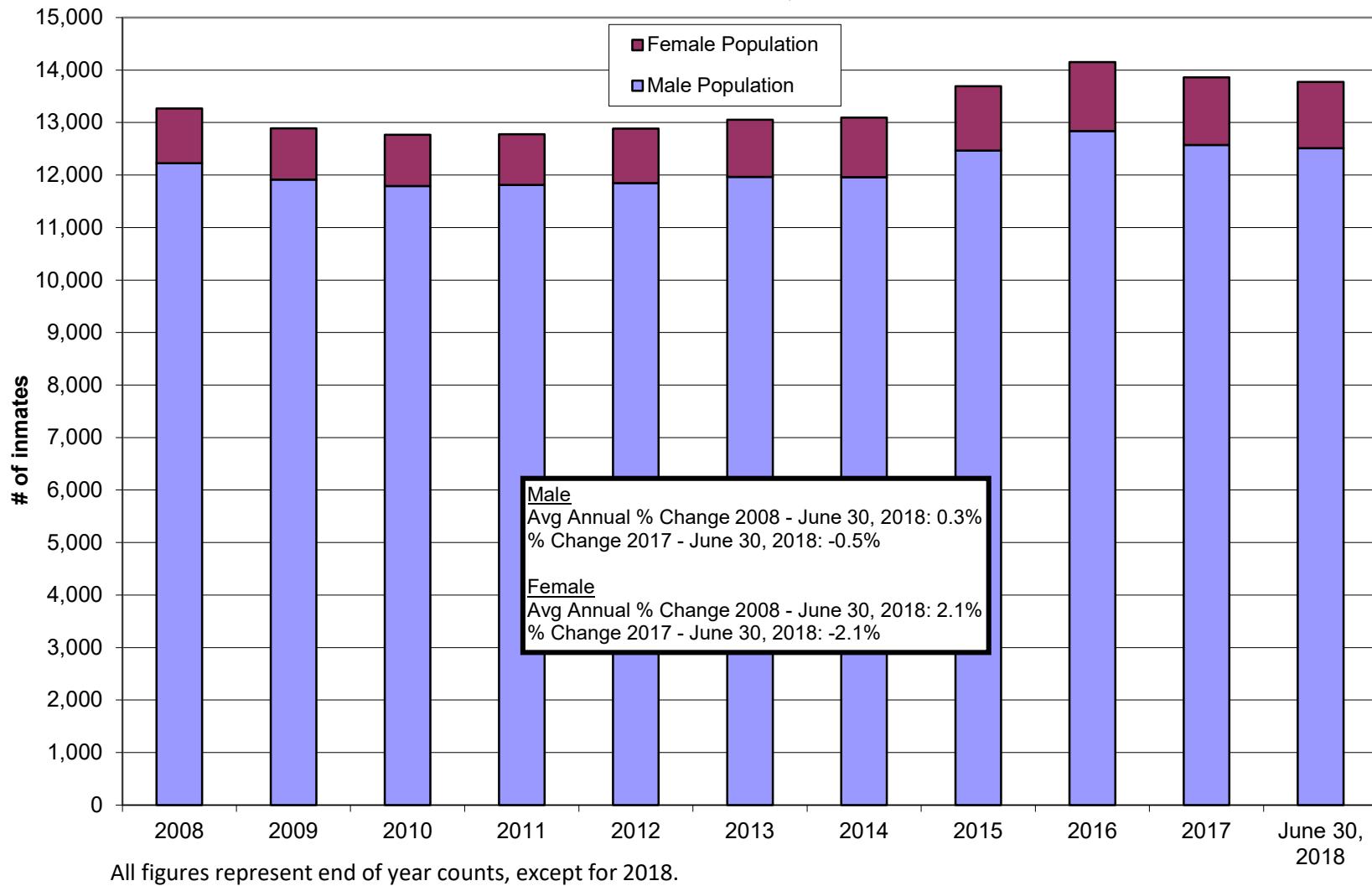
**FIGURE 7: Parole Release Rates: 2010 to 2018 (Jan-Jun)\***



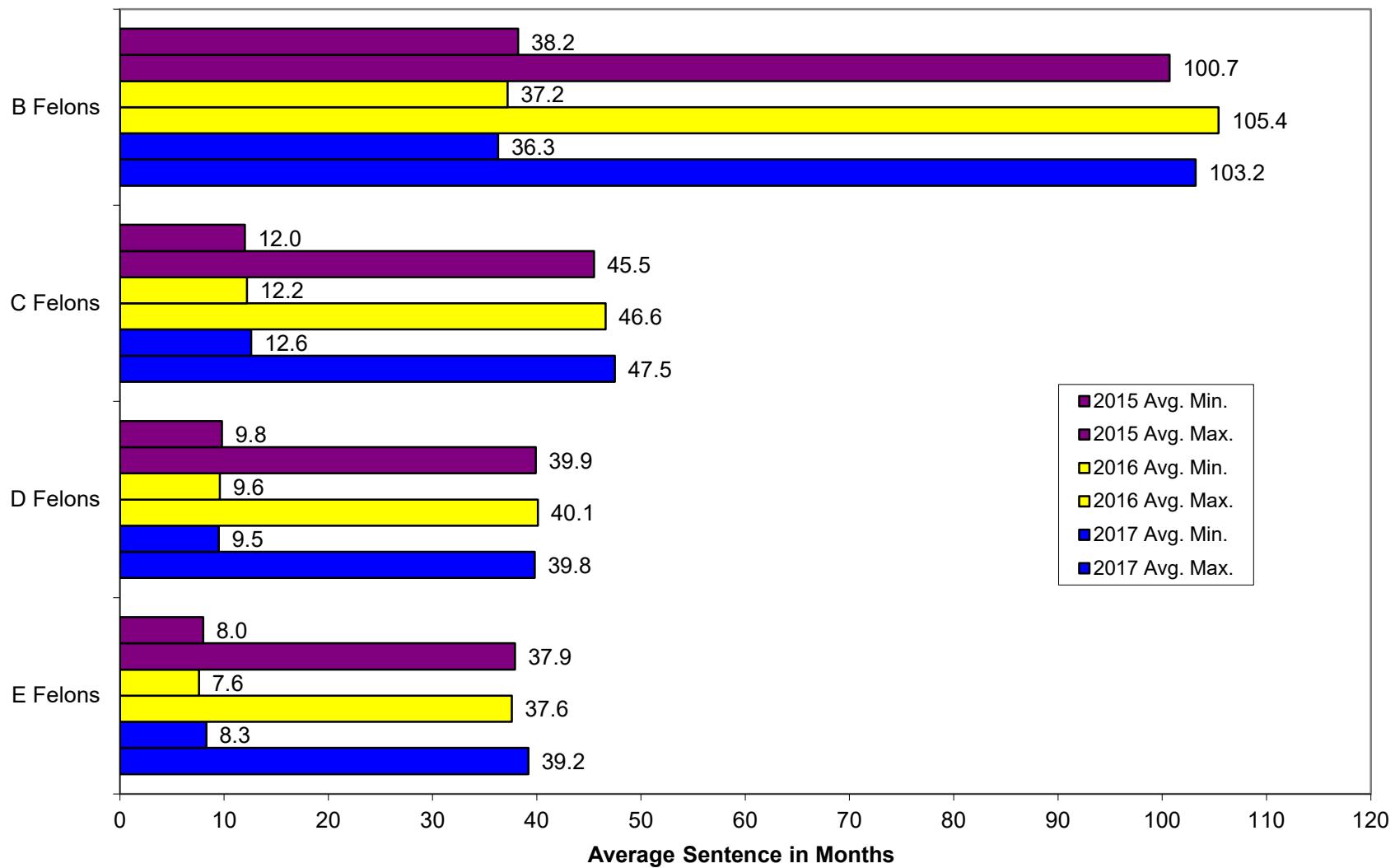
**FIGURE 8: Parole Release Rates by Gender: 2015 to 2018 (Jan-Jun)\***



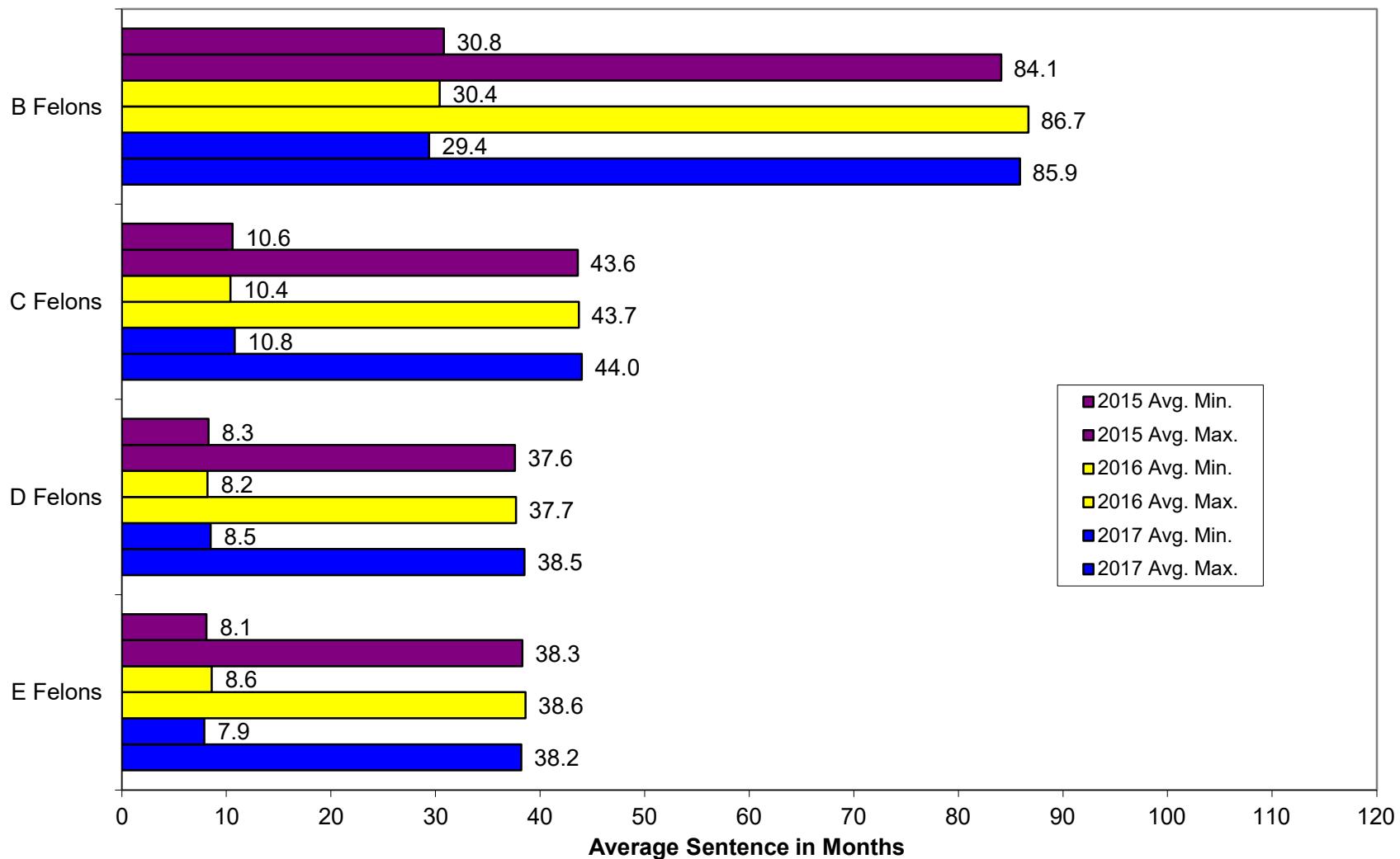
**FIGURE 9: Historical End-of-Year Inmate Population by Gender  
2008 - June 30, 2018**



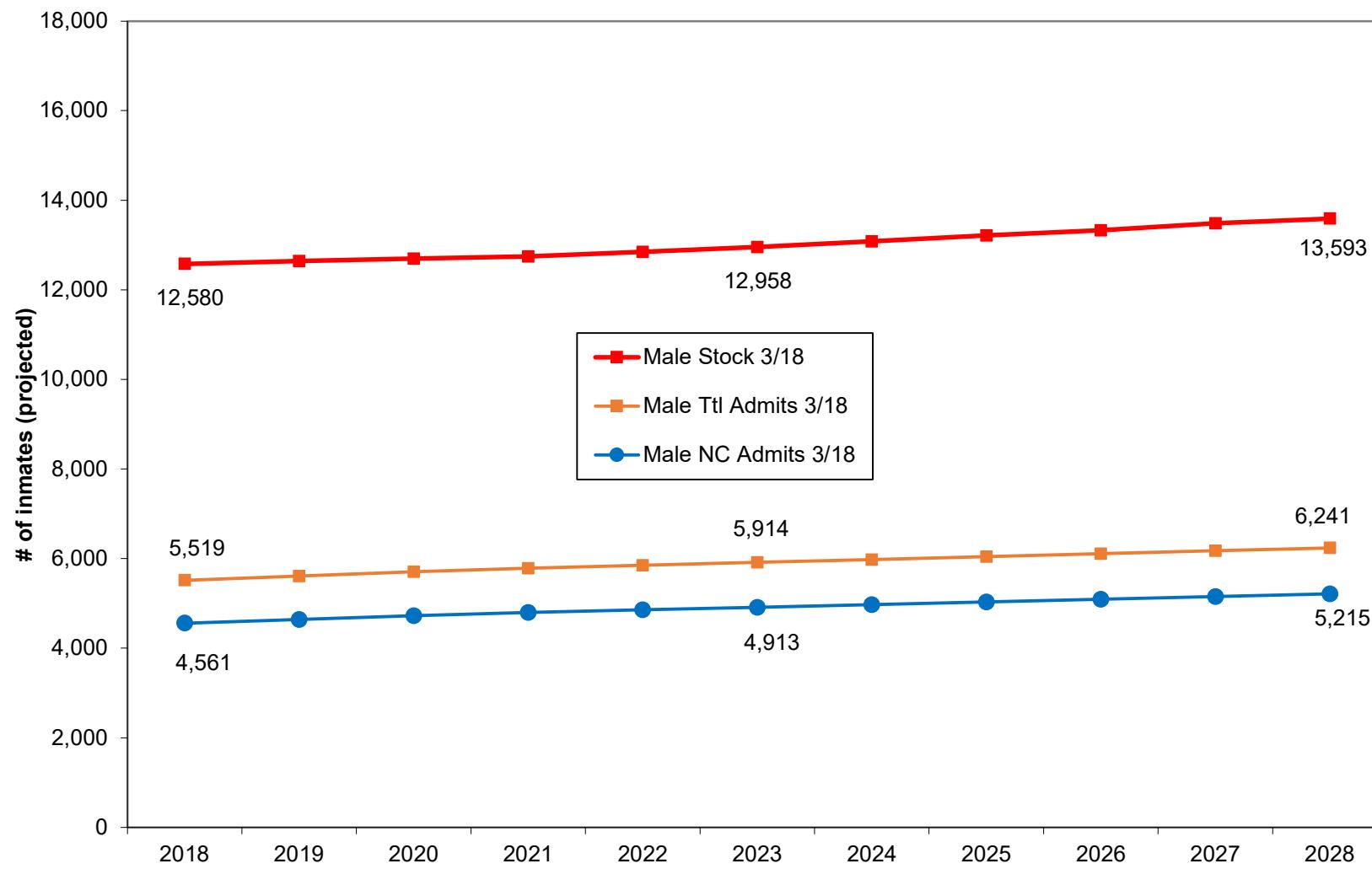
**FIGURE 10: Average Minimum and Maximum Sentences by Felony Category**  
**Male New Commitment Admissions to Prison: 2015 - 2017**



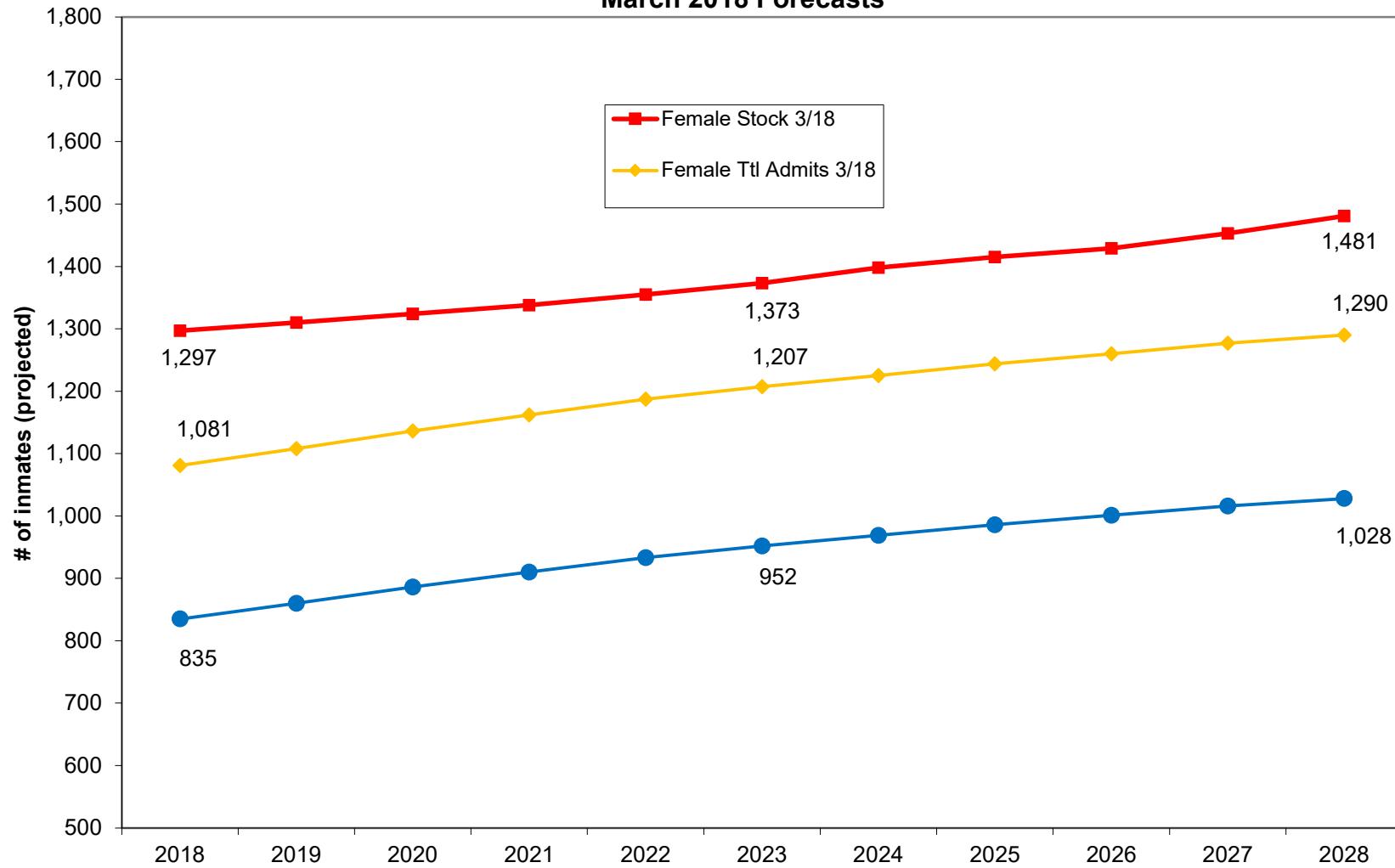
**FIGURE 11: Average Minimum and Maximum Sentences by Felony Category**  
**Female New Commitment Admissions to Prison: 2015 - 2017**



**FIGURE 12: Projected Male New Commitment and Total Admissions and Stock Population: March 2018 Forecasts**



**FIGURE 13: Projected Female New Commitment and Total Admissions and Stock Population March 2018 Forecasts**



## **E. JFA February 2020 Projections**

**Nevada Department of Correction  
Ten Year Prison Population Projections  
2020-2030**

by  
**Wendy Ware**  
**Dr. James Austin**

**February 2020**

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## **NEVADA DEPARTMENT OF CORRECTIONS TEN-YEAR PRISON POPULATION PROJECTIONS**

### **I. INTRODUCTION**

The Nevada State Budget Office has asked The JFA Institute (JFA) to produce three separate forecasts for the state prison population to be completed in April 2020, October 2020, and February 2021. JFA, under the direction of Ms. Wendy Ware, utilized the Wizard simulation model to produce prison population projections for male and female offenders. This briefing document represents the results of the analysis and simulation for the first forecast cycle, April 2020.

For the current forecast, JFA reviewed current inmate population trends and analyzed computer extract files provided by the Nevada Department of Corrections (NDOC). This briefing document contains a summary of projections of male and female inmates through the year 2030, a summary of recent offender trends, and an explanation of the primary assumptions on which the projections are based. The contents that follow are based on the analysis of computer extract files provided by the Department of Corrections in December 2019 as well as general population and crime trend data. All figures are contained in Appendix A of this document.

#### **Accuracy of Past Forecast**

The most recent, previous forecast was issued February 2019. The February 2019 forecast estimated the Nevada state prison population very closely for January through May 2019 (an average monthly difference in the projected and actual populations of 1.1 percent). However, from June 2019 through January 2020, the forecast was less accurate, tracking NDOC actual counts with an average monthly difference of 5.1 percent. The divergence from the NDOC actual counts beginning in June occurred between the male population projections and male actual counts. The female projections continued to forecast the NDOC female population accurately through October 2019.

The February 2019 forecast of the male inmate population estimated the actual population at an average of 3.8 percent per month for January 2019 through January 2020 (an average accuracy of  $\pm 2.0$  percent is considered accurate). The forecast overestimated the actual male population all 13 months observed.

The February 2019 forecast of the female population overestimated the actual population outside the accuracy range for only the months of November and December 2019 and January 2020. For the first ten months of 2019, the female forecast tracked the actual NDOC female population at an average monthly difference of 0.1 percent.

### **II. BACKGROUND**

The forecast of correctional populations in Nevada was completed using Wizard projection software. This computerized simulation model mimics the flow of offenders through the state's prison system over a ten-year forecast horizon and produces monthly projections of key inmate groups. Wizard represents a new version of the previously used Prophet Simulation model and introduces many enhancements over the Prophet Simulation model. The State of Nevada utilized the Prophet Simulation software to produce its prison population forecast for more than ten years. JFA upgraded the existing Nevada model into the latest Wizard software in order to take full advantage of the model's newest features.

Prior to 1995, sentenced inmates in Nevada received a maximum sentence and were required by law to serve at least one-third of the maximum sentence before a discretionary parole release hearing was held. Those offenders not granted discretionary parole release were released on mandatory parole three months prior to their maximum sentence expiration date. Under SB 416, offenders in Nevada are assigned both a

maximum and a minimum sentence as recommended by Nevada State Parole and Probation officers. A complex grid was developed to recommend these sentences. The grid was revised several times between July 1995 and March 1996 before a final formula was agreed upon. The resulting statute-mandated offenders are not eligible for discretionary parole release until they have served their entire minimum sentence (less jail credits). Monthly good-time earned credits are no longer applied to the reduction of the time until discretionary parole eligibility. The system of mandatory parole release remained unchanged under the new statute. In addition to these sentence recommendation changes, SB 416 also put in place the diversion of all E felony offenders from prison.

The current simulation model mimics the flow of inmates admitted under two sentencing policies: 1) inmates admitted to prison with “old law” sentences and 2) inmates admitted under SB 416. Within the simulation model, all inmates admitted to prison are assigned minimum and maximum sentences for their most serious admitting offenses. The model performs time calculations, simulates the parole hearing process, and releases offenders from prison based on existing laws and procedures.

In July 2007, the State of Nevada passed AB 510 which changed three main aspects of a prisoner’s good time credit calculations. First, under AB 510 the monthly earning of good time for an offender who engages in good behavior increased from 10 days to 20 days. Second, AB 510 increased the amount of good time awarded for all education, vocations training and substance abuse treatment programs completed while incarcerated. Credits for program completion would apply to both the minimum and maximum sentences. Lastly, AB 510 provided that certain credits to the sentence of an offender convicted of certain category C, D or E felonies (that do not involve violence, a sexual offense or a DUI) will be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence. Previously, these credits could not be applied to the minimum term imposed, only the maximum.

AB 510 was passed and went into effect on all offenders to be admitted to the NDOC in July 2007. Also, offenders housed within the NDOC at that time were made retroactively eligible for all credits listed in the bill (to July 1, 2000). This caused an immediate and dramatic increase in the number of offenders who were parole eligible reflected in the 2007-2008 data.

In June of 2019, AB 236 was passed by the State of Nevada. The legislation is aimed at cutting the cost of corrections in the State by reducing recidivism and lowering the state’s prison population through sentencing reforms. JFA will assess the impact of this legislation in this iteration of the forecast brief only in respect to reforms that will directly affect the Wizard simulation model and projections. These reforms include: expansion of E Felon offenders eligible for a presumptive sentence of probation; reducing the penalty for certain crimes from a category B to a category C felony; revising provisions relating to burglary; increasing the felony theft threshold and revising penalties for various theft offenses; making it unlawful to install or affix a scanning device within or upon a machine used for financial transactions under certain circumstances; making it unlawful to access a scanning device under certain circumstances; and revising provisions relating to habitual criminals. A brief synopsis of each reform where the impact on bed space will be examined by JFA is provided below.

1. Revision of burglary sentences (for new commitments only): this reform links burglary sentences to the severity of conduct in commission of the crime by distinguishing and defining different structures involved, requiring unlawful entry, and aligning penalties as follows:

<u>Unlawful Entry Type</u>	<u>Penalty</u>
Motor Vehicle	Category E Felon (1-4 years)
Other Building	Category D Felon (1-4 years)
Commercial Building	Category C Felon (1-5 years)
Residence & Home Invasion	Category B Felon (1-10 years)

2. Adjustment of penalties for possession of a controlled substance (new commitments only): this reform establishes a tiered penalty structure for possession of a controlled substance based on increasing weight amounts and substances as follows:

<b>Schedule I and II substances</b>	<b>Schedule III and IV substances</b>
Under 14 grams, category E with mandatory diversion for 1st and 2nd category D for 3rd and subsequent	Under 28 grams, Category E with mandatory diversion for 1st and 2nd Category D for 3rd and subsequent
14 grams-28 grams, category C	28 grams-200 grams, category C
28 grams-42 grams, category B (1-10 years)	200 grams and more, category B (1-10 years)
42 grams and more, category B (2-15 years)	

3. Increase the drug trafficking weight thresholds (new commitments only): this reform changes drug trafficking penalties as follows: Schedule I with weight of 100 grams or greater is a category B felony (2-20 years) and Schedule II with a weight of 400 grams or greater is a category B felony (2-20 years).

4. Raise the threshold for felony theft offenses (new commitments only): this reform raises the felony theft threshold from \$650 to \$1,200 and creates a tiered penalty structure based on increasing values, as follows:

<b>Property value</b>	<b>Penalty</b>
\$1,200 and less	Misdemeanor, up to 6 months jail
\$1,200 - \$4,999	Category D felony, 1-4 years prison
\$5,000 - \$24,999	Category C felony, 1-5 years prison
\$25,000 - \$99,999	Category B felony, 1-10 years prison
\$100,000 or greater	Category B felony, 1-20 years prison

5. Reclassification of certain non-violent category B offenses to category C offenses (new commitments only): this reform changes the felony level of the following offenses: knowingly selling a motor vehicle with odometer that has been fraudulently altered, unlawful use of scanning device, gaming crimes, and maintaining a drug house.

In addition to items 1 through 5 already discussed above, several reforms in AB 236 act to reduce the prison population by altering sentencing policies for parolees and probationers and put caps on revocations. Further, for probationers only, terms of probation are reduced for some offense categories. These reforms are listed below (items 6 through 7):

6. Establish revocation caps for Technical Violators: this reform establishes limits on the amount of time an individual on probation or parole can be incarcerated for a revocation due a technical violation of the conditions of supervision. A technical violation is defined as any noncompliance that does not constitute absconding, a felony offense, battery constituting domestic violence, DUI or a gross misdemeanor.

7. Frontload resources by reducing the time on probation: this reform require the Division of Parole and Probation to submit a recommendation for early termination to the court when certain conditions are present. Further, maximum periods of probation are established corresponding to the following offense categories:

- a. 12 months for a gross misdemeanor
- b. 18 months for a Category E felony
- c. 24 months for a Category C or D felony
- d. 36 months for a Category B felony

### III. TRENDS IN POPULATION AND CRIME IN NEVADA

**Significant Finding:** The Nevada resident population grew by 14.7 percent between 2009 and 2019 at an average annual rate of 1.4 percent. From 2018 to 2019, Nevada's population grew by 1.5 percent.

**Significant Finding:** Levels of serious crime in Nevada declined by an annual average of 3.6 percent from 2008 to 2018. From 2008 to 2018, UCR Part I crimes in Nevada fell by 6.0 percent to 2,979 per 100,000 residents. This is the lowest reported crime rate in Nevada for the past 30 years.

**Significant Finding:** Rates of UCR Part I violent crimes in Nevada have declined by an annual average of 2.6 percent between 2008 and 2018.

#### A. Population

The U.S. Census Bureau conducts a decennial census and the Census Bureau's Population Estimates Program publishes population estimates between censuses. After each decennial census, the Census Bureau examines its estimates and revises them, where necessary. In September 2011, the U.S. Census undertook such a revision, and the new estimates for 2001 to 2009 appear in TABLE 1. The decennial census results for Nevada for 2000 and 2010 are shown in bold in TABLE 1, while the remainder of the column shows the US Census estimates for July 1 of each year.

For over two decades through 2007, Nevada experienced a phenomenal growth in population and was the nation's fastest-growing state between 2000 and 2010.<sup>1</sup> The state population growth slowed for a couple years, but since 2012, Nevada has been among the top 10 fastest growing states in the country each year.<sup>2</sup> Just as it was in 2016, Nevada was the 2<sup>nd</sup> fastest growing state in the nation in 2017.<sup>3,4</sup> In 2018, Nevada shared the top spot with Idaho as the fastest growing state in the nation.<sup>5</sup> In 2019, Nevada tied for third with Utah and Arizona as the 2<sup>nd</sup> fastest growing state in the US.<sup>6</sup>

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<sup>1</sup> U.S. Census Bureau. Press Release 12/21/2011

[<http://www.census.gov/newsroom/releases/archives/population/cb11-215.html>]

<sup>2</sup> Population change and rankings: April 1, 2010 to July 1, 2016 (NST-EST2016-popchg2010-2016)

[<http://www.census.gov/data/datasets/2016/demo/popest/state-total.html>]

<sup>3</sup> U.S. Census Bureau Press Release 12/20/2016

[<http://www.census.gov/newsroom/press-releases/2016/cb16-214.html>]

<sup>4</sup> U.S. Census Bureau Press Release 12/20/2017

[<https://www.census.gov/newsroom/press-releases/2017/estimates-idaho.html>]

<sup>5</sup> U.S. Census Bureau Press Release 12/19/2018

[<https://www.census.gov/newsroom/press-releases/2018/estimates-national-state.html>]

<sup>6</sup> U.S. Census Bureau Press Release 12/30/2019

[<https://www.census.gov/newsroom/press-releases/2019/popest-nation.html>]

**TABLE 1: ESTIMATES OF NEVADA'S POPULATION: 2000 – 2019**

Year	Population Estimates (US Census)	% change
<b>2000*</b>	<b>1,998,250</b>	
<b>2001</b>	2,098,399	5.0%
<b>2002</b>	2,173,791	3.6%
<b>2003</b>	2,248,850	3.5%
<b>2004</b>	2,346,222	4.3%
<b>2005</b>	2,432,143	3.7%
<b>2006</b>	2,522,658	3.7%
<b>2007</b>	2,601,072	3.1%
<b>2008</b>	2,653,630	2.0%
<b>2009</b>	2,684,665	1.2%
<b>2010*</b>	<b>2,700,551</b>	0.6%
<b>2011</b>	2,712,799	0.5%
<b>2012</b>	2,744,566	1.2%
<b>2013</b>	2,776,972	1.2%
<b>2014</b>	2,819,012	1.5%
<b>2015</b>	2,868,666	1.8%
<b>2016</b>	2,919,772	1.8%
<b>2017</b>	2,972,405	1.8%
<b>2018</b>	3,027,341	1.8%
<b>2019</b>	3,080,156	1.7%
<b>Numeric Change 2009-2019</b>	395,491	
<b>Percent Change 2009-2019</b>	14.7%	
<b>Average Annual Change 2009-2019</b>		1.4%

\* Actual April 1, 2000 and 2010 US Census figures. All other figures are July 1 estimates from the US Census Bureau. Note that the US Census Bureau occasionally updates prior year estimates. As such, the estimates shown will sometimes differ from prior year's reports.

The population numbers in Table 1 demonstrate a staggering rate of growth in Nevada's population between 2000 and 2007, with average annual growth estimates of 3.8 percent. From 2000 to 2010, Nevada's population increased by over 700,000 people to exceed 2.7 million people in 2010. However, since 2007, the pace of growth has slowed substantially. According to the U.S. Census estimates, from 2009 to 2019, the average annual rate of growth was 1.4 percent, with the increase in Nevada's population from July 2018 to July 2019 estimated at 1.7 percent.<sup>7</sup> Between 2018 and 2019, Nevada ranked 10<sup>th</sup> in numeric growth (increasing 52,815 residents) and 2<sup>nd</sup> in percent growth (1.7 percent).<sup>8</sup>

<sup>7</sup> In prior reports, we reported population projections issued by the Nevada State Demographer [www.nvdemography.org]. That organization no longer appears to be producing population estimates and projections with the most recent reports being from 2014. In our most recent report, we included population projections from a report from the Nevada State Demographer that was issued in March 2017 (and was based on 2016 population estimates), but that document is no longer available on the Nevada State Demographer's website.

<sup>8</sup> U.S. Census Bureau Press Release 12/30/2019

[https://www.census.gov/newsroom/press-releases/2019/popest-nation.html]

## B. Crime

Observing historical levels of crime can provide some guidance in projecting future admissions to prison. During the 1990s, the level of the most serious violent and property crimes (defined by the FBI's Uniform Crime Reports Part I Crime category) in Nevada increased steadily during the first part of the decade, and then displayed a generally decreasing trend during the latter. Serious crime increased each year from 2000 to 2006 at an average of 6.0 percent per year. From 2006 to 2011, UCR Part I crimes in Nevada fell at an average of 6.7 percent per year. Bucking the downward trend, UCR Part I crimes in Nevada rose by 10.9 percent from 2011 to 2012. Since 2012, UCR Part I crimes in Nevada showed modest decreases nearly each year generating a 0.6 percent average annual decline to 90,405 reported crimes in 2018. (See Figure 1).

It is worth noting that in 2017 and 2018 the total number of UCR Part I violent crimes reported decreased each year from the high numbers seen in 2014 through 2016 (the highest levels observed in at least the past 25 years). Since the number of UCR Part I property crimes (73,985 reported in Nevada by the FBI in 2018) far outnumber the violent crimes, the general upward trend in serious violent crimes is not readily observed in the overall trends of serious crime in Nevada. The number of serious property crimes in Nevada has declined by an annual average of 0.7 percent since 2012.

The area served by the Las Vegas Metropolitan Police Department (LVMPD) has generally exhibited similar changes in crime levels as the state as a whole. This area represents approximately half of the state's population and over half of the state's Part I crime. Since 2012, Part I crimes in the LVMPD's jurisdiction has alternately risen and fallen, displaying a 2.6 percent drop from 2016 to 2017. (See Figure 2). Similar to the state picture, the raw number of serious violent crimes reported in the LVMPD's jurisdiction in 2015 was at its highest level in the past 20 years, while the raw number of serious property crimes reported are below the 20-year average and have been for the past nine years. Notably, serious violent crime in the LVMPD's jurisdiction fell by a whopping 25.5 percent from 2016 to 2017.<sup>9</sup> In 2018, the number of serious violent crimes remained near the levels reported in 2017.

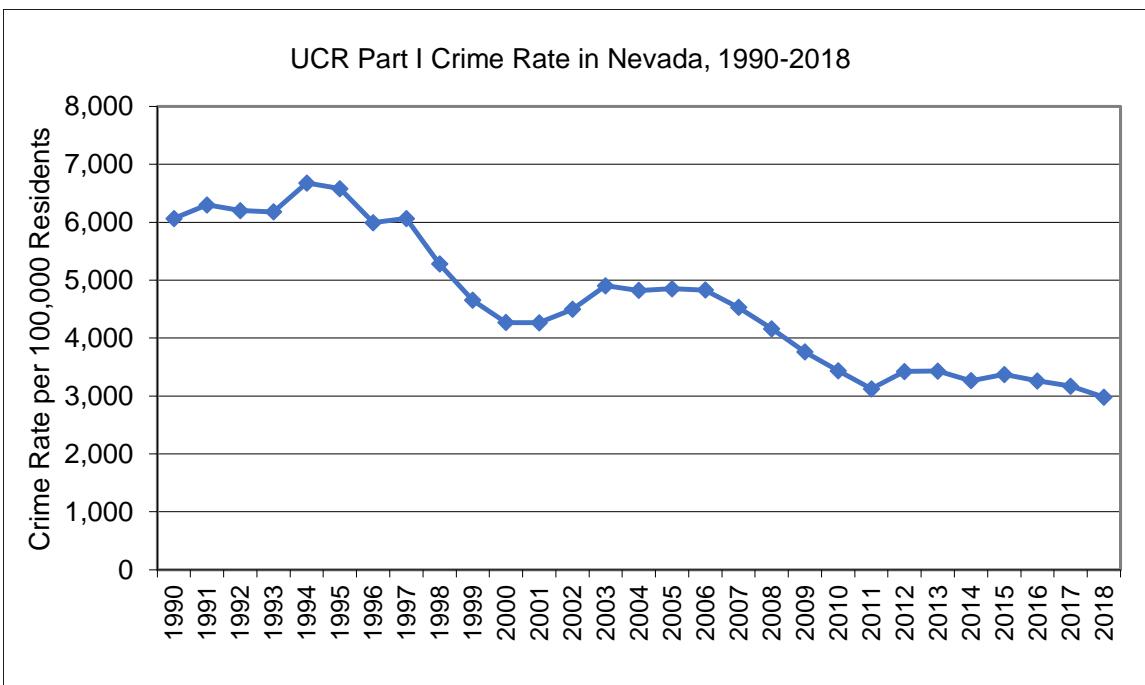
## C. Putting Population and Crime Together: Crime Rates

The decline in serious crime in the latter part of the 1990's occurred as the state population continued its dramatic increase -- resulting in a distinct shift in crime *rates*. From 1990 to 1997, the UCR Part I crime rate in Nevada remained steady, while from 1997 to 2001, the rate fell significantly at an average annual rate of 8.3 percent. After increases from 2001 to 2003, there was little movement in the overall Part I crime rate from 2003 to 2006. Then, each year from 2006 to 2011, Nevada experienced a sharp decline in its UCR Part I crime rate. The average annual decrease in UCR Part I crime rate from 2006 to 2011 was 8.3 percent. From 2011 to 2012, the UCR Part I crime rate in Nevada rose 9.6 percent and has been moving generally downward ever since. From 2016 to 2017, the UCR Part I crime rate in Nevada fell 2.8 percent and fell a further 6.0 percent between 2017 and 2018.

Notably, the Nevada UCR Part I crime rate is at its lowest point since 1990, as displayed in the following chart.

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<sup>9</sup> Uniform Crime Reports, Crime in the United States – 2017, Federal Bureau of Investigation, Table 6.



In the area served by the LVMPD, the crime rate dropped by an average annual rate of 2.5 percent from 2010 to 2018. From 2011 to 2012, the UCR Part I crime rate in the LVMPD's jurisdiction rose 9.5 percent and has been on a general downward track in the years since. The serious crime rate in the LVMPD's jurisdiction fell 4.7 percent from 2016 to 2017 and fell 3.3 percent between 2017 and 2018.

#### D. Comparison of Nevada and the United States

In the discussion above, the population and crime data are observed in terms of changes over time within Nevada. In TABLE 2, we present Nevada's population and crime data compared to the national levels and trends. TABLE 2 makes clear the striking increases in Nevada's population relative to the national trends over the past decade. From 2009 to 2019, Nevada's population growth (14.7 percent) far outpaced the national population growth (6.9 percent). From 2018 to 2019, the increase in population for Nevada (1.7 percent) still exceeded the rise in the nation's population (0.5 percent).

In terms of crime rates in 2018, Nevada had a notably higher serious *violent* crime rate per 100,000 inhabitants as compared to the nation, while it had a higher but more similar serious *property* crime rate to the nation. The long-term trends in the crime rates for Nevada and the nation over the past 10 years were similar, although US posted a slightly larger ten-year decline than the entire country, with Nevada's serious crime rate dropping 28.4 percent compared to the nationwide decline of 30.0 percent from 2008 to 2018. In the recent term, from 2017 to 2018, Nevada's serious crime rate exhibited a smaller decline than the national serious crime rate with Nevada's decreasing by 6.0 percent while the nation saw a decline of 7.0 percent.

Nevada's state prison population has grown only by 0.3 percent when comparing 2009 and 2019 counts while the state prison population for the nation has declined 6.6 percent. Aside from an uptick in 2013, the US state prison population has declined each year since 2009. In Nevada, the state prison population decreased each year from 2007 to 2010, and then increased each year from 2011 to 2016 to end at its highest level. The NDOC population has declined each year since 2017. For the most recent one year

change available, the Nevada prison population dropped by 6.0 percent (2018 to 2019) and the US state prison population declined by 1.0 percent (2016 to 2017).<sup>10</sup>

According to the Bureau of Justice Statistics, the 2017 state adult prisoner incarceration rate in Nevada (584 per 100,000 adult residents) exceeded that of the nation (503 per 100,000).

**TABLE 2: COMPARISON BETWEEN UNITED STATES AND NEVADA ON POPULATION, CRIME AND CORRECTIONS MEASURES**

	United States	Nevada
<b>POPULATION<sup>11</sup></b>		
Total Population (7/1/19)	328,239,523	3,080,156
Change in Population		
1-year change (7/1/18 – 7/1/19)	0.5%	1.7%
10-year change (7/1/09 – 7/1/19)	6.9%	14.7%
<b>CRIME RATE<sup>12</sup> (Rate per 100,000 inhabitants)</b>		
UCR Part I Reported Crime Rates (2018)		
Total	2,568.4	2,979.3
Violent	368.9	541.1
Property	2,199.5	2,438.2
Change in Total Reported Crime Rate		
1-year change (2017-2018)	-7.0%	-6.0%
10-year change (2008-2018)	-30.0%	-28.4%
<b>PRISON POPULATION<sup>13</sup> (State Prisoners Only)</b>		
Total Inmates 2019	1,306,305	12,929
1-year change (2018-2019)	-1.0%	-6.0%
10-year change (2009-2019)	-6.6%	0.3%
Average annual change (2009-2019)	-0.7%	0.1%
Adult Incarceration Rate (per 100,000 inhabitants) <sup>14</sup>	503	584

<sup>10</sup> Prisoners in 2017, Bureau of Justice Statistics Bulletin (April 2019). Nevada data provided by the Nevada Department of Corrections is from CY2019.

<sup>11</sup> U.S. Census Bureau, Population Division. Population estimates for July 1, 2019.

<sup>12</sup> Uniform Crime Reports, Crime in the United States – 2018, Federal Bureau of Investigation, Tables 1 and 4.

<sup>13</sup> Prisoners in 2017, Bureau of Justice Statistics Bulletin (April 2019). Nevada data provided by the Nevada Department of Corrections is from CY2019.

<sup>14</sup> Prisoners in 2017, Bureau of Justice Statistics Bulletin (April 2019).

#### IV. INMATE POPULATION LEVELS AND ACCURACY OF THE FEBRUARY 2019 PROJECTION

**Significant Finding:** Overall, the February 2019 forecast estimated the Nevada state prison population for January 2019 through January 2020 with an average monthly difference in the projected and actual populations of 3.6 percent.

**Significant Finding:** The forecast of the male inmate population estimated the actual population very closely and well within acceptable standards from January through May 2019 (at an average of 1.2 percent per month). From June 2019 through January 2020, the male forecast overestimated the actual male population by a monthly average of 5.5 percent. The period that accuracy declined in the projections is directly related to an unexpected decrease in the number of new court commitments entering the NDOC.

**Significant Finding:** The forecast of the female population estimated the actual NDOC female population accurately with an average monthly difference of only 1.2 percent from January 2019 through January 2020.

TABLE 3 and Figures 3 and 4 illustrate the accuracy of the February 2019 projections of the male and female inmate populations. The monthly inmate projections are compared with the actual population counts reported by the NDOC.

The February 2019 forecast of the male inmate population for January 2019 through January 2020 overestimated the actual male inmate population each month in the 13-month period. The largest difference from the actual population occurred in January 2020 when it differed by 7.8 percent. As Figure 3 illustrates, the actual male population began to decrease each month beginning in April of 2019 while the projections forecasted the population to remain static throughout the year.

The average monthly numeric error for the male forecast for January 2019 through January 2020 was 455 offenders and the average monthly percent difference was 3.8 percent. (See Figure 3 and TABLE 3.)

Female prison populations are historically more volatile than male populations because of their smaller sizes and facility constraints, and projections are generally less accurate. The February 2019 forecast of the female inmate population initially estimated the actual female inmate population very accurately through January 2020 except for the most recent three months. Those three months saw the forecast accuracy dip to lows of 3.1 percent (November 2019), 5.2 percent (December 2019) and 6.6 percent (January 2020) as the actual NDOC female population began to fall while the forecast predicted no major change to the population.

The average monthly numeric error for the female forecast for January 2019 through January 2020 was 15 offenders and the average monthly percent difference was 1.2 percent. (See Figure 4 and TABLE 3.)

**TABLE 3: ACCURACY OF THE APRIL 2019 FORECAST:  
TOTAL INMATE POPULATION JANUARY 2019 – JANUARY 2020**

2019	Male				Female				Total			
	Actual	Projected	# Diff	% Diff	Actual	Projected	# Diff	% Diff	Actual	Projected	# Diff	% Diff
<b>January</b>	12,363	12,436	73	0.6%	1,307	1,298	-9	-0.7%	13,670	13,734	64	0.5%
<b>February</b>	12,338	12,458	120	1.0%	1,314	1,307	-7	-0.5%	13,652	13,765	113	0.8%
<b>March</b>	12,339	12,467	128	1.0%	1,324	1,309	-15	-1.1%	13,663	13,776	113	0.8%
<b>April</b>	12,290	12,471	181	1.5%	1,306	1,307	1	0.1%	13,596	13,778	182	1.3%
<b>May</b>	12,238	12,482	244	2.0%	1,306	1,312	6	0.5%	13,544	13,794	250	1.8%
<b>June</b>	12,126	12,507	381	3.1%	1,302	1,317	15	1.2%	13,428	13,824	396	2.9%
<b>July</b>	12,061	12,512	451	3.7%	1,302	1,320	18	1.4%	13,363	13,832	469	3.5%
<b>August</b>	12,026	12,524	498	4.1%	1,320	1,320	0	0.0%	13,346	13,844	498	3.7%
<b>September</b>	11,934	12,533	599	5.0%	1,309	1,308	-1	-0.1%	13,243	13,841	598	4.5%
<b>October</b>	11,842	12,532	690	5.8%	1,308	1,309	1	0.1%	13,150	13,841	691	5.3%
<b>November</b>	11,757	12,540	783	6.7%	1,271	1,310	39	3.1%	13,028	13,850	822	6.3%
<b>December</b>	11,682	12,544	862	7.4%	1,247	1,312	65	5.2%	12,929	13,856	927	7.2%
<b>January 2020</b>	11,630	12,541	911	7.8%	1,234	1,315	81	6.6%	12,864	13,856	992	7.7%
<b>Numeric Change Jan '19 - Jan '20</b>	<b>-733</b>	<b>105</b>			<b>-73</b>	<b>17</b>			<b>-806</b>	<b>122</b>		
<b>Average Monthly Difference Jan '19 - Jan '20</b>			<b>455</b>	<b>3.8%</b>			<b>15</b>	<b>1.2%</b>			<b>470</b>	<b>3.6%</b>

## V. INMATE POPULATION TRENDS

### A. Trends in Admissions

**Significant Finding:** From 2009 to 2015, total male admissions remained at consistent levels, averaging just over 5,000 per year. Starting with a 5.2 percent increase in 2015, male admissions have increased modestly each year (by 0.9 percent in 2016, 1.6 percent in 2017 and 2.1 percent in 2018). In 2019, total male admissions decreased by 8.8 percent, returning the number of admissions to pre-2015 levels.

**IMPORTANT NOTE:** The increases in male admissions trends starting in 2015 were related to the increasing admissions to the Parole Housing Unit (PARHU). It is important to note these offenders are granted parole, recorded as a release and then recorded as an immediate admission into the PARHU. This alters the resulting trends in both admission and release movement types. In 2019, the number of PARHU admissions declined for both males and females. This was due to an elimination of some duplicate cases in the data and a policy change where the window of non-reporting that resulted in a recidivism was expanded from two weeks to 30 days.

**Significant Finding:** Male new commitment admissions have declined by an average annual rate of 1.4 percent since 2009. The 10.7 percent drop in male new commitments in 2019 fueled the overall drop in male admissions.

**Significant Finding:** In 2018, male parole violator admissions increased by 37.7 percent. The numbers of male parole violator admissions in 2019 remained at the new levels seen in 2018.

TABLE 4 and TABLE 5 present the male and female admissions to prison from 2009 to 2019. Figures 5 and 6 show the male and female admissions to prison over the past decade, distinguishing the new court commitments from the parole violators. In the admissions tables and figures, the Parole Housing Unit admissions are captured in the “Other/Missing” column.

After reaching a high of nearly 6,300 in 2006 and 2007, total admissions to NDOC declined notably over the next two years to approximately 5,800 in 2009. After two years of modest increases followed by two years of slightly larger decreases, total admissions hit 5,617 in 2013 – the lowest level since 2004. From 2014 to 2018, total admissions grew at an average annual rate of 3.1 percent to reach 6,527. Fueled by a large decrease in male new commitments, admissions to the NDOC declined by 8.4 percent between 2018 and 2019.

#### 1. Males Admitted to Prison

From 2009 to 2019, the average annual change in the number of males admitted to prison for any reason was -0.03 percent. In both 2012 and 2013, male admissions declined and were below 5,000 for the first time since 2004. From 2014 through 2018, total male admissions to NDOC increased each year. The 2016 count of male admissions increased by 0.9 percent (or declined -2.5 percent if the PARHU admissions are excluded). In 2017, total male admissions rose by 1.6 percent (or by 1.0 percent if PARHU admissions are excluded). In 2018 male admissions increased by 1.3 percent to a high of 5,506 (or by 2.2 percent if PARHU admissions are excluded). The 2019 decrease in male admissions of 8.8 percent (compared to 2018) was a result of the number of male admissions dropping to 5,019 (or by 8.2 percent if PARHU admissions are excluded).

Male new commitment admissions declined at an average annual rate of -3.0 percent from 2009 to 2012. After being almost unchanged in 2013, male new commitment admissions rose by 3.9 percent in 2014 and again by 5.5 percent in 2015. In 2016, male new commitment admissions declined by -2.9 percent, before rebounding by 2.8 percent in 2017. In 2018 and 2019, male new commitments fell by 3.6 percent and a whopping 10.9 percent respectively.

Note that male new commitment admissions have accounted for over 80 percent of total male admissions to NDOC each year throughout the past decade except for the past two years where male new commitment admissions were 78 percent of total in 2018 and 77 percent in 2019.

Male parole violator admissions have been quite erratic over the past decade. Overall, this admissions cohort increased at an average annual rate of 6.2 percent from 2009 through 2019. For three years numbers of this cohort declined (2015 through 2017) which included steep decreases of 5.1 percent in 2015 and 9.3 percent in 2017. Most recently, male parole violator admissions have increased two successive years, by 37.7 percent in 2018 and 3.3 percent in 2019. The increases in the previous two years have primarily been fueled by increases in discretionary parole violators. It is important to note that the percent increase in mandatory parole violators in the past decade cannot be derived due to limitations in the data. However, it is important to note the percent increase from 2018 to 2019 was relatively larger for mandatory parole violators, 3.3% versus 1.1%.

## **2. Females Admitted to Prison**

From 2009 to 2019, the average annual change in the number of females admitted to prison was 3.1 percent. In 2016, total female admissions increased by 3.3 percent and then by a whopping 15.9 percent in 2017 to reach the highest number of female admissions to date (1,052). However, as highlighted above, if the PARHU admissions are excluded, total female admissions in 2016 declined by -1.9 percent (rather than increased by 3.3 percent) and rose by 8.7 percent in 2017 (rather than by 15.9 percent). In 2018 and 2019 female admissions decreased by 4.7 both years excluding PARHU admissions. The number of female admissions when PARHU admits are not counted was 851 in 2019.

From 2012 through 2017, female new commitment admissions were on the rise, averaging an annual increase of 4.9 percent. This group has seen two consecutive years of declines in 2018 and 2019. Female new commitments fell by 9.4 percent between 2017 and 2018 and a further 8.4 percent between 2018 and 2019.

Over the past ten years female parole violator admissions have increased by an annual average of 6.1 percent driven primarily by increases in the number of discretionary parole violators. Increases in the number of female parole violator admissions has peaked in the most recent two years. This admissions group increased by 25.4 percent between 2017 and 2018. In 2019, a further 12.7 percent increase occurred.

Note that female new commitment admissions averaged 83 percent of total female admissions to NDOC each year throughout most of the early part of the past decade (2009-2015). Even with the exclusion of PARHU admissions, this trend has changed in recent years as female new commitments have comprised less and less of total female admissions, falling to 70 percent in 2019. Conversely, the number of female parole violator admissions comprising total admissions is on the rise in recent years.

**TABLE 4: HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE: MALES: 2009 –2019**

Year	New Court Commitments & Probation Violators	Safekeepers	Int. Sanction Probation**	NPR/CC	Total New Commitments <sup>~</sup>	Discretionary Parole Violators	Mandatory Parole Violators	Total Parole Violators	Other/ Missing/ PARHU	TOTAL	
<b>2009</b>	4,118	286		71	4,475	577	6	583	17	5,075	
<b>2010</b>	4,089	258		58	4,405	663	1	664	11	5,080	
<b>2011<sup>+</sup></b>	3,897	262	38	70	4,269	723	128	858 <sup>++</sup>	61 <sup>^^</sup>	5,188	
<b>2012<sup>+</sup></b>	3,732	265	8	70	4,081	743	120	863	0	4,943	
<b>2013</b>	3,769	220	44	53	4,088	639	110	749	5	4,842	
<b>2014</b>	3,804	291	73	79	4,247	658	128	786	7	5,040	
<b>2015</b>	4,123	268	28	60	4,481	628	118	746	76 <sup>##</sup>	5,303	
<b>2016</b>	4,042	221	9	76	4,350	642	103	745	254 <sup>##</sup>	5,349	
<b>2017</b>	4,182	215	0	74	4,471	566	110	676	286 <sup>##</sup>	5,433	
<b>2018<sup>+</sup></b>	4,100	167	0	44	4,311	811	120	931	264	5,506	
<b>2019</b>	3,690	80	0	71	3,841	820	142	962	216	5,019	
<b>Numeric Change 2009–2019</b>	<b>-428</b>	<b>-206</b>		<b>--</b>	<b>0</b>	<b>-634</b>	<b>243</b>	<b>136</b>	<b>379</b>	<b>--</b>	<b>-56</b>
<b>Percent Change 2009–2019</b>	<b>-10.4%</b>	<b>-72.0%</b>		<b>--</b>	<b>0.0%</b>	<b>-14.2%</b>	<b>42.1%</b>	<b>--</b>	<b>65.0%</b>	<b>--</b>	<b>-1.1%</b>
<b>Average Annual Percent Change 2009–2019</b>	<b>-1.0%</b>	<b>-9.4%</b>		<b>--</b>	<b>4.8%</b>	<b>-1.4%</b>	<b>4.6%</b>	<b>#</b>	<b>6.2%</b>	<b>--</b>	<b>0.0%</b>
<b>Percent Change 2018–2019</b>	<b>-10.0%</b>	<b>-52.1%</b>		<b>--</b>	<b>61.4%</b>	<b>-10.9%</b>	<b>1.1%</b>	<b>18.3%</b>	<b>3.3%</b>	<b>--</b>	<b>-8.8%</b>

NOTE: The admissions data shown are from the NDOC admissions data file.

\* The 2018 data from January through November was annualized by multiplying by 12/11.

<sup>+</sup> The admissions data shown for 2011, 2012 and 2018 have been updated to reflect data from an NDOC report provided to JFA.

\*\* Prior to the March 2013 data update, the Intermediate Sanction Probation admissions had been included in the New Commitment & Probation Violator column.

<sup>~</sup> The following admissions are included in the Total New Commitments column for the year indicated; these small numbers of admissions are not shown in a separate column:

2011: 2 Intermediate Sanction Parole admissions; 2012: 5 Interstate Compact admissions and 1 PRC admission; 2013: 2 PRC admissions; 2015: 2 PRC admissions; 2016: 2 PRC admissions; 2018: 1 Interstate Compact

<sup>++</sup> Includes 7 SafeKeeper Misdemeanor admissions not shown in a separate column.

<sup>^^</sup> The 61 admissions shown in the Other/Missing column for 2011 were for the PRIDE program.

<sup>#</sup> The drop in mandatory parole violators down to 1 in 2010, followed by an increase to 128 in 2011 (which is an increase of 12700%) generates a misleading result for the average annual change in mandatory parole violators over the past 10 years (1253%).

<sup>##</sup> Prisoners admitted to the Parole Housing Unit (PARHU) after release to parole are shown in the Other/Missing column. The 68 offenders admitted to PARHU in 2015 were moved to the Other/Missing column (they had been counted with Discretionary Parole Violators). In 2016, 243 male offenders were admitted to PARHU. In 2017, 277 male offenders were admitted to PARHU. In 2018, 239 male offenders were admitted to PARHU and 184 were admitted in 2019

**TABLE 5: HISTORICAL ADMISSIONS TO PRISON BY ADMISSION TYPE: FEMALES: 2009 –2019**

Year	New Court Commitments & Probation Violators	Safekeepers	NPR/CC	Total New Commitments <sup>z</sup>	Discretionary Parole Violators	Mandatory Parole Violators	Total Parole Violators	Other/ Missing/ PARHU	TOTAL
<b>2009</b>	603	2	6	611	104	2	106	2	719
<b>2010</b>	646	5	9	660	117	1	118	7	785
<b>2011<sup>+</sup></b>	605	0	5	611	108	9	118 <sup>++</sup>	6 <sup>^^</sup>	735
<b>2012<sup>+</sup></b>	623	2	3	629	138	6	144	0	773
<b>2013</b>	644	2	5	651	114	9	123	1	775
<b>2014</b>	685	4	8	697	123	15	138	1	836
<b>2015</b>	723	1	9	733	139	6	145	1	879
<b>2016</b>	707	1	8	716	143	2	145	47 <sup>##</sup>	908
<b>2017</b>	800	2	9	811	116	10	126	115 <sup>##</sup>	1,052
<b>2018<sup>+</sup></b>	723	5	7	735	148	10	158	128	1,021
<b>2019</b>	666	0	7	673	168	10	178	106	957
<b>Numeric Change 2009–2019</b>	<b>63</b>	<b>-2</b>	<b>1</b>	<b>62</b>	<b>64</b>	<b>8</b>	<b>72</b>	<b>--</b>	<b>238</b>
<b>Percent Change 2009–2019</b>	<b>10.4%</b>	<b>--</b>	<b>16.7%</b>	<b>10.1%</b>	<b>61.5%</b>	<b>--</b>	<b>67.9%</b>	<b>--</b>	<b>33.1%</b>
<b>Average Annual Percent Change 2009–2019</b>	<b>1.2%</b>	<b>--</b>	<b>8.4%</b>	<b>1.2%</b>	<b>6.1%</b>	<b>#</b>	<b>6.1%</b>	<b>--</b>	<b>3.1%</b>
<b>Percent Change 2018–2019</b>	<b>-7.9%</b>	<b>-100.0%</b>	<b>0.0%</b>	<b>-8.4%</b>	<b>13.5%</b>	<b>0.0%</b>	<b>12.7%</b>	<b>-17.2%</b>	<b>-6.3%</b>

NOTE: The admissions data shown are from the NDOC admissions data file.

\* The 2018 data from January through November was annualized by multiplying by 12/11.

<sup>+</sup> The admissions data shown for 2011, 2012 and 2018 have been updated to reflect data from an NDOC report provided to JFA.

<sup>z</sup> The following admissions are included in the Total New Commitments column for the year indicated; these small numbers of admissions are not shown in a separate column:

2011: 1 Intermediate Sanction Probation admission; 2012: 1 Interstate Compact admission; 2018: 1 PRC admission

<sup>++</sup> Includes 1 SafeKeeper Misdemeanor admission not shown in a separate column.

<sup>^^</sup> The 6 admissions shown in the Other/Missing column for 2011 were for the PRIDE program.

<sup>##</sup> Prisoners admitted to the Parole Housing Unit (PARHU) after release to parole are shown in the Other/Missing column. In 2016, 46 female offenders were admitted to PARHU. In 2017, 115 female offenders were admitted to PARHU. In 2018, 119 (of the 128 Other/Missing/PARHU) female offenders were admitted to PARHU. This number was 93 in 2019.

## B. Trends in Parole Release Rates

**Significant Finding:** *In the first 11 months of 2018, overall release rates increased compared to 2017, after having increased substantially from 2016 to 2017. The overall release rate in 2016 was 51.2 – the lowest rate since 2008. Then in 2017, the overall release rate rose to 62.5 before rising to 64.7 in the first 11 months of 2018 (the highest rate since 2000). This trend continued in 2019 as the overall release rate increased to 65.2.*

**Significant Finding:** *Overall both mandatory and discretionary release rates in 2019 remained at the elevated levels first seen in 2017. Total mandatory release rates reached 69.1 in 2019, the highest rate since 2009.*

TABLE 6 compares parole release rates from 2009 through 2019 (Dec '18-Nov '19) by type of parole hearing.

TABLE 7 and TABLE 8 present the parole release rate characteristics for male and female inmates in the 2019 (Dec '18-Nov '19). Figures 7 and 8 present recent parole release rate data: Figure 7 shows the overall release rates from 2010 to 2019 (Dec '18-Nov '19) by type of hearing, while Figure 8 presents the data from 2016 to 2019 (Dec '18-Nov '19) disaggregated by gender. Since 1999, JFA has generated release rate statistics disaggregated by gender. The simulation model utilizes these gender-based release rates. For discretionary release hearings, the release rates for female offenders are higher than for male offenders. The rates for mandatory release hearings used to be similar for males and females but have become consistently higher for females as well.

Release rates issued in the report are release rates rather than grant rates. If an offender is temporarily granted parole and then it is rescinded before an offender is released or if an offender is not heard within 30 days of their minimum eligibility date, it is counted in JFA's statistics as a denial. Parole board statistics would label this as a grant and then a denial in the former case or a grant in the latter case. To avoid confusion, all rates presented in this report are labeled release rates rather than grant rates.

- For male inmates in 2019, the total discretionary release rate ranged from 56.0 for A felons to 91.3 for E felons. The total discretionary release rate for males in 2019 was 60.5.
- The male discretionary release rate declined steadily in the past ten years, reaching a ten-year low of 44.9 in 2016. In the most recent three years (2017-2019), this rate has rebounded to reach levels near or above 60.
- For female inmates in 2019, the total discretionary release rates ranged from 71.4 for A felons to 96.0 for E felons. The total discretionary release rate for females in 2019 was 80.4.
- Female discretionary parole release rates have remained high over the past ten years. The female discretionary parole release rate between 2009 and 2019 reached a nadir in 2016 at 72.1. However, the rate quickly rebounded and has remained above 80 each year since.
- The mandatory parole release rate for male offenders had declined each year from 2009 to 2015. Since 2015, this rate has steadily increased since, reaching a ten year high in 2019 of 67.2.

- Like the discretionary rate, the mandatory parole release rate for females has remained high between 2009 through 2019. This rate dipped mid-decade to a low of 74.1 in 2015. The rate has since rebounded to above 80 the past three years, reaching 86.2 in 2019.
- The total discretionary release rate for males and females together has remained between 54 and 64 over the past ten years. In 2016, the rate reached a decade long low of 48.6 but has since rebounded remaining above 60 since.
- The mandatory release rate for males and females combined has remained more stable than the discretionary rate between 2009 and 2019. While the mandatory release rate also reached a mid-decade low, it has since rebounded, remaining above 60 each of the past three years and reaching a near ten year high in 2019 at 69.1.

**TABLE 6: PAROLE RELEASE RATES 2009 –2019 (DEC ‘18 – NOV ‘19)**

	Discretionary Release Rate	Mandatory Release Rate	Total Release Rate
<b>Males</b>			
2009	51.3	66.9	55.3
2010	60.4	64.4	61.4
2011	59.7	62.7	60.5
2012	55.6	59.8	56.8
2013	52.6	57.2	54.0
2014	52.3	54.6	53.0
2015	49.7	54.0	51.1
2016	44.9	54.7	48.2
2017	58.6	60.8	59.3
2018 (Jan-Nov)	61.3	64.0	62.1
2019 (Dec '18-Nov '19)	60.5	67.2	62.7
<b>Females</b>			
2009	75.9	88.0	78.7
2010	84.8	81.6	84.0
2011	84.3	82.8	84.0
2012	79.9	82.4	80.4
2013	77.4	73.6	76.5
2014	79.4	79.7	79.5
2015	76.8	74.1	76.2
2016	72.1	76.3	73.1
2017	82.9	82.8	82.9
2018 (Jan-Nov)	83.2	82.4	83.0
2019 (Dec '18-Nov '19)	80.4	86.2	81.7
<b>Total</b>			
2009	54.4	69.2	58.2
2010	63.1	65.9	63.9
2011	62.7	64.2	63.1
2012	58.7	61.7	59.5
2013	55.7	58.7	56.6
2014	55.9	57.0	56.2
2015	53.5	56.0	54.3
2016	48.6	56.6	51.2
2017	62.1	63.4	62.5
2018 (Jan-Nov)	64.2	65.9	64.7
2019 (Dec '18-Nov '19)	63.4	69.1	65.2

**TABLE 7: INMATE PAROLE RELEASE HEARINGS HELD: MALES 2019 (DEC '18 – NOV '19)**

Offender Felony Category	Discretionary Parole Release Rates					Total Discretionary Parole Release Rate	*Average Wait Time (months) to Discretionary Release Hearing	Total Mandatory Parole Release Rate	Total Parole Release Rate
	Hearing #1	Hearing #2	Hearing #3	Hearing #4	Hearing #5				
<b>A Felons</b>	50.8	55.2	62.5	67.5	54.8	56.0	27.1	44.4	55.5
<b>B Felons</b>	56.7	62.5	63.1	67.3	80.5	58.8	13.9	69.2	62.7
<b>C Felons</b>	57.5	62.5	87.5	(1/1) = 100.0	N/A	58.2	12.0	65.4	60.9
<b>D Felons</b>	65.0	86.4	N/A	N/A	N/A	66.2	12.0	60.7	64.7
<b>E Felons</b>	91.1	(4/4) = 100.0	N/A	N/A	N/A	91.3	12.0	69.2	89.6
<b>TOTAL</b>	59.6	62.6	64.0	67.7	62.1	60.5	15.0	67.2	65.2

**TABLE 8: INMATE PAROLE RELEASE HEARINGS HELD: FEMALES 2019 (DEC '18 – NOV '19)**

Offender Felony Category	Discretionary Parole Release Rates					Total Discretionary Parole Release Rate	*Average Wait Time (months) to Discretionary Release Hearing	Total Mandatory Parole Release Rate	Total Parole Release Rate
	Hearing #1	Hearing #2	Hearing #3	Hearing #4	Hearing #5				
<b>A Felons</b>	(7/10) = 70.0	(4/5) = 80.0	(1/3) = 33.3	(1/1) = 100.0	(2/2) = 100.0	71.4	(n=6) 23.2	N/A	71.4
<b>B Felons</b>	75.4	78.1	(3/4) = 75.0	(2/2) = 100.0	(1/1) = 100.0	76.0	12.8	89.1	80.3
<b>C Felons</b>	80.1	83.3	(1/3) = 33.3	(2/2) = 100.0	N/A	79.7	12.5	81.0	80.0
<b>D Felons</b>	85.1	(6/6) = 100.0	N/A	N/A	N/A	85.8	12.1	63.6	84.0
<b>E Felons</b>	95.9	N/A	(1/1) = 100.0	N/A	N/A	96.0	(n=2) 12.0	(6/6) = 100.0	96.4
<b>TOTAL</b>	80.4	81.8	54.5	(5/5) = 100.0	(3/3) = 100.0	80.4	13.1	86.2	81.7

\* Many of the cases in the parole hearing data file were missing a next hearing entry, and so the calculation of the “Average Wait Time (months) to Discretionary Release Hearing” is based on an unusually small number of cases.

### C. Trends in the Prison Inmate Population

**Significant Finding:** After reaching a ten-year high in May 2017 (14,179), the Nevada State prison population has steadily declined to 12,929 in December 2019. At the end of January 2020, the NDOC population had decreased to 12,864.

**Significant Finding:** Looking at the Nevada State prison population since 2000, the Nevada prison population exhibited modest growth in 2001 and 2002, followed by stronger growth from year-end 2002 to 2006 (posting average annual increases of 6.0 percent). From 2007 through 2014, the population declined or posted relatively small increases. The 4.6 percent increase in the Nevada State prison population from 2014 to 2015 was the largest observed since 2006, and it was followed by an increase of 3.4 percent in 2016. The prison population declined by 2.1 percent in 2017, by 0.8 percent in 2018 and by 6.0 percent in 2019.

**Significant Finding:** From year-end 2018 to year-end 2019, the male prison population declined by 6.2 percent, while the female prison population decreased by 4.2 percent.

TABLE 9 and Figure 9 present the year-end inmate populations for male and female inmates from 2009 to 2019.

- The male prison population decreased by 229 offenders from end of year 2009 to end of year 2019 – a total increase of 1.9 percent with an average decrease of 0.2 percent per year. From year-end 2018 to year-end 2019, the male inmate population decreased by 769 offenders, or 6.2 percent, for a total of 11,682 male inmates. This is the largest one-year decrease in the past decade.
- The female prison population increased by 267 offenders from end of year 2009 to end of year 2019 – a total increase of 27.2 percent with an average increase of 2.5 percent per year. From year-end 2018 to year-end 2019, the female confined population decreased by 54 offenders, or 4.2 percent, for a total of 1,247 female inmates. This is the largest one-year decrease in the past decade.
- Females made up 9.6 percent of the state prison population at the end of 2019. In the past decade, the percentage of the prison population that is female has ranged from 7.6 to 9.6 percent, averaging 8.6 percent.
- When looking at the changes in the population over the past decade or so, the population grew steadily from year-end 2010 to 2016 before showing three straight years of declines. The decrease in the NDOC population between 2018 and 2019 is the largest one-year decrease in the past decade.
- The male population grew at an average annual rate of 1.4 percent from year-end 2011 to 2016. Beginning in 2017, the male prison population began to decrease. In 2017 with the male population decreased 2.1 percent, followed by a decrease of 1.0 percent in 2018 and 6.2 percent in 2019.
- The female population has shown greater fluctuation: the average annual rate of change was +5.1 percent from year-end 2011 to 2016. Further, in the past three years, the female prison population has shown declines (2.1 percent in 2017 and 4.2 percent in 2019) as well as growth (0.9 percent in 2018).

**TABLE 9: HISTORICAL INMATE POPULATION: 2009 –2019**

<b>Year</b>	<b>Male Population</b>	<b>Female Population</b>	<b>Total Population</b>
<b>2009</b>	11,911	980	12,891
<b>2010</b>	11,790	979	12,769
<b>2011</b>	11,811	967	12,778
<b>2012</b>	11,845	1,038	12,883
<b>2013</b>	11,963	1,091	13,054
<b>2014</b>	11,961	1,130	13,091
<b>2015</b>	12,466	1,226	13,692
<b>2016</b>	12,836	1,317	14,153
<b>2017</b>	12,572	1,290	13,862
<b>2018</b>	12,451	1,301	13,752
<b>2019</b>	11,682	1,247	12,929
<b>Numeric Change 2009–2019</b>	<b>-229</b>	<b>267</b>	<b>38</b>
<b>Percent Change 2009–2019</b>	<b>-1.9%</b>	<b>27.2%</b>	<b>0.3%</b>
<b>Average Annual Percent Change 2009–2019</b>	<b>-0.2%</b>	<b>2.5%</b>	<b>0.1%</b>
<b>Percent Change 2018–2019</b>	<b>-6.2%</b>	<b>-4.2%</b>	<b>-6.0%</b>

Numbers represent end of calendar year figures.

#### D. Trends in Length of Stay

**Significant Finding:** When A felons are excluded, the overall average length of stay for male inmates paroled in 2019 was 26.6 months, up from 25.3 months in 2018, while for females paroled in 2019 the average length of stay was 17.1 months, also up from 2018 (14.6 months).

**Significant Finding:** Similarly, for males discharged from prison (excluding A felons), their average length of stay in 2019 was 28.5 months, down from 29.1 months in 2018. For females discharged (non A felons) in 2019, the average length of stay was 23.4 months, up from 20.4 months in 2018.

**Important Note:** The average length of stay calculations have been modified from past reports. Starting in the April 2016 report, offenders sentenced to Life with Parole are included in the analysis in their appropriate felony categories. In addition, parole violators with no new convictions have been excluded from the length of stay analysis. Results presented in the tables for prior years have been re-analyzed and updated using the new criteria and will not be comparable to results presented in reports prior to April 2016. Finally, offenders released from the Parole Housing Unit are excluded from the analysis.

**Important Note:** While TABLES 10 and 11 display the average length of stay for inmates in the various felony categories by release type, it is important to note that the proportion of inmates who are released in the various felony categories changes from year to year, and thus the overall average lengths of stay are influenced by those changing proportions.

TABLE 10 and TABLE 11 present the average length of stay for male and female inmates by felony category and release type (parole or discharge) for 2016 to 2019 (Dec '18-Nov '19).

- The average length of stay for males released to parole over the past few years (excluding the relatively small population of A felons) has increased gradually since 2016 from 24.5 months to 26.6 months in 2019.
- The average length of stay for females released to parole (excluding the very small number of A felons) has fluctuated in recent years, averaging 15.5 months between 2016 and 2019.
- The average length of stay for males discharged from prison (excluding the relatively small population of A felons) rose notably in 2017 to 28.5 months after spending two years at just under 27 months. This statistic rose to 29.1 months in 2018 before falling back to 28.5 months in 2019.
- Like the males discharged from NDOC in 2017, the average length of stay for female inmates discharged from prison (excluding the very small number of A felons) rose distinctly to 22.1 months after spending two years just under 20 months. In 2018, the average length of stay for discharged females declined to 20.4 months only to increase to a four year high of 23.4 months in 2019.

**TABLE 10: AVERAGE LENGTH OF STAY FOR MALE INMATES BY RELEASE TYPE: 2016-2019**

Offender Felony Category	LENGTH OF STAY (months)							
	2016		2017		2018 (Jan-Nov)		2019 (Dec '18-Nov '19)	
	Parole	Discharge	Parole	Discharge	Parole	Discharge	Parole	Discharge
<b>A Felons</b>	145.0	81.5	178.4	96.7	181.2	102.2	182.9	120.9
<b>B Felons</b>	37.5	35.6	37.4	39.5	39.2	39.1	37.4	38.4
<b>C Felons</b>	10.1	17.1	11.2	18.0	10.3	19.3	11.9	19.1
<b>D Felons</b>	8.3	14.4	8.4	16.2	8.1	16.4	8.4	16.7
<b>E Felons</b>	7.4	13.4	7.3	15.8	6.7	17.0	6.8	15.4
<b>TOTAL</b>	<b>30.7</b>	<b>28.5</b>	<b>31.2</b>	<b>29.7</b>	<b>32.9</b>	<b>30.2</b>	<b>35.4</b>	<b>29.9</b>
<b>TOTAL (No A Felons)</b>	<b>24.5</b>	<b>26.9</b>	<b>24.1</b>	<b>28.5</b>	<b>25.3</b>	<b>29.1</b>	<b>26.6</b>	<b>28.5</b>

**TABLE 11: AVERAGE LENGTH OF STAY FOR FEMALE INMATES BY RELEASE TYPE: 2016-2019**

Offender Felony Category	LENGTH OF STAY (months)							
	2016		2017		2018 (Jan-Nov)		2019 (Dec '18-Nov '19)	
	Parole	Discharge	Parole	Discharge	Parole	Discharge	Parole	Discharge
<b>A Felons</b>	109.8	55.3 (n=2)	129.7 (n=7)	--- (n=0)	125.1 (n=6)	171.2 (n=2)	165.6 (n=7)	--- (n=0)
<b>B Felons</b>	24.9	27.3	26.8	30.4	24.5	27.9	25.7	30.9
<b>C Felons</b>	8.8	15.0	8.9	17.4	8.1	18.3	8.6	18.4
<b>D Felons</b>	7.7	13.5	7.1	15.0	6.7	12.3	6.3	13.1
<b>E Felons</b>	7.4	12.5	6.8	11.1	5.9	10.2	6.5	11.4 (n=3)
<b>TOTAL</b>	<b>17.0</b>	<b>20.3</b>	<b>16.4</b>	<b>22.1</b>	<b>15.8</b>	<b>23.5</b>	<b>18.8</b>	<b>23.4</b>
<b>TOTAL (No A Felons)</b>	<b>15.0</b>	<b>19.8</b>	<b>15.2</b>	<b>22.1</b>	<b>14.6</b>	<b>20.4</b>	<b>17.1</b>	<b>23.4</b>

IMPORTANT NOTE ABOUT TABLES 10 & 11: If comparing these tables to previous versions of this report, please note that offenders sentenced to Life with Parole are now included in the analysis in their appropriate Felony Category. The very small number of offenders with a Life or Death sentence who are released continue to be excluded from these tables. Safekeepers discharged from prison also continue to be excluded from these tables. Prior year data has been re-analyzed using the same criteria listed above so that the results are comparable across the years shown. These tables, however, are not comparable to the ones in reports issued prior to April 2016. Offenders released from the Parole Housing Unit are excluded from these tables.

The table below presents the results of a separate analysis of the average length of stay of parole violators released over the past several years.

For parole violators with no new offense, their average length of stay displayed a steady upward trend from 7.1 months in 2013 to 11.6 months in 2017. In the first 11.6 months of 2018, the average length of stay for that population declined slightly to 11.1 months. In 2019, this statistic decreased to 9.6 months. For the small number of parole violators with a new offense, their average length of stay has bounced around, but has displayed an upward trend in the past few years reaching 35.7 months in 2019.

**SUPPLEMENTAL: AVERAGE LENGTH OF STAY  
FOR PAROLE VIOLATORS: 2014-2019**

<b>Parole Violators</b>	<b>LENGTH OF STAY (months)</b>					
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018 (Jan-Nov)</b>	<b>2019 (Dec '18-Nov '19)</b>
<b>PVs: No new offense</b>	8.0	9.6	10.7	11.6	11.1	9.6
<b>PVs: With new offense</b>	28.0	23.0	24.6	26.1	29.8	35.7

For the January 2019 report, we excluded prisoners with a Life or Death sentence – this resulted in no changes to any of the figures previously reported except that the average length of stay for Parole Violators with a new offense released in 2017 shifted slightly upward.

## **VI. KEY POPULATION PROJECTION ASSUMPTIONS**

The inmate population projections contained in this report were completed using the Wizard simulation model. The model simulates the movements of inmates through the prison system based on known and assumed policies affecting both the volume of admissions into the system and the lengths of stay for inmates who are housed in prison. It simulates the movements of individual cases, by felony class subgroup, and projects each separately. Males and females, as well as inmates sentenced under different sentencing policies, move through the system differently. The forecast presented in this document was produced using the NDOC data from December 2018 through November 2019 presented in this report. The list below summarizes the key additional assumptions not inherently reflected in the December 2018 through November 2019 data.

In addition to the data observed for December 2018 through November 2019, an assessment was completed on the seven areas of AB 236 that were presented to the legislature as having an impact on future prison estimates. That analysis is presented in the AB 236 impact section below.

### **A. Future Release Rates:**

**Future discretionary release rates will reflect what was observed in the data analyzed in this report (December 2018- November 2019. Future mandatory parole release rates will be held at an overall discretionary rate of 67.2 percent for males and 86.2 percent for females.**

Data for December 2018 through November 2019 show marginal increases in parole release rates. This leveling off of both male and female parole release rates (both discretionary and mandatory) is in contrast from the previous year's rapid increases. Based on this, both discretionary and mandatory release rates are assumed to remain at the December 2018 through November 2019 level throughout the forecast horizon. Parole release rates can have a quick and profound impact on a prison population. Because of this should be monitored closely in the coming months and re-analyzed in future iterations of this report.

### **B. Future Admissions Composition (Base Assumption):**

**The composition of future new commitment admissions is assumed to be the same as the composition of new commitment admissions during December 2018 through November 2019.**

The base model used for this report is based on admission and release data provided to JFA by the NDOC for December 2018 through November 2019. Future admissions are assumed to "look like" these admissions in terms of the proportion of admitting charges, sentences received, jail credit days earned, good time credit awards, and serving times to parole eligibility

It should be noted this is the base model assumption and additional model manipulation made to accommodate assumptions for AB 236 alter that assumption in the resulting forecast. These additional assumptions are provided below. An example of an AB 236 alteration is that a large portion of AB 236 is centered around reducing both parole and probation technical violators. The impact of this to the simulation is a composition of those offenders being admitted throughout the forecast horizon.

### **C. Future Admissions Counts:**

**Due to the dramatic drop in admissions in 2019, two separate new court admissions assumptions are presented in this report. The first, or base, scenario assumes new court admissions will not rebound immediately from the dramatic drop in 2019 rather they will gradually increase but not reach 2018 observed levels for 3-4 years where they will increase at a minuscule rate for the remainder of the forecast horizon. The base admissions assumption assumes total new court admissions will see an average growth per year of 1.6 percent over the forecast horizon.**

**The second new court admissions assumption, the worst-case scenario, assumes new court admissions will rebound immediately in 2020 to 2018 levels and grow modestly for the remainder of the forecast horizon. The worst-case new court admissions assumption assumes an overall average growth per year of 1.8 percent over the forecast horizon.**

#### **Males**

Male new commitment admissions increased each year from 2002 to 2006, at an average annual rate of 8.9 percent to hit almost 4,750 in 2006. From 2007 to 2012, male new commitment admissions exhibited a steady decline, falling at an average annual rate of about -3 percent to hit just over 4,000 in 2012. After being largely unchanged in 2013, male new commitment admissions increased at an average annual rate of 4.7 percent from 2013 to 2015. The 2.9 percent decline in male new commitment admissions in 2016 was erased by a similar increase in 2017. In 2018, male new commitment admissions declined by 3.6 percent.

In 2019, male new commitment admissions decreased dramatically and unexpectedly by 10.9 percent. This one-year change was so dramatic it affected both the three-year average rate of change in male new court admissions (-3.9 percent per year) and five-year rate of change (-1.8 percent). It is important to also note, the drop in male new court commitment admissions happened only in the latter seven months of the year. The early months of 2019 admissions were on par with the previous year's monthly averages. While there is no clear explanation of why male new commitment admission have dropped, further analysis shows these declines occurred mainly in lower serious and non-violent offenders. It is also of note that although AB 236 does not go into official effect until July 2020, yet the recent decline occurred in large part among populations targeted in AB 236 (excluding parole violators).

#### **Females**

Over the past two decades, female new commitment admissions have fluctuated widely with several years of increases and decreases of varying magnitudes. From 2004 to 2006, female new commitments grew at an average annual rate of 14.7 percent to hit almost 750 in 2006. Female new commitment admissions declined for the next few years to just over 600 in 2009. After rising in 2010 and falling in 2011, female new court commitments increased at an average annual rate of 4.7 percent from 2011 to 2015. In 2016, female new commitment admissions declined by -2.3 percent before leaping by 13.3 percent in 2017. In 2018, female new commitment admissions declined by 9.4 percent. Female new commitment admissions fell a further 8.4 percent in 2019. The three-year average rate of change in female new court commitments is -1.5 percent per year while the five-year rate of change is -0.3 percent.

Like males in 2019, female new commitment admissions decreased dramatically and unexpectedly. Unlike males, the one-year change followed a similar, albeit smaller, decline in female new court admissions in 2018. While not as starkly pronounced as the male decline,

analysis of female new court admissions shows most of these declines occurred in the latter half of 2019. It is also of note that although AB 236 does not go into effect until July 2020, the decline occurred in large part among populations targeted by AB 236 (excluding parole violators).

#### **Other Admission Groups**

JFA feels dividing admissions to prison into categories is essential in looking at drivers of the overall prison population. New court admissions will spend significantly longer on average than technical parole violators and PARHU offenders. PARHU admissions declined slightly in 2019 due to a data correction as well as a policy change. NDOC has indicated this is the continued level and JFA has built that assumption into the forecast model.

#### **D. Future Parole Revocation and Parole Violators Returned to Prison Rates:**

**Both male and female parole violators are assumed to grow at similar rates as observed in 2019 over the forecast horizon.**

After hovering around 1,000 for the first part of the 2000s, the number of parole violators admitted to NDOC declined to 612 in 2008.<sup>15</sup> The decrease in parole violations was a result of AB 510 which shortened the time on parole for most offenders. With less time on parole, there is less opportunity for revocation. After 2008, the number of parole violators returned to prison increased substantially each year until 2012 when the number admitted to NDOC was again around 1,000. For the next several years, the number of parole violators remained around 900, and in 2017, dropped to 802. If the pattern for the first 11 months of 2018 holds for the remainder of the year, parole violator admissions will surge by 36.0 percent to hit its highest level in almost two decades. The total number of parole violators increased again in 2019 to 1,140.

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<sup>15</sup> The admissions data file for 2008 did not contain admissions by type for July and August 2008. JFA utilized the proportion of admissions in each subcategory for the 10 months of 2008 for which the data were available and applied those proportions to the total admissions for July and August to obtain estimated subcategory counts for July and August.

**TABLE 12: PAROLE VIOLATORS ADMITTED BY YEAR: 2009-2019**

Year	Total Parole Violators	Percent Change
2009	689	12.6%
2010	782	13.5%
2011^	976	24.8%
2012^	1,007	3.2%
2013	872	-13.4%
2014	924	6.0%
2015	891	-3.6%
2016	890	-0.1%
2017	802	-9.9%
2018	1,089	35.8%
2019	1,140	4.7%

This table is populated using counts from the NDOC admissions datafiles.

<sup>^</sup> 2011 and 2012 counts were updated using NDOC monthly reports provided in March 2013.

It should be noted the above assumption are for the baseline model. Additional model manipulation made to accommodate assumptions for AB 236 that alter assumptions in the resulting forecast.

## **AB 236**

As stated earlier in the report, in June of 2019, AB 236 was passed by the State of Nevada. This new legislation is aimed at cutting the cost of corrections in the State by reducing recidivism and lowering the state's prison population through sentencing reforms. JFA was not involved in the analysis of the original bed space impacts during the passage of this legislation but has reviewed summaries of the work completed. A complete analysis and individual assessment of each part and strategy included in the legislation is outside of the scope and resources available to JFA. As such, the following section provides a general summary of how relevant sections of the legislation were analyzed and built into the simulation model and resulting forecast.

1. Revision of burglary sentences (for new commitments only):

It was observed in the latter half of 2019 new court admissions data that both burglary and attempted burglary (one sentence only) saw declines in admissions and slight declines in average sentences from 2018 and early 2019 levels. These new lower admissions levels and sentence lengths were built into the simulation model.

2. Adjustment of penalties for possession of a controlled substance (new commitments only):

It was observed in the latter half of 2019 new court admissions data that both possession and attempted possession (one sentence only) saw declines in admissions from 2018 and early 2019 levels. These new lower admissions levels were built into the simulation model.

3. Increase the drug trafficking weight thresholds (new commitments only):

It was observed in the latter half of 2019 new court admissions data that both trafficking and attempted trafficking (one sentence only) saw slight declines in admissions and more substantial declines in average sentences from 2018 and early 2019 levels. These new lower admissions levels and sentences lengths were built into the simulation model.

4. Raise the threshold for felony theft offenses (new commitments only):  
Analysis of new court admissions in 2019 found very few theft and attempted theft cases (one sentence) qualifying for this targeted area. It was determined that the 2019 commitment levels of theft and attempted theft would remain constant over the forecast horizon.
5. Reclassification of certain non-violent category B offenses to category C offenses (new commitments only):  
Analysis of the new court admissions in 2019 found very few cases who qualified for this target area (one sentence category B offenders with current maximum sentences over the proposed maximum sentences). It was determined that the impact on the overall prison population would be negligible and no adjustments were made from the base assumption of 2019 data.
6. Establish revocation caps for Technical Violators:  
Analysis of new court admissions in 2019 found this to be the most substantial proposed reduction to the prison population. As noted earlier, and in direct contrast to new court commitments, parole revocations increased in 2019 and are projected to increase over the forecast horizon. Probation revocations, both technical and new sentences, are included in new court admissions for the purposes of the simulation model and were dramatically down in 2019.  
  
Analysis of this targeted area is complicated by unreliable data separating both parole and probation violators into purely technical revocations verses newly sentenced. For this estimation, JFA utilized an assumption made during the passage of AB 236 that 34 percent of all returns (both parole and probation) were for technical revocations. An additional assumption was applied to the forecast model assuming a 20 percent reduction in parole technical violations returned to prison and an additional 5 to 10 percent reduction in probation technical violators returned over the forecast horizon.
7. Frontload resources by reducing the time on probation:  
JFA has considerable experience in states undertaking similar legislation that shorted supervision time, both on parole and probation. While this proposal can have a marked impact on supervision caseloads, in the one to five-year follow-up analysis, none of these states has seen negligible decreases in violations returned to prison as a result. With this experience, JFA did not choose to build in an additional impact for this portion of AB 236. It is recommended that this be tracked closely by the Division of Parole and Probation in the years to come.

All assumptions made regarding AB 236 were completed using the most recent data set available which should be noted is not the dataset used in analysis presented during passage of the legislation. The data set used in this report is more recent and reflects the dramatic decreases seen in Nevada new court admissions, probation violators and lower sentences for certain offenses. As with any newly enacted piece of legislation, it is often difficult to predict how prison and judicial practices will respond over time. JFA has extensive experience in Nevada (and nationally) in establishing the most reasonable assumptions possible for forecasting new legislation. JFA has used those methods for this iteration of the forecast model. It is particularly crucial that all these assumptions and trends be tracked routinely and with a critical eye to ensure accurateness in the forecast.

#### **NOTE: Housing of Arizona Contract Inmates**

**As of December 2019, there were 100 Arizona offenders (labeled NBV in aggregate reports) housed under contract in the Nevada State Prison system. It is assumed these offenders will continued to be housed at this number over the forecast horizon. The level of contract beds is not assumed to increase or decrease based on any trends.**

**TABLE 13: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: MALES: 2017<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	141	3.3%	28.4	812.9	665.5	468.6
B Felons	2,127	50.0%	28.8	208.8	103.2	36.3
C Felons	1,071	25.2%	28.3	141.8	47.5	12.6
D Felons	658	15.5%	28.4	117.8	39.8	9.5
E Felons	254	6.0%	29.9	127.4	39.2	8.3
Subtotal	4,251	100.0%				
Missing	4					
Total	4,255					

**TABLE 14: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: MALES: 2018 (JAN-NOV)<sup>^</sup>**

Offender Felony Category	Number Admitted (JAN-NOV)	Percent Admitted (JAN-NOV)	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	158	4.1%	28.8	626.4	663.8	356.4
B Felons	1,977	51.4%	29.2	214.1	106.7	37.0
C Felons	956	24.8%	28.4	146.0	46.5	12.3
D Felons	552	14.3%	28.5	127.1	39.4	9.4
E Felons	205	5.3%	29.4	117.6	38.4	7.8
Subtotal	3,848	100.0%				
Missing	2					
Total	3,850					

**TABLE 15: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: MALES: 2019 (DEC '18-NOV '19)<sup>^</sup>**

Offender Felony Category	Number Admitted (DEC '18-NOV '19)	Percent Admitted (DEC '18-NOV '19)	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	171	4.6%	28.8	681.2	682.4	459.2
B Felons	1,891	50.8%	29.5	211.5	109.2	37.1
C Felons	1007	27.1%	28.5	145.9	47.0	12.6
D Felons	485	13.0%	29.0	127.4	39.8	9.8
E Felons	166	4.5%	30.0	119.2	37.8	7.9
Subtotal	3,720	100.0%				
Missing	42					
Total	3,762					

<sup>^</sup> These tables include New Commitments admissions as well as a small population of offenders who were ‘Not Physically Received (NPR).’ They do not include Safe Keepers or Intermediate Sanction Probationers. Offenders sentenced to Life and Life with Parole were put in their assigned felony categories; most of the time, they are A felons.

**TABLE 16: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: FEMALES: 2017<sup>^</sup>**

Offender Felony Category	Number Admitted	Percent Admitted	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	16	2.0%	28.6	1,091.4	637.8	304.5
B Felons	319	39.4%	28.6	183.6	85.9	29.4
C Felons	212	26.2%	28.0	131.4	44.0	10.8
D Felons	175	21.6%	28.6	110.6	38.5	8.5
E Felons	87	10.8%	28.9	117.5	38.2	7.9
Subtotal	809	100.0%				
Missing	0					
Total	809					

**TABLE 17: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: FEMALES: 2018 (JAN-NOV)<sup>^</sup>**

Offender Felony Category	Number Admitted (JAN-NOV)	Percent Admitted (JAN-NOV)	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	13	1.9%	28.9	564.5	441.2	185.5
B Felons	305	45.2%	28.5	177.3	90.8	30.4
C Felons	171	25.3%	28.1	130.4	44.1	11.1
D Felons	116	17.2%	28.5	127.7	38.1	8.2
E Felons	70	10.4%	28.3	114.8	37.9	8.0
Subtotal	675	100.0%				
Missing	5					
Total	680					

**TABLE 18: NEW COURT COMMITMENT ADMISSION CHARACTERISTICS BY CATEGORY: FEMALES: 2019 (DEC '18-NOV '19)<sup>^</sup>**

Offender Felony Category	Number Admitted (DEC '18-NOV '19)	Percent Admitted (DEC '18-NOV '19)	Average Good Time Days Per Month	Average Jail Time (Days)	Average Maximum Sentence (Months)	Average Minimum Sentence (Months)
A Felons	15	2.3%	28.5	866.9	597.2	291.6
B Felons	294	44.4%	30.6	159.9	81.8	27.2
C Felons	162	24.5%	29.3	118.8	44.0	10.5
D Felons	131	19.8%	28.5	123.9	37.3	8.7
E Felons	60	9.1%	29.1	109.6	37.1	7.6
Subtotal	662	100.0%				
Missing	19					
Total	681					

<sup>^</sup> These tables include New Commitments admissions as well as a small population of offenders who were 'Not Physically Received (NPR).' They do not include Safe Keepers or Intermediate Sanction Probationers. Offenders sentenced to Life and Life with Parole were put in their assigned felony categories; most of the time, they are A felons.

**TABLE 19: HISTORICAL AND PROJECTED TOTAL ADMISSIONS: 2009-2030**

Year	Actual Males		Actual Females		Actual Total	
<b>2009</b>	5,075		719		5,794	
<b>2010</b>	5,080		785		5,865	
<b>2011<sup>#</sup></b>	5,188		735		5,923	
<b>2012<sup>#</sup></b>	4,943		773		5,716	
<b>2013</b>	4,842		775		5,617	
<b>2014</b>	5,040		836		5,876	
<b>2015</b>	5,303		879		6,182	
<b>2016</b>	5,349		908		6,257	
<b>2017</b>	5,433		1,052		6,485	
<b>2018</b>	5,506		1,021		6,527	
<b>2019</b>	5,019		957		5,976	
Projected	Base Male	Worst Case Male	Base Female	Worst Case Female	Base Male	Worst Case Female
<b>2020</b>	5,357	5,563	1,000	1,040	6,357	6,603
<b>2021</b>	5,523	5,661	1,039	1,062	6,562	6,723
<b>2022</b>	5,660	5,761	1,068	1,084	6,728	6,845
<b>2023</b>	5,728	5,864	1,090	1,105	6,818	6,969
<b>2024</b>	5,798	5,968	1,104	1,126	6,902	7,094
<b>2025</b>	5,869	6,074	1,118	1,146	6,987	7,220
<b>2026</b>	5,941	6,182	1,132	1,167	7,073	7,349
<b>2027</b>	6,015	6,293	1,147	1,188	7,162	7,481
<b>2028</b>	6,082	6,406	1,162	1,209	7,244	7,615
<b>2029</b>	6,166	6,520	1,177	1,231	7,343	7,751
<b>2030</b>	6,244	6,638	1,192	1,253	7,436	7,891
<b>Numeric Change 2009–2019</b>	<b>-56</b>		<b>238</b>		<b>182</b>	
<b>Percent Change 2009–2019</b>	<b>-1.1%</b>		<b>33.1%</b>		<b>3.1%</b>	
<b>Average Annual Percent Change 2009–2019</b>	<b>1.5%</b>		<b>1.8%</b>		<b>1.8%</b>	
<b>Percent Change 2018–2019</b>	<b>-8.8%</b>		<b>-6.3%</b>		<b>-8.4%</b>	
<b>Numeric Change 2020–2030</b>	<b>887</b>	<b>192</b>	<b>192</b>	<b>213</b>	<b>1,079</b>	<b>1,288</b>
<b>Percent Change 2020–2030</b>	<b>16.6%</b>	<b>19.2%</b>	<b>19.2%</b>	<b>20.5%</b>	<b>17.0%</b>	<b>19.5%</b>
<b>Average Annual Percent Change 2020–2030</b>	<b>1.5%</b>	<b>1.8%</b>	<b>1.8%</b>	<b>1.9%</b>	<b>1.6%</b>	<b>1.8%</b>

<sup>#</sup> 2011 and 2012 counts were updated from NDOC monthly reports provided in March 2013

\* The 2018 data from January through November was annualized by multiplying by 12/11.

## **PRISON POPULATION PROJECTIONS**

This section contains the inmate population projections based on the assumptions set forth above. Projections are presented for male and female inmates, and the total inmate population.

TABLE 22 presents the summary table of male, female and total population projections from 2019 to 2030.

### **A. Projected Male Inmate Population**

TABLE 21 displays a summary of the historical and projected male inmate population for the period 2009 to 2030.

Figure 12 presents the April 2020 forecasts of male new commitment admissions and stock population.

#### **Baseline Forecast**

- In 2020, 11,626 male offenders are projected to be under the Nevada Department of Corrections system.
- The male inmate prison population was 11,682 at the end of 2019. The population is projected to increase to 11,835 in 2025 and to 12,583 inmates by the end of 2030. The projected growth represents average increases of 0.8 percent per year through the year 2029.
- The male forecast for this cycle represents a noticeable lower forecast than the most recent February 2019 forecast. The lower forecast is a factor of the dramatic decline in admissions to prison seen in the latter half of 2019 combined with the projected impacts of the AB 236 legislation.

#### **Worst Case Forecast**

- In 2020, 11,837 male offenders are projected to be under in the Nevada Department of Corrections system.
- The male inmate prison population was 11,682 at the end of 2019. The population is projected to increase to 12,208 in 2025 and to 13,656 inmates by the end of 2030. The projected growth represents average increases of 1.4 percent per year through the year 2029.
- The worst case scenario forecast estimates 1,073 more male inmates will be housed in the NDOC in 2030 than the baseline forecast.

**TABLE 20: HISTORICAL AND PROJECTED INMATE POPULATION: MALES: 2009-2030**

Year	Historical		
<b>2009</b>	11,911		
<b>2010</b>	11,790		
<b>2011</b>	11,811		
<b>2012</b>	11,845		
<b>2013</b>	11,963		
<b>2014</b>	11,961		
<b>2015</b>	12,466		
<b>2016</b>	12,836		
<b>2017</b>	12,572		
<b>2018</b>	12,451		
<b>2019</b>	11,682		
		Baseline Projected	Worst Case Projected
<b>2020</b>		11,626	11,837
<b>2021</b>		11,579	11,829
<b>2022</b>		11,564	11,870
<b>2023</b>		11,627	11,771
<b>2024</b>		11,721	11,988
<b>2025</b>		11,835	12,208
<b>2026</b>		11,960	12,472
<b>2027</b>		12,111	12,724
<b>2028</b>		12,290	13,065
<b>2029</b>		12,421	13,178
<b>2030</b>		12,583	13,656
<b>Numeric Change 2009–2019</b>	<b>-229</b>		
<b>Percent Change 2009–2019</b>	<b>-1.9%</b>		
<b>Average Annual Percent Change 2009–2019</b>	<b>-0.2%</b>		
<b>Percent Change 2018–2019</b>	<b>-6.2%</b>		
<b>Numeric Change 2020–2030</b>		<b>957</b>	<b>1,818</b>
<b>Percent Change 2020–2030</b>		<b>8.2%</b>	<b>15.4%</b>
<b>Average Annual Percent Change 2020–2030</b>		<b>0.8%</b>	<b>1.4%</b>

Numbers represent end of calendar year figures.

## **B. Projected Female Inmate Population**

TABLE 21 displays a summary of the historical and projected female inmate population for the period 2009 to 2030.

Figure 13 presents the April 2020 forecasts of female new commitment admissions and stock population.

### **Baseline Forecast**

- In 2020, 1,224 female offenders are projected to be under in the Nevada Department of Corrections system.
- The female inmate prison population was 1,247 at the end of 2019. The population is projected to increase to 1,251 in 2025 and to 1,321 inmates by the end of 2030. The projected growth represents average increases of 0.8 percent per year through the year 2029.

### **Worst Case Forecast**

- In 2020, 1,269 female offenders are projected to be under in the Nevada Department of Corrections system.
- The female inmate prison population was 1,247 at the end of 2019. The population is projected to increase to 1,289 in 2025 and to 1,383 inmates by the end of 2030. The projected growth represents average increases of 0.9 percent per year through the year 2029.
- The worst case scenario forecast estimates 62 more female inmates will be housed in the NDOC in 2030 than the baseline forecast.

Forecasting the male and female Nevada prison population has been complicated, at this time, by two major events that have increased the uncertainty in the direction of the correctional population: 1) recent dramatic decreases in new court admissions and 2) the pending implementation of AB 236. With only 6-8 months of decreases in new court admissions, it is difficult to say whether that trend will continue or reverse itself. JFA has analyzed all the internal and external data available and presented its best estimate for long term correctional bed pace planning in Nevada. There will be two additional iterations of this report for the 2021 budget cycle and it will be crucial to examine new data and emerging trends as it becomes available.

**TABLE 21: HISTORICAL AND PROJECTED INMATE POPULATION: FEMALES: 2009-2030**

Year	Historical		
<b>2009</b>	980		
<b>2010</b>	979		
<b>2011</b>	967		
<b>2012</b>	1,038		
<b>2013</b>	1,091		
<b>2014</b>	1,130		
<b>2015</b>	1,226		
<b>2016</b>	1,317		
<b>2017</b>	1,290		
<b>2018</b>	1,301		
<b>2019</b>	1,247		
		Baseline Projected	Worst Case Projected
<b>2020</b>		1,224	1,269
<b>2021</b>		1,217	1,282
<b>2022</b>		1,225	1,287
<b>2023</b>		1,232	1,287
<b>2024</b>		1,241	1,292
<b>2025</b>		1,251	1,289
<b>2026</b>		1,264	1,307
<b>2027</b>		1,277	1,325
<b>2028</b>		1,293	1,347
<b>2029</b>		1,306	1,357
<b>2030</b>		1,321	1,383
<b>Numeric Change 2009–2019</b>	<b>267</b>		
<b>Percent Change 2009–2019</b>	<b>27.2%</b>		
<b>Average Annual Percent Change 2009–2019</b>	<b>2.5%</b>		
<b>Percent Change 2018–2019</b>	<b>-4.2%</b>		
<b>Numeric Change 2020–2030</b>		<b>97</b>	<b>114</b>
<b>Percent Change 2020–2030</b>		<b>7.9%</b>	<b>9.0%</b>
<b>Average Annual Percent Change 2020–2030</b>		<b>0.8%</b>	<b>0.9%</b>

Numbers represent end of calendar year figures.

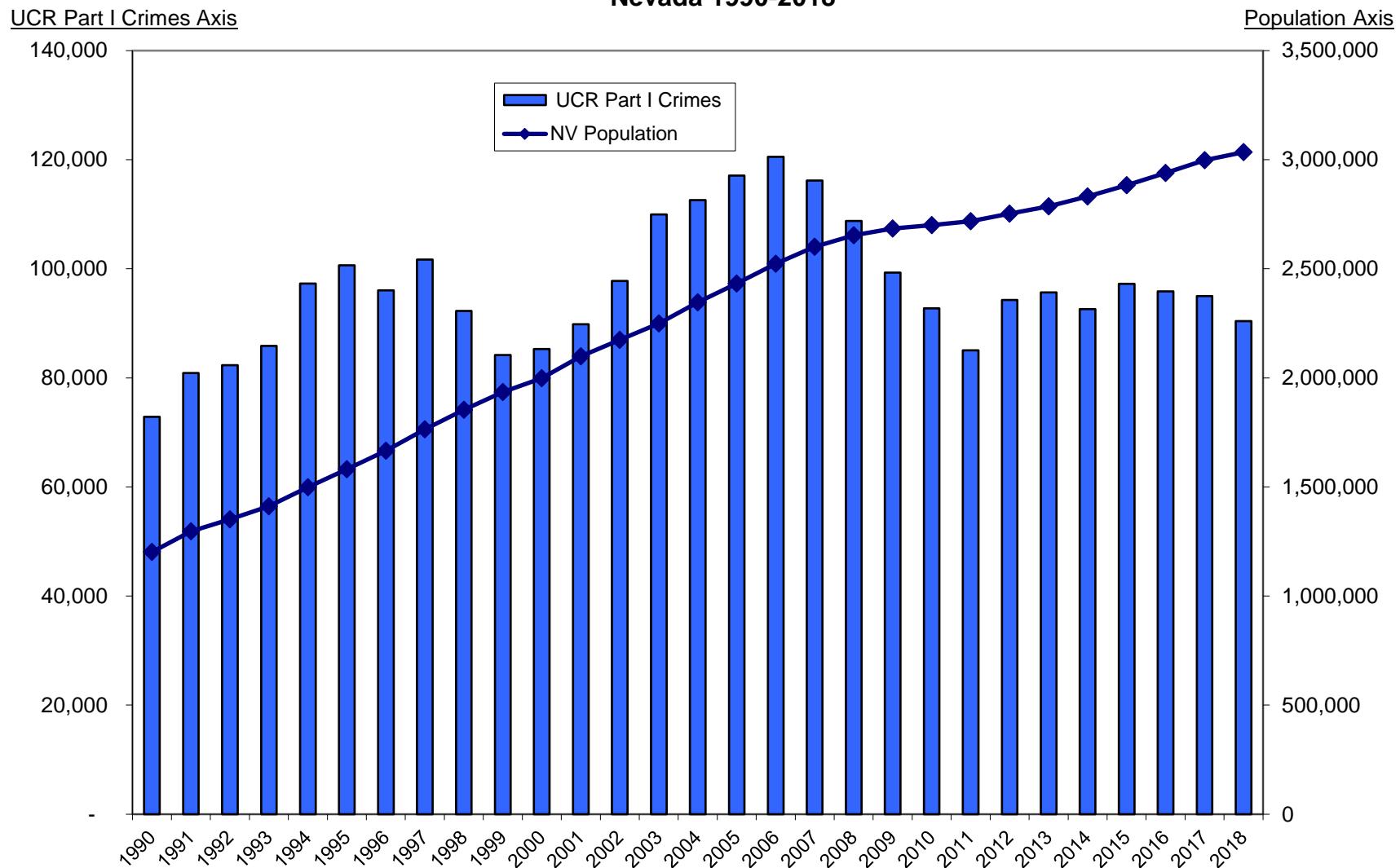
**TABLE 22: ACTUAL AND PROJECTED INMATE POPULATION: 2019-2030**

Year	Male Population		Female Population		Total Population	
	Baseline	Worst Case	Baseline	Worst Case	Baseline	Worst Case
<b>2019</b>	<b>11,682</b>		<b>1,247</b>		<b>12,929</b>	
<b>2020</b>	11,626	11,837	1,224	1,269	12,850	13,106
<b>2021</b>	11,579	11,829	1,217	1,282	12,796	13,111
<b>2022</b>	11,564	11,870	1,225	1,287	12,789	13,157
<b>2023</b>	11,627	11,771	1,232	1,287	12,859	13,058
<b>2024</b>	11,721	11,988	1,241	1,292	12,962	13,279
<b>2025</b>	11,835	12,208	1,251	1,289	13,086	13,497
<b>2026</b>	11,960	12,472	1,264	1,307	13,224	13,779
<b>2027</b>	12,111	12,724	1,277	1,325	13,388	14,049
<b>2028</b>	12,290	13,065	1,293	1,347	13,583	14,412
<b>2029</b>	12,421	13,178	1,306	1,357	13,727	14,534
<b>2030</b>	12,583	13,656	1,321	1,383	13,904	15,039
<b>Numeric Change 2020–2030</b>	<b>957</b>	<b>1,818</b>	<b>97</b>	<b>114</b>	<b>1,054</b>	<b>1,933</b>
<b>Percent Change 2020–2030</b>	<b>8.2%</b>	<b>15.4%</b>	<b>7.9%</b>	<b>9.0%</b>	<b>8.2%</b>	<b>14.7%</b>
<b>Average Annual Percent Change 2020–2030</b>	<b>0.8%</b>	<b>1.4%</b>	<b>0.8%</b>	<b>0.9%</b>	<b>0.8%</b>	<b>1.4%</b>

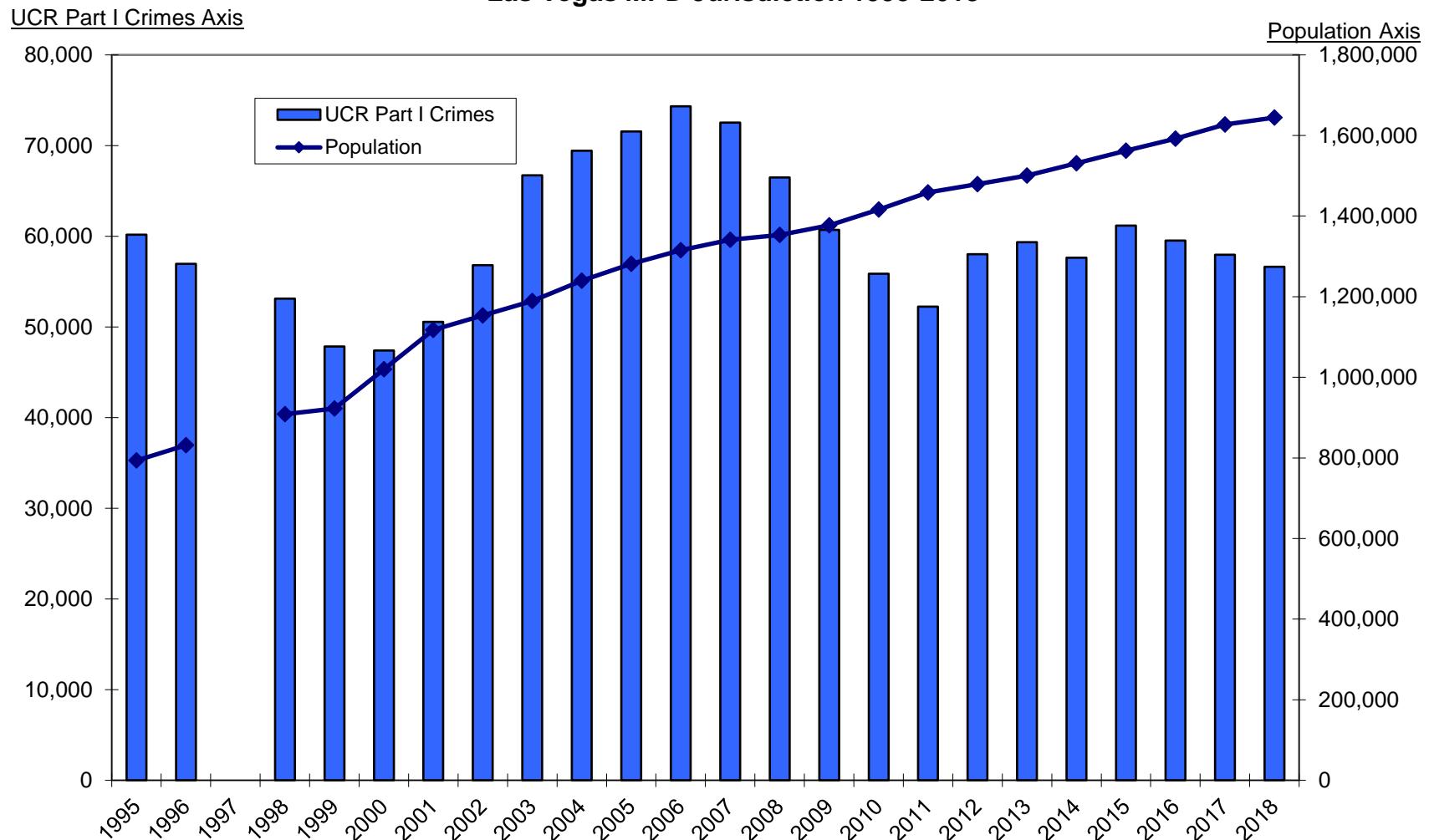
Projections numbers represent end of calendar year figures.

**APPENDIX A: FORECAST TABLES BY MONTH & FIGURES**

**FIGURE 1: Reported Crime and Population:  
Nevada 1990-2018**

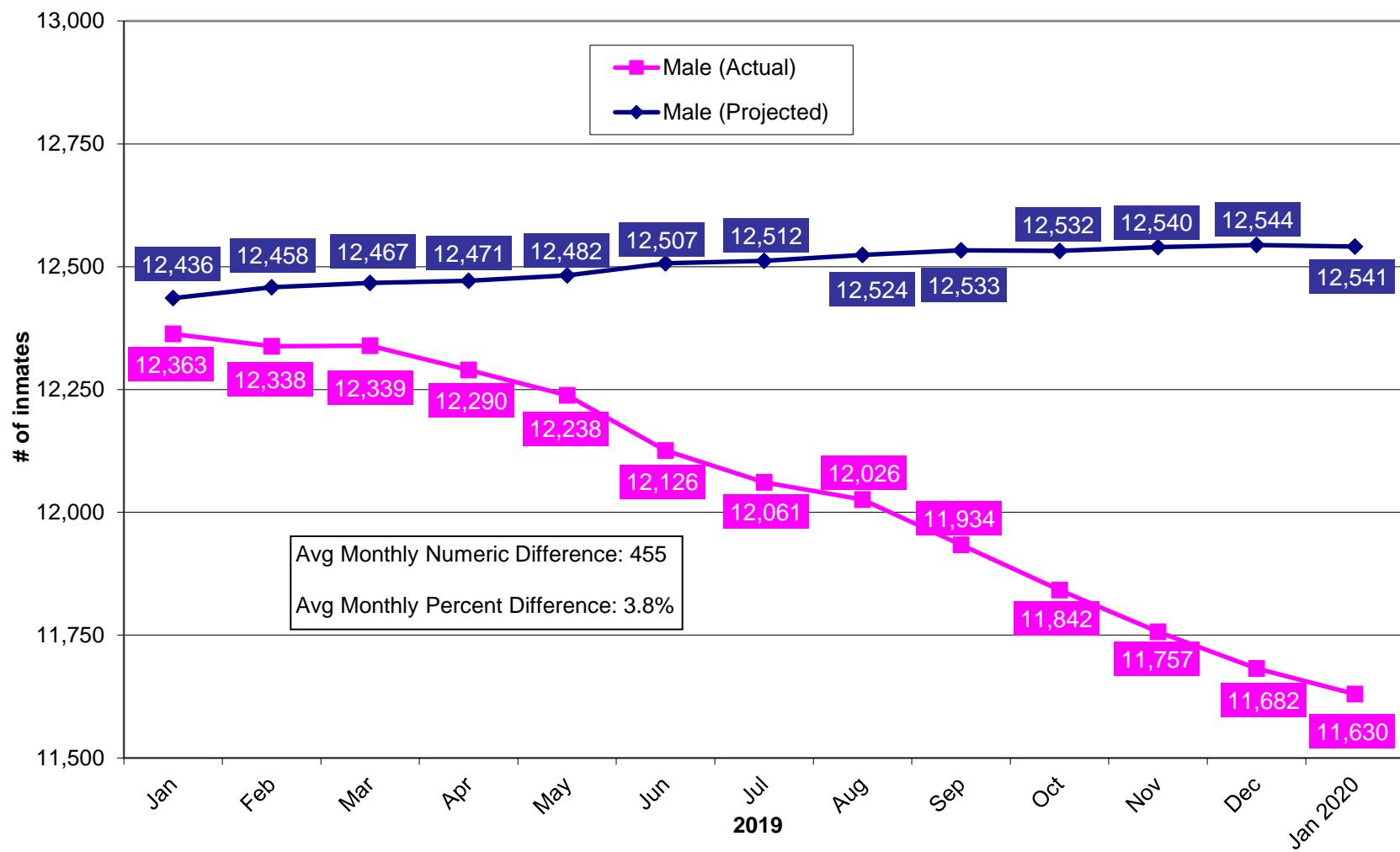


**FIGURE 2: Reported Crime and Population:  
Las Vegas MPD Jurisdiction 1995-2018**

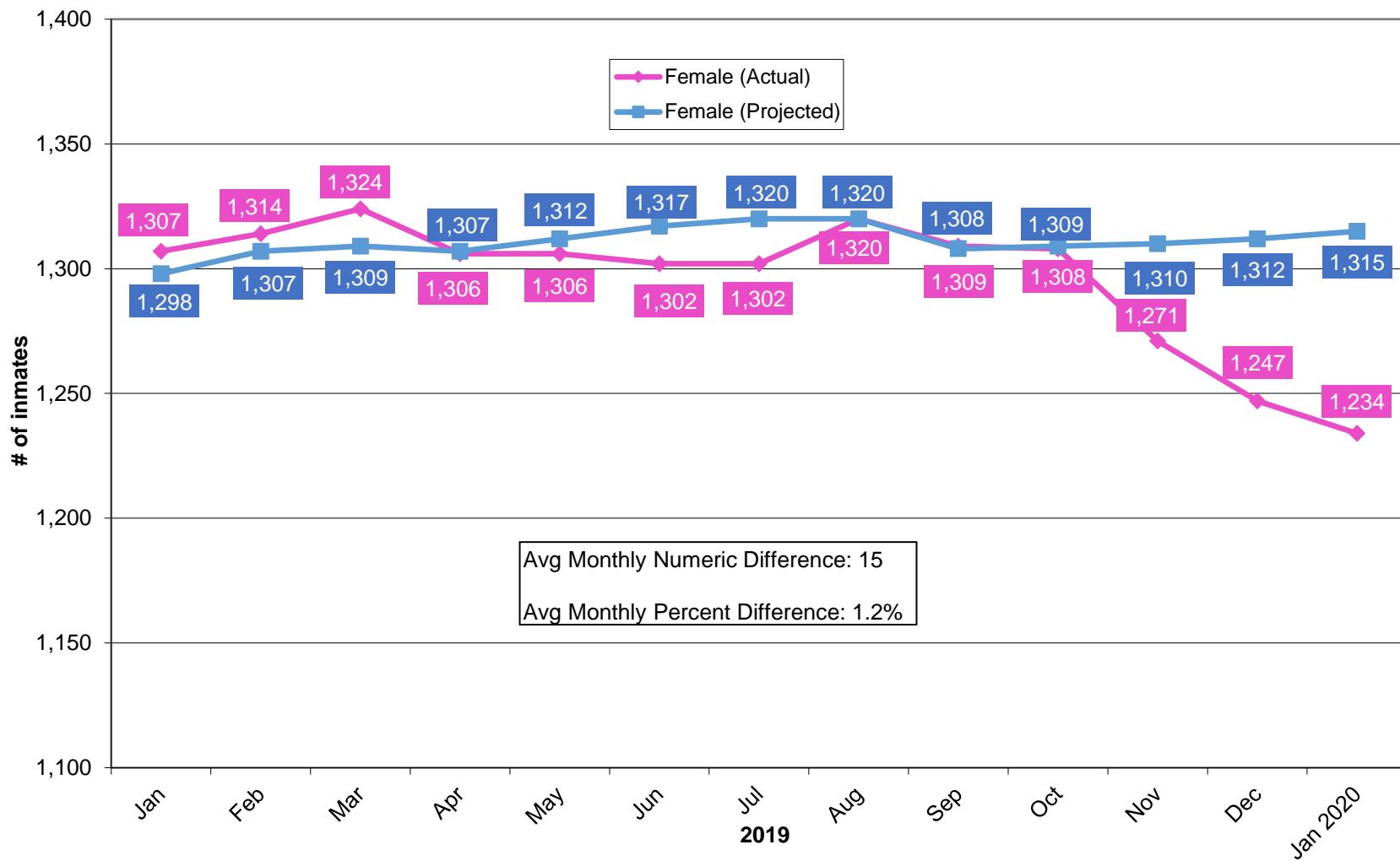


NOTE: The FBI's Uniform Crime Reports for 1997 did not show the reported crime for the Las Vegas Metropolitan Police Dept jurisdiction.

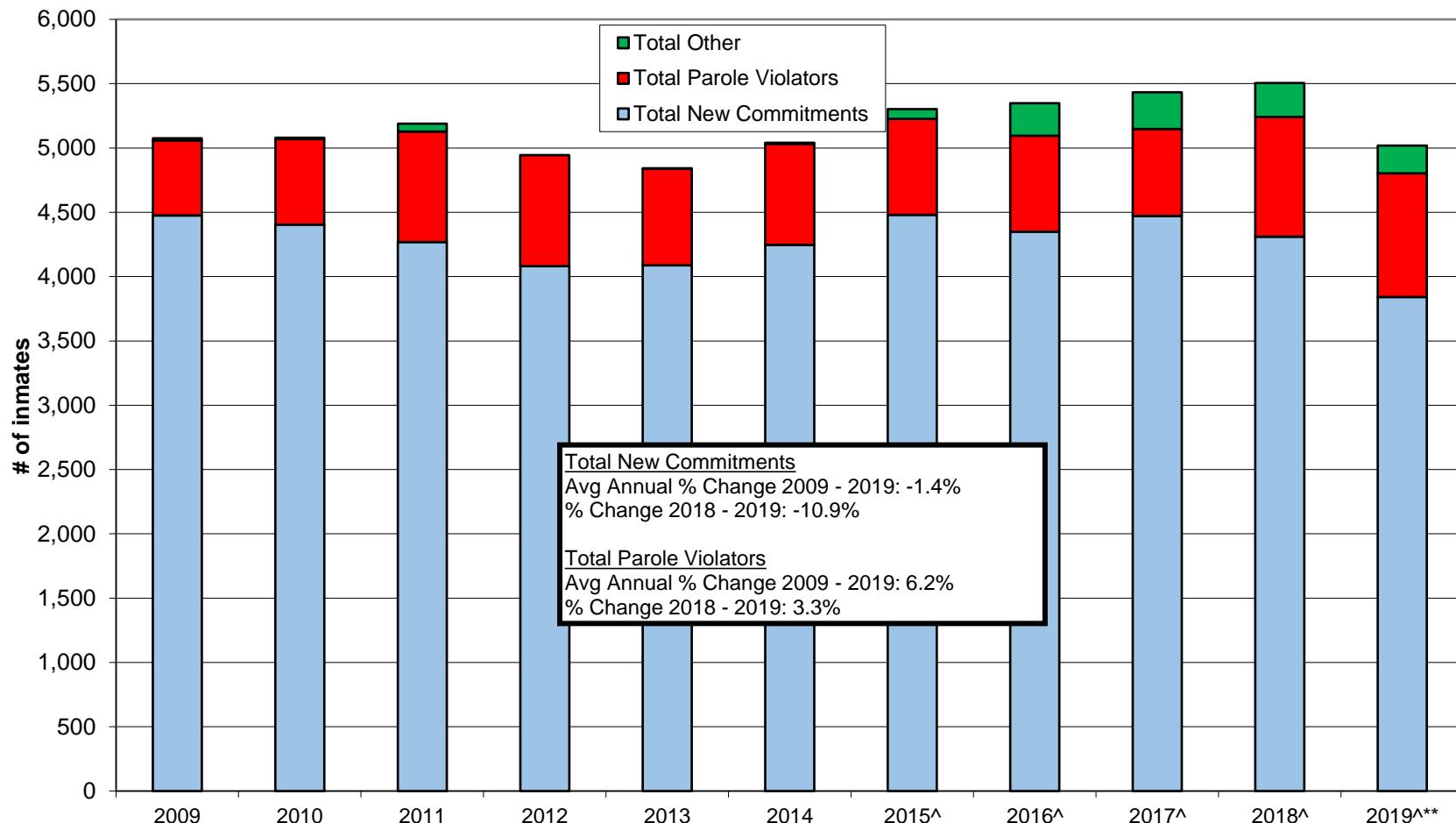
**FIGURE 3: Accuracy of JFA's February 2019 Forecast**  
**Total Male Inmate Population: January 2019 through January 2020**



**FIGURE 4: Accuracy of JFA's Februray 2019 Forecast**  
**Total Female Inmate Population: January 2019 through January 2020**

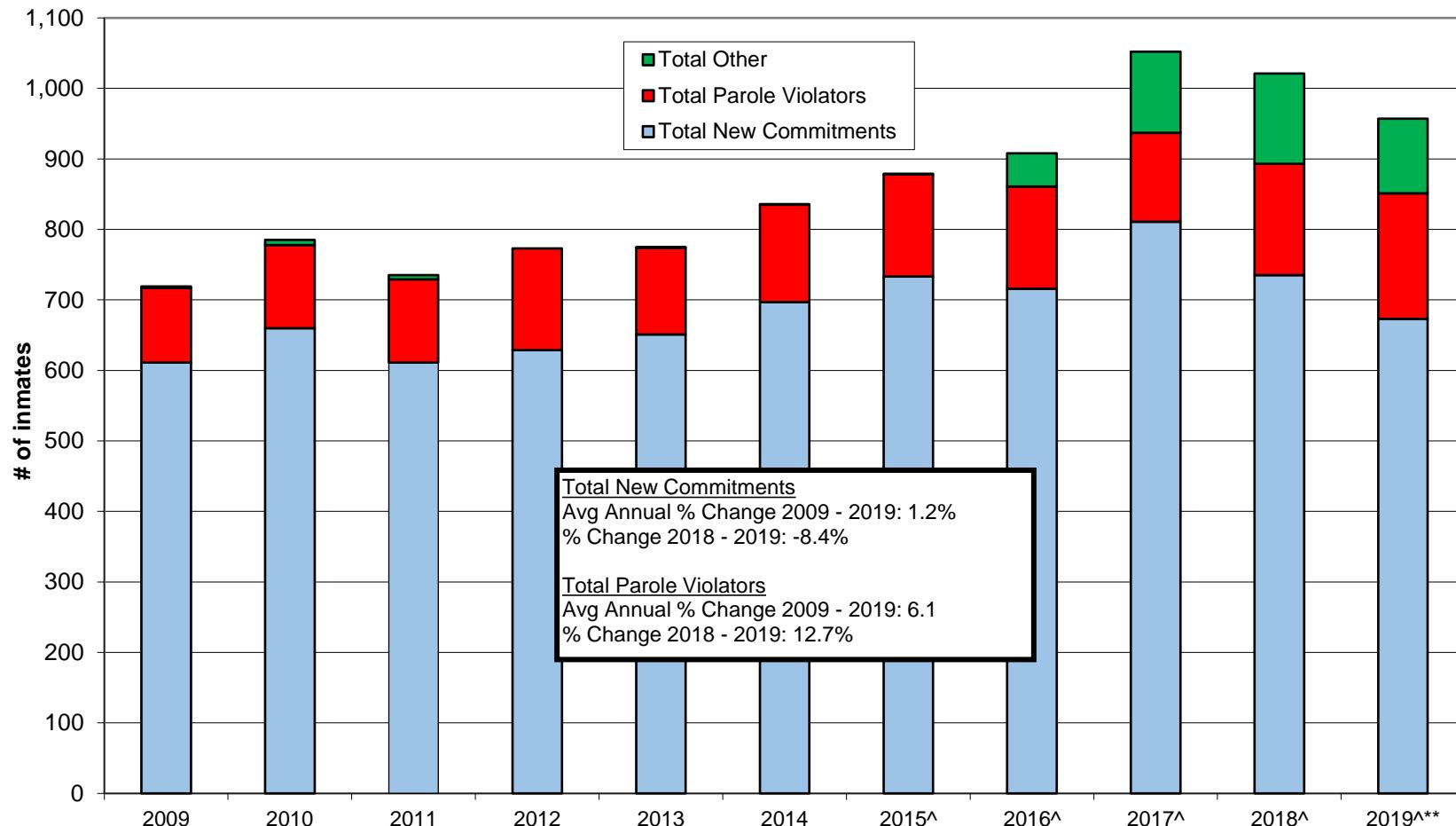


**FIGURE 5: Historical Male Admissions to Prison  
2009 - 2019**



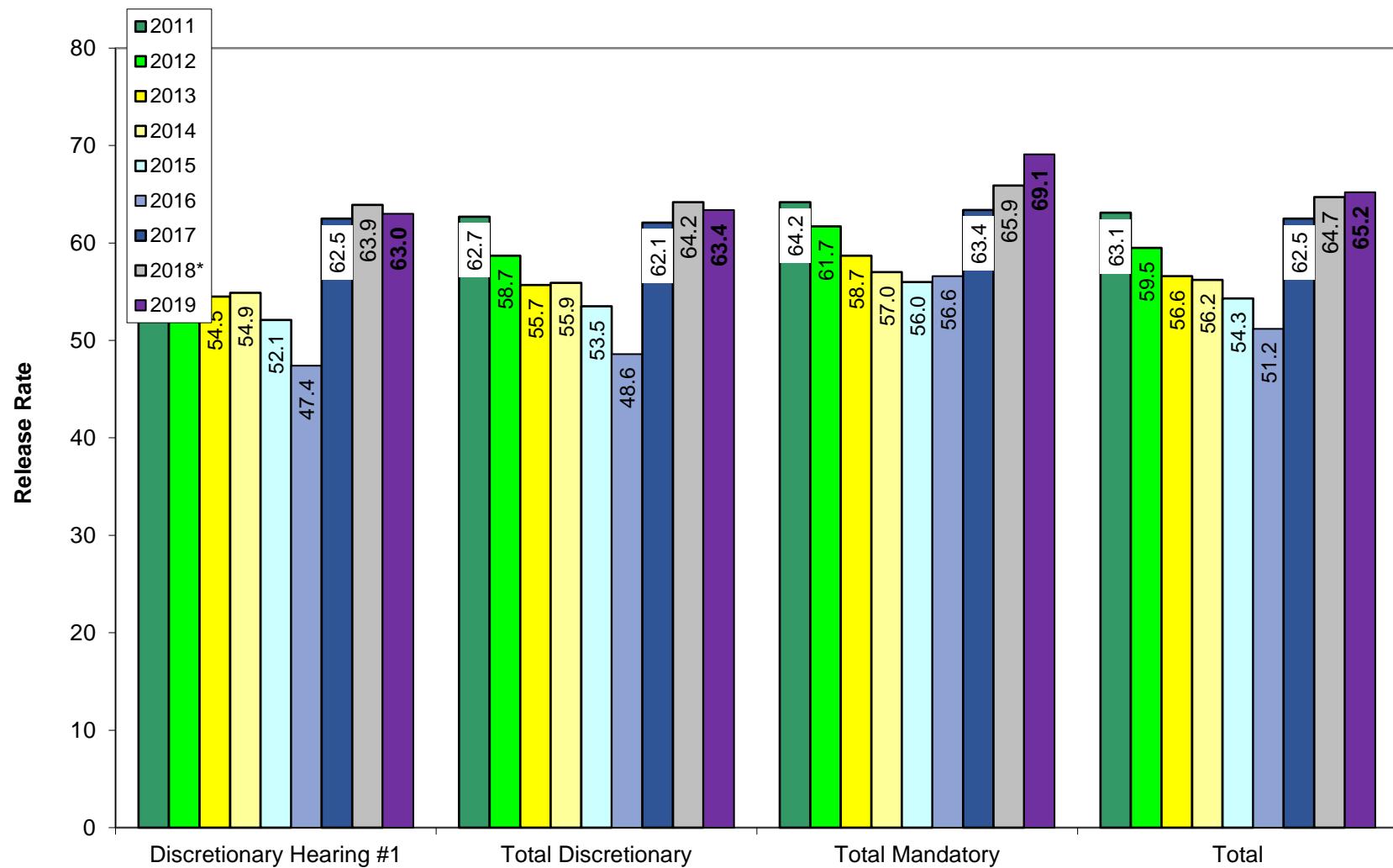
^ Almost all of the "Others" in 2015 - 2019 are Parole Housing Unit admissions.

**FIGURE 6: Historical Female Admissions to Prison  
2009 - 2019**

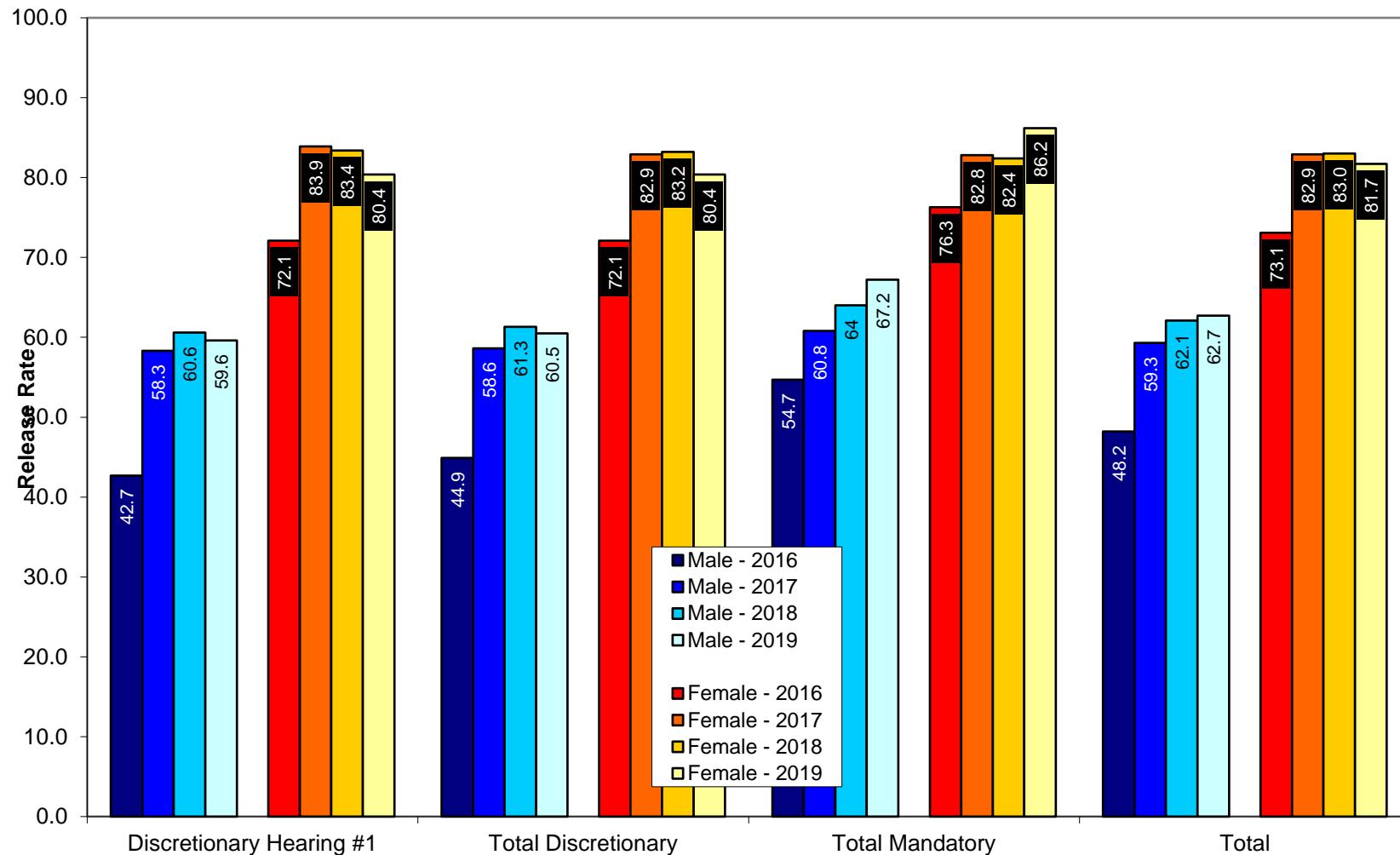


^ Almost all of the "Others" in 2015 - 2019 are Parole Housing Unit admissions.

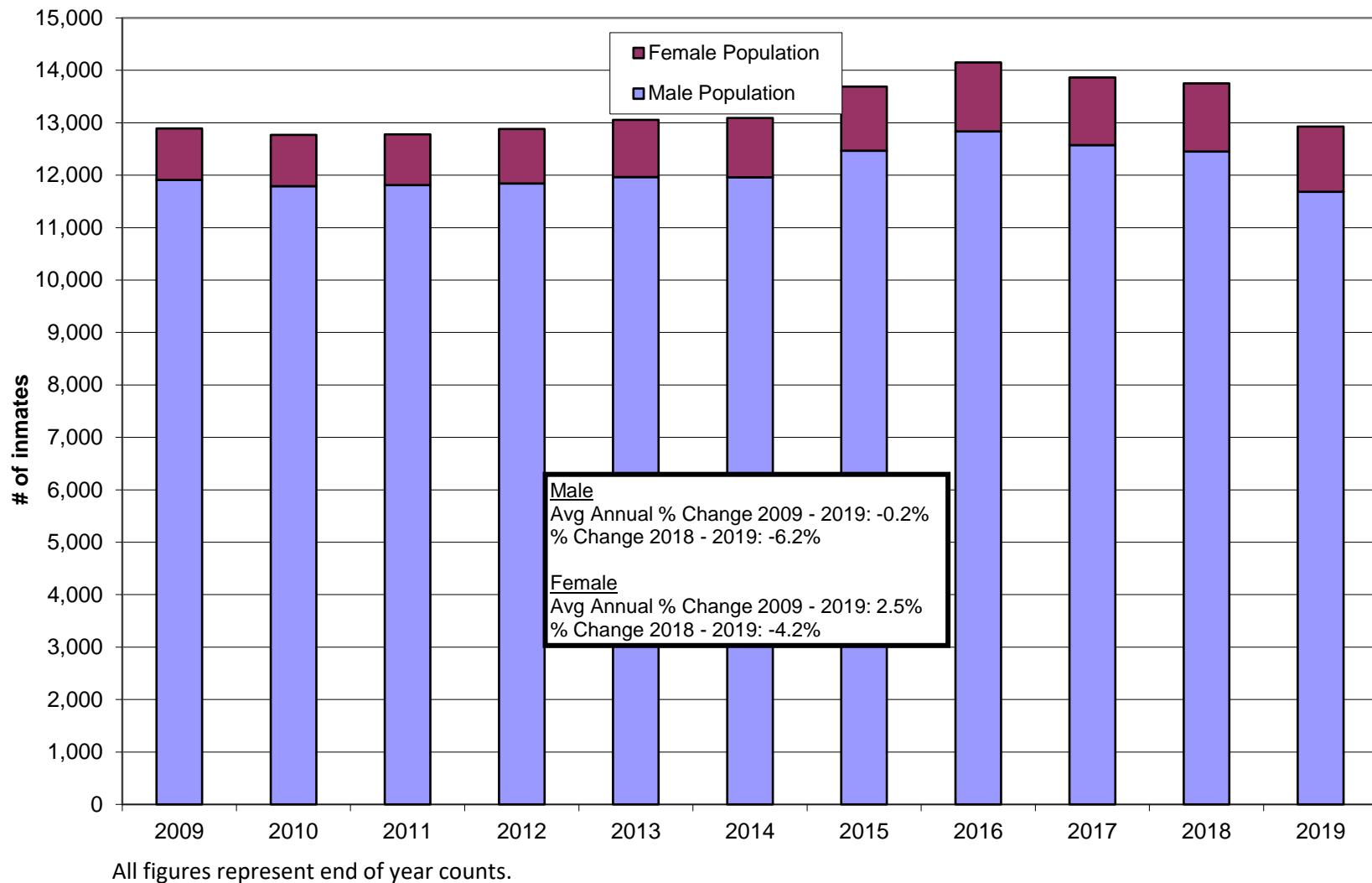
**FIGURE 7: Parole Release Rates: 2011 to 2019 (Dec '18-Nov '19)\***



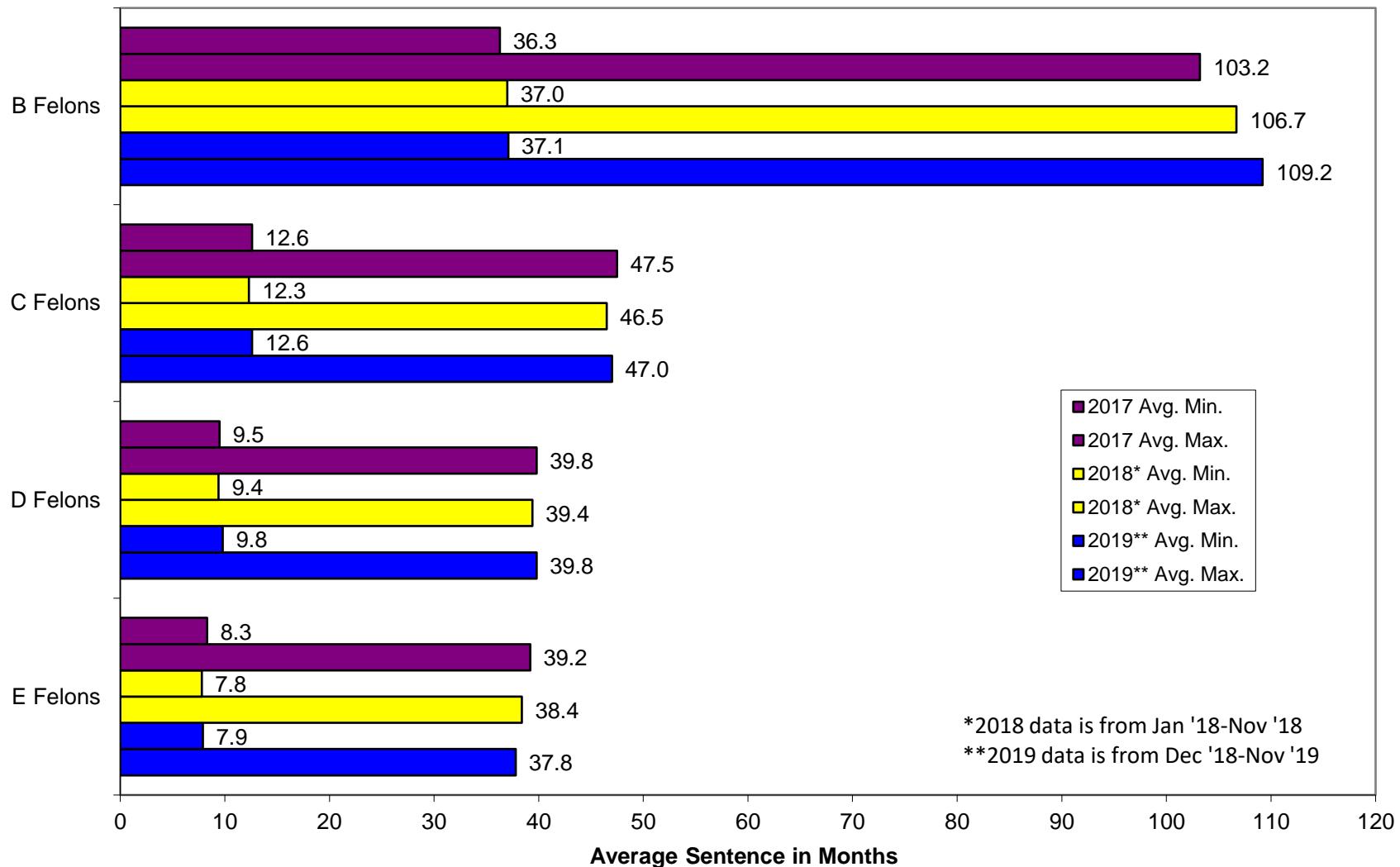
**FIGURE 8: Parole Release Rates by Gender: 2016 to 2019 (Dec '18-Nov '19)**



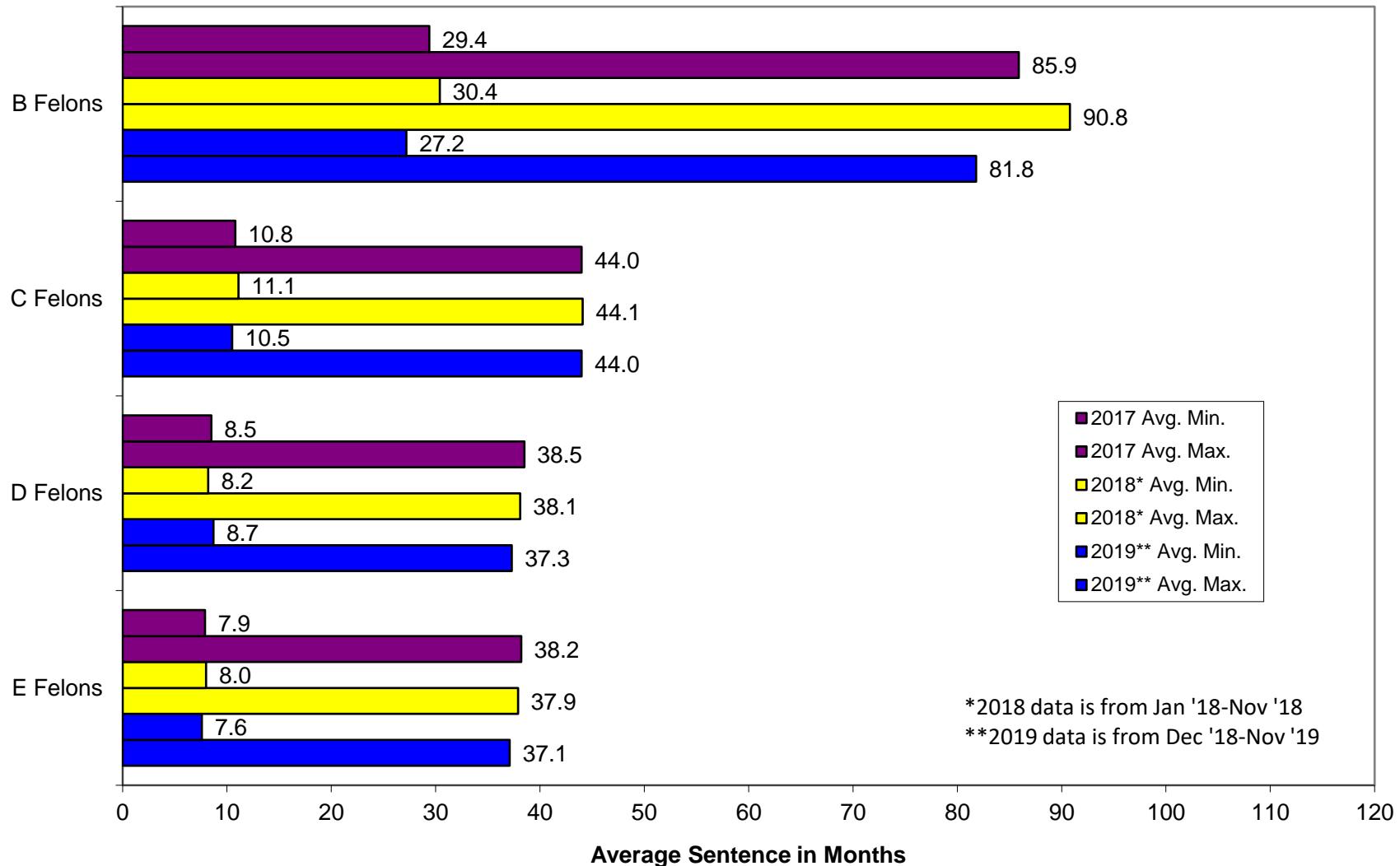
**FIGURE 9: Historical End-of-Year Inmate Population by Gender  
2009 - 2019**



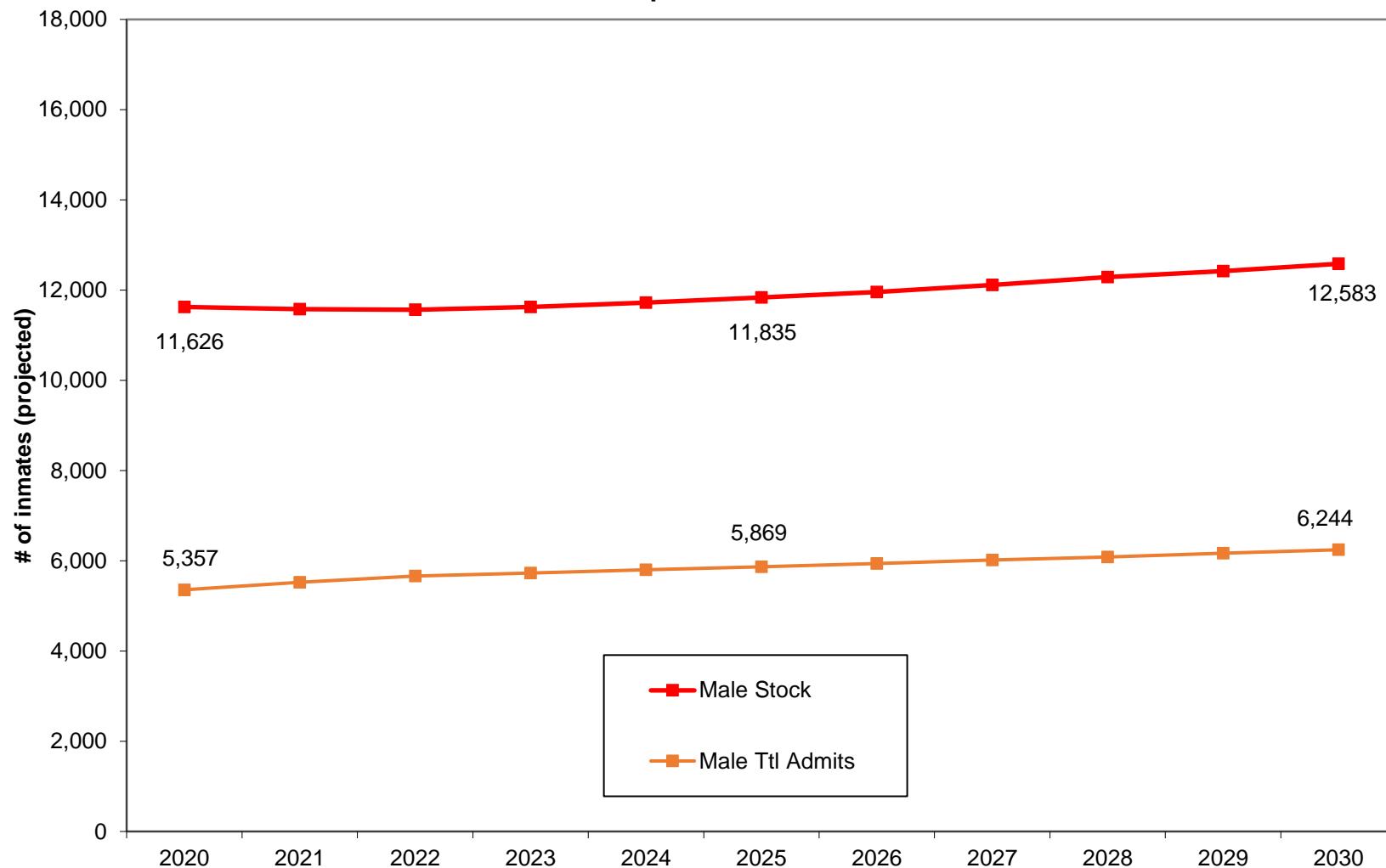
**FIGURE 10: Average Minimum and Maximum Sentences by Felony Category**  
**Male New Commitment Admissions to Prison: 2017 - 2019 (Dec '18-Nov '19)**



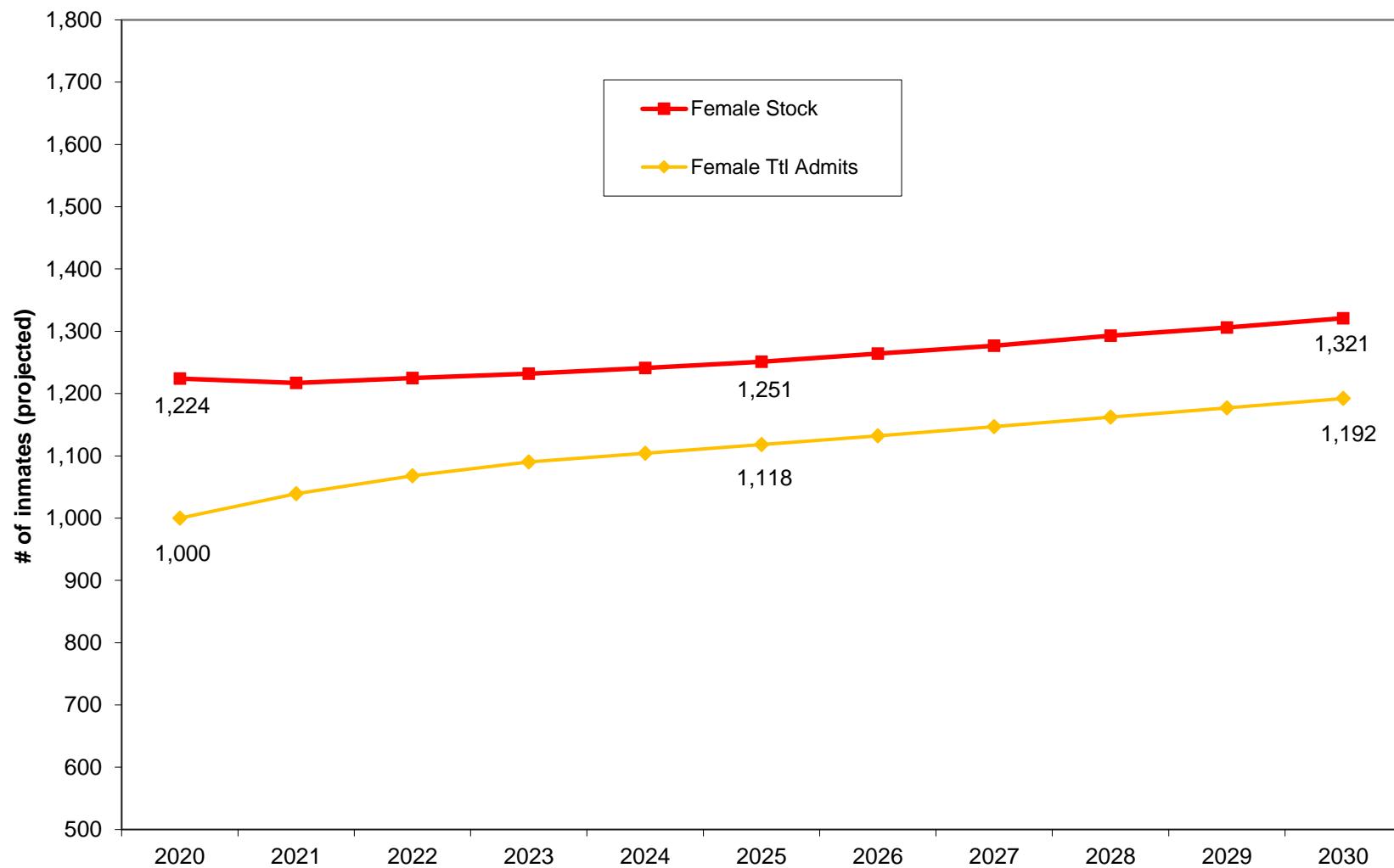
**FIGURE 11: Average Minimum and Maximum Sentences by Felony Category**  
**Female New Commitment Admissions to Prison: 2017 - 2019 (Dec '18- Nov '19)**



**FIGURE 12: Projected Male Total Admissions and Stock Population  
April 2020 Forecasts**



**FIGURE 13: Projected Female Total Admissions and Stock Population  
April 2020 Forecasts**



#### BASELINE MALE FORECAST BY MONTH

Year	January	February	March	April	May	June	July	August	September	October	November	December
<b>Actual 2020</b>	<b>11,630</b>											
<b>2020</b>	11,604	11,596	11,612	11,613	11,613	11,627	11,602	11,622	11,628	11,620	11,615	11,626
<b>2021</b>	11,625	11,621	11,605	11,601	11,592	11,581	11,579	11,583	11,587	11,578	11,575	11,579
<b>2022</b>	11,568	11,565	11,564	11,558	11,560	11,561	11,554	11,555	11,559	11,562	11,567	11,564
<b>2023</b>	11,567	11,569	11,575	11,580	11,583	11,587	11,592	11,586	11,609	11,613	11,618	11,627
<b>2024</b>	11,637	11,634	11,633	11,638	11,675	11,696	11,701	11,712	11,719	11,725	11,733	11,721
<b>2025</b>	11,726	11,739	11,745	11,751	11,759	11,792	11,806	11,814	11,824	11,838	11,841	11,835
<b>2026</b>	11,834	11,842	11,860	11,873	11,880	11,911	11,922	11,932	11,926	11,938	11,945	11,960
<b>2027</b>	11,964	11,982	11,995	12,017	12,029	12,048	12,061	12,075	12,082	12,090	12,103	12,111
<b>2028</b>	12,117	12,125	12,140	12,167	12,184	12,193	12,216	12,243	12,259	12,271	12,283	12,290
<b>2029</b>	12,291	12,298	12,315	12,333	12,349	12,358	12,361	12,374	12,392	12,387	12,415	12,421
<b>2030</b>	12,415	12,426	12,467	12,466	12,478	12,512	12,535	12,542	12,567	12,579	12,580	12,583

#### BASELINE FEMALE FORECAST BY MONTH

Year	January	February	March	April	May	June	July	August	September	October	November	December
<b>Actual 2020</b>	<b>1,234</b>											
<b>2020</b>	1,240	1,237	1,235	1,237	1,234	1,228	1,224	1,225	1,226	1,224	1,223	1,224
<b>2021</b>	1,222	1,226	1,221	1,222	1,219	1,221	1,217	1,219	1,221	1,217	1,216	1,217
<b>2022</b>	1,224	1,236	1,231	1,234	1,219	1,218	1,214	1,223	1,224	1,222	1,227	1,225
<b>2023</b>	1,225	1,229	1,239	1,225	1,227	1,230	1,227	1,236	1,236	1,235	1,237	1,232
<b>2024</b>	1,233	1,235	1,243	1,241	1,240	1,237	1,242	1,241	1,238	1,239	1,240	1,241
<b>2025</b>	1,242	1,240	1,242	1,243	1,246	1,247	1,248	1,245	1,247	1,249	1,248	1,251
<b>2026</b>	1,251	1,253	1,249	1,249	1,252	1,253	1,257	1,259	1,261	1,264	1,265	1,264
<b>2027</b>	1,261	1,266	1,265	1,268	1,272	1,275	1,282	1,280	1,276	1,278	1,275	1,277
<b>2028</b>	1,289	1,281	1,279	1,282	1,279	1,282	1,285	1,286	1,288	1,290	1,289	1,293
<b>2029</b>	1,291	1,295	1,294	1,295	1,290	1,287	1,283	1,297	1,298	1,301	1,304	1,306
<b>2030</b>	1,309	1,308	1,302	1,301	1,310	1,315	1,318	1,320	1,322	1,323	1,319	1,321

**BASELINE TOTAL FORECAST BY MONTH**

<b>Year</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>
<b>Actual 2020</b>	<b>12,864</b>											
<b>2020</b>	12,844	12,833	12,847	12,850	12,847	12,855	12,826	12,847	12,854	12,844	12,838	12,850
<b>2021</b>	12,847	12,847	12,826	12,823	12,811	12,802	12,796	12,802	12,808	12,795	12,791	12,796
<b>2022</b>	12,792	12,801	12,795	12,792	12,779	12,779	12,768	12,778	12,783	12,784	12,794	12,789
<b>2023</b>	12,792	12,798	12,814	12,805	12,810	12,817	12,819	12,822	12,845	12,848	12,855	12,859
<b>2024</b>	12,870	12,869	12,876	12,879	12,915	12,933	12,943	12,953	12,957	12,964	12,973	12,962
<b>2025</b>	12,968	12,979	12,987	12,994	13,005	13,039	13,054	13,059	13,071	13,087	13,089	13,086
<b>2026</b>	13,085	13,095	13,109	13,122	13,132	13,164	13,179	13,191	13,187	13,202	13,210	13,224
<b>2027</b>	13,225	13,248	13,260	13,285	13,301	13,323	13,343	13,355	13,358	13,368	13,378	13,388
<b>2028</b>	13,406	13,406	13,419	13,449	13,463	13,475	13,501	13,529	13,547	13,561	13,572	13,583
<b>2029</b>	13,582	13,593	13,609	13,628	13,639	13,645	13,644	13,671	13,690	13,688	13,719	13,727
<b>2030</b>	13,724	13,734	13,769	13,767	13,788	13,827	13,853	13,862	13,889	13,902	13,899	13,904

## F. Operating Cost Per Inmate by Institution

**NEVADA DEPARTMENT OF CORRECTIONS**  
**Operating Cost Per Inmate By Institution - ALL Expenditure Categories**  
**FY 20-21 Legislative Approved**

Budget Account	Institution/Facility	Legislative Approved SFY 20				Legislative Approved SFY 21			
		Population	Budget	Per Yr	Per Day	Population	Budget	Per Yr	Per Day
3706	Medical *	13,306	\$50,435,021	\$3,790	\$10.38	13,424	\$51,614,989	\$3,845	\$10.53
3710	Administration	13,306	\$32,708,923	\$2,458	\$6.73	13,424	\$33,414,543	\$2,489	\$6.82
3711	Corr Programs	13,306	\$9,266,573	\$696	\$1.91	13,424	\$9,439,230	\$703	\$1.93
Sub-Total			\$92,410,517	\$6,945	\$19.02		\$94,468,762	\$7,037	\$19.28
3715	SNCC **	-	\$233,829	\$0	\$0.00	-	\$230,715	\$0	\$0.00
3716	WSCC	608	\$12,330,513	\$20,280	\$55.56	614	\$12,597,049	\$20,516	\$56.21
3717	NNCC *	1,327	\$30,928,812	\$23,307	\$63.86	1,324	\$31,603,658	\$23,870	\$65.40
3718	NSP ***	-	\$75,525	\$0	\$0.00	-	\$73,709	\$0	\$0.00
3722	SCC	330	\$1,978,340	\$5,995	\$16.42	334	\$2,023,641	\$6,059	\$16.60
3723	PCC	186	\$1,921,347	\$10,330	\$28.30	182	\$1,964,681	\$10,795	\$29.58
3724	NNTH	103	\$1,332,179	\$12,934	\$35.44	104	\$1,354,673	\$13,026	\$35.69
R&B Monthly Rate Cap			\$1,077.81	\$2.95				\$1,085.48	\$2.97
3725	TLVCC	352	\$3,046,738	\$8,656	\$23.71	356	\$3,140,657	\$8,822	\$24.17
3738	SDCC	2,072	\$27,760,934	\$13,398	\$36.71	2,086	\$28,668,925	\$13,743	\$37.65
3739	WCC	133	\$1,468,181	\$11,039	\$30.24	134	\$1,511,566	\$11,280	\$30.91
3741	HCC	138	\$1,520,933	\$11,021	\$30.20	139	\$1,562,288	\$11,239	\$30.79
3747	ECC	132	\$1,518,301	\$11,502	\$31.51	134	\$1,556,704	\$11,617	\$31.83
3748	JCC	174	\$1,776,090	\$10,207	\$27.97	177	\$1,832,119	\$10,351	\$28.36
3749	SSCC **	-	\$4,511	\$0	\$0.00	-	\$4,471	\$0	\$0.00
3751	ESP	966	\$30,122,414	\$31,183	\$85.43	1,020	\$31,098,733	\$30,489	\$83.53
3752	CCC	138	\$1,424,480	\$10,322	\$28.28	139	\$1,465,292	\$10,542	\$28.88
3754	TCC	139	\$1,479,132	\$10,641	\$29.15	141	\$1,530,292	\$10,853	\$29.73
3759	LCC	1,692	\$27,447,849	\$16,222	\$44.44	1,707	\$28,176,277	\$16,506	\$45.22
3760	CGTH	348	\$4,804,277	\$13,805	\$37.82	352	\$4,900,001	\$13,920	\$38.14
R&B Monthly Rate Cap			\$1,150.45	\$3.15				\$1,160.04	\$3.18
3761	FMWCC	1,025	\$17,947,289	\$17,510	\$47.97	1,038	\$18,584,116	\$17,904	\$49.05
3762	HDSP	3,443	\$56,863,274	\$16,516	\$45.25	3,443	\$58,810,538	\$17,081	\$46.80
Sub-Total		13,306	\$225,984,948	\$16,984	\$46.53	13,424	\$232,690,105	\$17,334	\$47.49
<b>Totals</b>		13,306	\$318,395,465	\$23,929	\$65.55	13,424	\$327,158,867	\$24,371	\$66.77

**Cost Per Inmate By Institution/Facility TYPE - w/o Medical , Administration & Programs.**

Type	Legislative Approved SFY 20				Legislative Approved SFY 21			
	Population	Budget	Per Yr	Per Day	Population	Budget	Per Yr	Per Day
Institutions	11,133	\$203,710,439	\$18,298	\$50.13	11,232	\$209,843,720	\$18,683	\$51.19
Remote Camps	866	\$9,336,885	\$10,782	\$29.54	869	\$9,595,294	\$11,042	\$30.25
Non-Remote Camps	856	\$6,801,168	\$7,945	\$21.77	867	\$6,996,417	\$8,070	\$22.11
Transitional Housing	451	\$6,136,456	\$13,606	\$37.28	456	\$6,254,674	\$13,716	\$37.58
	13,306	\$225,984,948	\$16,984	\$46.53	13,424	\$232,690,105	\$17,334	\$47.49

Notes:

\*Includes Regional Medical Facility

\*\*Closed July 2008 with minimal maintenance needs.

\*\*\*Closed April 2012 and decommissioned May 2012.

# **Nevada Advisory Commission on the Administration of Justice – Justice Reinvestment Initiative**



## **Final Report**

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*January 2019*

## Acknowledgements

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### Office of the Governor

Former Chief of Staff Mike Willden  
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The Honorable Linda Bell  
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Tiara Moore  
Asha "Champagne" Clark

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**The Crime and Justice Institute**

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Natalie Wood	Chief, Parole and Probation

## Executive Summary

Over the past decade Nevada's prison population has grown significantly, resulting in higher spending on prisons and fewer resources available for recidivism reduction measures. Since 2009, Nevada's prison population has grown by seven percent, and the state's female prison population has grown at four times the pace of the overall prison population. The state currently has an imprisonment rate that is 15 percent higher than the national average.<sup>1,2</sup> Over the same period Nevada's crime rate has fluctuated, with violent crime climbing from a 10-year low in 2011 to 2015 before experiencing a major drop in 2017. The state has the third highest murder rate and the third highest robbery rate in the nation. While many states across the nation have seen significant declines in both crime rates and prison populations, Nevada has not.

Moreover, the growing population of people with behavioral health problems continues to challenge the system. Nearly 30 percent of the state's inmate population require treatment or medication for a mental health need. Growing prison costs have burdened taxpayers while gaps remain in treatment and interventions that reduce recidivism, increase public safety, and address critical behavioral health challenges. Nevada is spending over \$347 million on corrections in fiscal year 2019, which has crowded out the state's ability to fund treatment and services.

The prison population is projected to continue to grow, and by 2028, will increase by 1,197 beds. Fifteen percent of this overall growth will be driven by an increase in the female prison population, which is projected to grow by 14 percent over the next 10 years. The projected prison population growth is estimated to cost the state an additional \$770 million in capital expenditures to build or lease new prisons and added operating costs over 10 years.

In May 2018, state leaders from all three branches of government joined to request technical assistance through the Justice Reinvestment Initiative (JRI). As part of the JRI effort, state leaders charged the Advisory Commission on the Administration of Justice (ACAJ) with conducting a review of the state's criminal justice system and "us[ing] criminological research and [Nevada's] own criminal justice data to inform and motivate the development of comprehensive crime- and recidivism-reduction strategies, while shifting resources toward more cost-effective public safety strategies."

Beginning in July 2018 and extending through the end of the calendar year, the ACAJ analyzed the state's sentencing, corrections, and community supervision data, and reviewed the latest research on reducing recidivism and improving public safety. The ACAJ found that, in Nevada:

- Sixty-six percent of people admitted to prison in 2017 were sentenced for nonviolent crimes and four out of 10 offenders had no prior felony convictions.
- Thirty-nine percent of prison admissions were the result of revocations<sup>3</sup> of individuals on probation and parole supervision. Analysis of violation reports revealed that 34 percent of these violators were returned to prison for technical violations of supervision, meaning they failed to comply with a condition of supervision such as failing a drug test or not going to treatment.<sup>4</sup>
- The amount of time individuals spend incarcerated has increased 20 percent since 2008, and recidivism rates have increased for nearly all offense types.

- The number of women admitted to prison increased 39 percent between 2008 and 2017 and the female imprisonment rate per 100,000 is now 43 percent higher than the national average.<sup>5</sup>
- The number of people admitted to prison with an identified mental health need has increased 35 percent over the last decade and the number of women entering prison with a mental health need has grown by 47 percent.

Based on this data analysis and the directive from state leadership, the ACAJ developed a comprehensive package of 25 policy recommendations supported by a majority of ACAJ members. The recommendations are specifically designed to improve public safety by holding offenders accountable, reducing recidivism, and increasing the resources available to combat the state's behavioral health crisis. These policies, if signed into law, would avert 89 percent of the projected prison population growth, and ultimately reduce the projected 2028 prison population by more than 1,000 beds, averting \$640 million in additional prison costs over the next 10 years. The money that would have been spent on new prison beds can be redirected to effective policies and practices that reduce recidivism and increase public safety including interventions to address a growing population with behavioral health needs.

## **ACAJ Justice Reinvestment Process**

In May 2018, state leaders from all three branches of government, including Governor Sandoval, Senate Majority Leader Ford, Speaker Frierson, and Chief Justice Douglas, requested technical assistance through JRI. These leaders charged the ACAJ with conducting a review of the state's criminal justice system and "us[ing] criminological research and [Nevada's] own criminal justice data to inform and motivate the development of comprehensive crime- and recidivism-reduction strategies, while shifting resources toward more cost-effective public safety strategies."<sup>6</sup>

The ACAJ, a statutorily-established commission comprised of 18 members, is a diverse group of criminal justice stakeholders, including representatives from corrections, law enforcement, the legislature, the judiciary, the prosecutorial and defense bars, and victim advocates.

From July through December 2018, the ACAJ conducted a rigorous review of Nevada's sentencing and corrections data, evaluated current policies and programs across the state, discussed best practices and models in sentencing and corrections from other states, and engaged in in-depth policy discussions.

To provide the opportunity for detailed analysis and discussion of specific issue areas, ACAJ members split into two subcommittees focusing on: (1) sentencing and pretrial diversion and (2) release, reentry, and community supervision. Each subcommittee crafted recommendations within their policy area to meet the state leaders' charge to the ACAJ.

Throughout the process, the ACAJ received input from a wide range of stakeholders, including prosecutors, defense attorneys, judges, law enforcement agencies, treatment providers, behavioral health experts, and formerly incarcerated individuals. As part of the JRI process, the ACAJ held two roundtable discussions with victims, survivors, and victim advocates to identify priorities of these key stakeholder groups. These roundtables were conducted in Reno and Las Vegas, and included victims' representatives from across the state.

The ACAJ received technical assistance from the Crime and Justice Institute as part of the Justice Reinvestment Initiative, a public-private partnership between the U.S. Department of Justice, Bureau of Justice Assistance, and The Pew Charitable Trusts.

## National Picture

Many states across the country have experienced challenges similar to the long-term prison growth that Nevada is currently facing. Starting in the early 1970s, state prison populations across the country expanded rapidly and state officials have spent an increasing share of taxpayer dollars to keep pace with soaring prison costs. From the mid-1980s to the mid-2000s, spending on corrections was the second-fastest growing state budget category, behind only Medicaid.<sup>7</sup>

As prison systems and associated costs have swelled, many states have also increasingly faced behavioral health crises. Over 44 million individuals in the U.S. experience a mental illness annually.<sup>8</sup> Among the 20.2 million adults in the U.S. who experienced a substance use disorder, 7.9 million adults, 39.1 percent, had a co-occurring mental illness.<sup>9</sup> Of these individuals experiencing a mental illness, large numbers are not receiving the care they need; studies show that 57 percent of those with a mental illness did not receive mental health services within the previous year.<sup>10</sup> These percentages pale in comparison to those incarcerated who have mental health needs. The Bureau of Justice Statistics estimates that one in seven individuals in our nation's prisons and one in four in our nation's jails experience serious psychological distress.<sup>11</sup>

States across the country are recognizing the value of using research and their own data to change policies that have for too long used incarceration as a primary response to criminal behavior, despite evidence that such a response does not necessarily improve public safety outcomes. These states instead focused on implementing practices proven to reduce recidivism and reinvested corrections dollars into resources designed to improve public safety. From 2008 to 2016, 35 states reduced both their imprisonment and crime rates.<sup>12</sup> The national crime rate has been falling since the early 1990s and is now at its lowest level since 1967.<sup>13</sup> Research credits prison growth with at most one-quarter to one-third of the crime drop since its peak in the early 1990s.<sup>14</sup> These studies identified the primary factors behind the crime decline as better policing, changing demographics, increased private security, and improved theft prevention technologies.<sup>15</sup> In short, the increased use of incarceration had an important but minor role in improved public safety.

Policy and practice changes in states like Texas, South Carolina, Georgia, and Louisiana and increasing national public support, combined with budget pressures across the nation, have resulted in a growing conversation that puts prison spending under greater scrutiny than ever before. For the better part of the past four decades, the most common question that policymakers were asked about their state corrections budgets was, "How many more prisons do we need?" Today, state and national leaders from both sides of the aisle are asking a more productive and complicated question: "How do we get taxpayers a better public safety return on their corrections dollars?"

Since that shift, many states have adopted policies that reduce recidivism through a "justice reinvestment" strategy, including Georgia, Mississippi, North Carolina, Oregon, Texas, and Utah. These states have revised sentencing and corrections policies to focus state prison beds on violent and career offenders, and invested in more effective and less costly strategies to reduce recidivism, address gaps in victims' services, and improve public safety.

In 2014, policymakers in Utah faced a prison population that was growing six times faster than the national average and a projected taxpayer cost of \$500 million for new prison beds.<sup>16</sup> Through the JRI process, Utah learned that its prison population growth was partly driven by a behavioral health

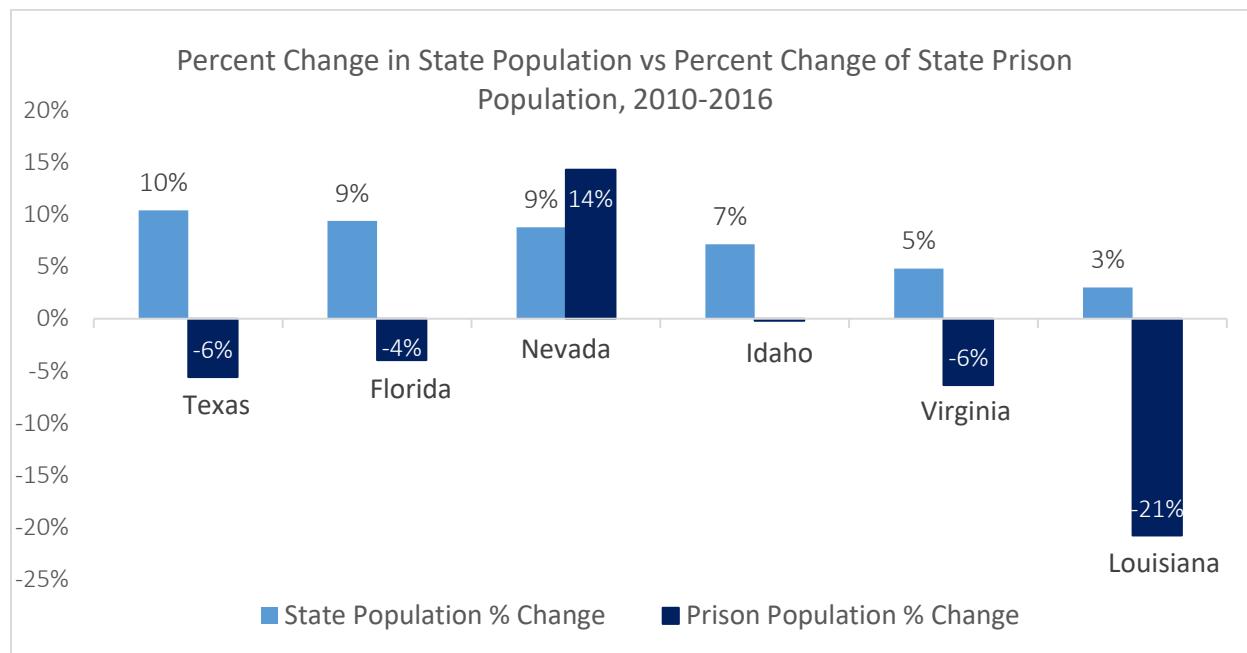
crisis that resulted in large numbers of nonviolent offenders going to prison. Rather than spend additional taxpayer dollars on new prisons, Utah's leaders looked for more cost-effective solutions. In 2015, the state legislature passed a set of reforms that controlled prison growth and created opportunities for reinvestment in treatment.<sup>17</sup> In the years following the reforms, Utah's prison population declined, the number of participants in residential and outpatient treatment programs increased, and the state's capacity to treat offenders with an underlying substance use problem increased by nearly 13 percent.<sup>18</sup>

In Utah and in other states, this data-driven, collaborative process has resulted in wide-ranging innovations to the laws, policies, and practices that focus costly prison beds on the most serious and violent offenders and shift resources to policies and practices that reduce recidivism and increase the state's treatment capacity.

## Key Findings

From 1980 to 2016, Nevada's prison population grew by 648 percent, from just under 2,000 to nearly 14,000, pushing Nevada's imprisonment rate to 15 percent higher than the national average.<sup>19</sup> As with a number of states, Nevada's state population also grew over this time period. The state experienced overall population growth of 255 percent, far less than the growth of the prison population. During this time the state's imprisonment rate, which is calculated relative to the state population, more than doubled, growing from 227 to 468 per 100,000 residents.<sup>20</sup> In recent years, many other high-growth states experienced a decline in their prison population despite growth in their general population.

**Figure 1. Growing states across the country experience prison population decline**



*Source: Bureau of Justice Statistics, U.S. Census Bureau.*

The ACAJ found that Nevada's prison population had grown seven percent since 2009, bringing it to the 15th highest imprisonment rate in the country in 2016.<sup>21</sup> This growth was the result of increasing numbers of admissions to prison and offenders serving longer periods of incarceration.

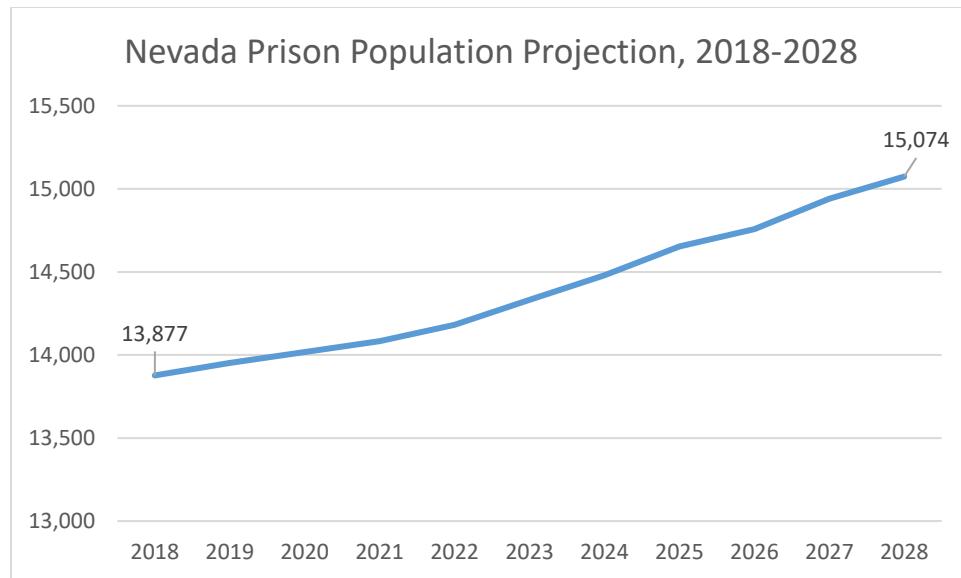
Between 2008 and 2017 overall admissions to prison grew by six percent, driven by an increase in the number of individuals failing community supervision, who constituted 39 percent of admissions in 2017. Over this 10-year period, the average time served in prison increased by 20 percent, largely due to growth in both the minimum and maximum sentences imposed by judges, as well as a fluctuating parole release rate.

These trends have left Nevada's state prisons overcrowded and reduced the space available for treatment, education, and other rehabilitative services. State prisons are operating well beyond the capacity the facilities were constructed to house. Some facilities have resorted to using emergency overflow beds in areas within the facilities not intended to house inmates. As a result of this

pressure, in 2017 the state agreed to pay \$9.2 million to a private corrections company in Arizona to house 200 Nevada inmates for two years.<sup>22</sup>

Over the last decade, Nevada Department of Corrections (NDOC) has seen its annual budget grow 14 percent, reaching \$347 million in fiscal year 2019. Nevada's prison population is projected to grow nine percent in 10 years, adding nearly 1,200 beds at an additional cost of more than \$770 million to taxpayers.

**Figure 2. Nevada prison population projected to grow by 8.6 percent in the next decade**



*Source: Nevada Department of Corrections Ten Year Prison Population Projections, 2018-2028, JFA Associates*

### **Prison Admissions and Alternatives to Incarceration**

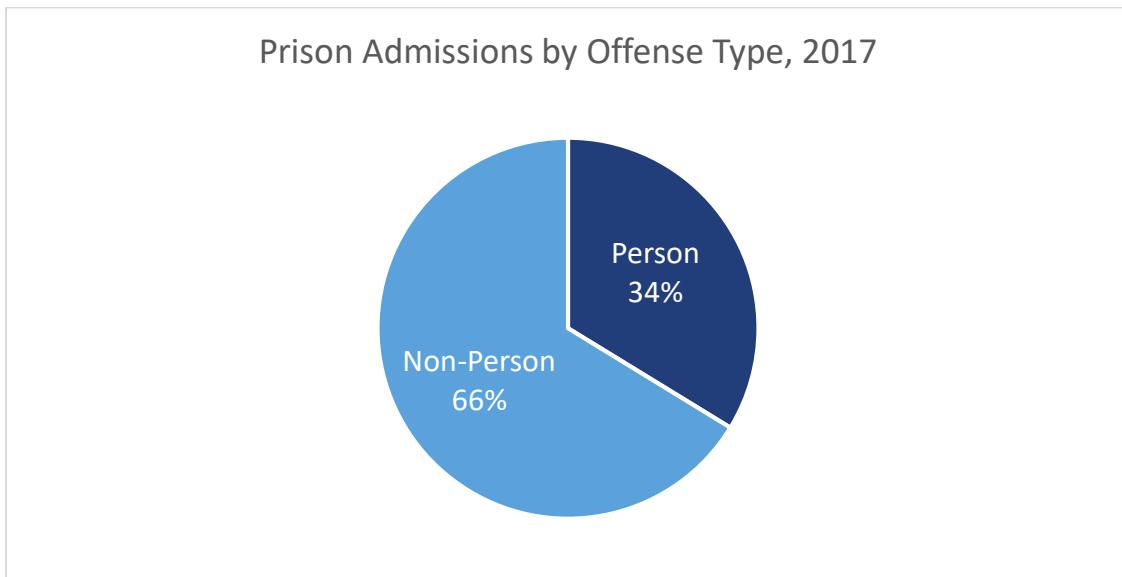
The ACAJ examined the effectiveness of prison sentences compared to non-custodial sanctions (such as drug court or probation) in reducing recidivism. Researchers study this question by matching samples of individuals sent to prison with those who received non-custodial sanctions and consistently find that prison either does not impact or, in some cases, increases, re-arrest or re-conviction rates, even when controlling for individuals' education, employment, drug use, and current offense.<sup>23</sup>

The crime-producing effect of prison seems to be concentrated among low-level and first-time offenders.<sup>24</sup> Research around the "schools of crime" theory suggests that for many types of nonviolent offenders, the negative impacts of incarceration outweigh the positive: that is, sending people to prison may cause them to commit more crimes upon release.<sup>25</sup> Specific studies of drug offenders, probation violators, and first-time offenders all show this negative impact.<sup>26</sup>

Compared to other states, Nevada uses prison more frequently than community supervision: in Nevada, 52 percent of offenders were incarcerated and 48 percent were on probation and parole in 2016, compared to 31 percent in prison and 69 percent on community supervision in states nationwide.

In examining the use of incarceration, the ACAJ focused on the high number of individuals entering prison for non-person offenses, defined as any offense that the NDOC classifies as a drug, property, or other offense. In 2017, the majority of offenders admitted to prison (66 percent) were sentenced for non-person offenses. Eight of the top 10 offenses at admission in 2017 were for non-person offenses, the majority being property and drug crimes like simple possession of a controlled substance.

**Figure 3. 66 percent of admissions sentenced for non-person offenses<sup>27</sup>**

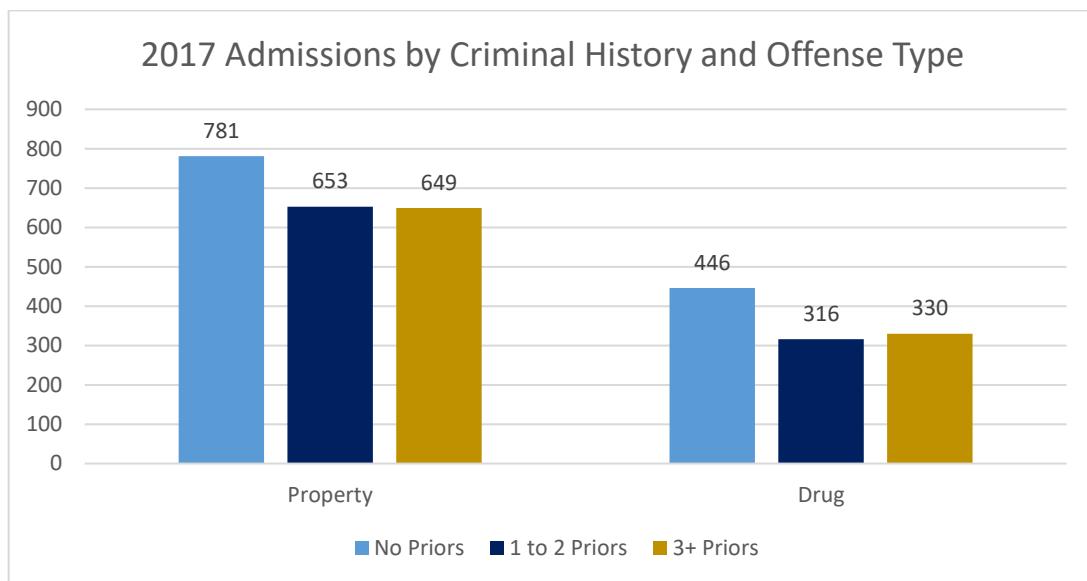


*Source: Data from the Nevada Department of Corrections, Analysis by CJI*

*Note: Person offenses are all offenses defined by NDOC as a violent or sex offense, as well as those offenses involving harm or injury. Non-person offenses include drug and property offenses, and all other offenses not defined by NDOC as a violent or sex offense or involving harm or injury.*

Moreover, when looking at offenders' criminal history, the ACAJ found that four out of 10 individuals entering prison in 2017 had no prior felony record. Looking into specific offense groups, 37 percent of property offenders and 41 percent of drug offenders had no prior felony conviction.

**Figure 4. Most drug and property offenders have no prior felony conviction**



*Source: Data from the Nevada Department of Corrections, Analysis by CJI*

To understand why Nevada sends so many non-violent first-time felony offenders to prison, the ACAJ examined the diversion options available to the state and found significant limitations. While Nevada affords a pre-prosecution diversion option for misdemeanor offenders, there is no similar pre-adjudicatory diversion opportunity for felony offenders. For misdemeanor offenses, a judge may assign an offender into a pre-prosecution diversion program by issuing a deferred sentence if the defendant is not convicted of an offense defined as violent<sup>28</sup> and has no previous convictions or previous participation in the program.<sup>29</sup> The pre-prosecution diversion program requires input from the district attorney, public defender, and judge to determine the appropriate conditions including: requiring programming participation, educational pursuits, curfews, community service, restitution, and any other appropriate sanction(s). Upon successful completion of the conditions by the individual, the judge may withdraw the deferred sentence and the individual can avoid a criminal conviction.

In contrast, the only sentencing alternatives available to felony offenders are through the state's Specialty Court programs or diversion through treatment for drug or alcohol users and those with a mental health issue or gambling problem.<sup>30</sup> These opportunities are limited to individuals with a behavioral health issue and have narrow eligibility criteria including prohibitions on the type of offenses, prior program participation, and criminal history. Through conversations with stakeholders and an examination of a sample of adult drug, mental health, and DUI Specialty Court participants, the ACAJ found that diversion through treatment with deferred sentence is used sparingly within the state as compared to treatment as a condition of probation on a suspended sentence. This is significant as a deferred sentence allows individuals to have their case dismissed upon completion of the program, while participation in Specialty Court programs as a condition of probation requires the imposition of a felony conviction regardless of success or failure in the program. This is the predominant practice across the state despite the fact that data show the use of deferred sentences to be more impactful in changing offender behavior. In 2017, 67 percent of

participants with a deferred sentence were successful in their Specialty Court program, compared to just 42 percent of participants who were successful without a deferral.

Although many first-time offenses are probation eligible in Nevada, the data show that Nevada is using incarceration more readily than community supervision. While presumptive probation is authorized in statute for certain felony offenses, it includes many criteria unrelated to public safety that make offenders ineligible, including factors that indicate a person may have a substance abuse issue requiring programming or treatment.

### **Prison Admissions and Community Supervision Failures**

The ACAJ examined the growing number of people in Nevada entering prison after having their supervision revoked for a violation of their probation or parole conditions. Over the past decade, despite a seven percent decline in the state's probation population, admissions to prison for probation violators increased 15 percent. In 2017, one in four admissions to prison was due to a probation violation and one in eight admissions was due to a parole violation.

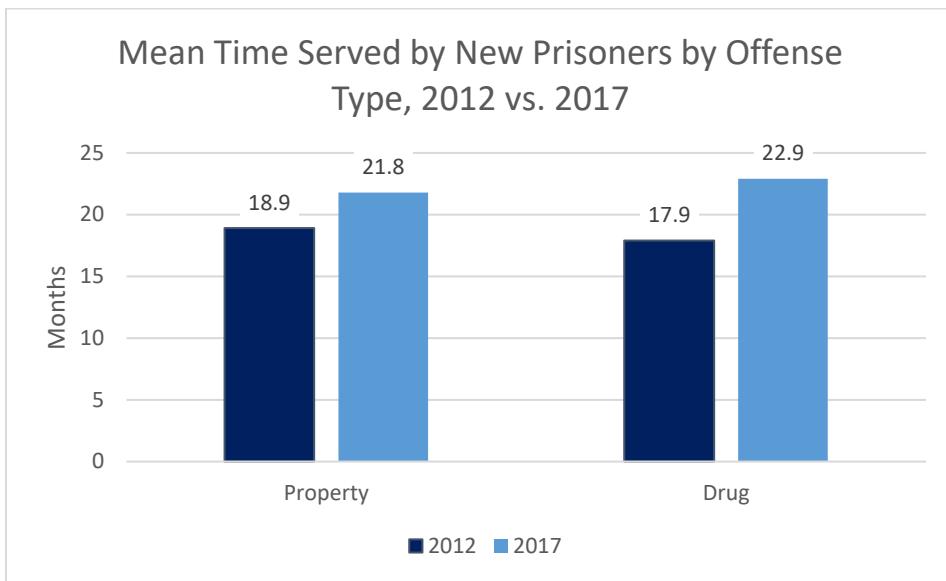
Analysis of violation reports revealed that 34 percent of community supervision violators who returned to prison in 2017 failed supervision due to a technical violation, defined as a violation of supervision conditions not rising to the level of new criminal conduct nor absconding.<sup>31</sup> Technical violations include failing a drug test or missing a meeting with a supervision officer. Forty-four percent of community supervision violators reviewed had substance abuse as a predominant factor in their supervision failure, meaning violators were sent to prison for failing to complete treatment, failing drug tests, or a new charge related to drug abuse. The individual case-level review also found that 73 percent of community supervision violators indicated having a mental health and/or a substance abuse issue.

### **Length of Stay in Prison**

The ACAJ also considered the relationship between the length of prison terms and recidivism. The best measurement for whether longer stays provide a greater deterrent effect is to compare whether similar offenders, when subjected to different terms of incarceration, recidivate at different levels. Rigorous research studies find no significant effect, positive or negative, of longer prison terms on recidivism rates.<sup>32</sup>

While increasing lengths of stay have been a steady driver of Nevada's growing prison population, recidivism rates have not declined. Over the past 10 years, the ACAJ found that the average time offenders spend serving a prison sentence increased by 20 percent, or 4.2 months. When looking at the type of admission, the ACAJ found that offenders sentenced directly to prison who were released in 2017 served on average nearly seven months longer than those released in 2012, a 31 percent increase. This increase in time served applied to all types of offenders, for example, property offenders sentenced directly to prison served 15 percent longer than they did in 2012, and drug possession offenders spent 28 percent longer in custody. Over this same period, the amount of time served for individuals returning to prison on a parole violation increased 92 percent, or 4.7 months. For probationers revoked to prison, time served increased seven percent, or 1.3 months. Despite these longer periods of incarceration, recidivism remains a challenge in Nevada. Of those released from prison in 2014, over 1,500 had returned to prison by 2017. Nevada's recidivism rate, calculated as the percent of individuals released from prison who return to NDOC custody within thirty-six months, has increased for nearly all types of offenses and lingers at 29 percent.<sup>33</sup>

**Figure 5. Drug and property offenders spend longer in prison than six years ago**



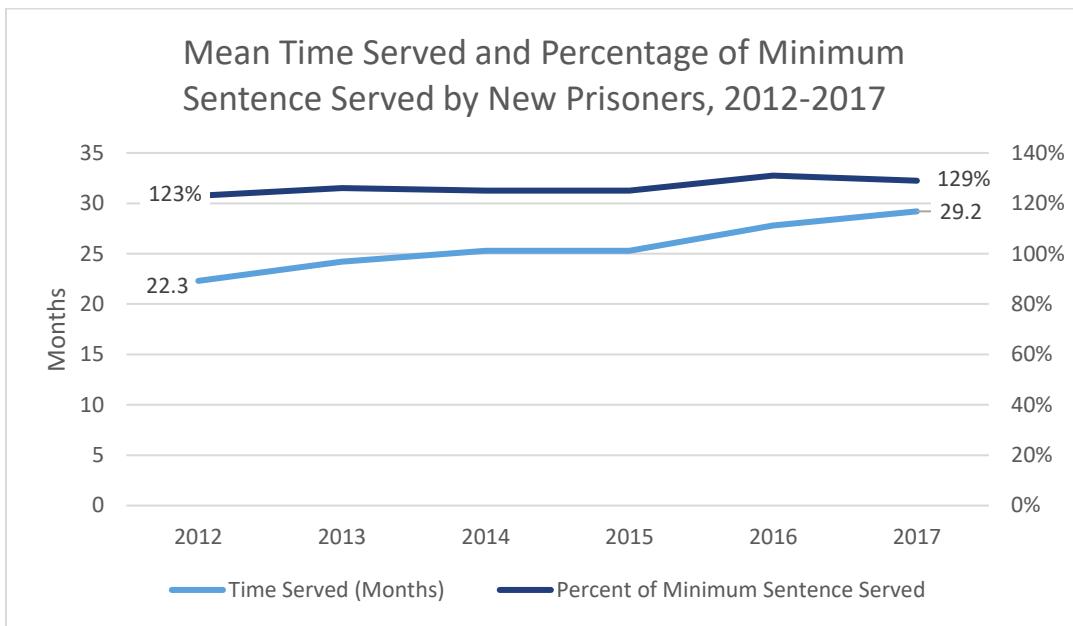
*Source: Data from the Nevada Department of Corrections, Analysis by CJI*

The amount of time an inmate serves is the result of the sentence length imposed, how many credits the inmate accrues while in custody, and when parole is granted. The ACAJ found that the increase in lengths of stay in prison was largely due to increases in sentence lengths. The analysis shows judges have imposed longer minimum sentences over the past decade, resulting in individuals remaining in custody longer awaiting parole. From 2008 to 2017, minimum sentences imposed by judges increased by 12 percent and maximum sentences imposed increased by seven percent. Minimum sentence increases occurred across all offense types, including property offenders, which increased eight percent and drug offenders, which increased 16 percent.

As sentences have increased, offenders are also serving a greater portion of their minimum sentence. In 2017, offenders sentenced directly to prison served 129 percent of their minimum sentence, compared to 123 percent in 2012. Moreover, the ACAJ found that the system has yet to experience the full effect of these recent increases in sentence length, as the majority of people sentenced in 2017 were likely still incarcerated at the time of analysis.

With respect to sentencing practices, the ACAJ found that Nevada is unique in that, firstly, its sentencing statutes are constructed with wide sentencing ranges that apply to a broad range of conduct and, secondly, that Nevada judges often rely on sentence recommendations from a Pre-Sentencing Investigation (PSI) report that considers subjective criteria unrelated to public safety. The ACAJ found that judges comply with these recommendations 75 percent of the time. In 2017, judges concurred with 63 percent of recommendations for a sentence to prison and 88 percent of recommendations for a probation sentence.

**Figure 6. Length of stay increases as offenders serve larger portions of their sentences**



*Source: Data from the Nevada Department of Corrections, Analysis by CJI*

### **Behavioral Health Needs of the Criminal Justice Population**

When examining who enters the criminal justice system, the ACAJ found a large increase in those suffering from behavioral health needs. In Nevada, the number of offenders entering prison with an identified mental health need increased 35 percent over the last decade. Growth has been even greater for women, as the number of female offenders entering prison with a mental health need increased 47 percent over the same period of time. In 2017, over half of women who entered prison had an identified mental health need.

Studies demonstrate that individuals with behavioral health needs are overrepresented in the criminal justice system. Nationally, one in seven individuals in state and federal prisons and one in four in jails had experienced serious psychological distress.<sup>34</sup> Additionally, studies show that 63 percent of jail inmates and 58 percent of state prison inmates meet the criteria for drug dependence or abuse.<sup>35</sup> Research has found that individuals who suffer from behavioral health needs are more likely to stay incarcerated longer, to serve time in segregation, and to incur disciplinary problems at higher rates than others with similar charges and criminal history.<sup>36</sup> This entrenchment in the system is costly both to offenders, who could be better served in the community, and to the taxpayers, due to many expensive medical needs of this population.

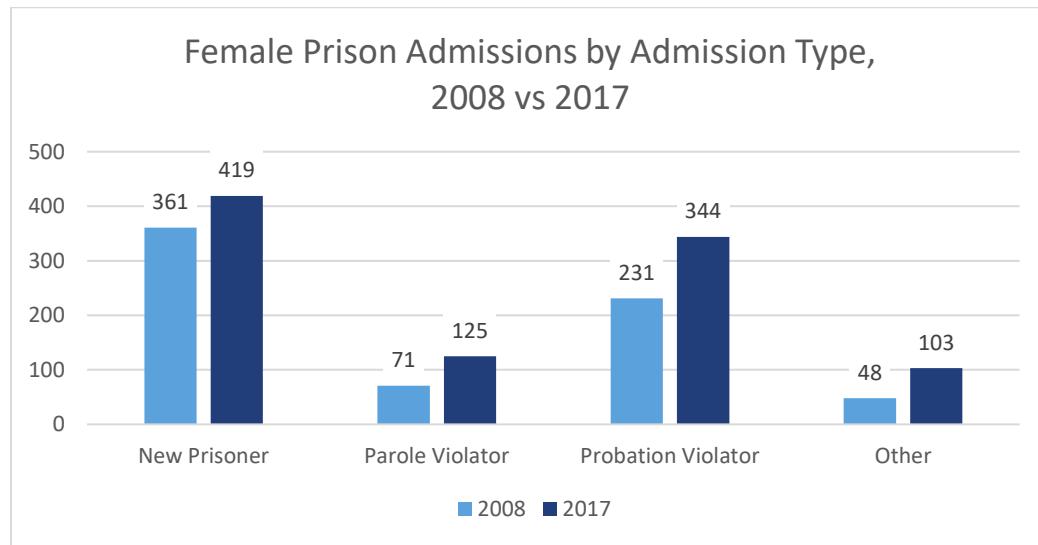
In Nevada, some jurisdictions have implemented programs to address this population with behavioral health needs and to provide vital treatment in the community. Several examples include training officers with crisis intervention skills to de-escalate a behavioral health crisis, establishing Mobile Outreach Safety Teams (MOST) and Forensic Assessment Services Triage Teams (FASTT), using triage centers, and creating community partnerships with behavioral health experts. While some jurisdictions require officers to receive Crisis Intervention Training (CIT), others do not have the resources and there is no state law requiring such training. MOST programs connect individuals with behavioral health issues to community services and supports in an effort to limit further

contact with the criminal justice system. FASTT programs similarly link individuals to community treatment options, but in a jail setting shortly after an arrest has been made. Finally, triage centers provide officers with an opportunity to take an individual in a crisis state to a center to be stabilized or detoxed instead of using jails the only option. However, due to resource limitations, MOST and FASTT programs exist sparingly across the state and the three largest triage centers in the state closed their doors this past year. The overall lack of resources creates significant regional variation in how individuals with behavioral health needs are treated across Nevada.

### **Females in Prison**

In examining growing populations within Nevada's prisons, the ACAJ found that Nevada's female prison population has grown at four times the rate of the general population, and the state now has a female imprisonment rate that is 43 percent higher than the national average. Female admissions grew 39 percent between 2008 and 2017, compared to the six percent admissions growth for the overall population and just one percent growth for the male population. This steep increase in female admissions was driven by growth across all admission types, including a 76 percent growth in female parole violator admissions and a 49 percent increase in female probation violator admissions.

**Figure 7: Female admissions growth driven by community supervision failures**

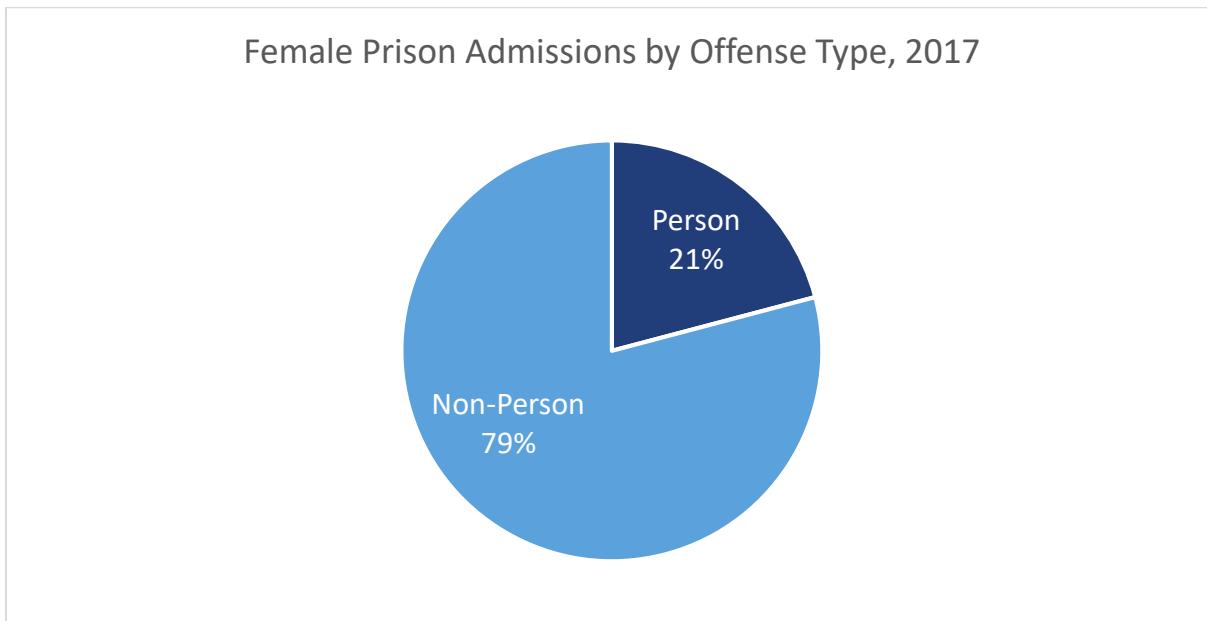


*Source: Data from the Nevada Department of Corrections, Analysis by CJ*

This admissions growth led to a 29 percent increase in the female prison population. Nevada has only one NDOC prison that houses women, the Florence McClure Women's Correctional Center, which is currently operating well beyond the capacity it was built to house. The ACAJ also found that the female prison population consists disproportionately of lower level offenders, as nearly four in five female admissions were for non-person offenses. The vast majority of women going to prison are sentenced for property or drug crimes, with non-person offenses comprising all of the top 10 offenses at admission for women in 2017. In addition, over half of female admissions had no prior felony record. While the number of women incarcerated has grown, recidivism rates for women have also grown, increasing by five percentage points since 2009.

Moreover, women in Nevada's prisons are much more likely to suffer from mental illness than men who are incarcerated. Over half of the women who entered prison in 2017 had a mental health issue compared to 25 percent of male admissions. Perhaps most significantly, Florence McClure, does not have a mental health unit on-site.

**Figure 8. Most female admissions to prison are for a non-person offense**



*Source: Data from the Nevada Department of Corrections, Analysis by CJI*

*Note: Person offenses are all offenses defined by NDOC as a violent or sex offense, as well as those offenses involving harm or injury. Non-person offenses include drug and property offenses, and all other offenses not defined by NDOC as a violent or sex offense or involving harm or injury.*

### **Community Supervision**

The majority of inmates in Nevada's prisons eventually return to the community, and many more individuals are placed directly on probation supervision at sentencing. For individuals on community supervision, a growing body of research supports several primary strategies for reducing recidivism. These strategies include: identifying and focusing resources on higher risk offenders; using swift, certain, and proportionate responses; incorporating rewards and incentives; frontloading resources in the first weeks and months following release from prison; and integrating treatment into supervision, rather than relying on surveillance alone. The research supporting each principle and how Nevada's practices align will be discussed in detail below.

The ACAJ was able to examine data on offenders supervised by the Division of Parole and Probation (NPP), and found that the number of parolees under supervision grew by 84 percent, while the number of probationers declined by seven percent over the past 10 years.<sup>37</sup>

#### ***Focus supervision and treatment resources on higher-risk offenders***

Research consistently shows that an offender's likelihood to reoffend can be accurately predicted with the use of a validated risk and needs assessment.<sup>38</sup> Many states adopted this actuarial tool to identify offenders' likelihood to recidivate and to then allocate resources accordingly. Using a risk

assessment, parole and probation officers can focus their limited resources on those who pose the highest risk of reoffending.

In Nevada, a risk and needs assessment is not currently being used to determine individualized conditions for supervision. Current practice imposes a set of standard and special conditions for offenders, regardless of their risk level or criminogenic needs. As a result, conditions are not individualized and tailored to those offenders who are most likely to reoffend or those who have specific needs that must be addressed while on supervision. As a result, individuals are being ordered to comply with conditions that are not necessary to protect public safety and may increase their likelihood of reoffending. While NPP recently started using a risk and needs assessment to determine supervision levels, this assessment occurs after conditions are already set. Additionally, no current streamlined mechanism exists for NPP officers to go back and change supervision conditions after the assessment is completed and an individual's risk and needs are appropriately identified.

#### ***Use swift, certain, and proportionate sanctions***

Research demonstrates that offenders are more responsive to sanctions that are swift, certain, and proportionate rather than those that are delayed, inconsistently applied, and severe.<sup>39</sup> In order to effectively change behavior, consequences for violations must be communicated in advance to create a clear deterrent for non-compliant behavior; responses to violations must occur as soon as the violation is identified so the individual can link the sanction to the behavior; all violations must receive a response, even if that response is an informal conversation with the individual, rather than waiting for the violations to pile up to address the behavior; and the response must be proportionate to the behavior.

Many states incorporate these principles by requiring parole and probation agencies to use administrative sanctions in the community to proactively change behavior. These include establishing time limits on how long a person can be incarcerated for a technical violation, allowing short-term jail sentences for certain conduct, and requiring an individual be seen for a revocation hearing in a timely manner.

In Nevada, NPP has begun to implement swift, certain, and proportionate sanctions through the use of graduated sanctions. While NPP has developed a graduated sanctions matrix, officers' use of the matrix is inconsistent across the state and individuals are being revoked for a wide range of conduct depending on their location.

Additionally, if an individual violates the conditions of their supervision, they may be revoked to serve their full sentence of the underlying offense. This is true for both technical violations, new charges, and absconding behavior. The same response for such a diverse range of conduct does not effectively change offenders' behaviors and make communities safer.

#### ***Incorporate rewards and incentives***

Research shows that encouraging positive behavior change through the use of incentives and rewards can have an even greater effect on motivating and sustaining change than using sanctions alone. Research finds that to effectively change behavior, rewards and incentives for prosocial behavior should be utilized four to five times more often than sanctions.<sup>40</sup> At least 15 states have implemented earned discharge policies over the past decade that allow offenders to earn time off

their supervision term for good conduct, resulting in reduced caseloads while encouraging positive behavior.

In Nevada, prosocial behavior is incentivized through the use of earned credits. Probationers can earn credits for participation in treatment or educational programs. However, parolees are not eligible for these types of credits. Parolees receive credits only for payments of restitution and supervision fees.<sup>41</sup> Additionally, the way that parolees receive credits does not function as an incentive. Parolees receive credits in advance of earning them on the assumption that the individual will comply with restitution and supervision fees. If the person is not in compliance with those conditions then credits are forfeited. This is in contrast to probationers who receive credit once they are in compliance with restitution, supervision fees, and now treatment or educational programs.

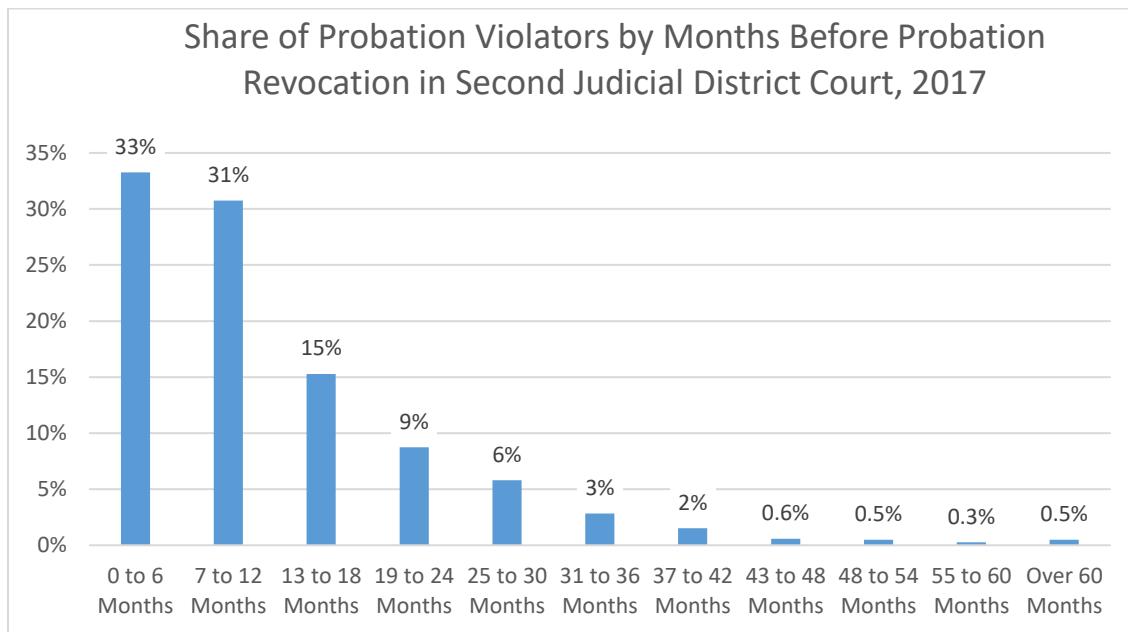
Lastly, early termination from supervision is an option only for probationers, but the decision is left entirely to the discretion of the supervising officer as there is not a formalized process in administrative regulations or in statute in Nevada.

#### ***Frontload resources in the first weeks and months following release***

Long-term success for individuals returning home from prison is closely tied to accountability and support during the period immediately following release. Research shows that people placed on community supervision are most likely to reoffend or violate the terms of their release in the initial days, weeks, and months after release.<sup>42</sup> The likelihood of violations and the value of ongoing supervision diminish as those under supervision gain stability and demonstrate longer-term success in the community.

In Washoe County, over half of probation violation reports are filed in the first six months of supervision, yet the vast majority of probation sentences imposed are between three and five years. The current system requires NPP to expend resources for multiple years of supervision despite the fact that most violations occur in the first year. There are no current step-down options within Nevada's system and interviews with stakeholders have indicated that early termination is rarely used.

**Figure 9. One in three probation revocations in Washoe County occurred within six months**



*Source: Washoe County Second Judicial District Court, Analysis by CJI*

Resources should likewise be concentrated at the front-end for parolees reentering the community. Nevada law requires that all parolees have an approved reentry plan before release.<sup>43</sup> However, the current reentry plan focuses exclusively on housing and does not address many other factors critical to a parolee's success in the community. In September 2018, nearly 300 offenders in NDOC custody had been granted parole but did not have an approved reentry plan due to this housing requirement.

#### ***Integrate treatment into surveillance***

Research shows that a combination of surveillance and treatment focused on an individual's criminogenic needs, meaning the characteristics directly related to the individual's likelihood to reoffend, is more effective at reducing recidivism than surveillance alone.<sup>44</sup> Officers should be trained to use cognitive behavioral techniques to support rehabilitation through prosocial reinforcement, rather than simply monitoring the individual until they fail.

While probation and parole officers in Nevada currently use a risk and needs assessment to determine offenders' supervision levels, the results are not incorporated into the creation of individualized case plans. As a result, programming and treatment referrals are not based on the offenders' specific needs but applied generally for offenders who have a certain offense type or criminal history. Additionally, the ACAJ heard from stakeholders across the state about the lack of treatment beds in their jurisdictions and found regional disparities in accessing community-based treatment and programming.

NPP has made progress toward providing programming with Day Reporting Centers, but, due to limited capacity, they can only serve a fraction of the community supervision population in need. However, admittance to Day Reporting Centers is discretionary without any criteria and is not based off of an individual's risk or needs.

## **Policy Recommendations:**

Based on the evaluation of Nevada's current practices in the areas of sentencing, release, reentry, and supervision, the ACAJ developed 25 policy recommendations. Taken together the ACAJ recommendations are projected to avert 89 percent of the anticipated growth in the prison population through 2028. The recommendations provide an avenue for Nevada to avoid \$640 million in additional spending over the next decade, and the ability to invest a portion of what would have been spent on new prison beds on measures that strengthen public safety and address behavioral health issues across the state.

The following 25 policy recommendations will:

- Strengthen responses to behavioral health-involved offenders;
- Focus prison resources on serious and violent offenders;
- Improve the efficiency and effectiveness of community supervision;
- Minimize barriers to successful reentry; and
- Ensure the sustainability of criminal justice reforms.

The following recommendations reflect the policy options supported by the majority of the subcommittee members. In some cases, the recommendations below include an Alternative Policy Option for consideration by legislative leadership. An Alternative Policy Option is a recommendation suggested by members that generated sufficient discussion even though it did not end up garnering a majority of support from the full subcommittee.

### ***Strengthen responses to behavioral health-involved offenders***

#### **Recommendation 1: Establish CIT training requirements for law enforcement officers**

Many jurisdictions in Nevada provide crisis intervention training (CIT) to their law enforcement officers, but this training is not available statewide due to resource limitations. Several studies indicate that CIT improves safety outcomes. In addition, research shows CIT is associated with improvements in attitudes and knowledge about mental illness and increases officers' confidence in identifying and responding to persons with mental illness.<sup>45</sup>

The ACAJ recommends:

- a. Ensure new, full-time law enforcement officers receive CIT training.

#### **Recommendation 2: Establish pre-prosecution diversion for first-time nonviolent felony offenders**

In 2017, four out of 10 offenders were admitted to prison despite having no prior felony conviction and two thirds of the offenders admitted to prison were sentenced for a non-person offense.

Aside from its Specialty Court system and its limited use of diversion through a deferred sentence, Nevada does not have sufficient opportunities for first-time felony offenders to be entirely diverted from the criminal justice system. However, Nevada statute does afford this diversion opportunity to certain eligible misdemeanor offenders.

The ACAJ recommends:

- a. Creating a pre-prosecution program for first-time felony offenders who are convicted of a nonviolent offense, similar to the misdemeanor program.<sup>46</sup>

### **Recommendation 3: Remove existing barriers to presumptive probation**

Compared to other states, Nevada uses incarceration more often than community supervision. The presumption of probation is overcome when a person is arrested while on probation or parole, has previously been revoked from supervision, or fails to successfully complete a treatment program.<sup>47</sup> These restrictions disproportionately impact individuals struggling with a behavioral health issue and penalize offenders who relapse during the course of treatment.

The ACAJ recommends:

- a. Removing the presumptive probation restrictions for Category E offenders that prohibit presumptive probation when the defendant (1) is currently on supervision, (2) has previously been unsuccessful on a probation or parole term, or (3) has failed a treatment program.

### **Recommendation 4: Establish a presumption of sentence deferral for certain nonviolent offenders admitted to Specialty Court**

The ACAJ examined data from the state's Specialty Court programs and found that individuals who received a deferred sentence were more successful in the programs than those who were convicted. A deferred sentence affords an individual the opportunity to successfully complete the program and avoid a felony conviction. The ACAJ examined the significant collateral consequences associated with a felony conviction and concluded that a person who successfully completes a Specialty Court program should not have their progress toward stability and rehabilitation limited by a felony conviction.

The ACAJ recommends:

- a. Creating a rebuttable presumption that every nonviolent offender entering a Specialty Court program receives a deferred sentence. The presumption may be overcome in cases where a deferral poses a threat to public safety.

### **Recommendation 5: Ensure Drug and Mental Health Court programs align with best practices**

Currently in Nevada, there are no standard eligibility criteria for Drug Court or Mental Health Court programs. This lack of criteria has led to significant regional variation in which offenders participate in the programs. Research shows that the intense requirements of Specialty Court programs are most effective for higher-risk individuals with a significant behavioral health need.<sup>48</sup> Furthermore, studies show that when low-risk offenders are placed in such programs, they become further entrenched into the justice system.<sup>49</sup> The majority of Nevada jurisdictions use a referral system for entrance into Specialty Court programs, and do not select eligible participants based on best practices.

In comparison, eligibility criteria for DUI Courts is outlined in statute and standardized across Nevada and requires a clinical assessment by a licensed practitioner. In examining the data, the ACAJ found that participants in DUI Courts had overwhelmingly higher success rates than those in other Specialty Court programs.

The ACAJ recommends:

- a. Requiring Mental Health Courts and Drug Courts to use either an in-person clinical assessment or an in-person risk and needs assessment to determine eligibility for participation.

### ***Focus prison resources on serious and violent offenders***

#### **Recommendation 6: Amend the burglary statute to correspond to different levels of conduct and create proportional penalties**

In 2017, burglary and attempted burglary were the two most common offenses at admission to prison. Time served for burglary is up 16 percent since 2012 and burglary offenders are serving 4.2 months longer in prison.

The burglary statute in Nevada differs from other states in two significant ways: (1) it does not require that an offender enter a structure unlawfully; and (2) it makes no distinction between different types of structures. This means that stealing change from an open motor vehicle carries the same penalty as entering a home at night with the intent to commit a felony. While a majority of burglary convictions (63 percent in 2017) involve a non-residential structure, they are subject to the same penalty as residential burglaries.

Additionally, Nevada's home invasion statute differs from other states, in that it (1) has essentially the same elements as residential burglary; and (2) carries an identical penalty to residential burglary. In other states, home invasion commonly includes a burglary offense with additional violent or dangerous elements, like the presence of a victim, an armed offender, or commission of the offense at night. The ACAJ discussed the redundancy of the home invasion statute in its present form and determined that home invasion should be defined differently from other burglary offenses, and punished more severely.

The ACAJ recommends:

- a. Amending the burglary statute to include the element of unlawful entry, and to establish different penalties based on whether the structure is a motor vehicle, a non-residential structure, a commercial building, or a residence, as outlined in the chart below.
- b. Amending the home invasion statute to reflect the severity of the crime and make home invasion distinct from other types of burglary. This includes defining home invasion as an unlawful entry of an inhabited dwelling, by an offender armed with firearm or deadly weapon, with an additional requirement that: it occur at night, or a person other than the offender or any accomplice(s) is present during the offense.
- c. Increasing judicial discretion to probate first and second time burglary offenders if mitigating circumstances exist.

Unlawful Entry of:	Penalty
Motor Vehicle	First or Second Offense: Gross Misdemeanor, Up to 1 year jail Third or Subsequent Offense: Category E Felony, 1 – 4 years prison
Other Building	Category D Felony, 1 – 4 years prison
Commercial Building	Category C Felony, 1 – 5 years prison
Residence	Category B Felony, 1 – 10 years prison

Home Invasion	Category B Felony, 2 – 18 years prison
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*Alternative Policy Option:*

- a. Reclassifying burglary of a motor vehicle to a Category C felony and keeping burglary of all other structures under the existing burglary statute with an increased penalty of 2-15 years. This option did not receive majority support from the Sentencing and Pretrial Diversion Subcommittee.

**Recommendation 7: Increase the felony theft threshold, establish different sentencing tiers for high-level larcenies, and ensure theft threshold amounts are consistent across all related offenses**

Since 2000, over 37 states have raised their felony theft thresholds. Nevada last raised its felony threshold in 2011, from \$250 to \$650.<sup>50</sup> Nevada currently has one of the lowest felony theft thresholds in the country at \$650; 43 states have a higher threshold. Research has found that raising the felony theft threshold has no impact on overall property crime or larceny rates.<sup>51</sup>

Felony thefts account for one of the most common offense categories at admission, behind only burglaries and attempted burglaries in 2017. The maximum penalty for larceny, a Category B felony, is punishable with a sentence of one to 10 years. Nevada also differs from other states in that it lacks penalty enhancements for large values; most states have an additional penalty for thefts over \$100,000 dollars.

The ACAJ recommends:

- a. Increasing the felony theft threshold from \$650 to \$2,000.
- b. Creating tiered theft offenses based on escalating property values with increasing penalties.
- c. Ensuring that threshold amounts are consistent across all theft offenses that currently utilize monetary thresholds, including but not limited to: larceny, general theft, possession of stolen property, and embezzlement.

Property Value	Penalty
\$1,000 and less	Misdemeanor, Up to 6 months jail
\$1,000 - \$1,999	Gross Misdemeanor, Up to 1 year jail
\$2,000 - \$4,999	Category D Felony, 1 – 4 years prison
\$5,000 - \$24,999	Category C Felony, 1 – 5 years prison
\$25,000 - \$99,999	Category B Felony, 1 – 10 years prison
\$100,000 or greater	Category B Felony, 1 – 20 years prison

*Alternative Policy Option:*

- a. Raising the felony theft threshold to \$1,000; making theft between \$1,000 and \$5,000 a Category D felony (1-4 years); theft between \$5,000 and \$25,000 a Category C felony (1-5 years); theft between \$25,000 and \$100,000 a Category B (1-10 years) felony; and theft over \$100,000 a Category B felony (1-15 years). This option did not receive majority support from the Sentencing and Pretrial Diversion Subcommittee.

### **Recommendation 8: Reclassify simple possession of a controlled substance**

Between 2008 and 2017, prison admissions for simple possession of a controlled substance (including heroin, cocaine, or methamphetamine) increased by 53 percent. In addition, simple possession offenders make up a disproportionate number of community supervision failures: in 2017, eight percent of people admitted to prison for probation violations were on probation for simple possession. In Nevada, simple possession is a Category E felony, with a sentence range of one to four years.

In some states—such as Tennessee, Utah, and Iowa—the first or second offense for simple possession of heroin, cocaine, or methamphetamine is a misdemeanor, not a felony. In others, including Oklahoma and West Virginia, simple possession is never a felony. Reclassifying possession offenses allows these states to impose an appropriate alternative sentence, including intensive supervision and treatment, while removing the adverse collateral consequences of a felony conviction.

The ACAJ recommends:

- a. Reclassifying simple possession of a controlled substance from a felony to a misdemeanor for the first and second offense.<sup>52,53</sup>
- b. Retaining the Category E felony classification for a third and subsequent possession conviction.
- c. Expanding the presumption of probation for those convicted of simple possession of a controlled substance at the Category E level to include: those serving a term of supervision at the time they committed simple possession; those who had previously been revoked from supervision; those who had previously failed to complete a treatment program; and those with two or more past felony convictions.
- d. Prohibiting simple possession of a controlled substance from use as a qualifying offense for the habitual criminal statute.

Simple Possession of a Schedule I-V Substance	Penalty
First Conviction	Misdemeanor 0 – 6 months jail
Second Conviction	Misdemeanor 0 – 6 months jail
Third or Subsequent Conviction	Category E Felony 1 – 4 years prison, with presumption of probation (removing existing exceptions to the presumption)

### **Recommendation 9: Increase judicial discretion in sentencing for commercial drug offenses**

Currently in Nevada, an offender convicted of a second or subsequent offense of sale, distribution, exchange, or transport of any quantity of a controlled substance must be sentenced to prison. The law does not permit a judge to sentence an offender to probation, even if mitigating circumstances are present.

The ACAJ recommends:

- a. Authorizing a judge to sentence an offender convicted of a second or subsequent offense of sale/distribution/exchange/transport-- or “possession for sale” -- to probation, if warranted by mitigating circumstances.<sup>54, 55</sup>
- b. Reclassifying a first offense of sale/distribution/exchange/transport from a Category B felony (1-6 years) to a Category C felony (1-5 years).

**Recommendation 10: Amend trafficking weights to distinguish drug sellers from drug traffickers, and require evidence of intent to sell or manufacture**

In 2017, Category B level trafficking was the fourth most common offense at admission and time served for trafficking admissions grew by 32 percent between 2012 and 2017.

Nevada’s trafficking statute currently applies to any individual possessing four or more grams of a controlled substance. Moreover, there is no requirement that an individual arrested for trafficking exhibit conduct that they intend to sell or distribute the substance. This significantly differs from trafficking statutes in other states, which either have higher trafficking weights or require an indicia of sale.

A case-level review of trafficking admissions from 2017 found that 46 percent of cases contained no indication of active sale or intent to sell, and those convictions were based solely on the weight of the controlled substance seized. Moreover, 74 percent of trafficking convictions in the case-level file review contained an indication of substance abuse by the offender. Lastly, of the women sentenced to prison for trafficking in 2017, 60 percent had no prior felony record.

The ACAJ recommends:

- a. Increasing trafficking weights to distinguish drug sellers from drug traffickers.
- b. Adding the requirement to the trafficking statute of an indicia of intent to sell.

Trafficking of Schedule I Substances	Penalty
28 – 100 grams with indicia of intent to sell or manufacture	Category B Felony, 1 – 10 years prison
100 – 400 grams with indicia of intent to sell or manufacture	Category B Felony, 2 – 20 years prison
400 grams or more with indicia of intent to sell or manufacture	Category B Felony, 3 – 20 years prison Mandatory incarceration

*Alternative Policy Options:*

- a. Authorizing judges to impose a probation sentence for the first trafficking conviction under the existing weight thresholds of 4-14 grams and 14-28 grams, with no other changes to the trafficking statute. This option did not receive majority support from the Sentencing and Pretrial Diversion Subcommittee.
- b. Referring the study of weight thresholds to the Sentencing Commission and revisiting changes to the law based on the Sentencing Commission’s recommendations. This

option did not receive majority support from the Sentencing and Pretrial Diversion Subcommittee.

### **Recommendation 11: Establish a lookback period for the habitual criminal statute<sup>56</sup>**

Nevada law currently allows for a significant sentencing increase upon a person's third or fourth felony conviction, as defined by the habitual criminal statute. An individual with two prior distinct convictions can receive a five to 20 year sentence, and on a fourth conviction can receive a life sentence. Frequent criminal conduct is not uncommon for people battling addiction and untreated mental illness, and repeat convictions for lower level crimes such as drug activity, shoplifting, and car burglary is often the result. Admissions for habitual criminal with two prior offenses increased 10 percent since 2008. Forty percent of all habitual criminal admissions in 2017 had neither a current nor prior violent offense on their record. A case-level review found that 90 percent of individuals entering prison on a habitual criminal offense in 2017 presented behavioral health needs.

Unlike some states, Nevada's current statute does not limit the time period in which the previous offenses occurred that can be used to enhance the sentence. This means that a conviction at any point in a person's past from five to 50 years ago can be used to convict someone as a habitual criminal.

It is worth noting that this recommendation would not change Nevada's existing habitual felon statute, which applies to repeat serious violent offenders.

The ACAJ recommends:

- a. Establishing a lookback period for the habitual criminal statute, based on Nevada's record sealing statute.<sup>57</sup> A conviction could not be used as a qualifying offense if:
  - i. For a prior Category A felony or violent felony:<sup>58</sup>
    - Ten years have elapsed between completion of the sentence on the prior conviction and commission of the current offense.
  - ii. For a prior Category B, C, or D felony:
    - Five years have elapsed between completion of the sentence on the prior conviction and commission of the current offense.
  - iii. For a prior Category E felony:
    - Two years have elapsed between completion the sentence on the prior conviction and commission of the current offense.

### **Recommendation 12: Remove the sentencing recommendation from the Pre-Sentence Investigation Report**

Between 2012 and 2017, sentence lengths in Nevada increased for all offense types. Minimum sentences increased 12 percent and maximum sentences increased seven percent. This resulted in a 20 percent increase in the amount of time offenders, nonviolent and violent alike, spend incarcerated.

One of the tools used to make sentencing determinations in Nevada is a PSI report. Many other states similarly use PSI reports during the sentencing phase. What is unique in Nevada is the use of

the sentence recommendation included in the PSI report. This recommendation is based on a computed value derived from Probation Success Probability Score (PSP) and Sentencing Recommendation Selection Scale (SRSS), scored by an NPP Specialist III.

The factors that are used to create this score are largely subjective and unrelated to protecting public safety or criminal conduct. Moreover, the results of these scores have significant influence as judges concurred with the PSI sentence recommendation 75 percent of the time.

The ACAJ recommends:

- a. Removing the sentencing recommendation from the PSI report.<sup>59</sup>
- b. Requiring judges to receive training on how to use the information included in the PSI report to make sentencing determinations.

**Recommendation 13: Reclassify certain nonviolent Category B offenses to tailor criminal conduct more appropriately to the corresponding penalty**

There are 212 Category B felony offenses in Nevada, and in 2017, these accounted for nearly half of all prison admissions. These offenses vary widely in severity, from larceny by false pretenses over \$650, to human trafficking, to battery with the intent to kill.

The amount of time served for Category B offenders is increasing, with individuals serving 10 months longer in prison in 2017 than they did six years ago. While the vast majority of these offenders will return to Nevada's communities, the Category B classification makes them ineligible for programming and work opportunities while incarcerated that assist in rehabilitation.

The ACAJ discussed reclassifying the following offenses:<sup>60</sup>

- Theft, value of \$3,500 or more (NRS 205.0835)
- Grand larceny, value of \$3,500 or more (NRS 205.222)
- Grand larceny of motor vehicle, value proven to be \$3,500 or more (NRS 205.228)
- Maintaining drug house, first offense (NRS 453.316)
- Taking property not amounting to robbery, value \$3,500 or more (NRS 205.270)
- Receiving or possessing stolen goods, value \$3,500 or more (NRS 205.275)
- Theft from vending machine, value of \$3,500 or more (NRS 205.2707)
- Receiving or transporting stolen vehicle, value proven to be \$3,500 or more (NRS 205.273)
- Obtaining money, property, rent, or labor by false pretenses, value \$650 or more (NRS 205.380)
- Theft of fire prevention device, value of \$650 or more (NRS 475.105—Punished as grand larceny. See NRS 205.222)
- Unlawful use of scanning device or re-encoder with intent to defraud (NRS 205.605)
- Gaming crimes, first offense (includes certain track and sports wagering and attempts at or conspiracy to commit crimes) (NRS 465.088)
- Knowingly selling a motor vehicle whose odometer has been fraudulently altered (NRS 484D.335)
- Ex-felon in possession of a weapon (NRS 202.360)
- First Offense Sale/Exchange/Transfer/Transport of a controlled substance (NRS 453.321)

The ACAJ recommends:

- a. Reclassifying the above list from Category B offenses to Category C offenses.

*Alternative Policy Options:*

- a. Reclassifying DUI as a Category C felony. This recommendation did not get majority support from the Sentencing and Pretrial Diversion Subcommittee.
- b. Reclassifying the 13 offenses identified by the ACAJ in 2016 with the exception of ex-felon in possession of a weapon or sale/ exchange/ transfer/ transport of a controlled substance. This recommendation did not get majority support from the Sentencing and Pretrial Diversion Subcommittee.

**Recommendation 14: Establish and codify a streamlined parole process**

In 2016, 40 percent of inmates were released at the expiration of their sentence, rather than being released through mandatory or discretionary parole. Parole release rates have fluctuated over the last decade, declining from fiscal year 2011 to fiscal year 2016, with an increase in fiscal year 2017.

Parole supervision affords greater accountability than other forms of post-release supervision, however, the ACAJ found that parole is underutilized, due in part to the fact that some offenders choose to waive their participation in the parole process in the interest of leaving custody without supervision to follow.

The ACAJ recommends:

- a. Codifying the Board of Parole Commissioners' practice of holding hearings in absentia for certain types of offenders who are assessed as low-risk and receive an appropriate guideline recommendation.
- b. Enabling the Board of Parole Commissioners to make a mandatory parole determination without a hearing, using the Board Report and the results from the risk and needs assessment to identify an individual's likelihood to reoffend and public safety risk.

**Recommendation 15: Implement a specialty parole option for long-term, geriatric inmates**

The population of Nevada inmates aged 55-and-older increased 70 percent from 2009 to 2017. NDOC is authorized to release inmates to residential confinement who are physically incapacitated and pose no threat to public safety or are within 12 months of death. Inmates were admitted to the hospital 538 times in fiscal year 2018, for a total of 3,917 days of hospitalization, an 80 percent increase in the number of hospital admissions and a 93 percent increase in the number of days hospitalized since fiscal year 2014. As inmates age in custody, they develop medical issues at far higher rates than the general population.

Researchers have consistently found that age is one of the most significant predictors of criminality, with criminal activity decreasing as a person ages.<sup>61</sup> Studies on parolee recidivism found that the probability of a parole violation also decreases with age, with older parolees the least likely to be re-incarcerated.<sup>62</sup> Furthermore, older inmates have higher incidence of serious health conditions compared to their younger peers, leading to much greater medical costs. Due to these increased needs, prisons across the nation spend roughly two to three times more to incarcerate geriatric individuals than younger inmates.<sup>63</sup>

The ACAJ recommends:

- a. Establishing a geriatric parole process that allows inmates who have reached a certain age and have served a minimum period of the sentence to be eligible for a parole hearing irrespective of their parole eligibility date.
- b. Broadening the current medical residential confinement release option to include individuals who are infirm and pose minimal risk to public safety without the requirement that they are within one year of death.

### ***Improve the efficiency and effectiveness of community supervision***

#### **Recommendation 16: Reduce the maximum probation period that can be ordered**

Currently, Nevada law authorizes up to a five year probation term for a felony offense and a three year probation term for a gross misdemeanor offense. While the law enables the court to terminate probation “at any time,” there are no further guidelines or criteria to guide that determination. The likelihood of violations and the value of ongoing supervision diminish as probationers gain stability and demonstrate longer-term success in the community. Research shows that the initial days, weeks, and months an individual is on supervision are when an individual is most likely to reoffend or violate the terms of their community supervision. Research has shown that supervision resources have the highest impact when they target this critical period. The ACAJ found that the average probation sentence for individuals sentenced by the Eighth Judicial District Court was 45 months – well beyond the period when probationers are most likely to reoffend. A review of data from the Second Judicial District Court found that over the last 10 years, 77 percent of violation reports for probationers who were ultimately revoked were filed within the first 12 months of supervision.

The ACAJ recommends:

- a. Reducing the maximum probation supervision period from five to three years and establishing a tiered system based on the offense category:
  - i. Category B felonies: 36 months
  - ii. Category C and D felonies: 24 months
  - iii. Category E felonies: 18 months
  - iv. Gross Misdemeanors: 12 months
- b. Allowing up to a one year extension for felony probation if necessary for completion of a Specialty Court program.
- c. Requiring NPP to recommend early termination if a probationer has not had any violation in 12 months, is current with supervision fees, and is in good standing with restitution payments.

#### *Alternative Policy Option:*

- a. Reduce probation length based on a tiered system but remove option to earn credits for probationers. This option did not receive majority support from the Release, Reentry, and Community Supervision Subcommittee.

#### **Recommendation 17: Expand the use of swift, certain, and proportional sanctions**

The ACAJ found that revocations of community supervision are one of the main drivers of the growth of the prison population. Thirty-nine percent of individuals admitted to prison in 2017 were sent to prison for violations of community supervision. From 2008 to 2017, the number of parole violators admitted to prison increased 43 percent and probation revocations admitted to prison increased 15 percent. Further review found that 34 percent of admissions to prison from community supervision were for technical violations, rather than for absconding or a new felony or misdemeanor charge.

Research on behavior change has found that responding to violations with immediacy, certainty, and proportionality interrupts negative behavior more effectively than delayed, random, and severe sanctions. In 2018, NPP began to implement graduated sanctions to respond to technical violations of community supervision. Several of the recommendation below reflect changes NPP has already begun incorporating into their supervision practices. However, opportunities exist to ensure Nevada's use of swift, certain, and proportional sanctions continues.

The ACAJ recommends:

- a. Requiring NPP to use graduated sanctions when responding to technical violations.
- b. Defining a "technical violation" as any alleged violation of supervision that is not a new felony offense, gross misdemeanor offense, or absconding, as NPP currently defines it.
- c. Defining "absconding" as non-reporting or no communication with NPP for a continuous period of at least 60 days, as NPP currently defines it.
- d. Focusing conditions of supervision on behavior most closely tied to public safety by removing consumption of any alcoholic beverages from the standard conditions list.
- e. Prohibiting the following conditions from being the sole grounds for revocation (multiple violations of such conditions may be used):
  - i. Consumption of any alcoholic beverages
  - ii. Positive results from a drug or alcohol test
  - iii. Failure to follow any directives of the supervisor related to mental health or substance abuse evaluations or participation in a treatment program
  - iv. Failure to seek and maintain employment
  - v. Association with an individual who has committed a felony offense
  - vi. Failure to pay fines and fees
  - vii. Failure to report changes in residence

#### **Recommendation 18: Limit the period of incarceration resulting from a revocation for technical violations**

In 2017, probation violators who were released from prison had served an average of almost 20 months in custody as a result of the revocation, up seven percent from 2012. Parole violators

released from prison in 2017 served an average of 9.8 months, up 92 percent since 2012. Additionally, the ACAJ found that 34 percent of community supervision returns to prison were sent to prison for technical violations of supervision in 2017. The median time spent in custody awaiting a probation revocation in Washoe County was 2.3 months after filing a violation report. Approximately 27 percent of probationers who were eventually revoked in Washoe County had to wait more than six months from the filing of a violation report, including approximately 11 percent who waited over a year.

The ACAJ recommends:

- a. Restricting the period of incarceration resulting from a technical violation of probation or parole rather than revocation to prison for the remainder of an offender's sentence, as follows:

Revocation Number	Limited Time Period of Incarceration
1 <sup>st</sup> Technical Revocation	Up to 30 days
2 <sup>nd</sup> Technical Revocation	Up to 60 days
3 <sup>rd</sup> Technical Revocation	Up to 90 days
4 <sup>th</sup> and Subsequent Technical Revocation	Up to remainder of sentence

- b. Limiting the number of days a probationer can be held in custody awaiting resolution of a revocation due to a technical violation to 15 days following arrest.

#### **Recommendation 19: Strengthen supervision decision-making**

In Nevada, standard supervision conditions are imposed for all offenders. A validated risk and needs assessment tool is not used to establish conditions of supervision, to guide decision-making related to treatment or programming needs, or to develop an individualized case plan for those on supervision. NPP recently began using a risk and needs assessment to determine supervision level. However, this assessment is conducted after conditions of supervision are already set and is not currently used to determine what conditions are necessary for an individual's specific risk level or to assist in determining the treatment or programming needed to address the factors driving an individual's criminal behavior. Additionally, parole and probation officers cannot efficiently change conditions of supervision if the results of the assessment warrant it. They must go through a formal process to schedule a hearing in court or with the Board of Parole Commissioners to modify conditions.

The ACAJ recommends:

- a. Requiring NPP to use a validated risk and needs assessment tool to guide supervision decisions related to conditions, supervision intensity, and programming and treatment.
- b. Requiring NPP to conduct an assessment to identify a supervisee's responsivity factors and develop a plan to help individuals address these factors.
- c. Creating a mechanism to streamline modification of conditions based on the results of the risk and needs assessment and any assessment of responsivity factors.
- d. Requiring NPP to develop individualized case plans for all supervisees, based on the results of a risk and needs assessment and an assessment of responsivity factors, prioritizing an

individual's needs and specific treatment domains as identified in the risk and needs assessment.

### ***Minimize barriers to successful reentry***

#### **Recommendation 20: Expanding and systemizing reentry**

Offenders returning to their communities after a period of incarceration often face substantial hurdles that hinder their ability to successfully transition back into society. The ACAJ recognizes the need to lessen barriers so that individuals returning to their communities who are making an effort to be productive are provided with the appropriate and necessary resources in their rehabilitation process. Currently the reentry plan focuses solely on finding appropriate housing for parolees and doesn't address any of the other reentry barriers facing parolees upon release including employment, treatment, medical care, and education.

While NPP is responsible for the development of the reentry plan, they currently have no involvement in coordinating programming (provided by NDOC) such as moral cognition therapy, skills training, or coordinating community partnerships that will provide parolees with the tools and support necessary to successfully transition into the community. The fact that two different agencies oversee this process has resulted in individuals not transitioning smoothly into the community. To try and address this, last year NPP specialists began working in NDOC facilities with NDOC reentry coordinators to facilitate communication and collaboration about reentry planning. Despite this progress, opportunities exist to remove barriers and ease inmate's reentry.

The ACAJ recommends:

- a. Expanding and systematizing reentry planning by requiring that it begin six months before an inmate's parole eligibility date.
- b. Ensure collaboration when developing a reentry plan.
- c. Requiring NDOC provide inmates with certain basic reentry resources, such as a 30 day supply of prescribed medication individuals were receiving while in custody, identification documentation, and transportation fare.
- d. Identifying and expanding transitional housing option for offenders who have not secured stable housing upon being approved for parole release.
- e. Requiring pre-release enrollment for eligible offenders for Medicaid and Medicare to assist individuals released from custody with medical and mental health conditions.

#### **Recommendation 21: Establish policies and practices to guide decision-making that address gender specific needs**

In 2016, Nevada's female imprisonment rate was 43 percent higher than the national average and rising. While overall admissions to the Nevada Department of Corrections grew six percent from 2008 to 2017, female admissions grew 39 percent. This steep increase was driven by low-level non-violent offenders, with 70 percent of all female admissions resulting from property or drug offenses. Fifty-five percent of female admissions had no prior felony conviction, and more than half of the females admitted to prison presented mental health needs. This admissions growth led to a 29 percent increase in the female prison population.

Research demonstrates that female offenders present certain responsivity factors that impact their ability to successfully participate in treatment programming and interventions that target their criminal behavior, including trauma, child abuse, dysfunctional relationships, and mental illness, as well as specific needs such as parenting, childcare, and self-concept that must be identified and addressed.<sup>64</sup> In spite of these gender-based characteristics, NDOC uses one risk and needs assessment tool to determine programming and treatment opportunities.

The ACAJ recommends:

- a. Ensuring that institutional programming determinations and supervision decisions are supported by the results of a validated gender-specific risk and needs assessment.
- b. Ensuring responsivity factors are assessed in order to provide specific programming and services that address identified barriers to successful rehabilitation.
- c. Ensuring corrections and community supervision staff receive trauma and domestic violence training.

### ***Ensure the sustainability of criminal justice reforms***

#### **Recommendation 22: Ensure sustainability of policy changes and adherence to best practices**

Any substantive changes to Nevada's corrections and criminal justice systems will require careful implementation and oversight. Moreover, additional legislative and administrative reforms may be needed after implementation to enable the state to realize the goals of justice reinvestment. Several states that have enacted similar comprehensive reform packages have mandated the collection of data to track key performance outcomes and have required oversight councils to oversee implementation, report on outcomes, and recommend additional reforms if necessary.

Research has shown that in order for evidence-based practices to be effective at changing offender behavior and reducing recidivism, they must rely on accurate data and be successfully implemented with ongoing oversight and tracking. Currently Nevada's criminal justice agencies operate with different data systems that do not communicate effectively with one another. Often this leads to gaps in the communication as there are limited ways to follow an offender through the system.

The ACAJ recommends:

- a. Requiring NDOC, NPP, the Board of Parole Commissioners, and other relevant agencies collect and report performance measures to evaluate the impact of the policy changes.
- b. Creating an oversight body or appointing an existing body to oversee the collection, organization and analysis of data relevant to implementation and outcomes.
- c. Requiring NPP conduct a gap analysis to determine what programming and treatment gaps exist for the community supervision population.
- d. Requiring ongoing validation of risk and needs assessment tools in accordance with each agency's definition of recidivism.
- e. Requiring agencies to establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

- f. Requiring NDOC and NPP to conduct an organizational assessment to determine the administrative changes that need to be made to successfully implement and sustain policies that adhere to evidence-based practices to reduce recidivism.
- g. Requiring corrections and community supervision staff to receive training on evidence-based practices including Principles of Effective Intervention, Effective Case Management and Effective Practices in Corrections Settings.

## **Reinvestment Priorities**

The ACAJ strongly recommends that if the policy recommendations are adopted and reduce or eliminate the prison growth that the anticipated costs be reinvested into interventions that reduce recidivism and interrupt the flow of individual's with behavioral health needs into the criminal justice system. An appropriate statutory provision should be enacted to protect these averted prison costs. The ACAJ recognizes that a significant part of the Nevada corrections and crime problems is due to a lack of effective and accessible treatment and supportive services for individuals struggling with addiction, mental health needs or both. In order to effectively respond to these challenges, funding will be necessary to support many aspects of a data and research-driven approach to law enforcement, interventions, and sentencing and release practices.

### **Recommendation 23: Require a certain percentage of funds be dedicated to expanding the options available to law enforcement when responding to individuals with behavioral health needs**

Nevada has seen increased success in some jurisdictions from investment in tools to manage individuals with behavioral health issues. This includes the use of the FAST, MOST, triage centers, and creating positions for psychologists and social workers within police departments. The jurisdictions that have incorporated such programs and interventions have experienced improved outcomes.

The ACAJ recommends:

- a. Requiring, as part of reinvestment, that a certain percentage of funds be dedicated to expanding the options available to law enforcement when responding to individuals with behavioral health needs.
- b. Requiring law enforcement agencies within the state to have an on-call behavioral health professional position.
- c. Requiring law enforcement agencies within the state develop and implement policies to improve law enforcement interactions with individual's affected by a behavioral health issue.
- d. Requiring the state to create a crisis response system within the Department of Health and Human Services that coordinates interjurisdictional services to develop efficient and effective response to individuals who have a behavioral health issue, including clinical intervention.

### **Recommendation 24: Reinvest in community supervision, treatment, and transitional housing**

The ACAJ heard extensive testimony from stakeholders about the gap between the treatment needs and the treatment resources available statewide. Shortfalls in substance abuse treatment, mental

health treatment, and other proven interventions are identified as a barrier to successful community supervision.

The ACAJ also discussed at length the need for transitional housing opportunities for individuals being released on parole. Limits to adequate housing have resulted in nearly 300 individuals each month remaining incarcerated despite being granted parole.

The ACAJ recommends:

- a. Establishing a dedicated grant fund available for counties, local providers, and nonprofit organizations to improve outcomes, strengthen public safety, and reduce recidivism.
  - i. Establishing county-level justice reinvestment councils who will be responsible for identifying the county-level programming and treatment needs.
  - ii. Identifying an entity to oversee the awarding and distribution of grant funding.
- b. Requiring a portion of savings be allocated to targeted areas with identified needs such as treatment, evidence-based programming, transitional housing, and community supervision.

#### **Recommendation 25: Reinvest in victims' services**

Often those most affected by crime – victims and survivors – go underserved by the state system established to provide justice. The overuse of state resources to incarcerate non-violent offenders drains resources from violence prevention and victim protection. Currently there are gaps in the availability and the efficiency of victims' services in Nevada.

The ACAJ sought out the voices of crime victims, survivors and victim advocates in the assessment of Nevada's criminal justice system. To inform the process of developing recommendations for the legislative and budgetary changes, two Victim, Survivor and Advocate Roundtables were held, one in Las Vegas and one in Reno. The roundtables focused on addressing victims' needs in distinct communities in the state. Based on these discussions, the ACAJ has identified several areas of improvement in victims' services.

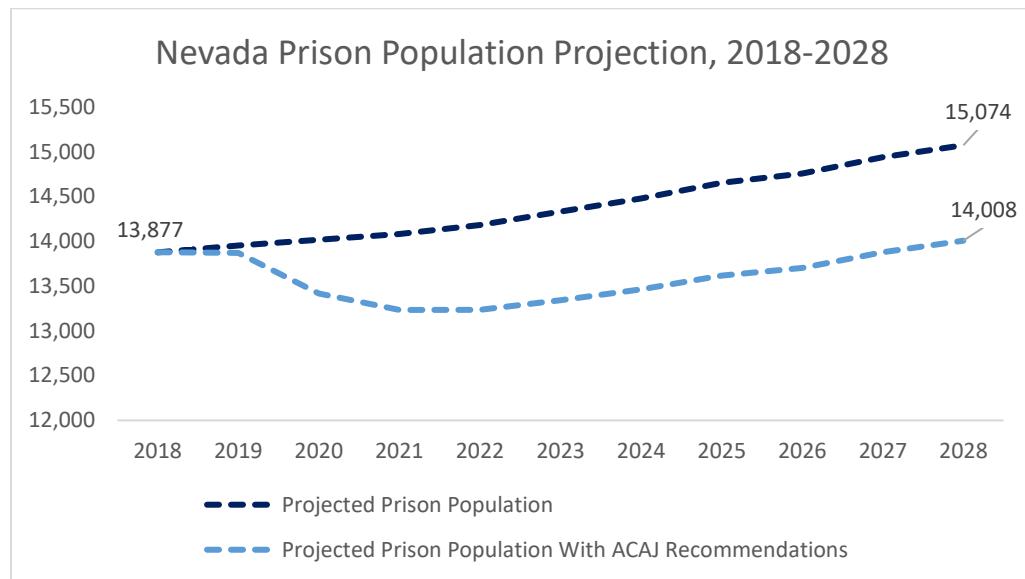
The ACAJ recommends:

- a. Strengthening Nevada's Victim Information Notification Everyday (VINE) system or creating a new unified statewide victim information and notification system that interfaces with the same data systems utilized by law enforcement, jails, courts, NDOC, the Board of Parole Commissioners, and NPP.
- b. Clarifying the existing definitions of "crime victim" in Nevada's criminal statutes.
- c. Improving the process of educating crime victims and survivors about their rights and services.
- d. Requiring misdemeanor domestic violence offenders to participate in treatment and services that can improve individual survivor safety.

#### ***Impact of the ACAJ's Policy Recommendations***

Nevada's prison population is projected to grow nine percent, or 1,197 beds, by 2028, and will require an additional \$770 million in correctional costs. The ACAJ's package of policy recommendations is projected to reduce growth in the prison population by more than 1,000 beds, averting 89 percent of the projected growth in the next 10 years and avoiding \$640 million in additional corrections costs through 2028. This impact is contingent upon successful legislative and executive enactment of the ACAJ recommendations.

**Figure 10. ACAJ recommendations projected to avert 89 percent of growth**



Source: Nevada Department of Corrections Ten Year Prison Population Projections, 2018-2028, JFA Associates, Analysis by CJI

<sup>1</sup> Imprisonment rate as used here and throughout refers to the rate at which the state sends individuals to prison per 100,000 residents. Imprisonment rates retrieved from Department of Justice, Bureau of Justice Statistics, National Prisoner Statistics 2016.

<sup>2</sup> Over the period from 2009 to 2016, the Nevada imprisonment rate per 100,000 residents declined by just under 1 percent, while the national imprisonment rate declined by 11 percent. Data from the Department of Justice, Bureau of Justice Statistics, National Prisoner Statistics 2016.

<sup>3</sup> The term revocations is used here and throughout to refer to those individuals who, while serving on probation or parole, have been booked into NDOC custody. For probationers, this nearly always indicates a formal revocation of their probation term and an invocation of their suspended prison sentence. For parolees, this may indicate an individual who has been subject to formal revocation, and may also include individuals who have been returned to custody pending a formal revocation hearing, which in certain cases may not occur prior to the expiration of their sentence.

<sup>4</sup> CJI conducted a case-level file review of all violation reports concerning a randomized sample of 312 individuals who were admitted to prison from probation or parole during 2017. The review additionally determined that 41 percent were sent to prison for new criminal conduct, including 25 percent who were alleged to have committed new felony-level conduct.

<sup>5</sup> From 2009 to 2016 the female imprisonment rate per 100,000 residents in Nevada climbed 18 percent, while the female imprisonment rate at the national level dropped by 6 percent. Data from the Department of Justice, Bureau of Justice Statistics, National Prisoner Statistics 2016.

<sup>6</sup> JRI Invitation Letter Signed 5/30/18 by Governor Sandoval, Speaker Frierson, Senate Majority Leader Ford, and Chief Justice Douglas.

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<sup>7</sup> <https://www.pewtrusts.org/-/media/assets/2009/03/02/p spp 1 in 31 report final web 32609.pdf>.

<sup>8</sup> Any Mental Illness (AMI) Among Adults. (n.d.). Retrieved October 23, 2015, from <http://www.nimh.nih.gov/health/statistics/prevalence/any-mental-illness-ami-among-adults.shtml>.

<sup>9</sup> Substance Abuse and Mental Health Services Administration, Results from the 2014 National Survey on Drug Use and Health: Mental Health Findings, NSDUH Series H-50, HHS Publication No. (SMA) 15-4927. Rockville, MD: Substance Abuse and Mental Health Services Administration. (2015). Retrieved October 27, 2015 from <http://www.samhsa.gov/data/sites/default/files/NSDUH-FRR1-2014/NSDUH-FRR1-2014.pdf>.

<sup>10</sup> [https://www.nimh.nih.gov/health/statistics/mental-illness.shtml#part\\_154787](https://www.nimh.nih.gov/health/statistics/mental-illness.shtml#part_154787).

<sup>11</sup> Bureau of Justice Statistics, Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12, June 2017, accessed at <https://www.bjs.gov/content/pub/pdf/imhprj1112.pdf>.

<sup>12</sup> Department of Justice, Federal Bureau of Investigation and Bureau of Justice Statistics.

<sup>13</sup> Federal Bureau of Investigation, Uniform Crime Reports, UCR Data Tool, accessed at <http://www.ucrdatatool.gov/Search/Crime/State/StateCrime.cfm>.

<sup>14</sup> Pew Charitable Trusts (2014), "Factors Contributing to the Crime Decline," <http://www.pewtrusts.org/en/research-and-analysis/analysis/2014/09/11/factors-contributing-to-the-crime-decline>; William Spelman, "The Limited Importance of Prison Expansion," in *The Crime Drop in America*, eds. Alfred Blumstein and Joel Wallman (Cambridge University Press, 2000), 97-129; Steven D. Levitt, "Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six That Do Not," *Journal of Economic Perspectives* 18, no. 1 (Winter 2004): 163-190. <http://pricetheory.uchicago.edu/levitt/Papers/LevittUnderstandingWhyCrime2004.pdf>.

<sup>15</sup> Ibid.

<sup>16</sup> <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/06/utahs-2015-criminal-justice-reforms>.

<sup>17</sup> Ibid.

<sup>18</sup> Utah Commission on Criminal and Juvenile Justice, Current Criminal Justice Policies in Utah, 2018 Annual Report; <https://justice.utah.gov/JRI/Documents/Justice%20Reinvestment%20Initiative/JRI%202018%20Annual%20Report.html>; <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2018/05/data-trends-utah-criminal-justice-reform>.

<sup>19</sup> U.S. Census Bureau, American Community Survey 2012-2016. Department of Justice, Bureau of Justice Statistics, National Prisoner Statistics 2016, <https://www.bjs.gov/index.cfm?ty=dcdetail&id=269>.

<sup>20</sup> Ibid.

<sup>21</sup> Correctional Populations in the United States, 2016, Department of Justice, Bureau of Justice Statistics, <https://www.bjs.gov/index.cfm?ty=pbdetail&id=6226>.

<sup>22</sup> <https://www.reviewjournal.com/crime/nevada-officials-ok-9-2m-deal-to-ship-inmates-to-arizona/>.

<sup>23</sup> Campbell Collaboration (2015), "The Effects on Re-Offending of Custodial vs. Non-Custodial Sanctions: An Updated Systematic Review of the State of Knowledge," <https://www.campbellcollaboration.org/library/the-effects-on-re-offending-of-custodial-vs-non-custodial-sanctions-an-updated-systematic-review-of-the-state-of-knowledge.html>; Nagin, Cullen, & Lero Jonson (2009), "Imprisonment and Reoffending," from Crime and Justice: A Review of the Research, ed. Michael Tonry, vol. 38, pp 115-200.

<sup>24</sup> Villetaz, Gilleron, and Killian, Campbell Collaboration (2015), "The Effects on Re-Offending of Custodial vs. Non-Custodial Sanctions: An Updated Systematic Review of the State of Knowledge," <https://www.campbellcollaboration.org/library/the-effects-on-re-offending-of-custodial-vs-non-custodial-sanctions-an-updated-systematic-review-of-the-state-of-knowledge.html>; Nagin, Cullen, & Lero Jonson (2009), "Imprisonment and Reoffending," from Crime and Justice: A Review of the Research, ed. Michael Tonry, vol. 38, pp 115-200.

<sup>25</sup> Spohn & Holleran (2002), "The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders," <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2002.tb00959.x/abstract>; Nieuwbeerta, Nagin, & Blokland (2009), "Assessing the Impact of First Time Imprisonment on Offender's Subsequent Criminal Career Development: A Matched Samples Comparison," <http://link.springer.com/article/10.1007%2Fs10940-009-9069-7>.

<sup>26</sup> Ibid.

<sup>27</sup> At the end of 2017, 43 percent of the population in NDOC custody had been sentenced for non-person offenses.

<sup>28</sup> NRS 208.400(b).

<sup>29</sup> NRS 174.031-174.034.

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<sup>30</sup> NRS 453.3363; NRS 458.300-458.32; NRS 176A.250; NRS 176A.280; NRS 458A.200.

<sup>31</sup> CJI conducted a case-level file review of all violation reports concerning a randomized sample of 312 individuals who were admitted to prison from probation or parole during 2017.

<sup>32</sup> Nagin, Cullen, & Lero Jonson (2009), Imprisonment and Reoffending, Crime and Justice: A Review of Research, 38, 115-200.

<sup>33</sup> NDOC Recidivism Analysis for 2008, 2009, 2010, 2011, 2012, 2013 and 2014 Release Cohorts. Rates released annually from 2011 to 2018.

[http://doc.nv.gov/About/Statistics/Articles\\_and\\_Newsletters/Recidivism\\_Newsletters\\_and\\_Memos/](http://doc.nv.gov/About/Statistics/Articles_and_Newsletters/Recidivism_Newsletters_and_Memos/).

<sup>34</sup> Bureau of Justice Statistics, Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12, June 2017, accessed at <https://www.bjs.gov/content/pub/pdf/imhprpj1112.pdf>.

<sup>35</sup> Bureau of Justice Statistics, Drug Use, Dependence, and Abuse Among State Prisoners and Jail Inmates, 2007-2009, June 2017, accessed at <https://www.bjs.gov/content/pub/pdf/dudaspij0709.pdf>.

<sup>36</sup> Frazier, Sung, Gideon, and Alfaro. "The impact of prison deinstitutionalization on community treatment services", Health & Justice, December 2015.

<sup>37</sup> Populations exclude inmates granted parole yet still awaiting release in prison, as well as Nevada-based supervisees under the custody of other states.

<sup>38</sup> Bonta & Andrews (2007), Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation, accessed at <https://www.pbpp.pa.gov/Information/Documents/Research/EBP7.pdf>.

<sup>39</sup> Nagin & Pogarsky (2001), Integrating Celerity, Impulsivity, and Extralegal Sanction Threats Into a Model of General Deterrence: Theory and Evidence, Criminology, 39 (4), 865-892.

<sup>40</sup> Petersilia (2007), EMPLOY BEHAVIORAL CONTRACTING FOR "EARNED DISCHARGE" PAROLE, Criminology & Public Policy, 4(6), 807-814 ; Wodahl, Garland, Culhane & McCarty (2011), Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections, Criminal Justice and Behavior, 38 (4), 386-405.

<sup>41</sup> NRS 209.4475.

<sup>42</sup> Nagin & Pogarsky (2001), Integrating Celerity, Impulsivity, and Extralegal Sanction Threats Into a Model of General Deterrence: Theory and Evidence, Criminology, 39 (4), 865-892.

<sup>43</sup> NRS 213.140.

<sup>44</sup> Washington State Institute for Public Policy, 2012: The Offender Reentry Community Safety (ORCS) program in Washington State.

<sup>45</sup> Skeem & Bibeau (2008), How does violence potential relate to crisis intervention team responses to emergencies? Psychiatry Services.; 59(2):201-4; Hanafi, Bahora, Demir & Compton (2008), Incorporating Crisis Intervention Team (CIT) Knowledge and Skills into the Daily Work of Police Officers: A Focus Group Study, Community Mental Health Journal, 44(6):427-32.

<sup>46</sup> NRS 174.031.

<sup>47</sup> NRS 176A.100.

<sup>48</sup> Deborah Koetzel Schaffer (2011), Looking Inside the Black Box of Drug Courts: A Meta-Analytic Review, Justice Quarterly, June 2011.

<sup>49</sup> Ibid.

<sup>50</sup> Gelb, Adam, and Philip Stevenson. "The Effects of Changing Felony Theft Thresholds." The Pew Charitable Trusts, Public Safety Performance Project (2017).

<sup>51</sup> Ibid.

<sup>52</sup> NRS 453.336(2).

<sup>53</sup> Members of the Sentencing and Pretrial Subcommittee had strong objections to this recommendation. However this recommendation received majority support from the members.

<sup>54</sup> NRS 453.321.

<sup>55</sup> NRS 453.337.

<sup>56</sup> Notably, this recommendation would not affect the habitual felon statute, which concerns repeat serious violent felony offenders.

<sup>57</sup> NRS 179.245.

<sup>58</sup> As defined in NRS 200.408.

<sup>59</sup> Requires amending NRS 176.145.

<sup>60</sup> The first 13 offenses on this list were previously discussed for reclassification by the ACAJ in 2016

<sup>61</sup> Devers, Lindsey (2011). Desistance and Developmental Life Course Theories: Research Summary. Bureau of Justice Assistance, accessed at <https://www.bja.gov/Publications/DesistanceResearchSummary.pdf>.

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<sup>62</sup> [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207\\_Recidivism-Age.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf); United States Sentencing Commission (2014). Recidivism Among Offenders Receiving Retroactive Sentence Reductions: The 2007 Crack Cocaine Amendment.

<sup>63</sup> Vera Institute for Justice. "It's About Time: Aging Prisons, Increasing Costs, and Geriatric Release" April 2010. <http://www.vera.org/download?file=2973/its-about-time-aging-prisoners-increasing-costs-and-geriatric-release.pdf>.

<sup>64</sup> Wright, E. M., Salisbury, E. J., & Van Voorhis, P. (2007). Predicting the prison misconducts of women offenders: The importance of gender-responsive needs. *Journal of Contemporary Criminal Justice*, 23(4), 310-340. <http://dx.doi.org/10.1177/1043986207309595>.

## H. Section 34 of AB 3 (2020)

Assembly Bill No. 3—Committee of the Whole

### CHAPTER.....

AN ACT relating to state financial administration; reducing certain appropriations and other money budgeted for Fiscal Year 2020-2021; authorizing certain sums appropriated to the Department of Health and Human Services to be transferred among the various budget accounts of the Department under certain circumstances; requiring the transfer of certain money to the State General Fund; revising various provisions relating to the authority for such transfers; authorizing certain expenditures; temporarily suspending the transfer from the State General Fund to the Account to Stabilize the Operation of the State Government for Fiscal Year 2020-2021; temporarily increasing the limitation on the amount of annual leave that certain state employees are authorized to carry forward to the next calendar year; providing for a 1-month suspension during Fiscal Year 2020-2021 of the payment of subsidies by the State to the Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees; requiring state employees to take a certain number of hours of unpaid furlough leave during a certain period of Fiscal Year 2020-2021; providing exceptions and requirements relating to the furlough leave; and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

The Legislature appropriated various sums of money for the support of the government of the State of Nevada and for other specific purposes during the 2019 Legislative Session. **Sections 1-8, 10-14, 16-56 and 57-81** of this bill reduce certain appropriations for Fiscal Year 2020-2021.

Existing law provides a procedure for the revision of the work program of any department, institution or agency of the Executive Department of the State Government. (NRS 353.220) During the remainder of Fiscal Year 2020-2021, **section 15** of this bill authorizes the transfer of certain sums appropriated to the Department of Health and Human Services among the various budget accounts of the Department in the same manner and within the same limits as allowed for revisions of work programs in NRS 353.220. **Section 15** also provides that the appropriations made to the Supreme Court of Nevada for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 are available for both fiscal years and authorizes transfers of such money among certain budget accounts of the Supreme Court and from one fiscal year to the other upon certain approval.

**Section 82** of this bill reduces the current amount of money budgeted for Fiscal Year 2020-2021 for certain programs and services of various state agencies and provides for the reversion of those amounts to the State General Fund at the close of Fiscal Year 2020-2021.

**Sections 83-107** of this bill require the State Controller to transfer various sums of money from certain funds and accounts in Fiscal Year 2020-2021 to the State General Fund Budget Reserve Account to offset the difference between projected



revenues and collections and to be used only as necessary to meet existing and future obligations of the State. **Section 108** of this bill provides for the reversion of those amounts to the State General Fund at the close of Fiscal Year 2020-2021. **Sections 9 and 120-131** of this bill specifically authorize such transfers in provisions in existing law. **Sections 109-118** of this bill authorize certain additional expenditures by various state agencies for certain purposes. **Sections 56.5 and 118.5** of this bill authorize the Department of Health and Human Services to accept additional federal money during Fiscal Year 2019-2020 or Fiscal Year 2020-2021 for the Nevada Medicaid budget and the Nevada Check-Up Program budget to support those budgets without requiring an offsetting decrease in State General Fund appropriations.

The Account to Stabilize the Operation of the State Government, also known as the Rainy Day Account, is a special revenue fund into which surplus state revenues are deposited to be used in case of fiscal emergencies. Under existing law, the State Controller is required to transfer from the State General Fund to the Account to Stabilize the Operation of the State Government at the beginning of each fiscal year that begins on or after July 1, 2017, 1 percent of the total anticipated revenue projected for that fiscal year by the Economic Forum in May of odd-numbered years, as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year. (NRS 353.288) **Section 119** of this bill suspends this transfer to be made for Fiscal Year 2020-2021.

Under existing law, employees in the Executive Department of the State Government are entitled to a prescribed amount of annual leave for each month of continuous public service. With certain exceptions, existing law provides that any annual leave in excess of 30 working days must be used before January 1 of the year following the year in which the annual leave in excess of 30 working days is accumulated or the amount of annual leave in excess of 30 working days is forfeited on that date. (NRS 284.350) For purposes of calendar years 2020 and 2021, **sections 123.5 and 135** of this bill increase to 40 working days the limitation on the amount of annual leave that an employee is authorized to carry forward from each of those calendar years to the next calendar year.

Existing law requires each state agency that participates in the Public Employees' Benefits Program to pay to the Program a monthly assessment for each state officer and employee who is employed by the agency on a permanent and full-time basis and who elects to participate in the Program. (NRS 287.044, 287.0445) In addition, the State is also required to pay to the Program a portion of the cost of the premiums or contributions for group insurance for persons who retire with state service and continue to participate in the Program. (NRS 287.046) The monthly amounts of these subsidies are established for each fiscal year biennially. (See, e.g., chapter 523, Statutes of Nevada 2019, p. 3118) **Section 131.1** of this bill provides for a state agency premium holiday by requiring that a participating state agency only pay such subsidies for 11 months in Fiscal Year 2020-2021. Although a corresponding premium holiday is not provided for the state officers and employees and retirees in this bill, **section 131.1** specifically provides that those state officers and employees and retirees must not be required to pay the portion of the cost of the premiums and contributions that would have otherwise been paid by the State during the one month of the premium holiday.

**Section 131.2** of this bill requires each full-time state employee to take 48 hours of unpaid furlough leave, and part-time employees to take a proportional amount of such hours, during the period between January 1, 2021, and June 30, 2021, unless: (1) the employee's position is exempted from this requirement pursuant to **section 131.4** of this bill because the employee is determined to fill a position of critical need; or (2) the employee is employed by the Department of



Tourism and Cultural Affairs and has a standard workweek of 32 hours or less. If an employee's position is exempted from the furlough requirement, **section 131.4** requires that the employee's salary be reduced by 4.6 percent during the period between January 1, 2021, and June 30, 2021, that the position is not subject to furlough leave. **Section 131.3** of this bill provides that state employees and employees of the other employers who participate in the Public Employees' Retirement System who take furlough leave due to extreme financial need are held harmless in the accumulation of retirement service credit and reported salary for purposes of their retirement. **Sections 134.5 and 135** of this bill eliminate the furlough leave requirements if the State of Nevada receives certain federal money.

**Section 131.6** of this bill provides that if additional federal money is made available to the State of Nevada, the Chief of the Budget Division of the Office of Finance is required to disburse the money to restore budgetary reductions in this bill and other purposes in a prescribed priority order.

**Section 132** of this bill provides that the provisions of this bill do not apply to the extent that they would constitute an impairment of the rights of holders of bonds or similar obligations issued by the State.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[omitted material]** is material to be omitted.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

– 25 –

**Sec. 34.** Section 20 of chapter 544, Statutes of Nevada 2019, at page 3347, is hereby amended to read as follows:

Sec. 20. Department of Corrections.

For the support of the:

Office of the Director ....	\$32,436,156	<b>[\$33,086,656]</b>	<b>\$31,632,304</b>
Prison Medical Care .....	48,465,151	<b>[49,645,119]</b>	<b>49,560,119</b>
Correctional			
Programs .....	8,678,287		8,805,647



		<u>2019-2020</u>	<u>2020-2021</u>
Southern Nevada			
Correctional Center....	\$233,829	<span style="color:red">[\$230,715]</span>	<span style="color:blue">\$230,700</span>
Southern Desert			
Correctional Center....	27,618,811	<span style="color:red">[28,526,480]</span>	<span style="color:blue">28,505,636</span>
Nevada State Prison...	75,525	73,709	
Northern Nevada			
Correctional Center....	30,725,087	<span style="color:red">[31,400,077]</span>	<span style="color:blue">30,912,584</span>
Warm Springs			
Correctional Center....	12,301,844	<span style="color:red">[12,568,277]</span>	<span style="color:blue">12,561,352</span>
Ely State Prison.....	29,979,186	<span style="color:red">[30,955,001]</span>	<span style="color:blue">30,510,506</span>
Lovelock Correctional Center .....	27,226,436	<span style="color:red">[27,953,898]</span>	<span style="color:blue">27,414,155</span>
Florence McClure Women's			
Correctional Center....	17,836,183	<span style="color:red">[18,472,165]</span>	<span style="color:blue">18,462,301</span>
Stewart Conservation Camp.....	1,838,359	<span style="color:red">[1,882,097]</span>	<span style="color:blue">1,881,624</span>
Ely Conservation Camp.....	1,495,969	<span style="color:red">[1,534,034]</span>	<span style="color:blue">1,533,511</span>
Humboldt			
Conservation Camp....	1,499,055	<span style="color:red">[1,540,289]</span>	<span style="color:blue">1,539,841</span>
Three Lakes Valley			
Conservation Camp....	3,022,646	<span style="color:red">[3,116,454]</span>	<span style="color:blue">3,115,657</span>
Jean Conservation Camp.....	1,758,170	<span style="color:red">[1,813,993]</span>	<span style="color:blue">1,813,445</span>
Pioche Conservation Camp.....	1,894,498	<span style="color:red">[1,938,308]</span>	<span style="color:blue">1,937,711</span>
Carlin Conservation Camp.....	1,413,424	<span style="color:red">[1,454,181]</span>	<span style="color:blue">1,453,525</span>
Wells Conservation Camp.....	1,451,236	<span style="color:red">[1,494,526]</span>	<span style="color:blue">1,493,854</span>
Silver Springs			
Conservation Camp....	4,511	4,471	
Tonopah			
Conservation Camp....	1,465,518	<span style="color:red">[1,516,507]</span>	<span style="color:blue">1,515,978</span>
Northern Nevada			
Transitional			
Housing.....	444,071	<span style="color:red">[457,943]</span>	<span style="color:blue">457,656</span>
High Desert State			
Prison.....	56,653,250	<span style="color:red">[58,600,514]</span>	<span style="color:blue">58,568,801</span>
Casa Grande			
Transitional			
Housing.....	\$3,355,736	<span style="color:red">[\$3,435,064]</span>	<span style="color:blue">\$2,942,328</span>

