

Advisory Commission on the Administration of Justice

Justice Reinvestment Presentation #1

September 12, 2018

Overview

- Data Sources
- NDOC Admissions
- NDOC Prison Population
- Female Population
- Specialty Courts

Iron Law of Prison Population Growth

Admissions + Time Served
= NDOC Population

Data Used

- Nevada Department of Corrections Data
 - All admissions to NDOC custody by Calendar Year 2008-2017
 - Annual population snapshots submitted to National Corrections Reporting Program for 2009-2017
- Offense data is for the most serious offense related to the current admission, defined based on felony category and sentence length
- Unless stated otherwise, all data presented was analyzed by CJI in consultation with NDOC
- Data presented here may not match NDOC reports due to different methodologies for analysis

Data Used II

- Summary-level data from
 - Nevada Department of Public Safety, Division of Parole and Probation, FY 2016-2017
 - Nevada Board of Parole Commissioners, CY 2017
 - Unless stated otherwise, all data presented was analyzed by CJI in consultation with above agencies
 - Data presented here may not match reports from the Division of Parole and Probation or the Board of Parole Commissioners due to different methodologies for analysis
- Publicly available data from
 - U.S. Department of Justice, Bureau of Justice Statistics
 - U.S. Census Bureau

Data Definitions

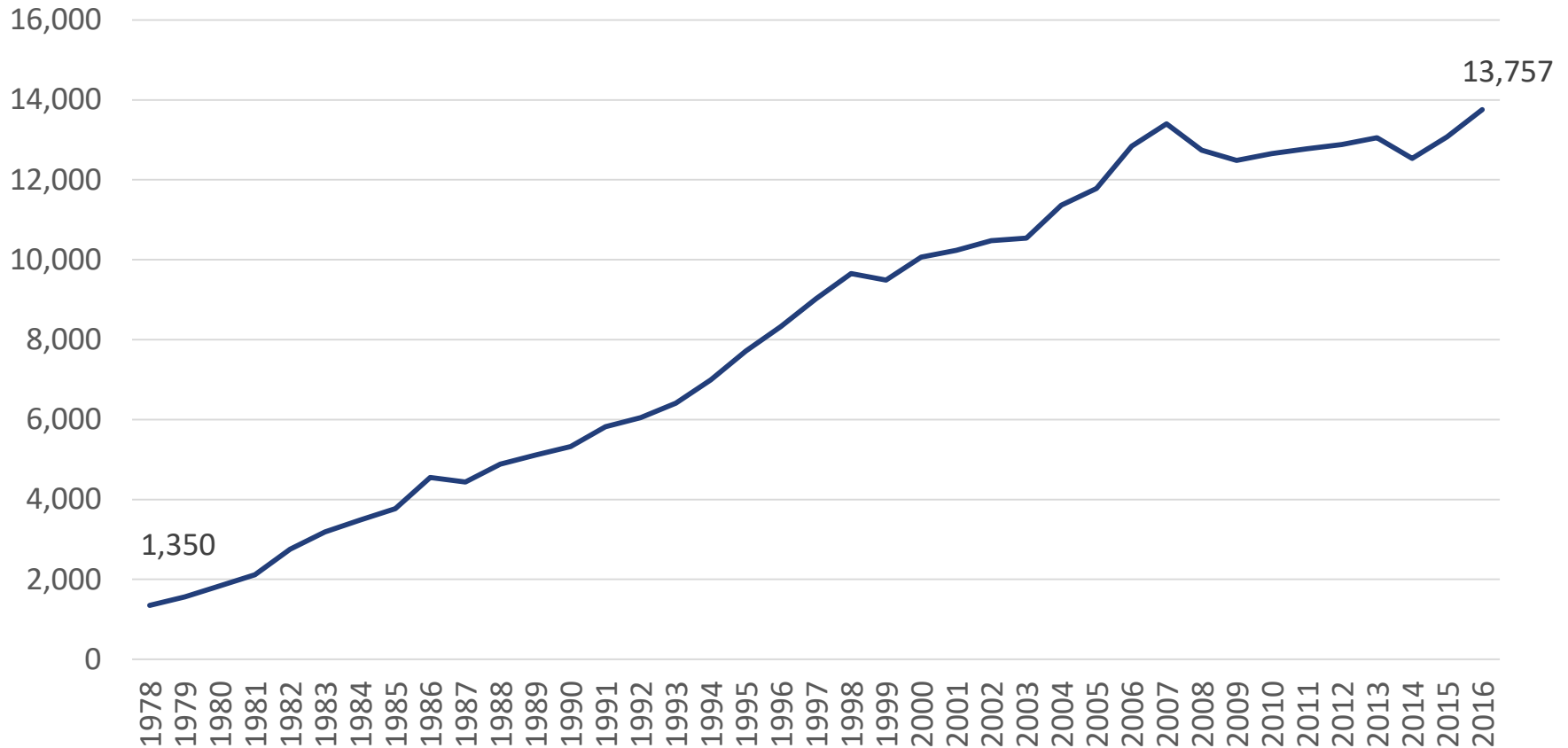
- Admission type
 - **New prisoner:** Offender receiving a new prison sentence from the court
 - **Probation violator:** Offender who was revoked by the court from community supervision
 - **Parole violator:** Offender who was returned to prison from parole supervision
 - **Other:** Interstate compact transfers, escape returns

Sentencing Ranges for Felonies

| Offense Category | Sentence Range | Examples |
|------------------|--|--|
| Category A | Life with parole Life without parole Death for capital offenses | Murder, Kidnapping, High-level Trafficking |
| Category B | 1-20 years Wide variance within range Specified for each offense | Burglary, DUI, Trafficking of a Controlled Substance Schedule 1, Robbery, Transport/Sale/Exchange of a Controlled Substance, Ex-Felon in Possession of a Weapon |
| Category C | 1-5 years | Attempted Burglary, Possession of a Stolen Vehicle, Grand Larceny, Grand Larceny of a Stolen Vehicle |
| Category D | 1-4 years | Possession of a Controlled Substance for Sale, Attempted Possession of a Stolen Vehicle, Attempted Grand Larceny, Possession of a Stolen Credit Card |
| Category E | 1-4 years Presumptive Probation | Possession (1 st and 2 nd Offense), Under Influence of a Controlled Substance, Attempted Forgery, Graffiti |

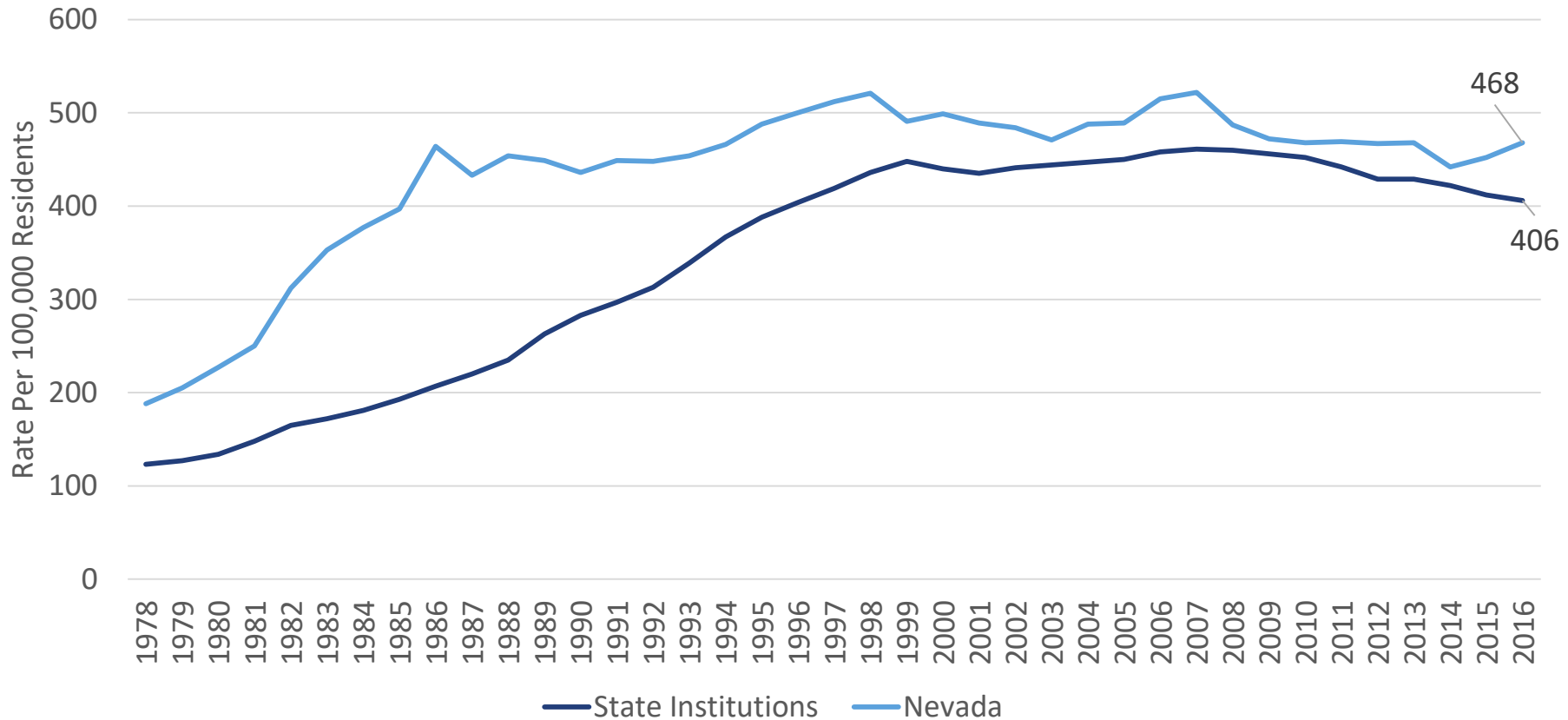
After Decades of Growth, Nevada Prison Population Continues to Climb

Nevada Prison Population, 1978-2016



Nevada's Imprisonment Rate is 15% Higher Than the National Average and Growing

Nevada Imprisonment Rate, 1978-2016

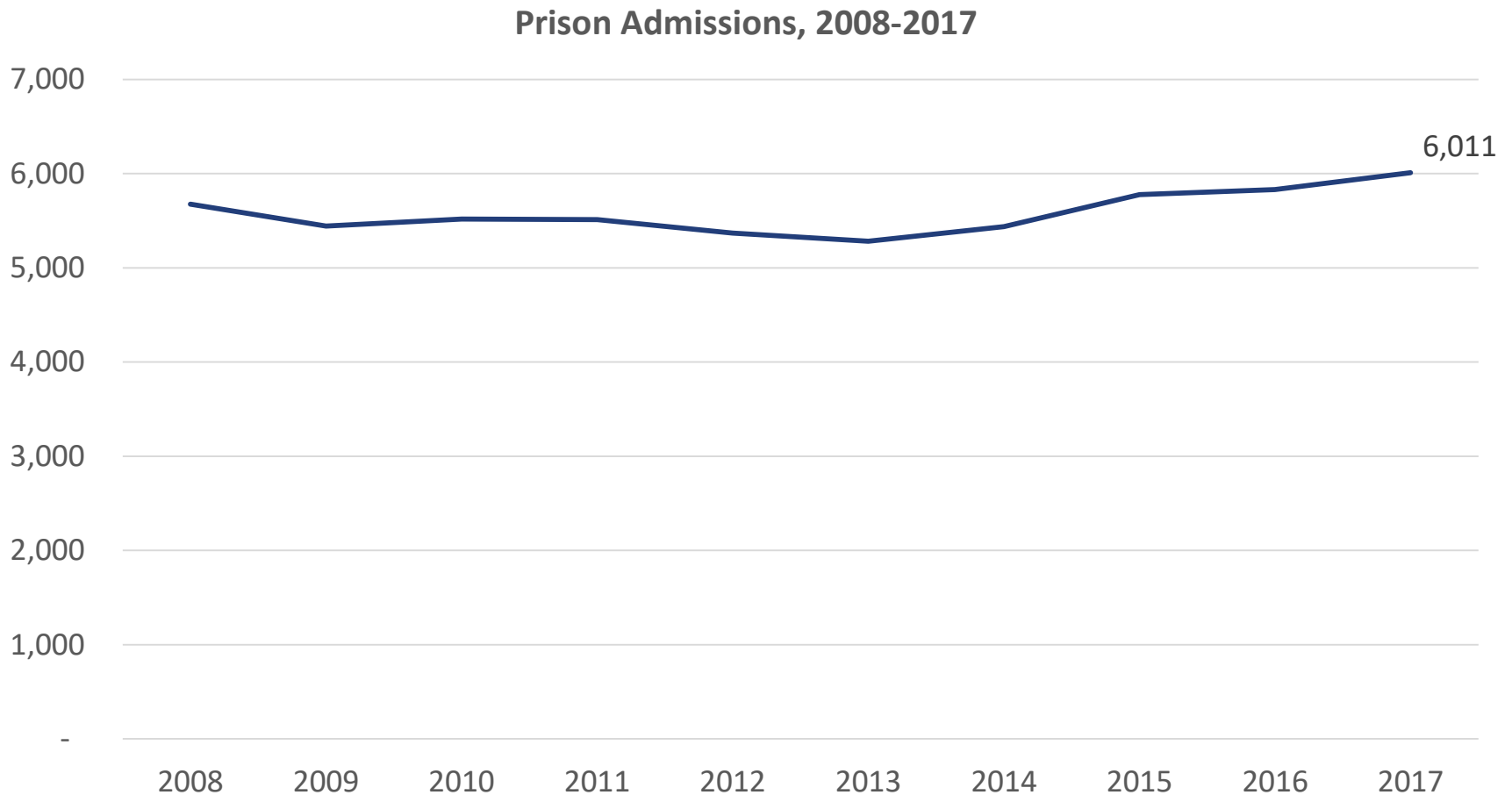


NDOC Prison Admissions

Who is Entering Prison?

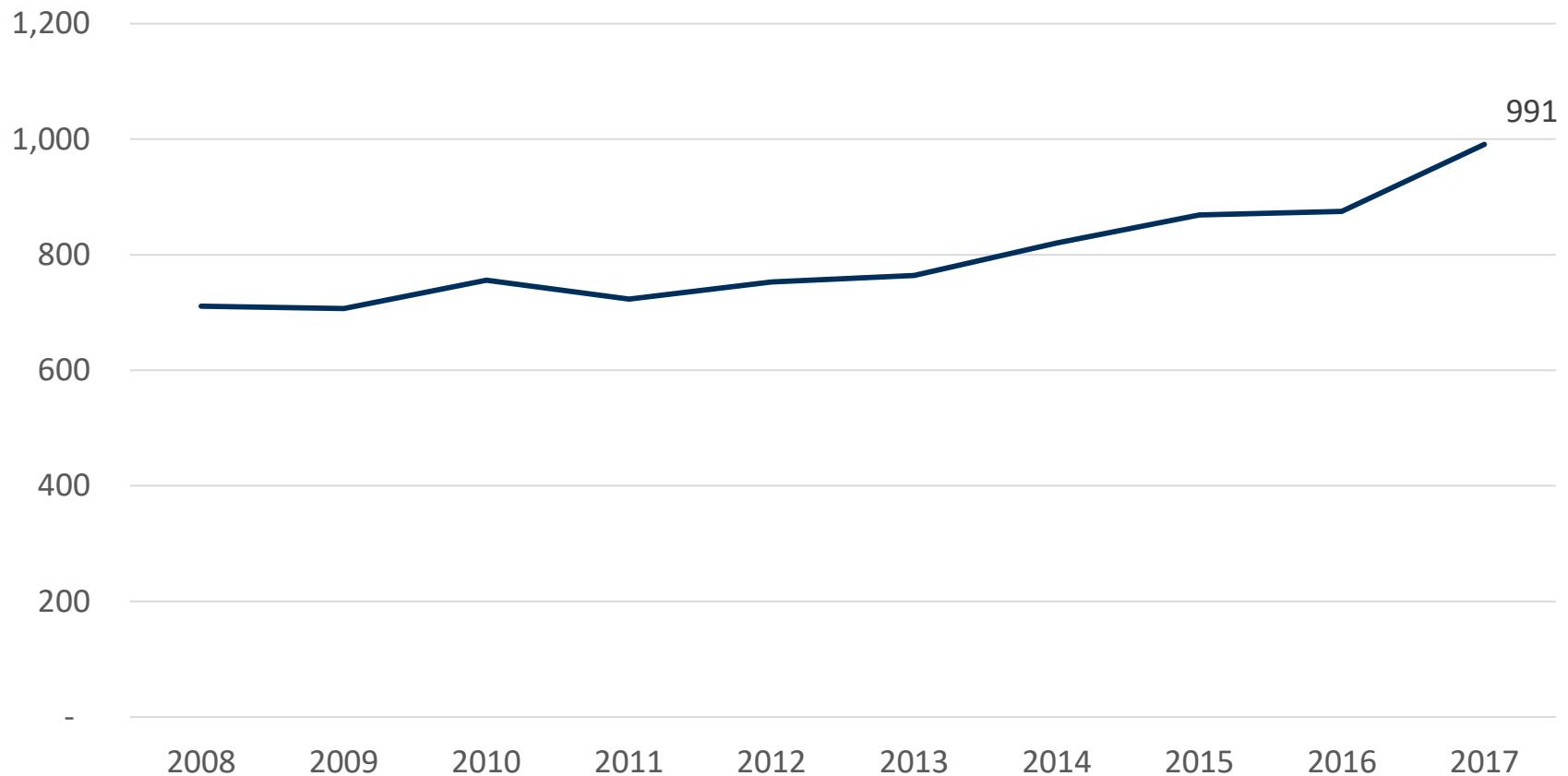
- Admissions over time
- Geographic patterns
- Admission type
- Offense type
- Felony category

Prison Admissions Up 6% From 2008



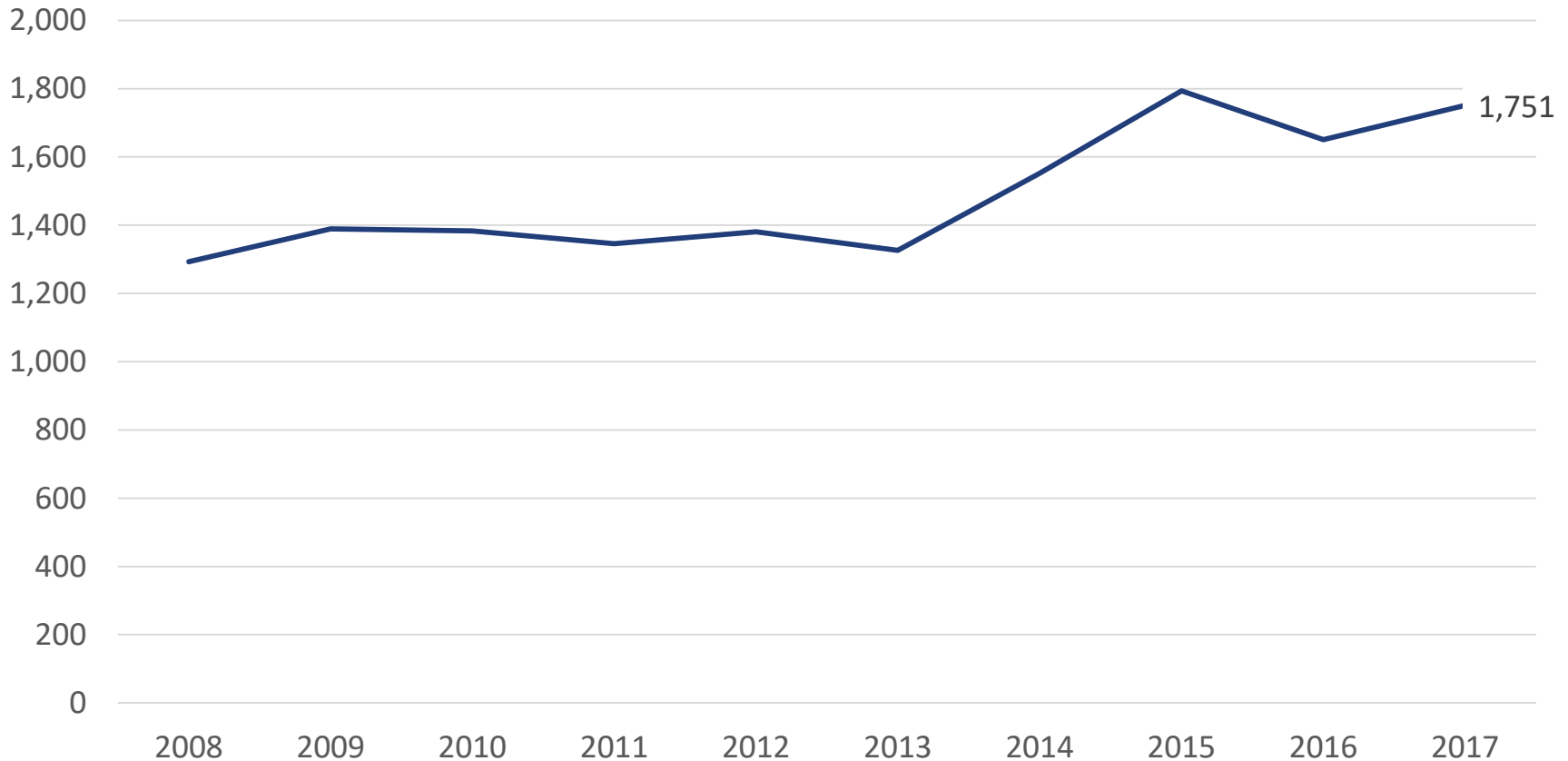
Female Prison Admissions Up 39% Over Last Decade

Female Prison Admissions, 2008-2017



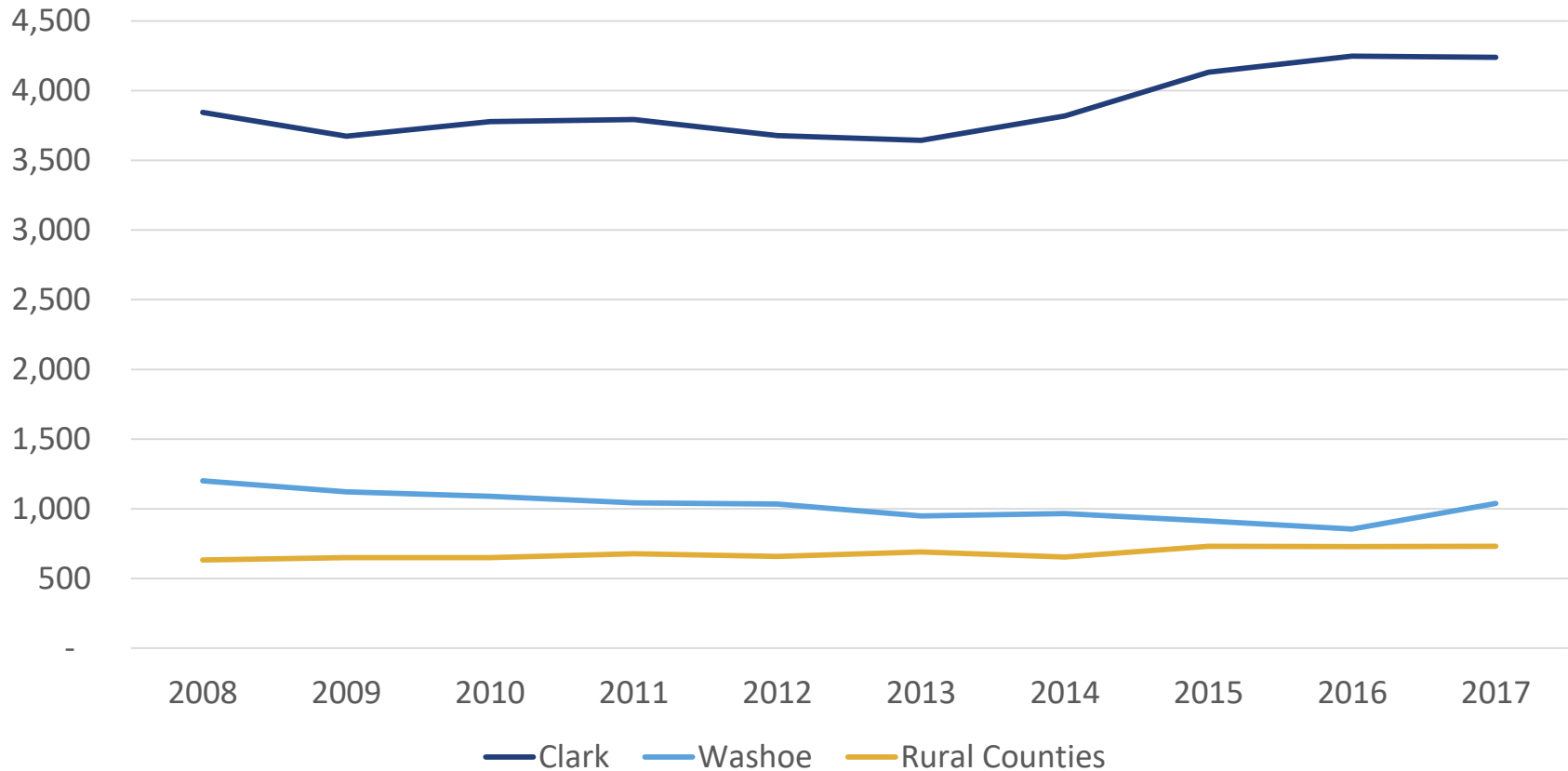
Number of Offenders Admitted With Mental Health Needs Up 35%

Prison Admissions Indicating a Mental Health Need, 2008-2017



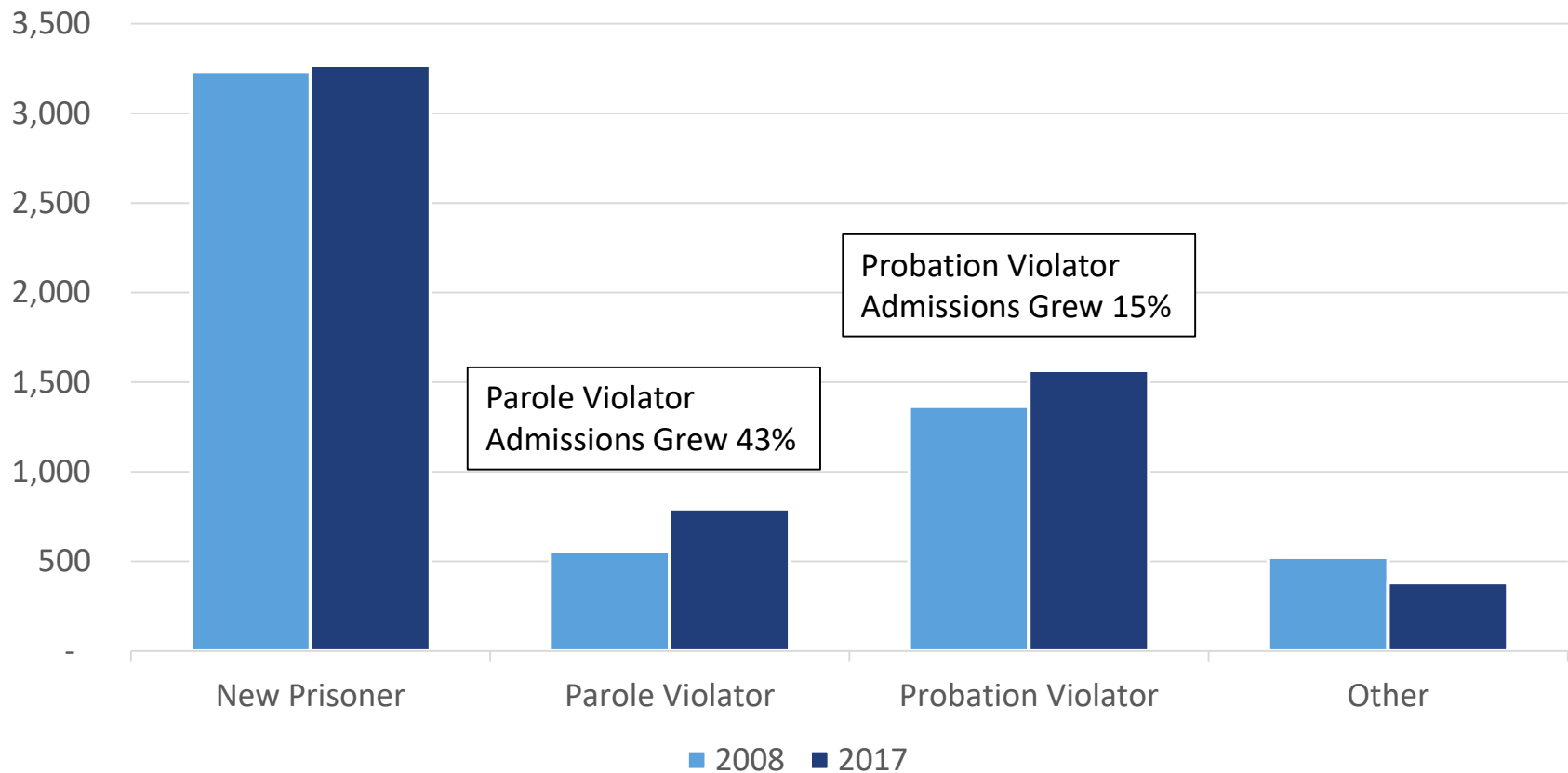
Clark County Admissions Up 16% Since 2013

Prison Admissions by Region, 2008-2017



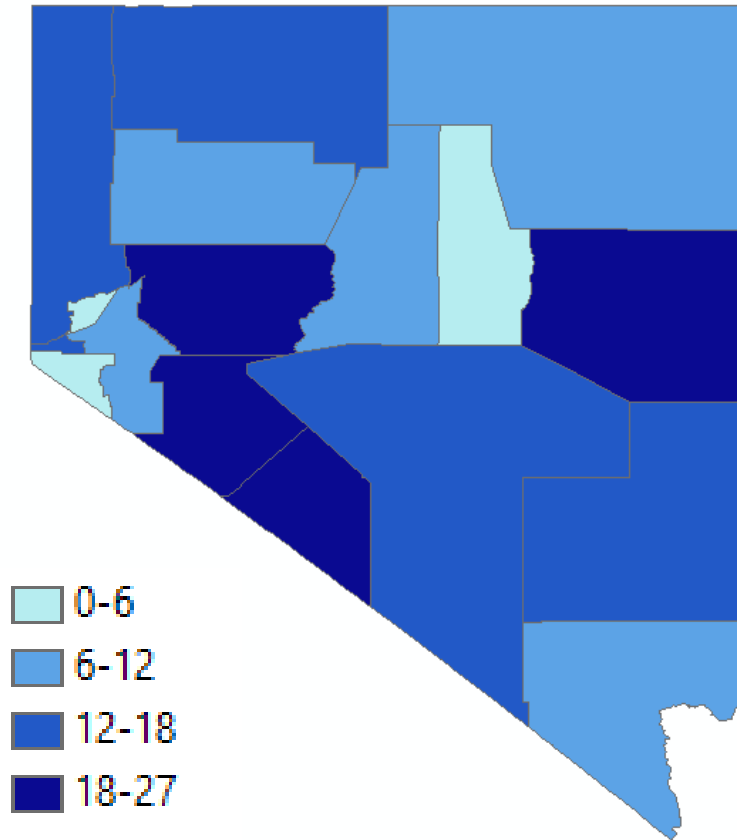
Admissions Growth Concentrated Among Community Supervision Returns

Prison Admissions by Admission Type, 2008 vs 2017



Admission Rate for Newly Sentenced Prisoners Varies Widely By County

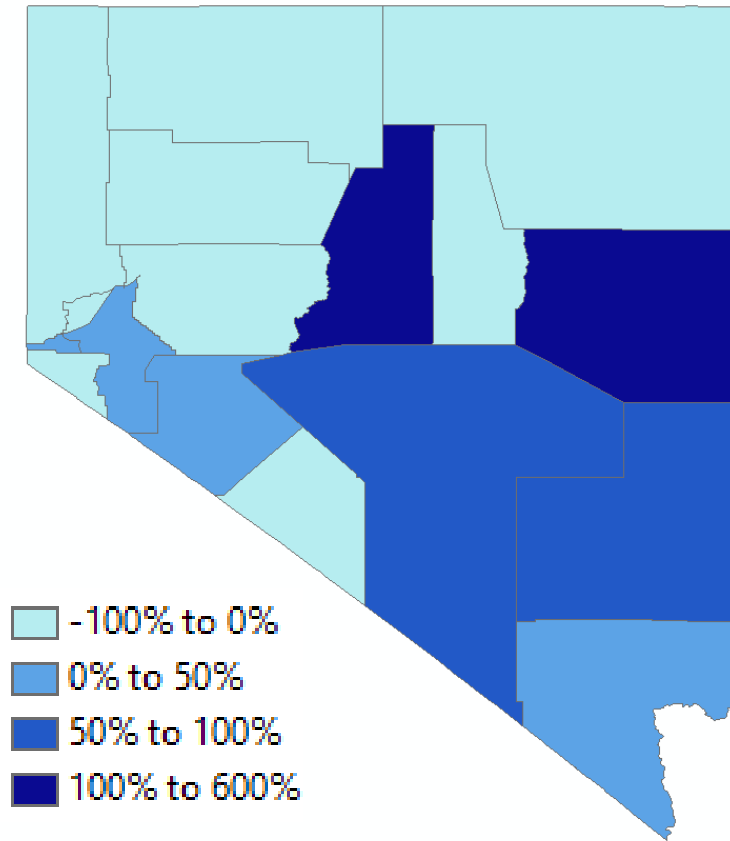
New Prisoner Admission Rate Per 10,000 Residents, 2017



| County | New Prisoner Admissions |
|-------------|-------------------------|
| Clark | 2,151 |
| Washoe | 690 |
| Carson City | 79 |
| Nye | 69 |
| Lyon | 60 |
| Elko | 56 |
| Churchill | 49 |
| Douglas | 28 |
| White Pine | 28 |
| Humboldt | 23 |
| Lincoln | 9 |
| Mineral | 9 |
| Lander | 7 |
| Pershing | 6 |
| Esmeralda | 2 |
| Eureka | 1 |
| Storey | 0 |

Newly Sentenced Prisoner Admissions Declined in Northern Nevada

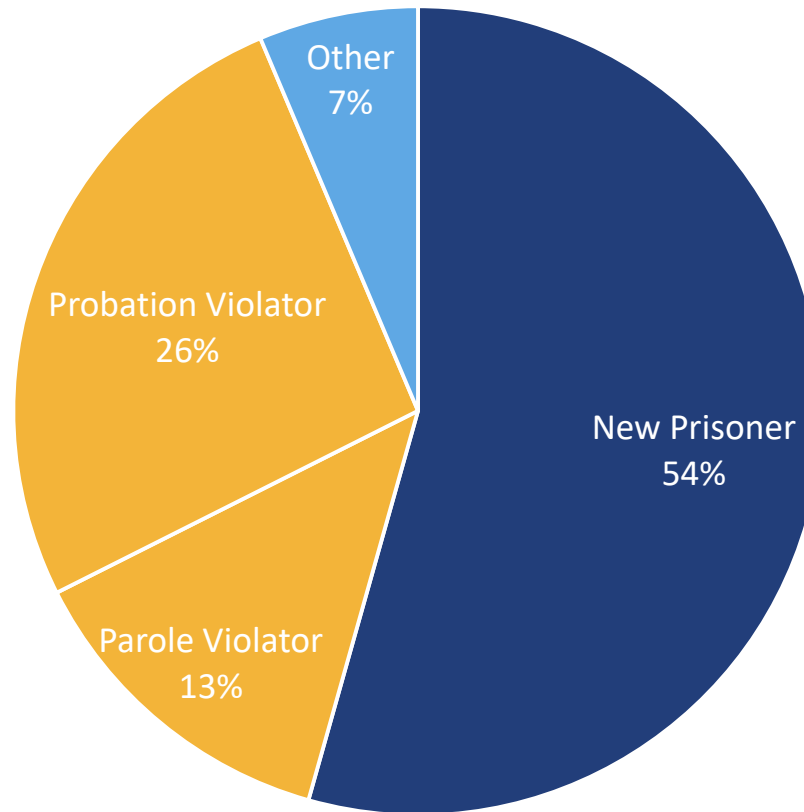
New Prisoner Admissions Growth, 2008-2017



| County | Percent Growth |
|-------------|----------------|
| Storey | -100% |
| Eureka | -50% |
| Douglas | -30% |
| Pershing | -25% |
| Elko | -16% |
| Churchill | -8% |
| Washoe | -5% |
| Humboldt | -4% |
| Esmeralda | 0% |
| Clark | 2% |
| Carson City | 10% |
| Lyon | 25% |
| Mineral | 29% |
| Nye | 68% |
| Lincoln | 80% |
| White Pine | 180% |
| Lander | 600% |

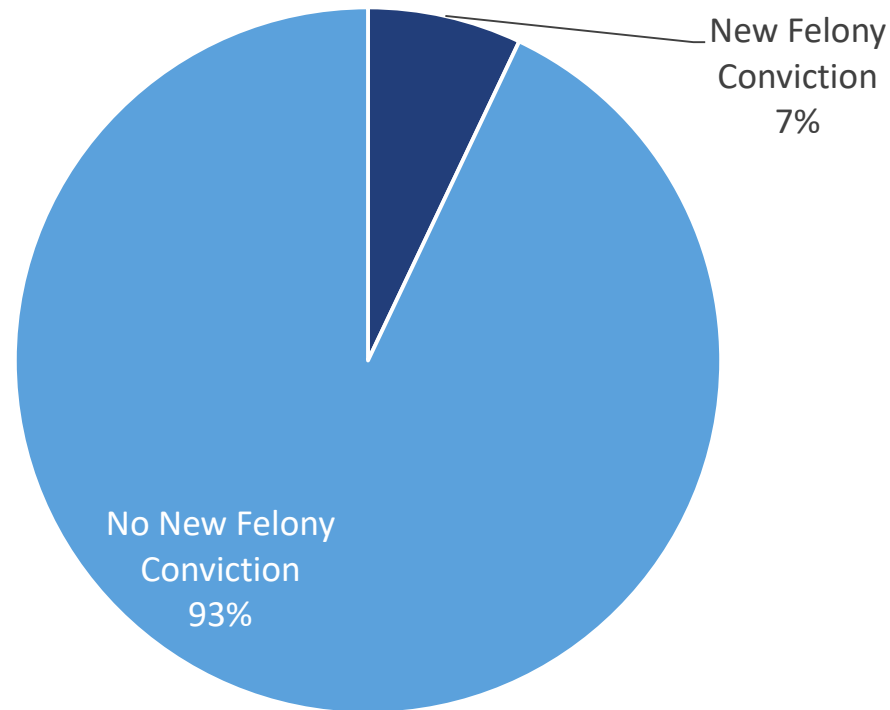
39% of Admissions Come From Community Supervision Failures

Prison Admissions by Admission Type, 2017



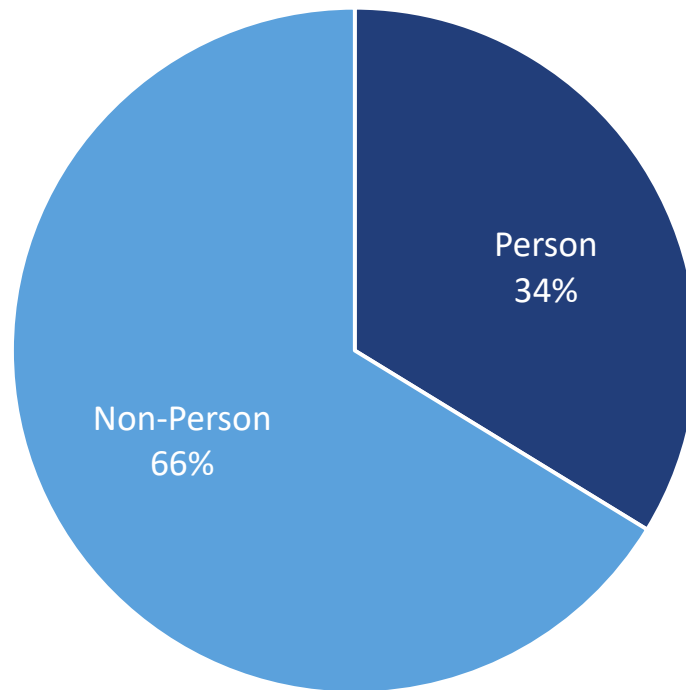
Less Than 10% of Admissions From Community Supervision for New Felony Conviction

Prison Admissions from Probation and Parole by Violation Type, 2016



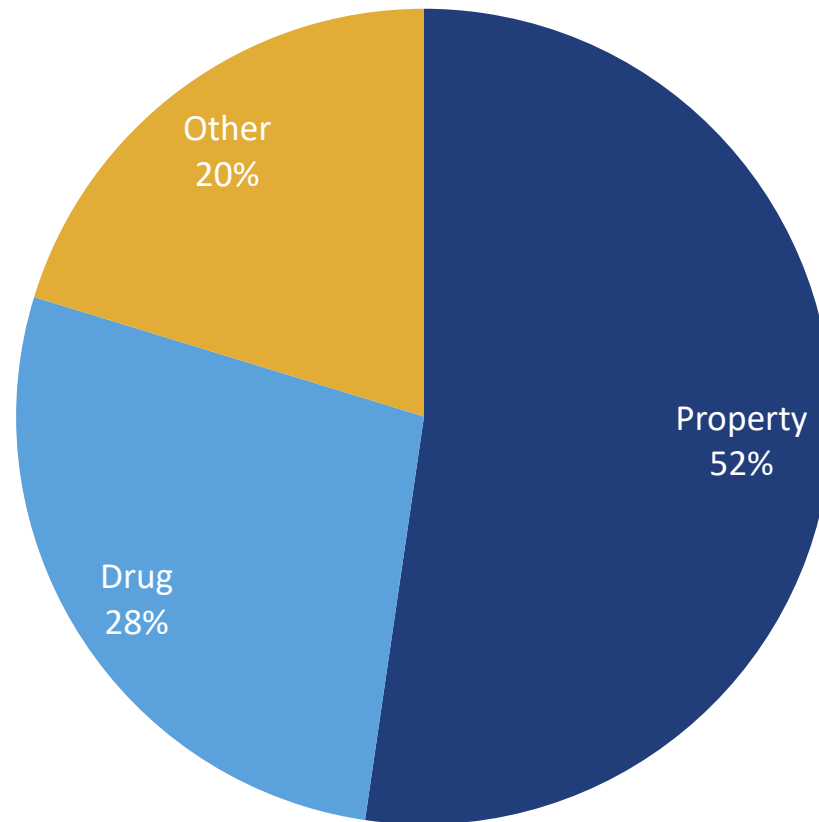
2 in 3 Prison Admissions for Non-Person Offenses

Prison Admissions by Person Offenses, 2017



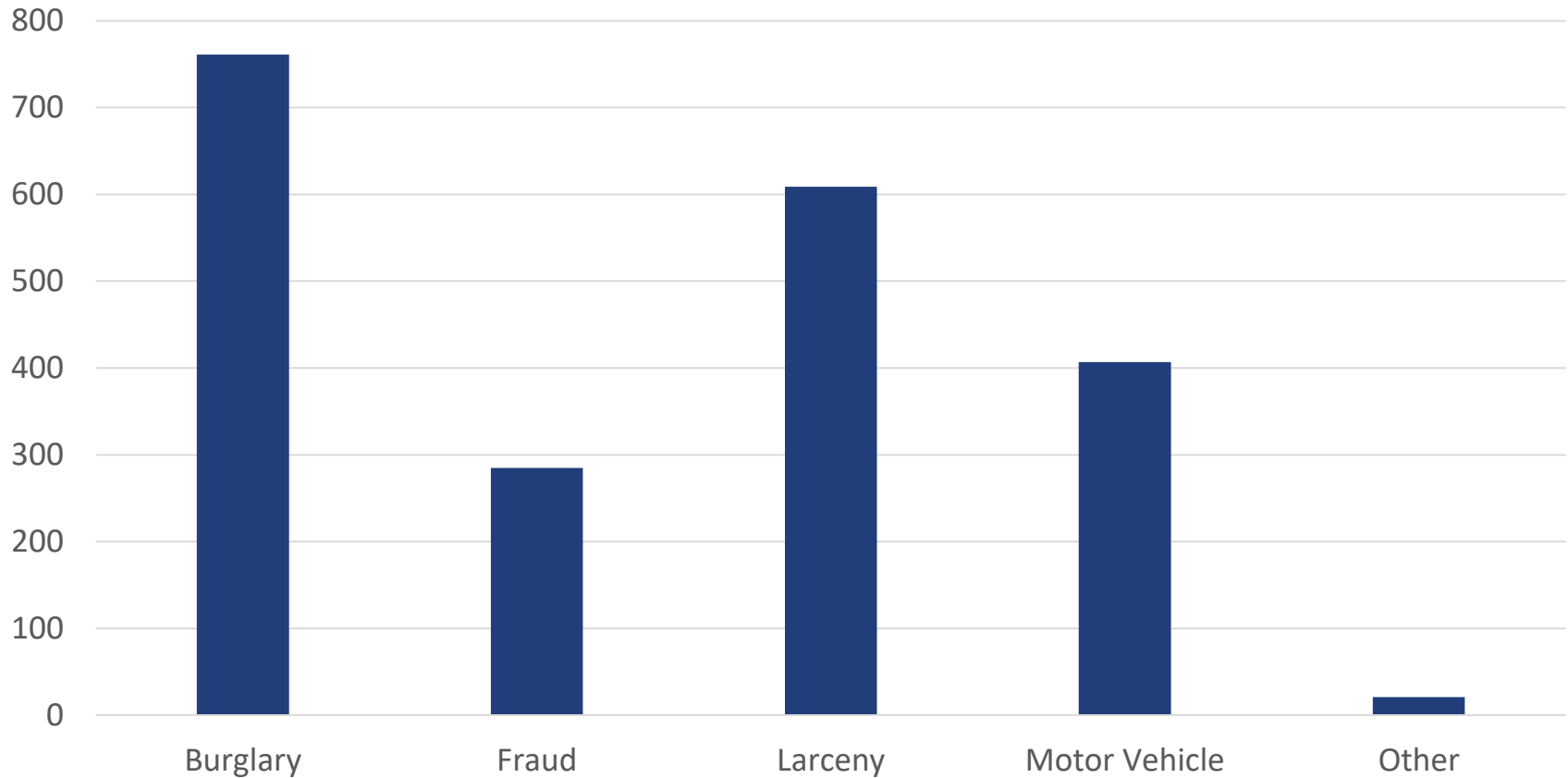
Property Crimes Dominate Non-Person Offenses at Admission

Prison Admissions for Non-Person Offenses by Offense Type, 2017



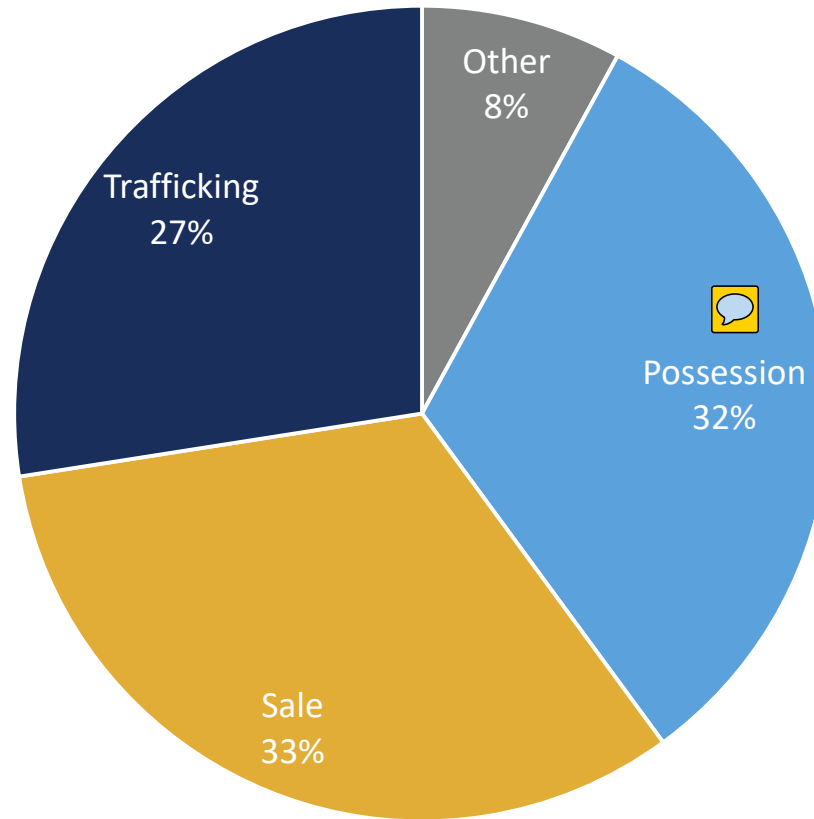
Burglary Most Common Among Property Offense Types

Prison Admissions for Property Offenses by Type, 2017



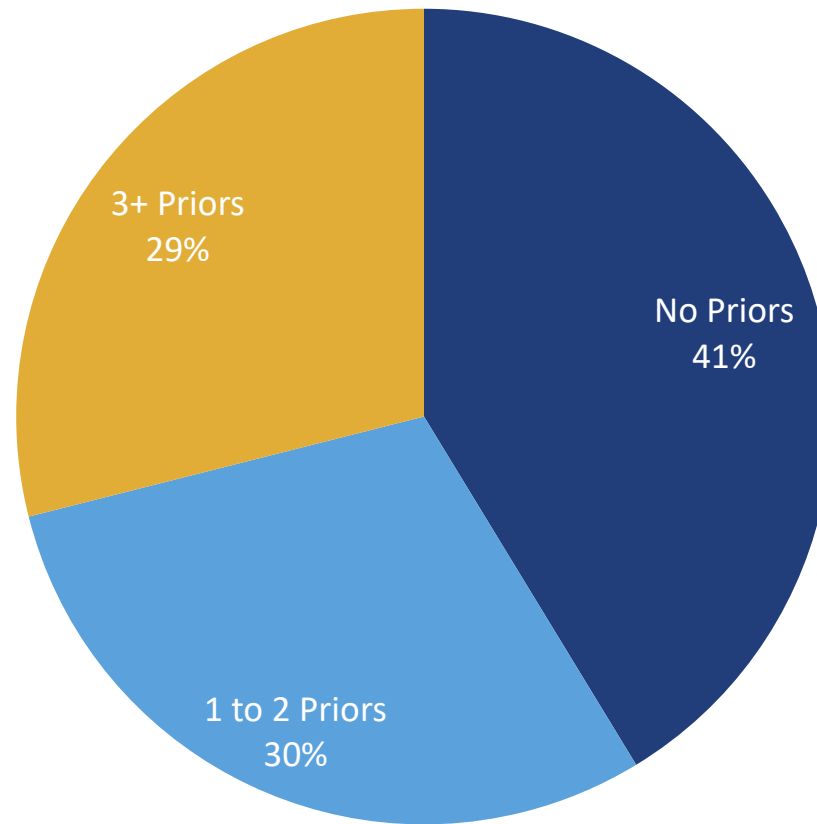
Possession Offenses Make Up Nearly One Third of Drug Admissions

Prison Admissions for Drug Offenses by Type, 2017



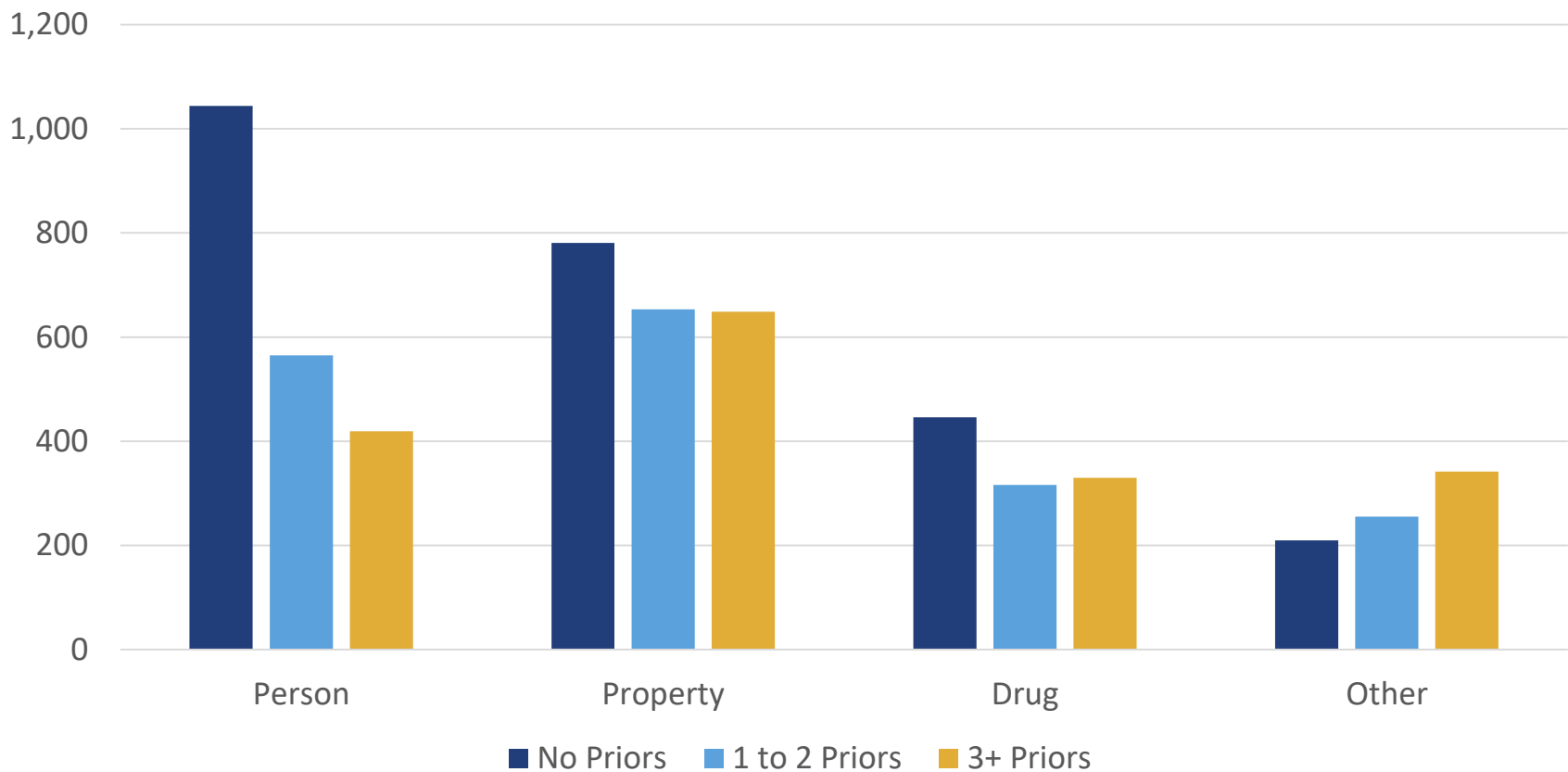
4 in 10 Admissions Have No Prior Felony Convictions

Prison Admissions by Prior Felony Convictions, 2017



Over One Third of Property and Drug Admissions Had No Prior Felony Conviction

Prison Admissions by Prior Felony Convictions and Offense Type, 2017

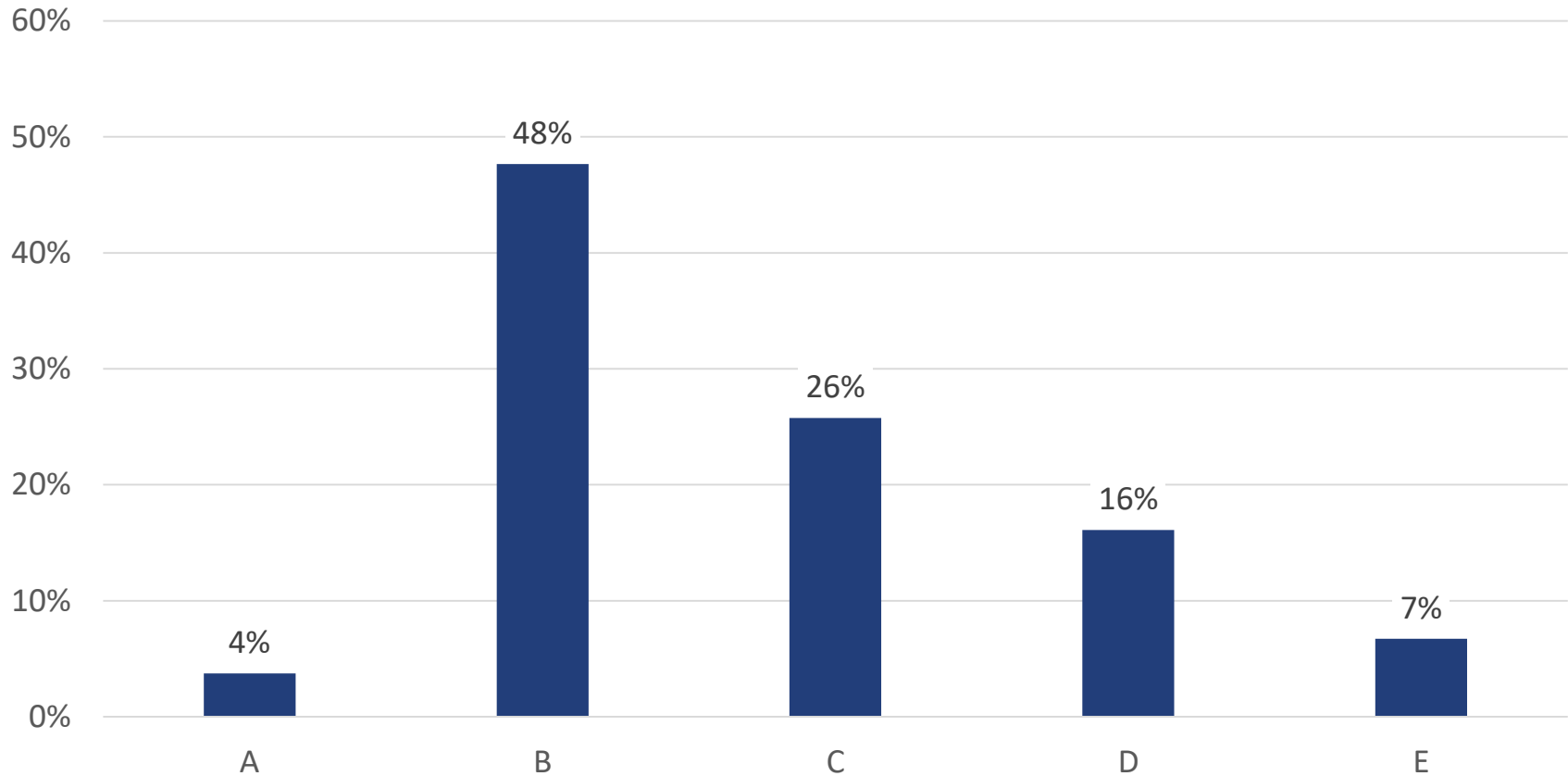


8 of Top 10 Offenses at Admission Non-Person

| Offense | 2017 | Percent Growth from 2008 |
|--|------|-----------------------------|
| Burglary | 442 | 3% |
| Attempted Burglary | 319 | 42% |
| Robbery | 290 | 18% |
| Possession of a Controlled Substance, Schedules 1-4, 1st Offense | 275 | 53% |
| Possession of a Stolen Vehicle | 179 | 7% |
| Possession of a Controlled Substance For Sale, Schedule 1 and 2, 1st Offense | 176 | -3% |
| DUI | 162 | -38% |
| Assault With a Deadly Weapon | 161 | 11% |
| Trafficking of a Controlled Substance, Schedule 1, Greater Than 27 Grams | 156 | 524% |
| Attempted Possession of a Stolen Vehicle | 134 | 6% |

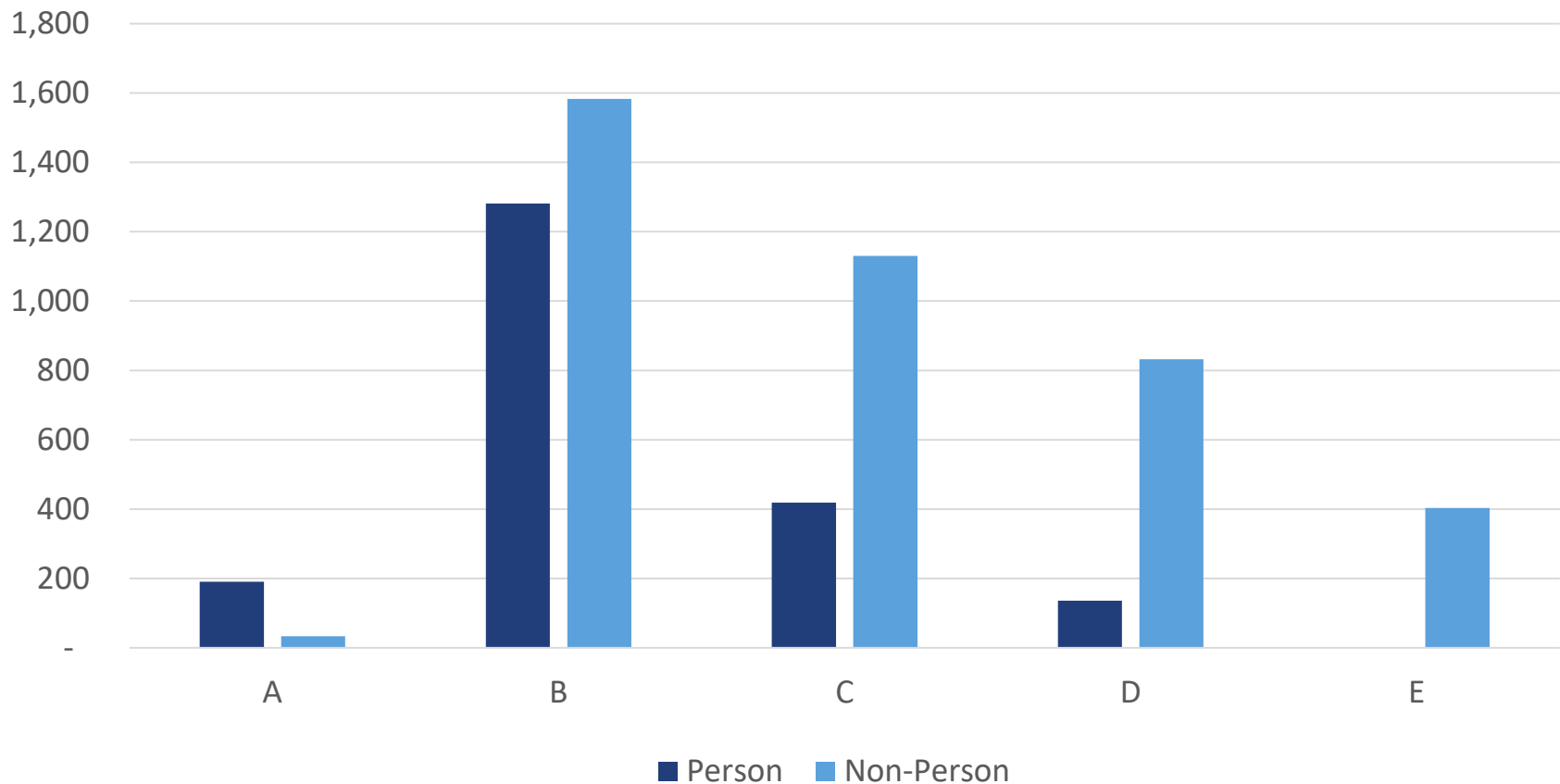
Felony B Offenses Account for Nearly Half of All Prison Admissions

Percentage of Prison Admissions by Felony Category, 2017



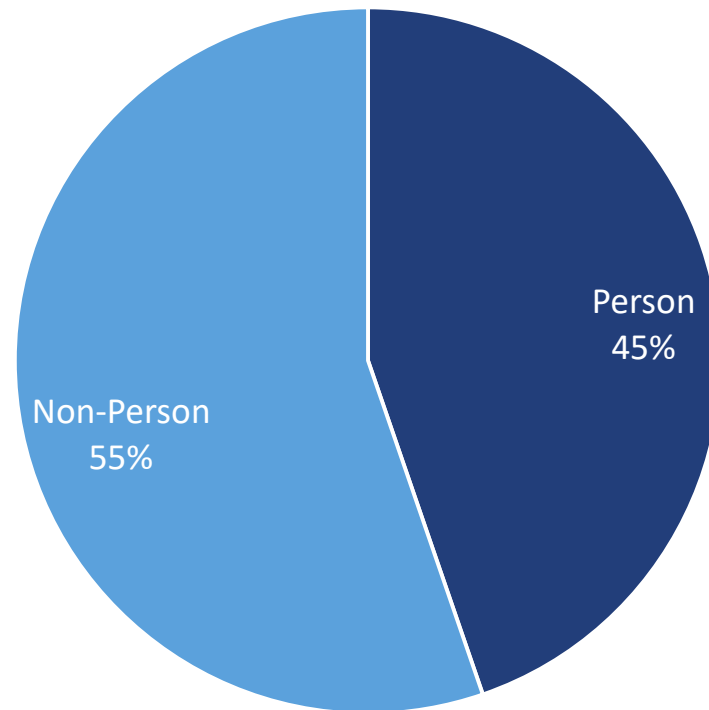
Non-Person Offenses Dominate Admissions for Most Offense Categories

Prison Admissions by Felony Category and Offense Types, 2017



Over Half of Felony B Admissions for Non-Person Offenses

Felony B Prison Admissions by Person Offenses, 2017

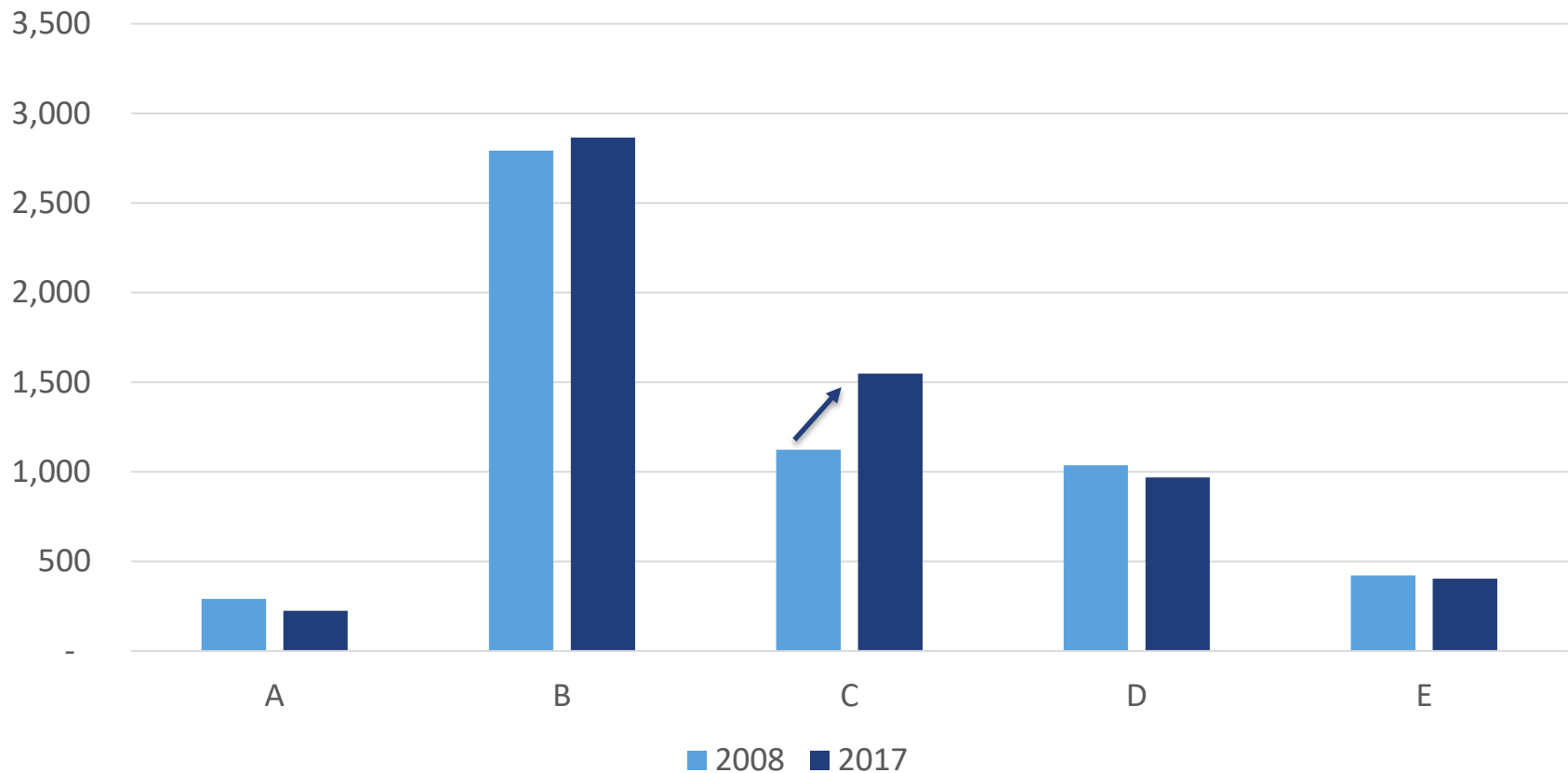


Burglary Most Common Felony B Offense at Admission

| Offense | 2017 | Percent Growth from 2008 |
|--|------|-----------------------------|
| Burglary | 442 | 4% |
| Robbery | 286 | 17% |
| DUI | 162 | -37% |
| Assault With a Deadly Weapon | 161 | 13% |
| Trafficking of a Controlled Substance, Schedule 1, Greater Than 27 Grams | 149 | 893% |
| Ex Felon/Prohibited Person in Possession of a Firearm | 133 | 25% |
| Trafficking of a Controlled Substance, Schedule 1, 14-27 Grams | 124 | 138% |
| Habitual Criminal (Lesser) | 87 | 10% |
| Conspiracy, Violent Crime | 86 | -5% |
| Transport of a Controlled Substance | 81 | 8000% |

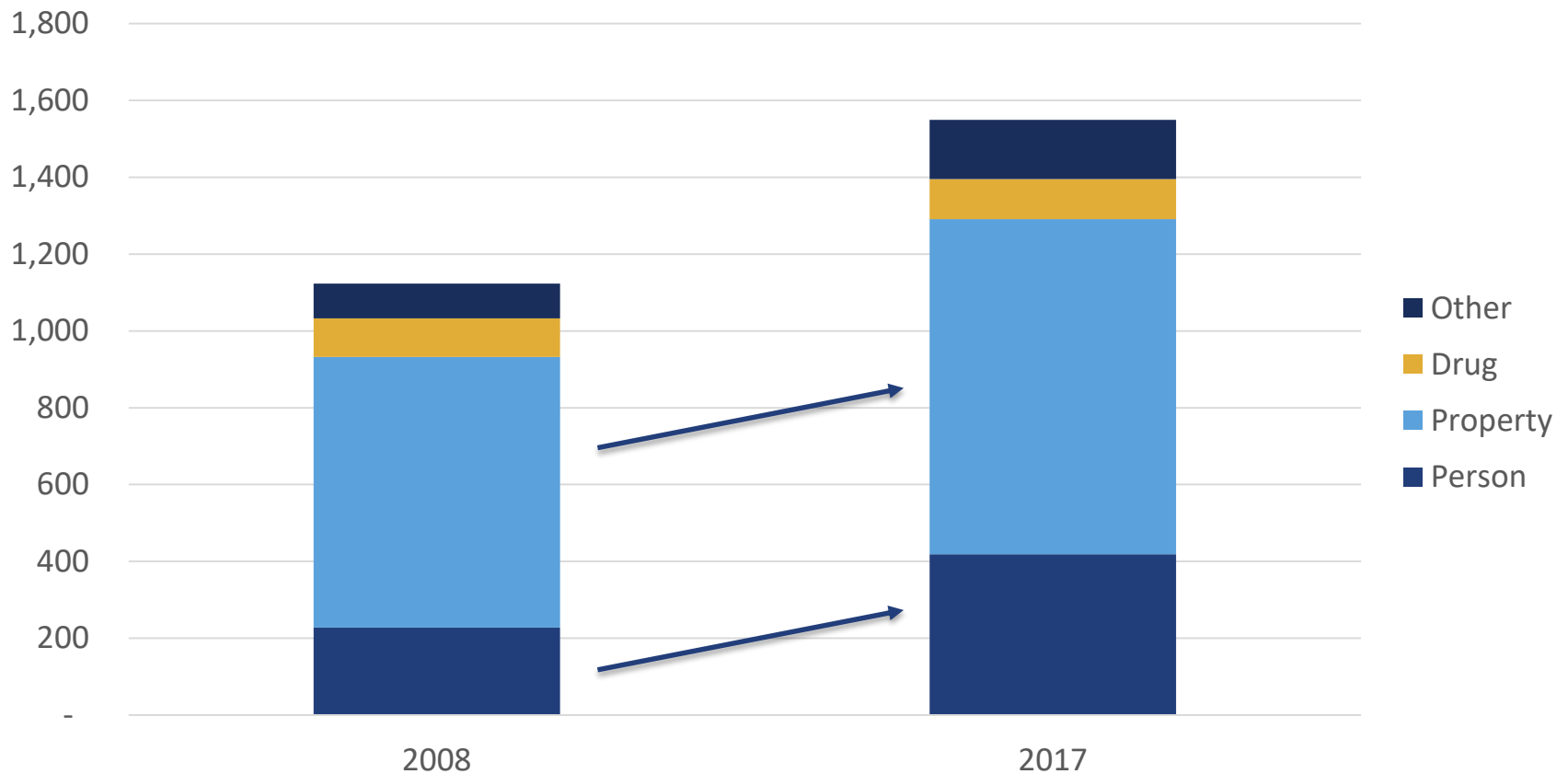
Felony C Prison Admissions Up 38% Over Last Decade

Prison Admissions by Felony Category, 2008 vs 2017



Felony C Growth Driven by Person, Property Offenses

Felony Category C Prison Admissions by Offense Type, 2008 vs 2017

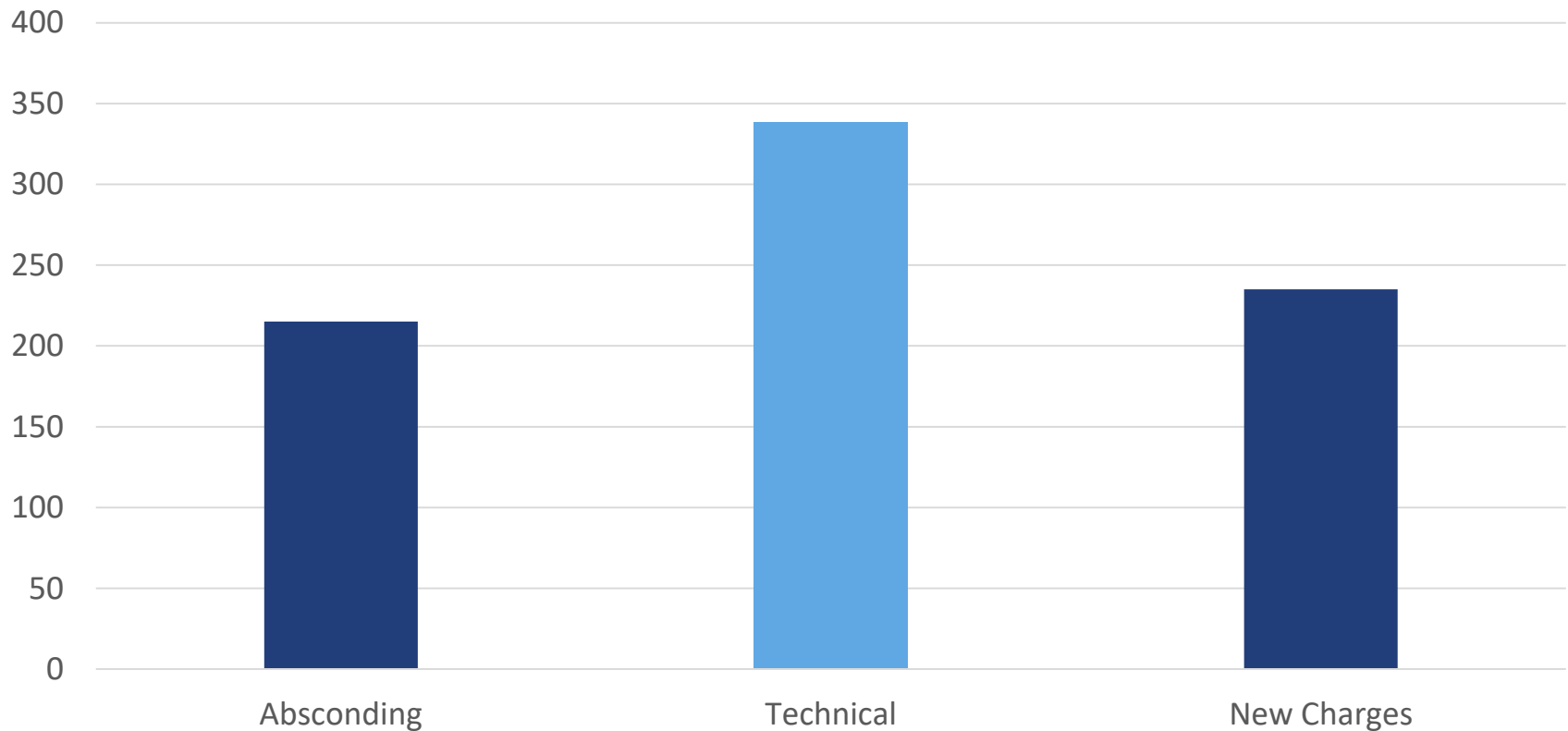


Attempted Burglary Most Common Felony C Offense at Admission

| Offense | 2017 | Percent Growth from 2008 |
|---|------|--------------------------|
| Attempted Burglary | 316 | 42% |
| Possession Stolen Vehicle | 157 | 65% |
| Battery Causing Substantial Harm | 124 | 130% |
| Grand Larceny | 106 | -2% |
| Conspiracy To Violate Controlled Substance Act, 1st Offense | 84 | 22% |
| Carrying Concealed Weapon | 77 | 381% |
| Larceny From The Person | 69 | 11% |
| Attempted Possession Firearm By Ex-Felon/ Prohibited Person | 67 | 205% |
| Domestic Battery 3rd Offence | 53 | 0% |
| Grand Larceny Of Motor Vehicle | 42 | 68% |

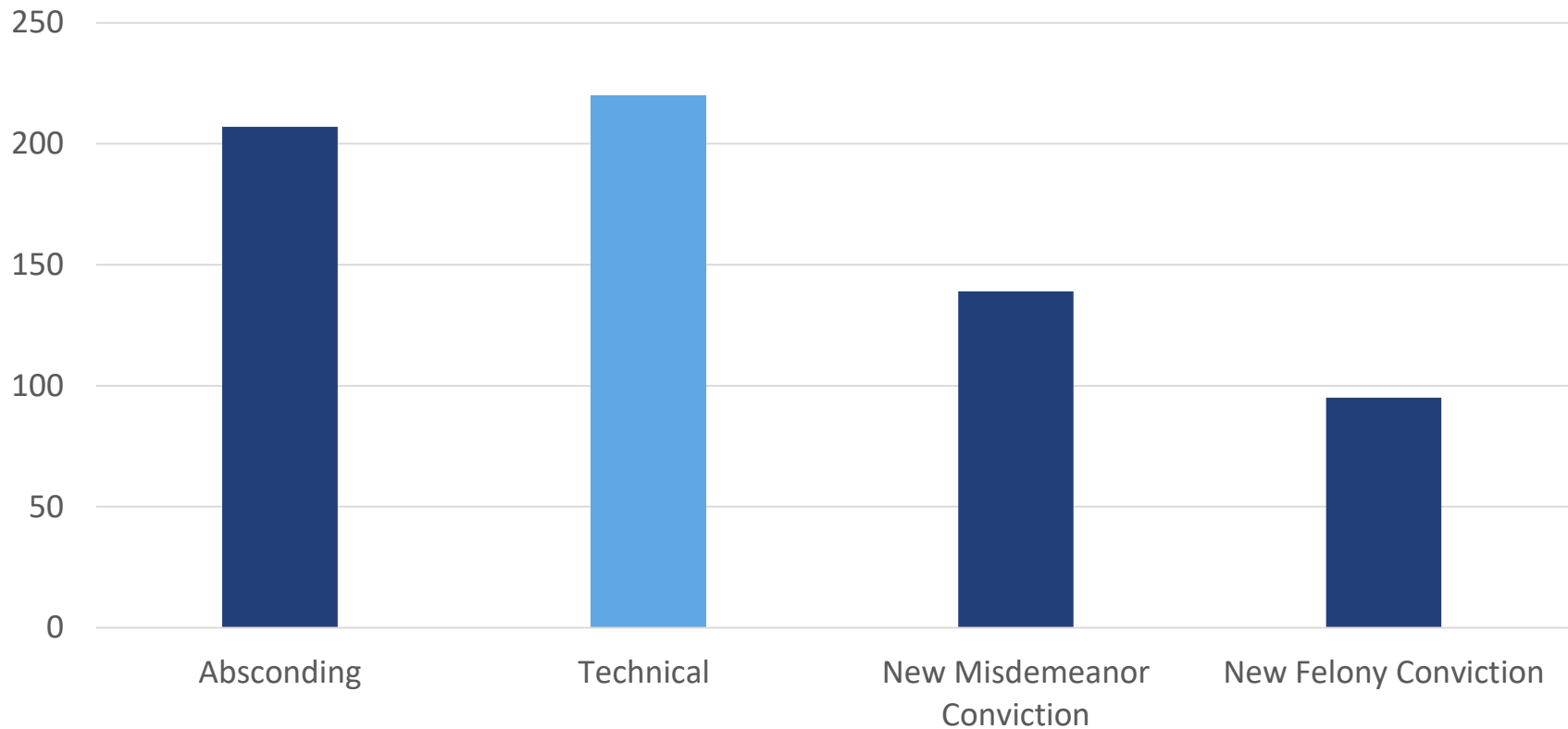
43% of Probation Revocations Are for Technical Violations

Probation Revocations by Violation Type, 2017
(Division of Parole and Probation)



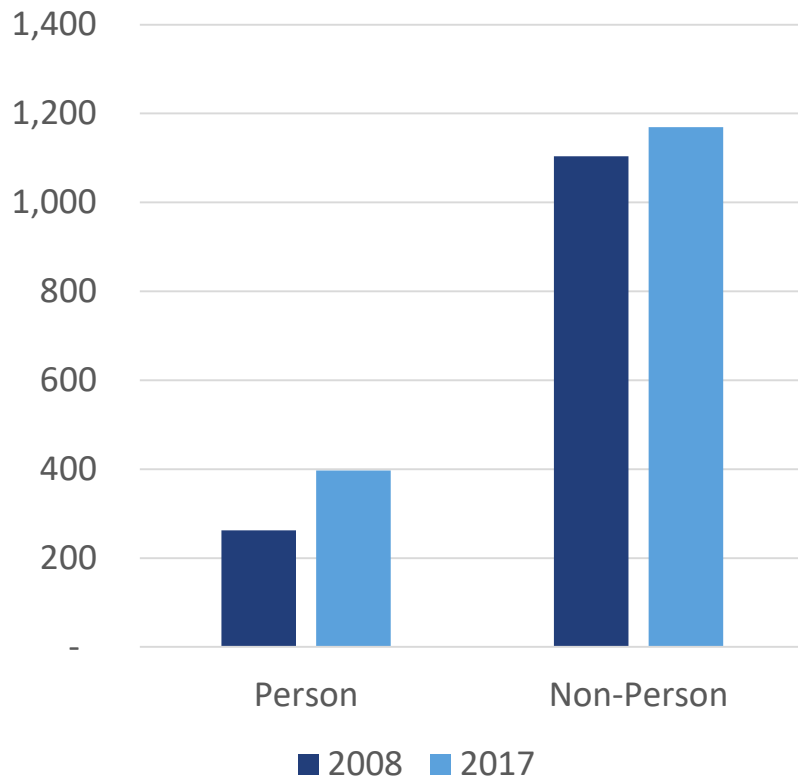
One Third of Parole Revocations Are for Technical Violations

Parole Revocations by Violation Type, 2017
(Board of Parole Commissioners)

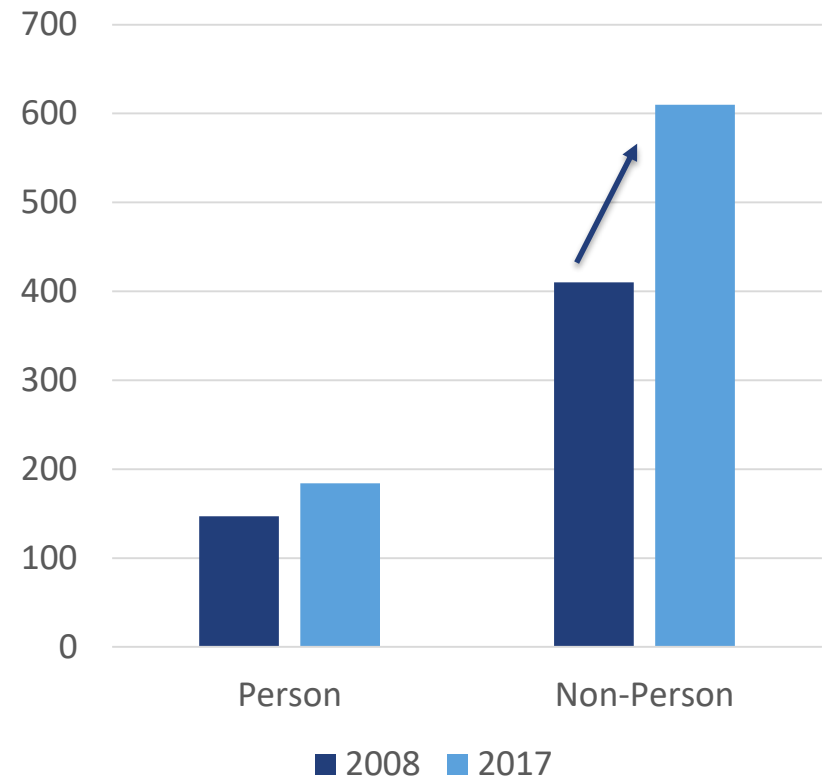


Parole Revocations Dominated by Underlying Non-Person Offenses

Probation Violator Admissions by Person Offenses, 2008 vs 2017



Parole Violator Admissions by Person Offenses, 2008 vs 2017



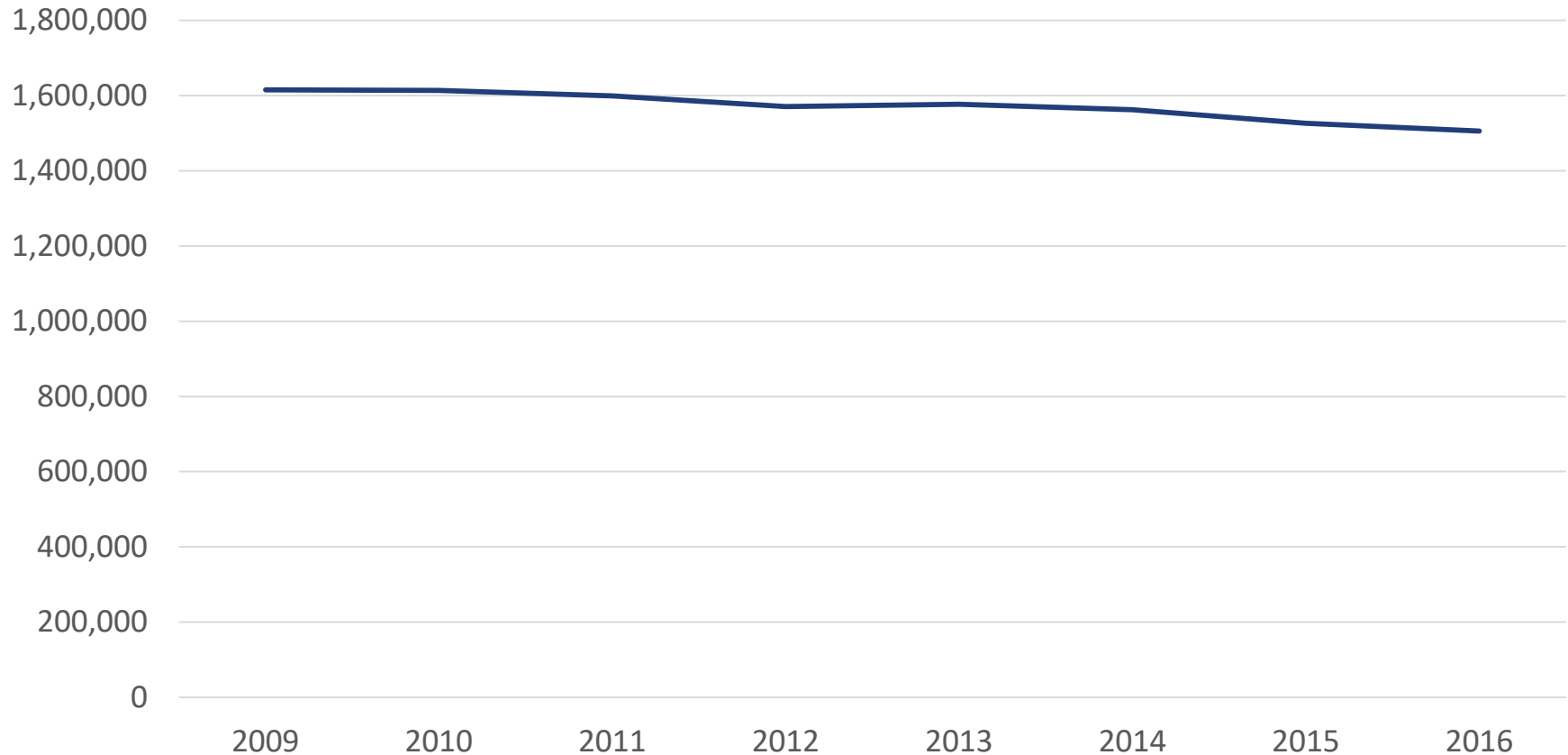
Key Takeaways

- Admissions increased by 6% since 2008
- 66% of admissions are for non-person offenses
- 8 of the top 10 offenses at admission are non-person
 - Burglary and attempted burglary are the most common offenses at admission
- Nearly half of all admissions are for Felony B offenses
 - 55% of Felony B admissions are for non-person offenses
- Growth in admissions was driven by community supervision failures
 - Majority of returns are not associated with new criminal charges

NDOC Prison Population

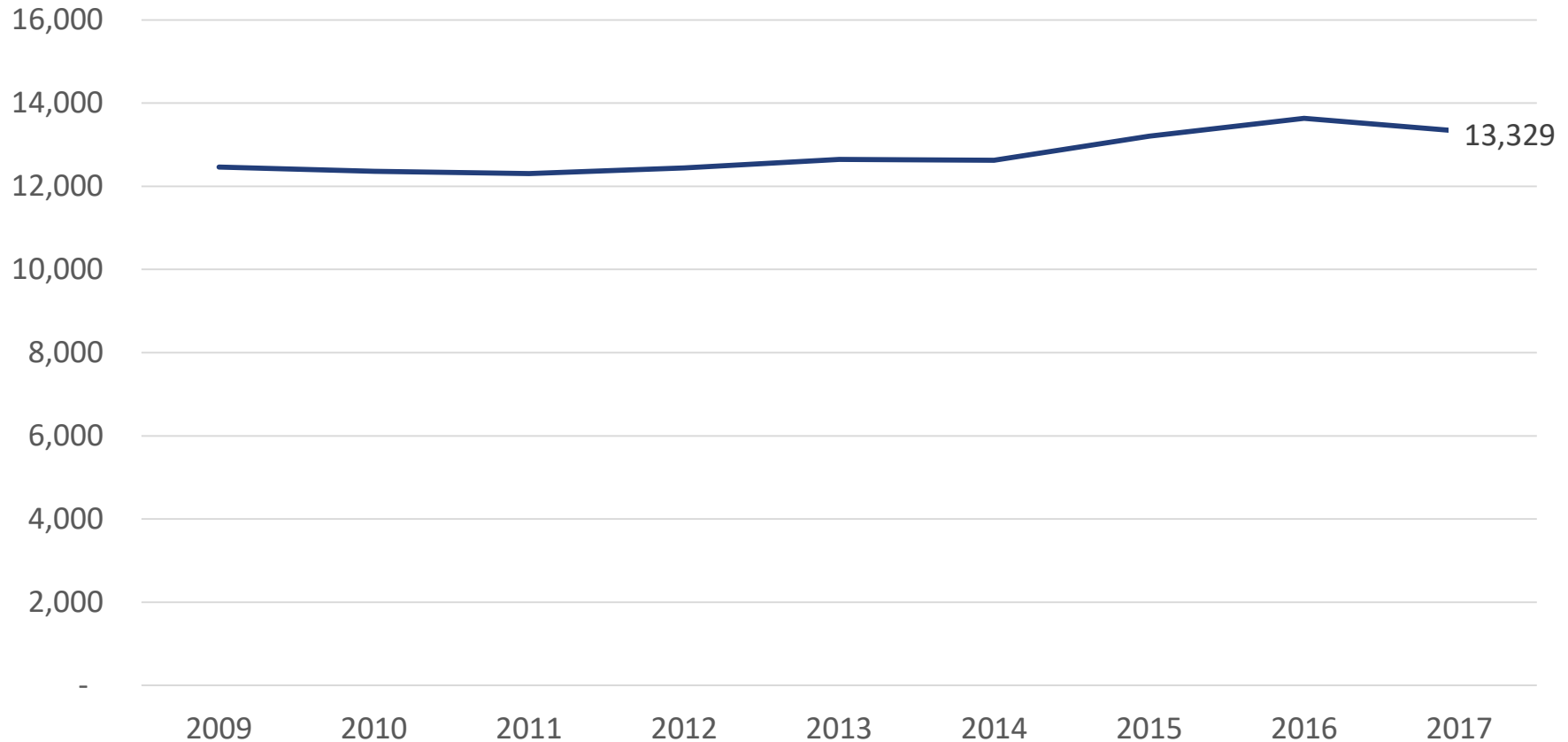
U.S. Prison Population Declined 7%

U.S. Prison Population, 2009-2016



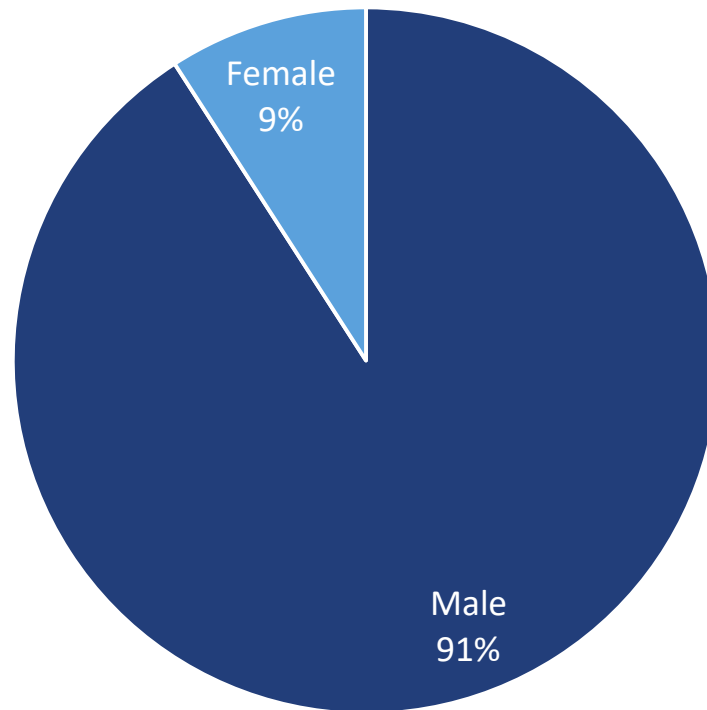
Nevada Prison Population Grew 7%

Annual Snapshot of NDOC Prison Population, 2009-2017



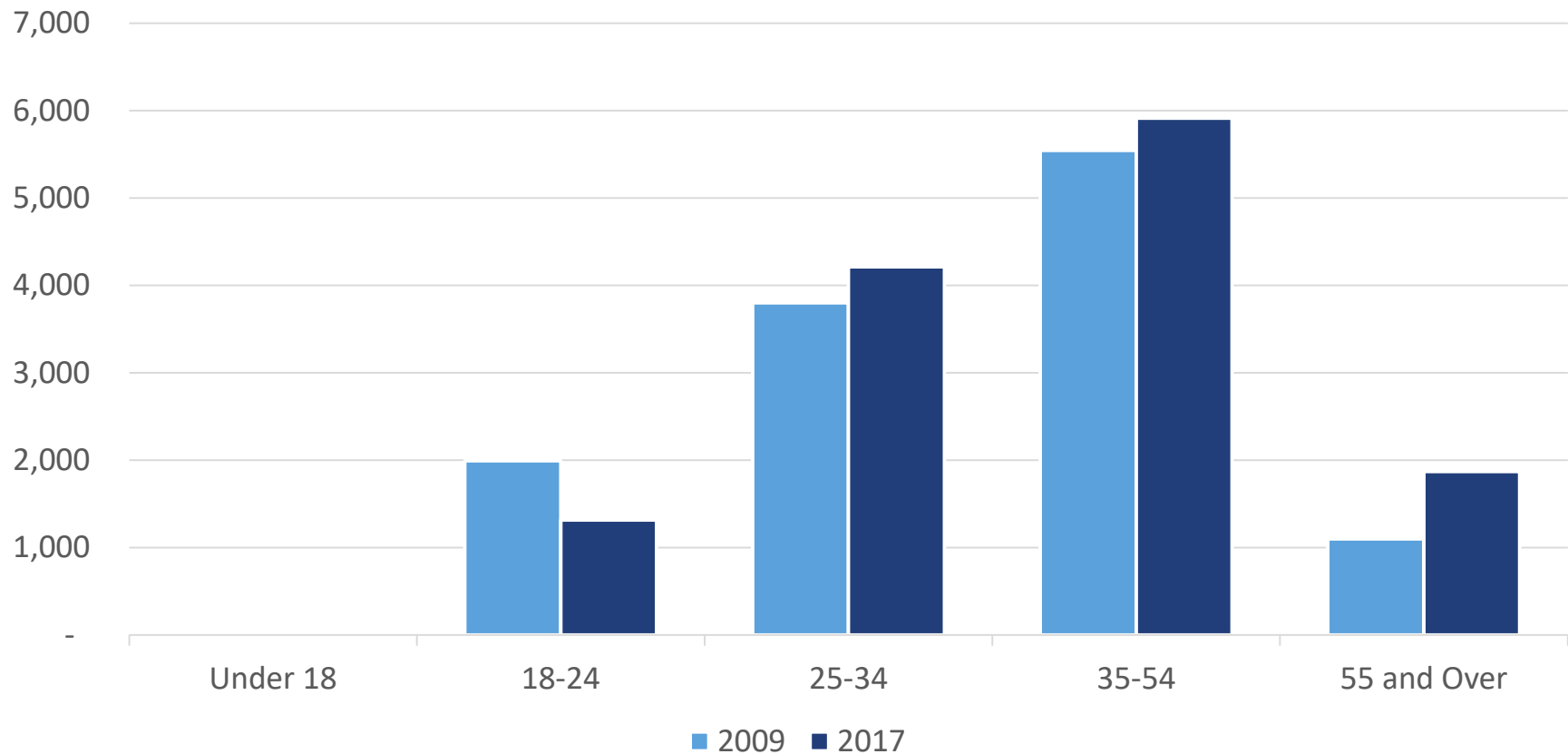
91% of Prison Population Male

Annual Snapshot of NDOC Prison Population by Gender, 2017



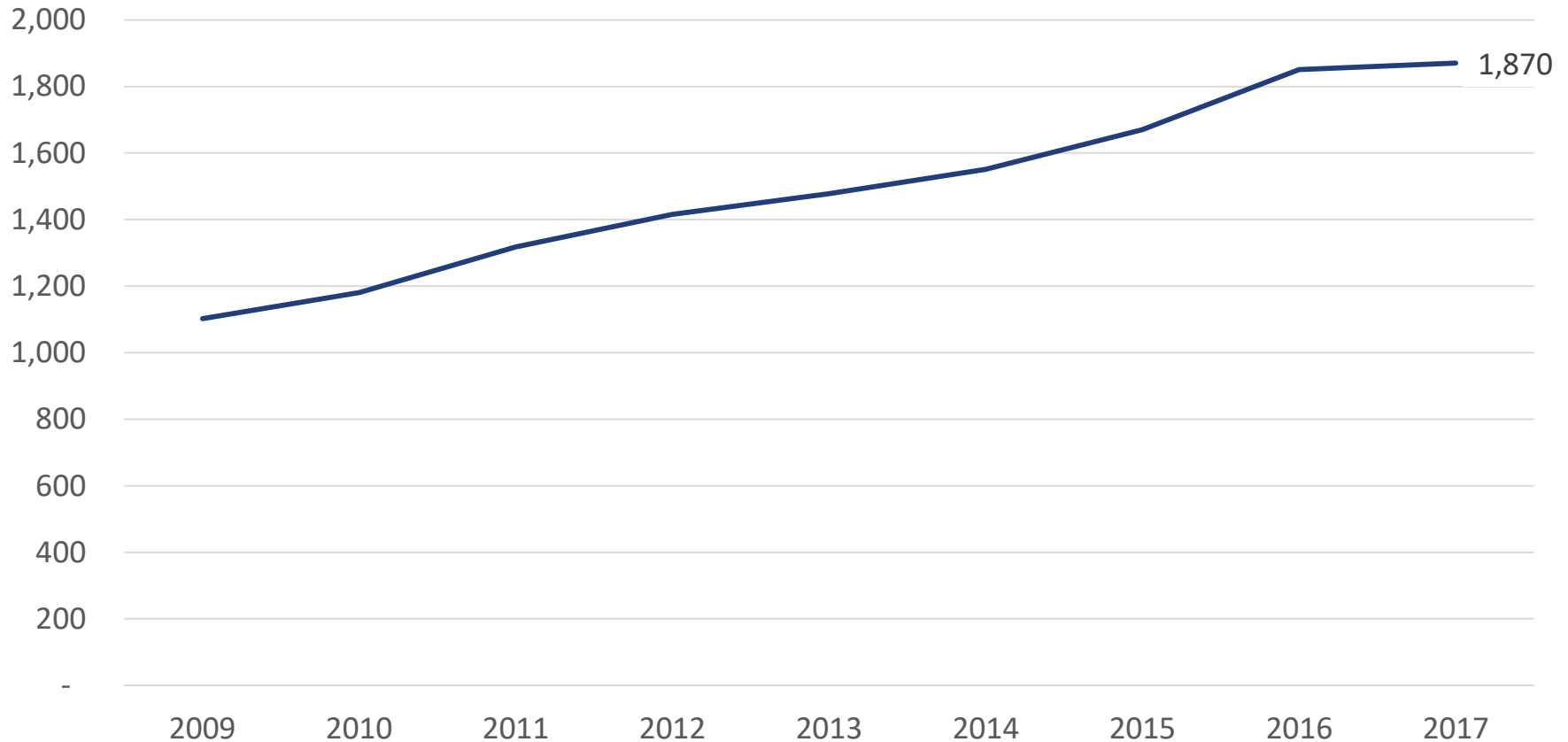
35-54 Largest Age Group in Prison

Annual Snapshot of NDOC Population by Age Group, 2009 vs 2017



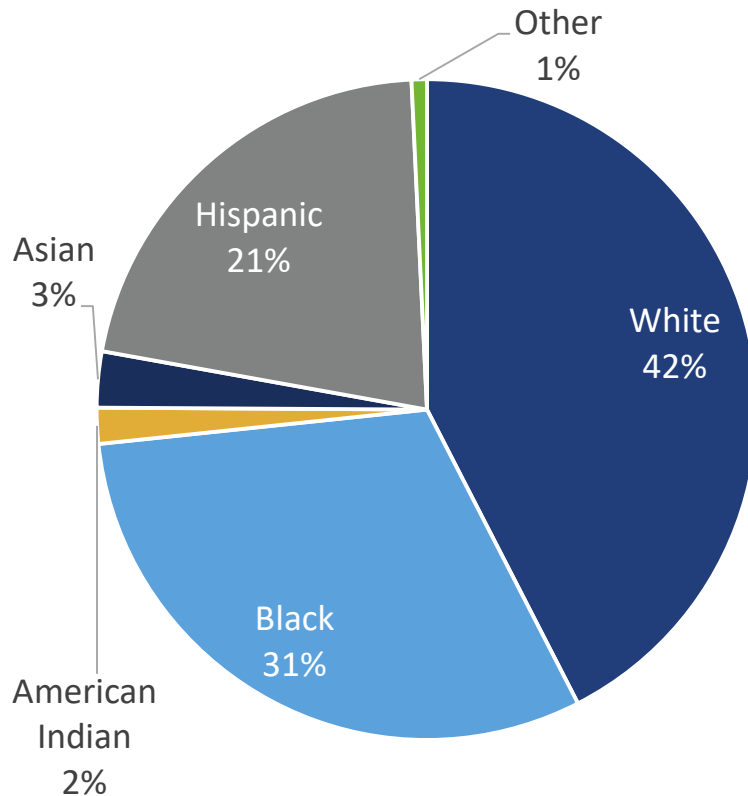
Older Cohort Has Grown 70%

Snapshot of NDOC for 55 and Over Population, 2009-2017

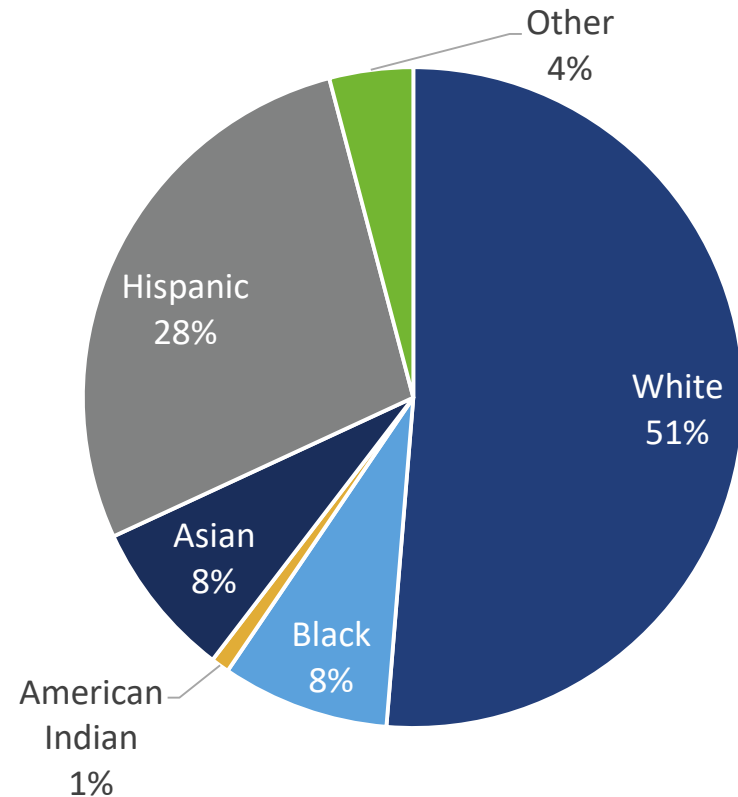


Black Offenders Overrepresented in Prison Population

Annual NDOC Snapshot by Race and Hispanic Origin, 2017

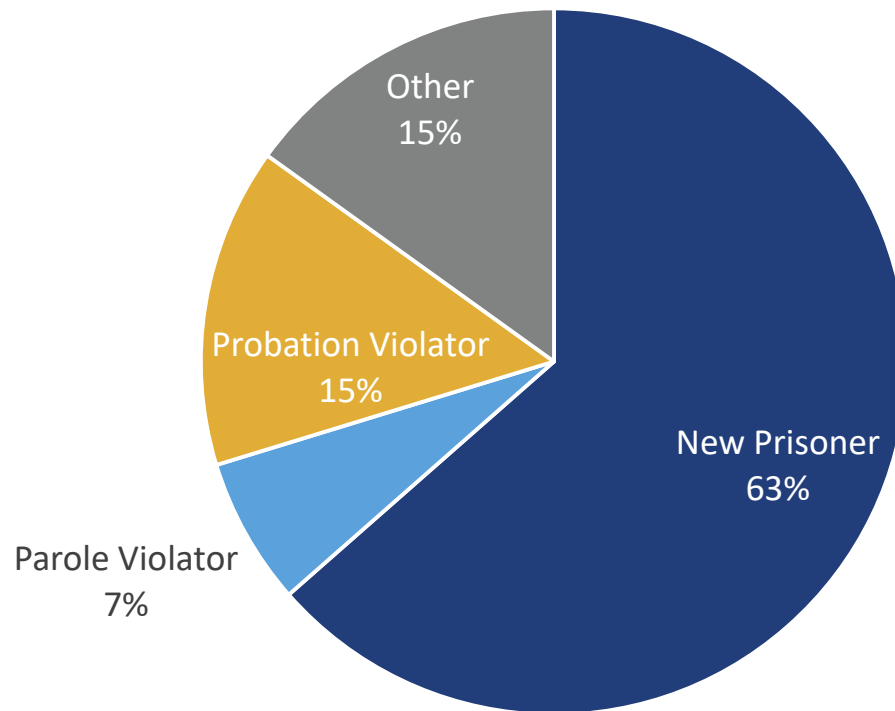


Nevada Population by Race and Hispanic Origin, 2016



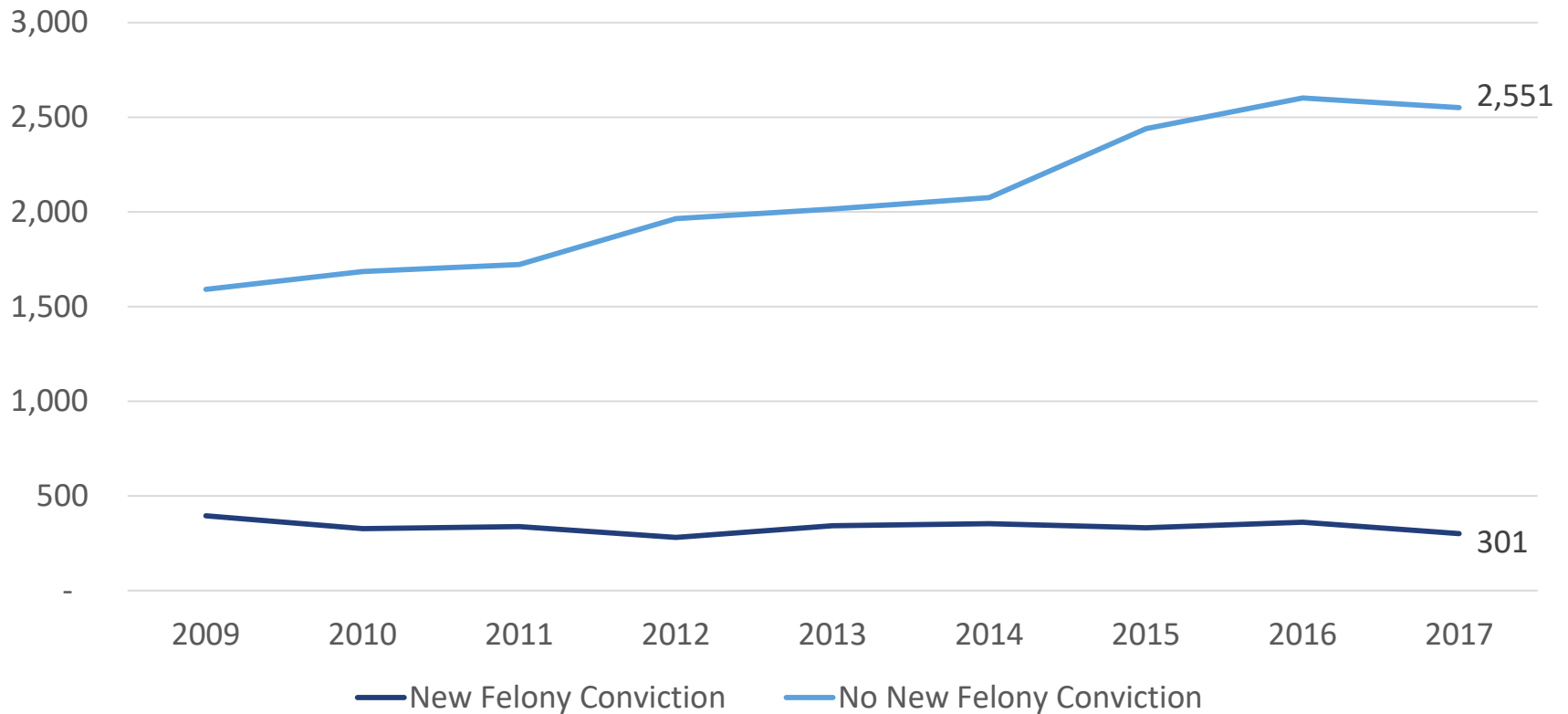
Newly Sentenced Prisoners Represent Largest Share of Prison Population

Annual NDOC Population Snapshot by Admission Type, 2017



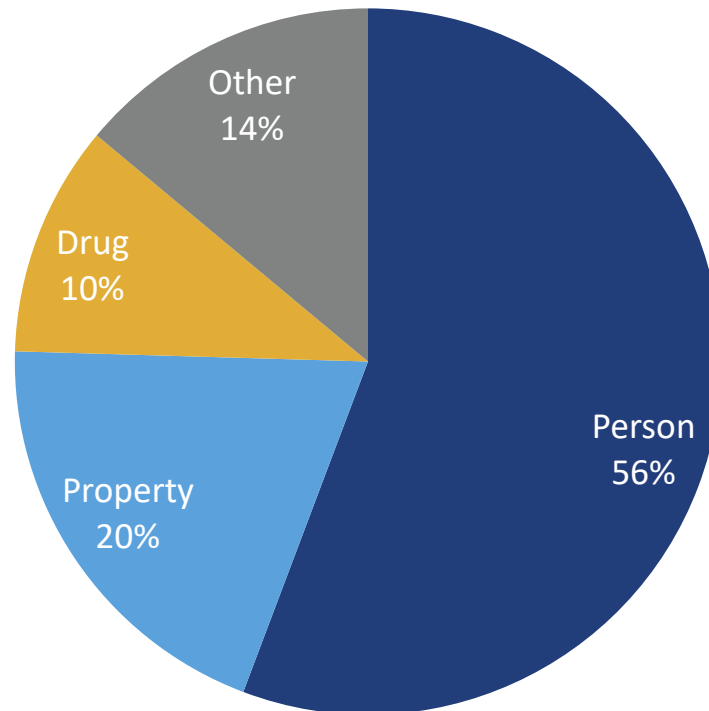
2,500 Community Supervision Violators With No New Felony Conviction in Current Prison Population

Parole and Probation Violators in Annual NDOC Population Snapshot by Violation Type, 2009-2017



43% of Prison Population Sentenced for Non-Person Offenses

Annual NDOC Population Snapshot by Offense Type, 2017



Burglary Is Third Most Common Offense in Current Prison Population

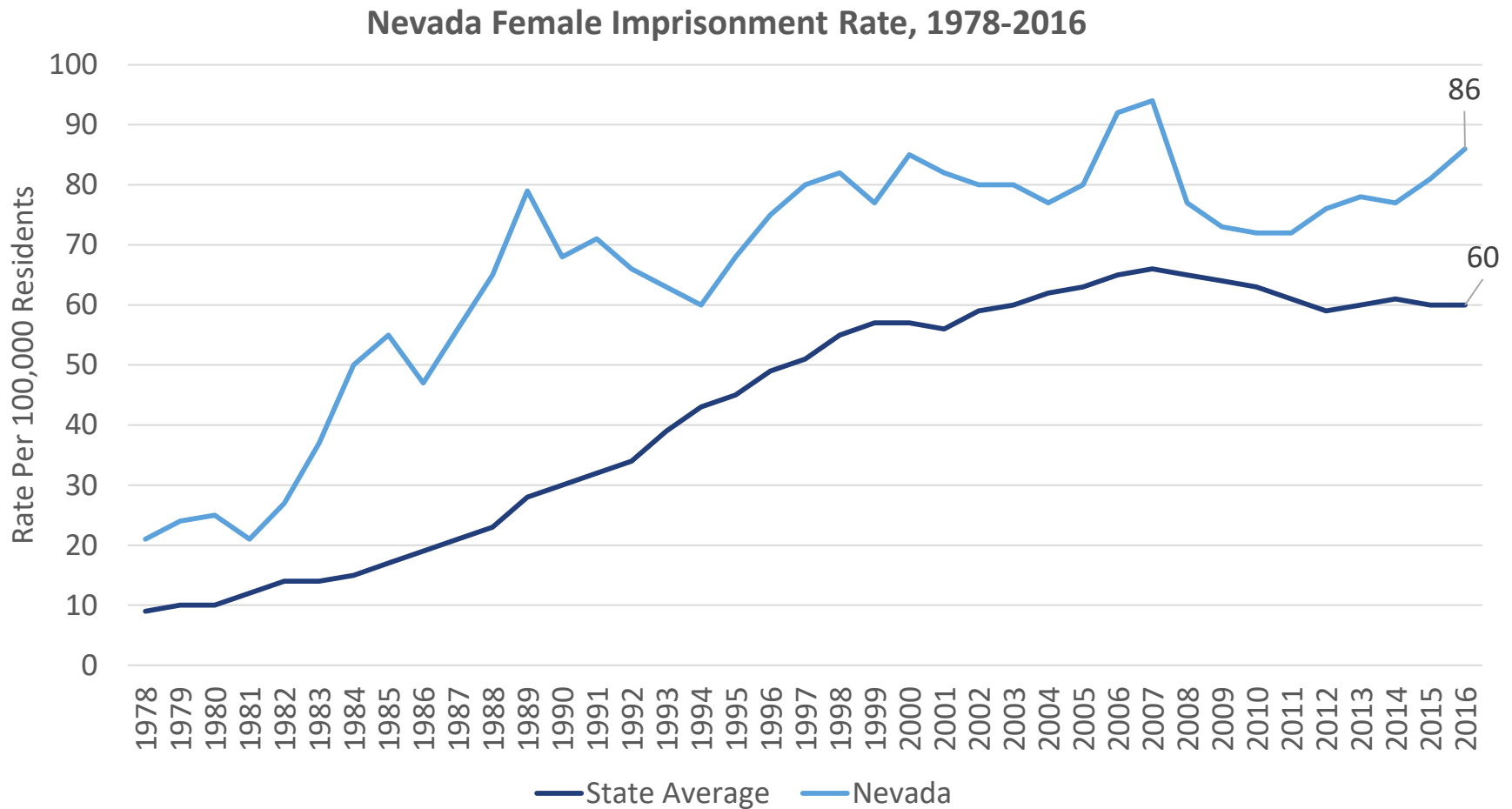
| Offense | 2017 | Percent Growth from 2009 |
|-------------------------------------|------|--------------------------|
| Robbery | 1311 | 24% |
| Murder 1st Degree | 798 | -7% |
| Burglary | 743 | -4% |
| Sexual Assault | 512 | 19% |
| Murder 2nd Degree | 422 | -26% |
| Lewdness With a Minor | 418 | -7% |
| DUI | 407 | 41% |
| Sexual Assault With Victim Under 16 | 329 | 24% |
| Habitual Criminal (Lesser) | 327 | -48% |
| Attempted Lewdness With a Minor | 307 | -1% |

Key Takeaways

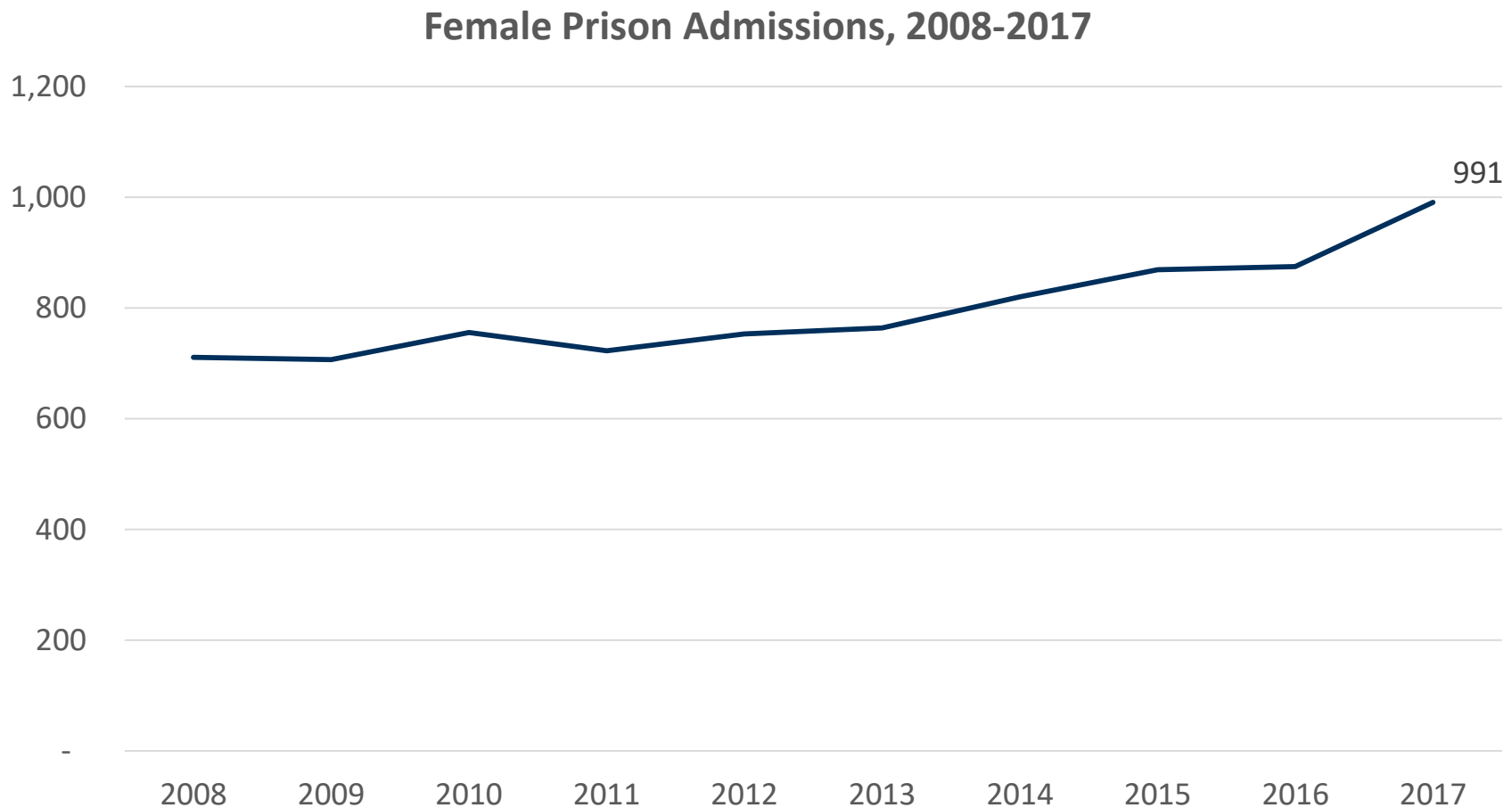
- Prison population grew 7% since 2009
 - Offenders 55 years old and over comprise increasingly large share of prison population
- 43% of the current prison population are serving sentences for non-person offenses
 - Burglary is 3rd most common offense in prison population
- Approximately 2,500 current prisoners are community supervision violators without a new felony conviction

Female Population

Nevada's Female Imprisonment Rate is 43% Higher Than the National Average and Growing

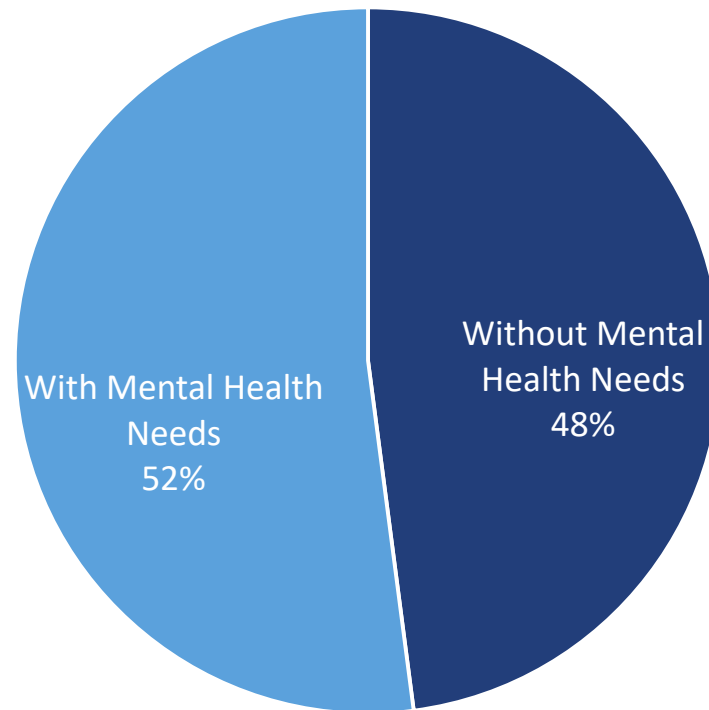


Female Prison Admissions Up 39% Over Last Decade



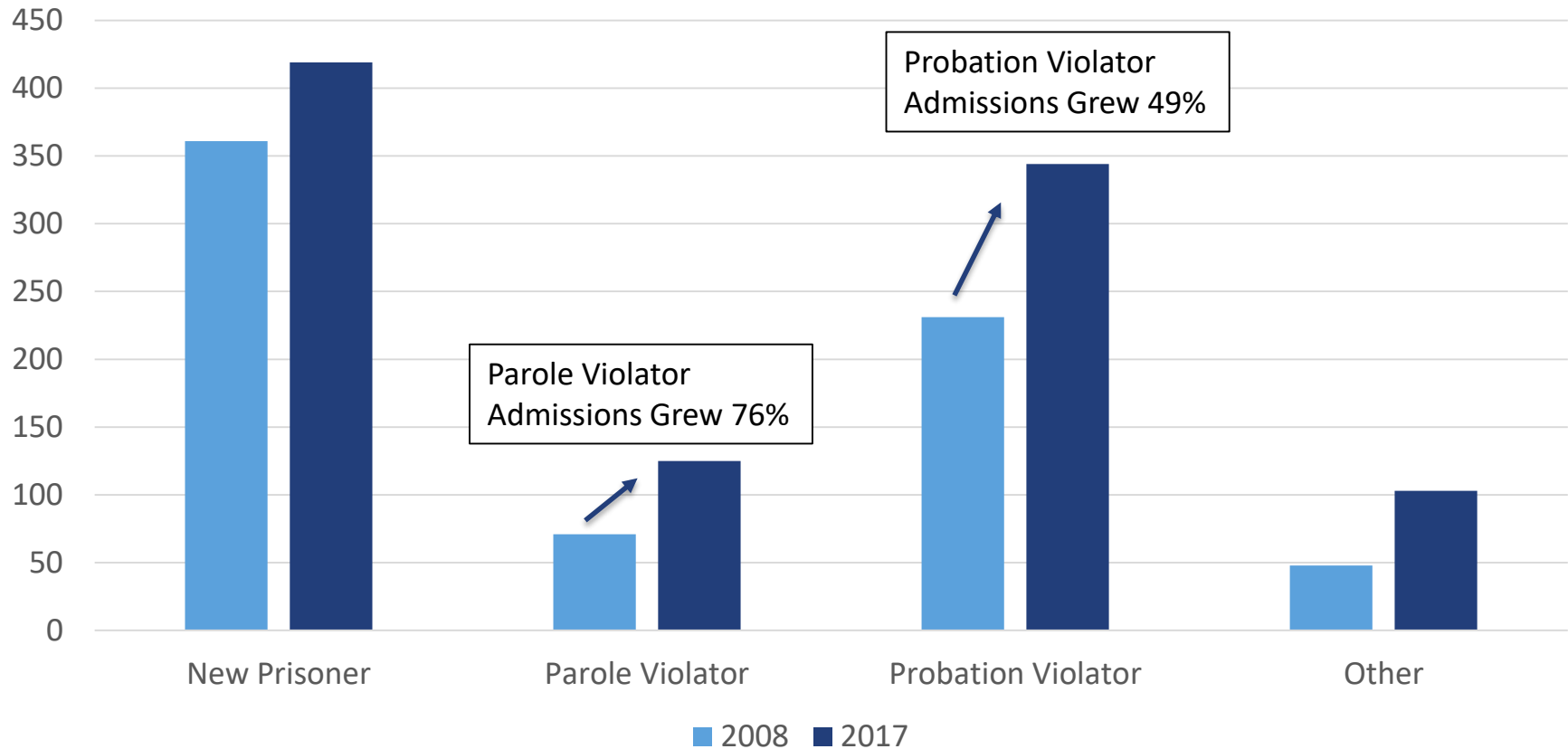
More than Half of Female Admissions Present Mental Health Needs

Female Prison Admissions by Mental Health Needs, 2017



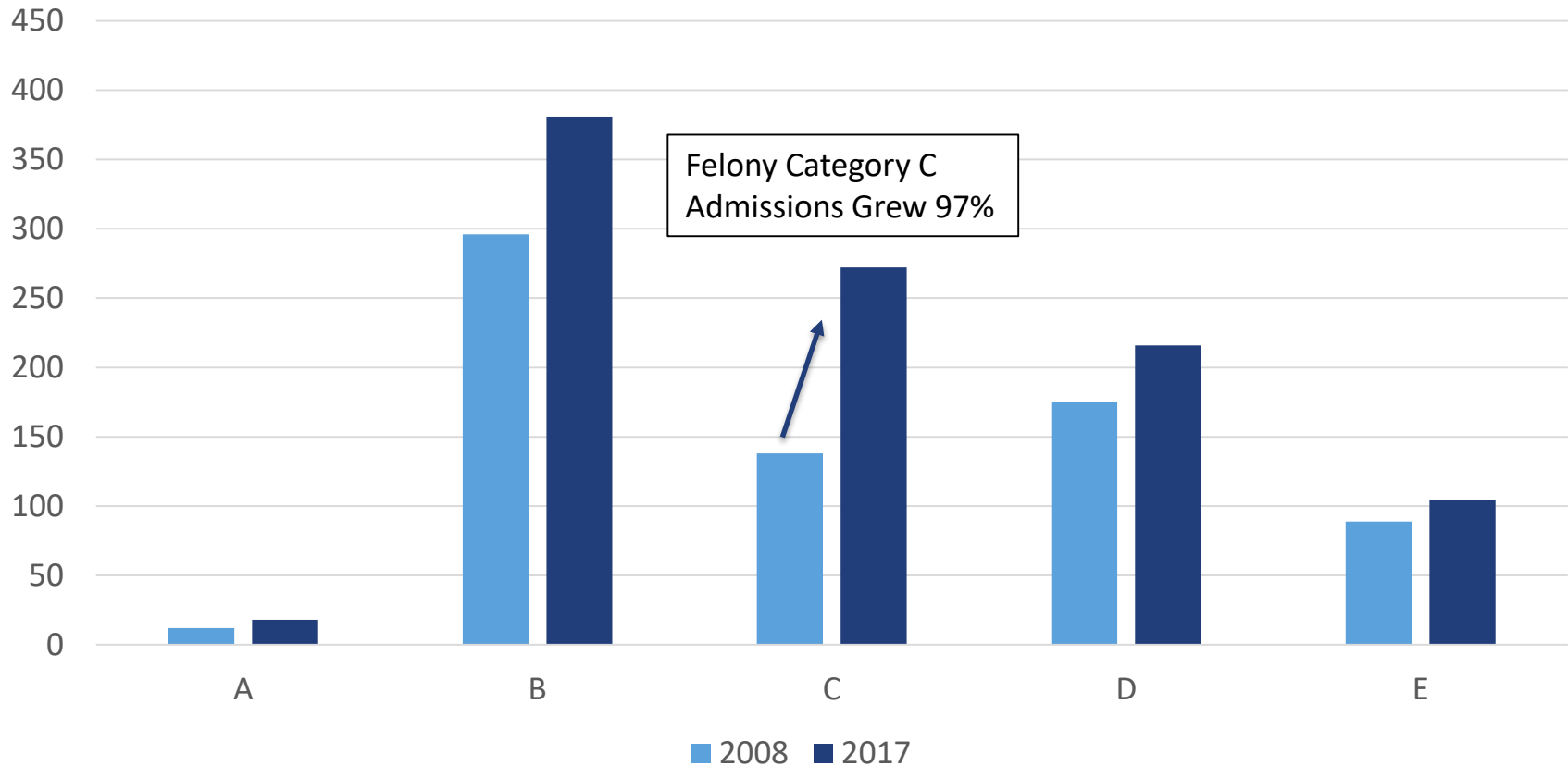
Female Admissions Growth Spans All Admission Types, Led by Probation Violators

Female Prison Admissions by Admission Type, 2008 vs 2017



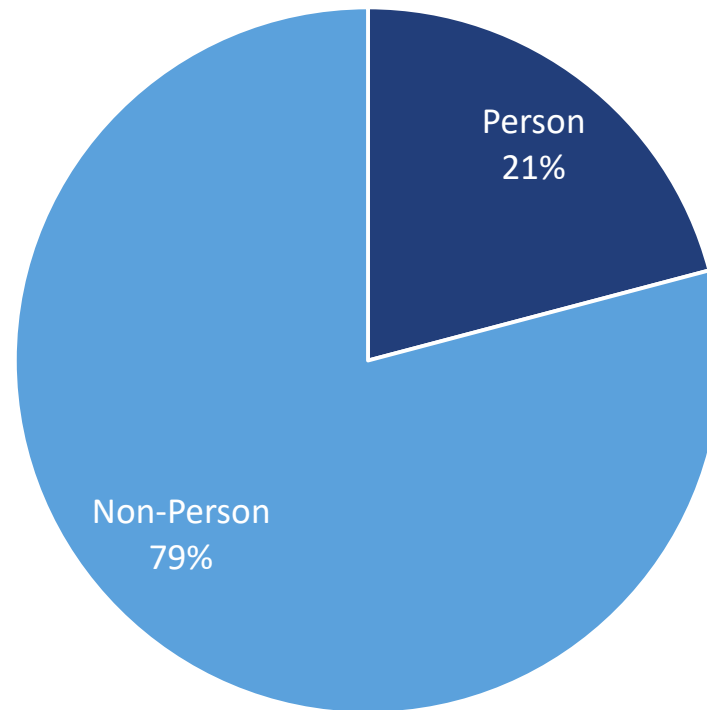
Female Admissions for Felony C Offenses Nearly Doubled

Female Prison Admissions by Felony Category, 2008 vs 2017



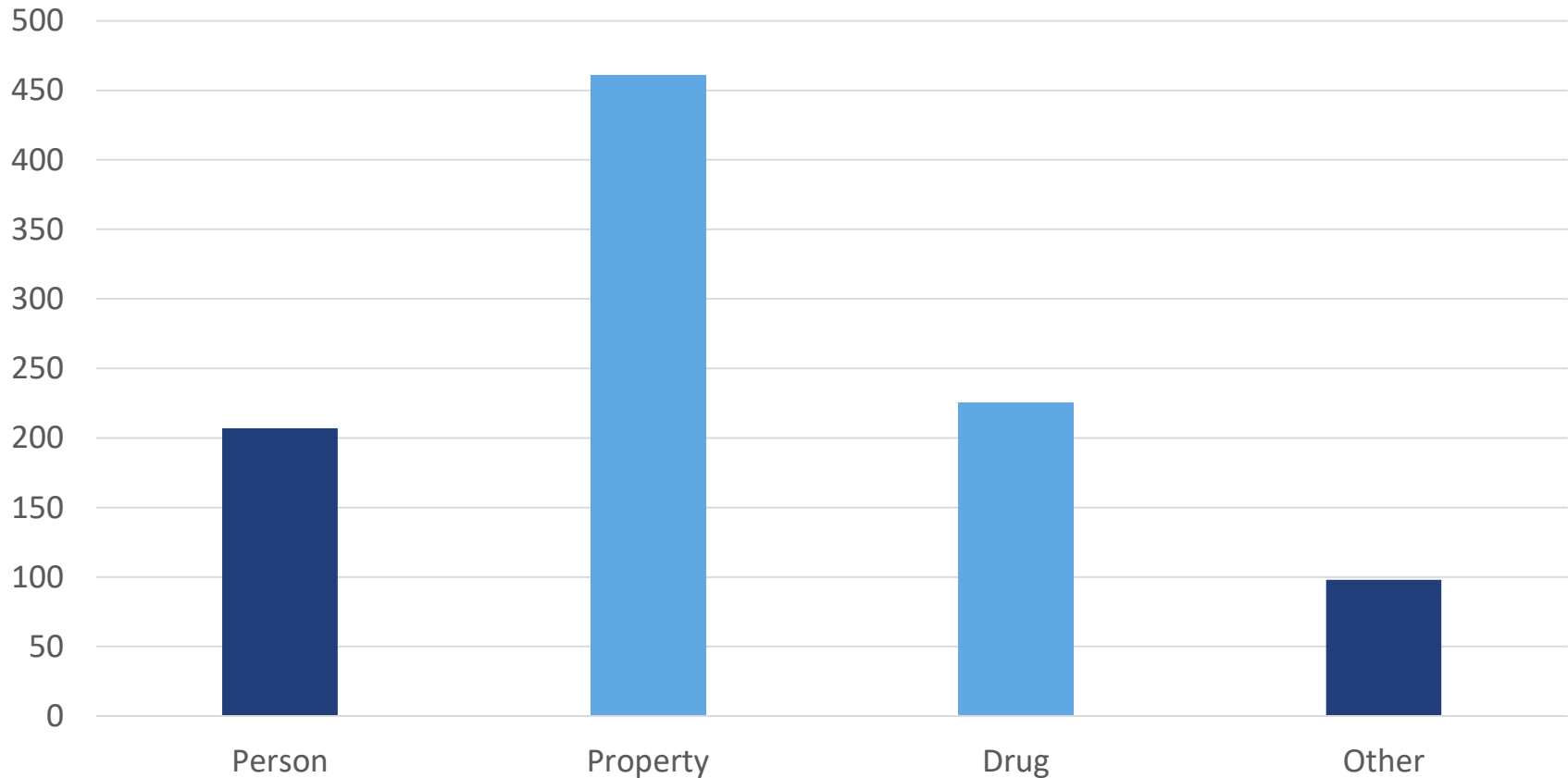
Nearly 4 in 5 Female Admissions for Non-Person Offenses

Female Prison Admissions by Person Offense, 2017



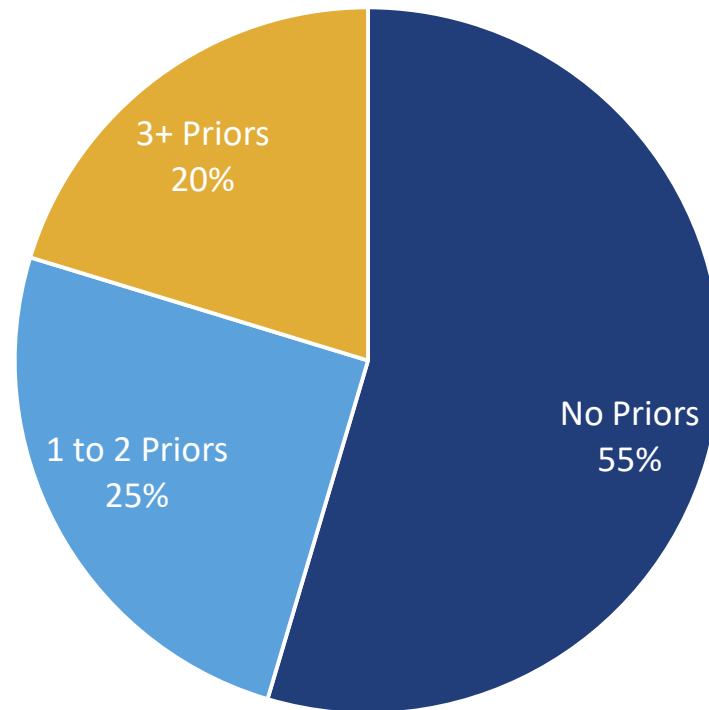
70% of Female Admissions for Property or Drug Offenses

Female Admissions by Offense Type, 2017



Over Half of Female Admissions Have No Prior Felony Conviction

Female Prison Admissions by Prior Criminal History, 2017

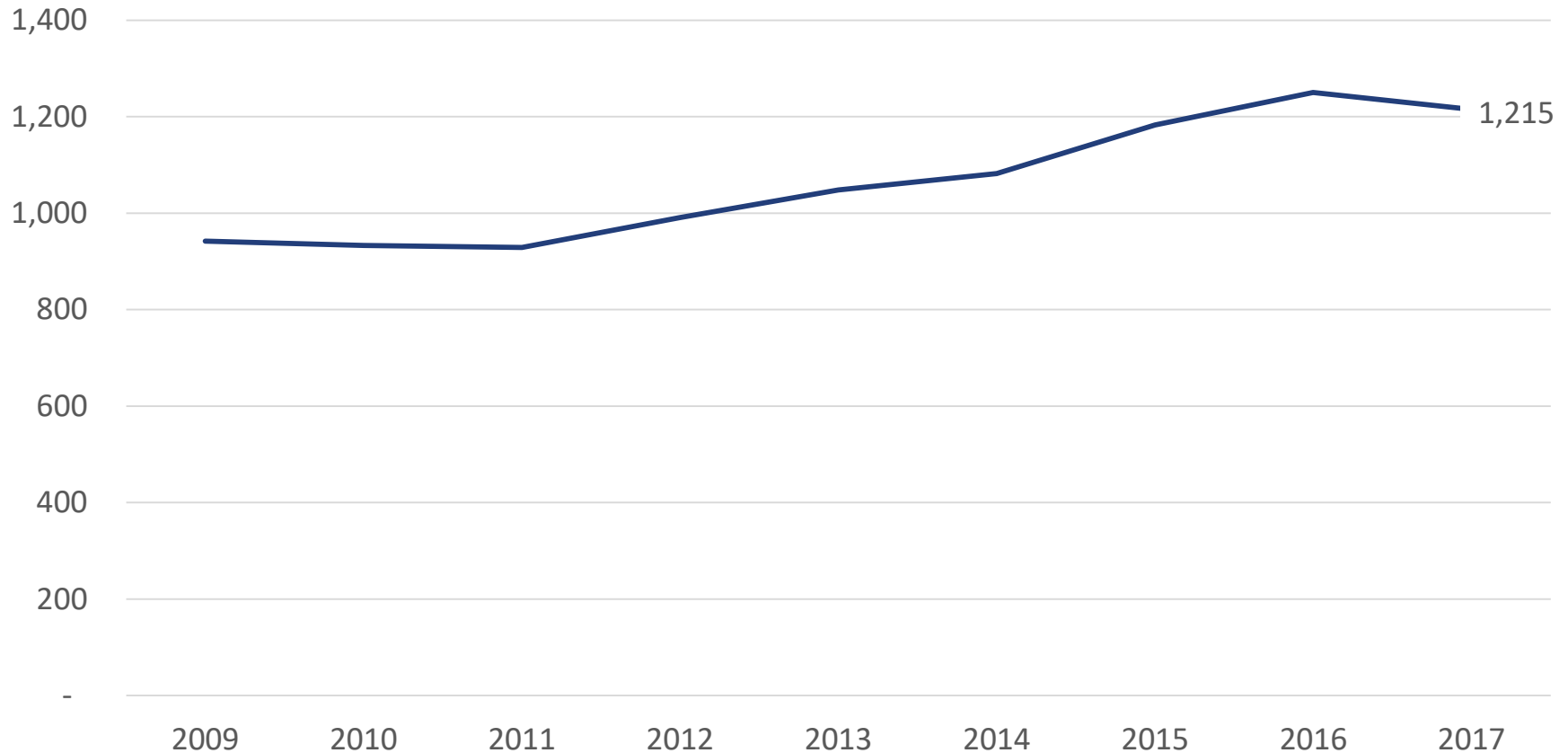


Top 10 Offenses for Female Admissions Are Non-Person

| Offense | 2017 | Percent Growth From 2008 |
|---|------|--------------------------|
| Burglary | 67 | 1% |
| Possession of a Controlled Substance, Schedules 1-4, 1st Offense | 64 | 14% |
| Attempted Burglary | 63 | 52% |
| Possession of a Controlled Substance For Sale, Schedules 1&2, 1st Offense | 36 | 0% |
| Attempted Possession of a Stolen Vehicle | 30 | 43% |
| Grand Larceny | 30 | 40% |
| Trafficking of a Controlled Substance, Schedules 1, 14-27 Grams | 29 | 72% |
| Attempted Grand Larceny | 27 | 15% |
| DUI | 27 | -11% |
| Possession of a Stolen Vehicle | 27 | 11% |

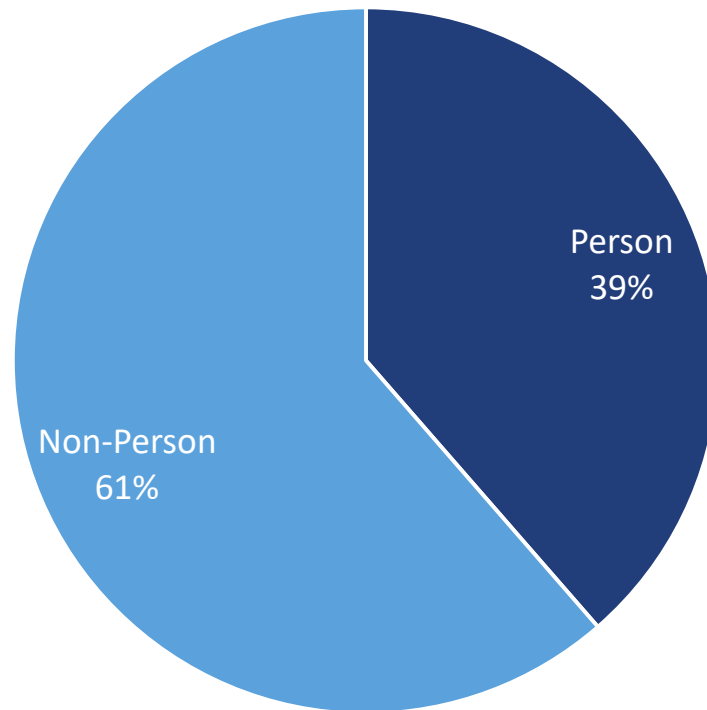
Female Prison Population Climbed 29%, Four Times the Rate of Overall Population

Annual Snapshot of NDOC Female Population, 2009-2017



61% of Current Female Prisoners Sentenced for Non-Person Offenses

Female Annual NDOC Snapshot by Person Offense, 2017



Key Takeaways

- Female prison admissions grew 39% in last decade
 - Growth across all admission types
 - Greatest rate of growth for Felony C offenses
- 79% of female admissions are for non-person offenses
- Over half of female admissions have no felony record
 - Over half of female admissions have mental health needs
 - Most common offenses at admission are property and drug offenses, led by burglary and simple possession
- Female prison population climbed 29% since 2009

AOC Specialty Courts

Outline for Specialty Court Data

- Background on Specialty Courts in Nevada
- Data Used
- Court Sample
- Admissions
- Releases

Specialty Courts

- An alternative to incarceration intended to address an individual's alcohol, drug, or mental health needs
- Nevada law defines a Specialty Court program as:
 - “A program established by a court to facilitate testing, treatment, and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffers from a mental illness or abuses alcohol or drugs.”

Specialty Courts

- Nevada has 74 Specialty Court programs across the state
- The most common Specialty Court programs include
 - Adult Drug Court
 - Mental Health Court
 - Felony DUI Court

Adult Drug Court

- Participants generally have a substance use disorder
 - Substance use disorder is not a requirement for participation in all jurisdictions
- Identification varies drastically by county with treatment provider evaluations and self-reporting being the most common methods
 - Risk and needs assessments are rarely used to determine eligibility
- Program typically lasts for 18 months and uses a multi-disciplinary team approach

Mental Health Court

- Participants must have a Serious Mental Illness (SMI)
 - This is identified differently throughout the state, either through assessments, evaluations, or medical documentation
- Uses a multi-disciplinary approach and typically lasts one to three years
- Program includes medication compliance and stabilization, residential placement, services coordination, individual or group counseling, alcohol and drug testing, daily contact with officers, and weekly court appearances

Felony DUI Court

- Participants facing a third DUI conviction within seven years and diagnosed as an abuser of drugs or alcohol by a licensed clinician are eligible
 - This is the only statutorily outlined evaluation for a Specialty Court program
- The program lasts three years, with at least six months of residential confinement
- Statute requires that the felony charge be reduced to a misdemeanor offense upon successful completion

Paths to Enter Specialty Court Programs

Court, attorney, community, or self-referral

Plea agreement

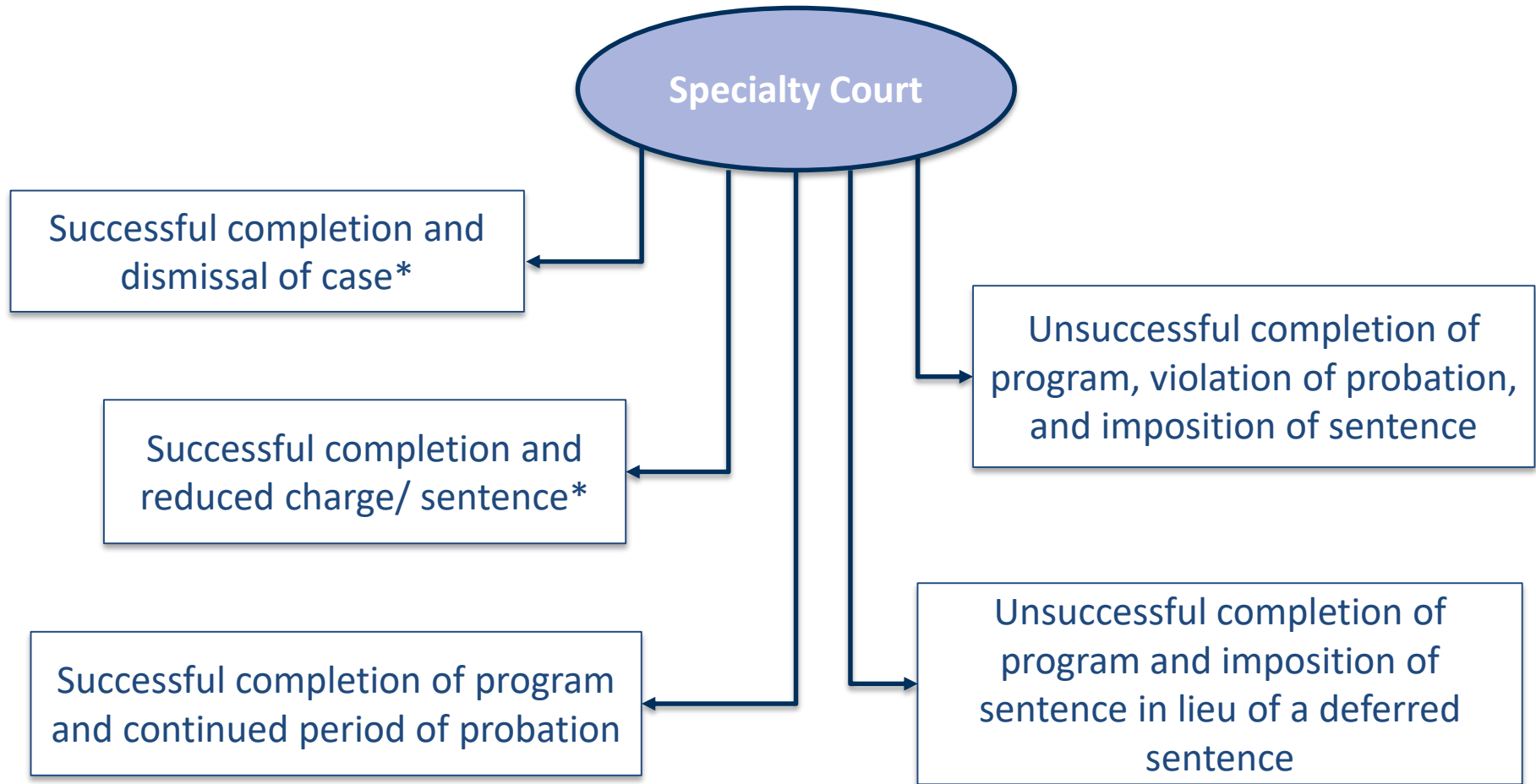
P and P recommendation in PSI

Deferred sentence into treatment

Condition of probation or a suspended sentence

Response to probation violation

What Are the Possible Outcomes of Specialty Courts?



Data Used

- Administrative Office of the Courts Data
 - All participants in Nevada Specialty Court programs submitting to the Drug Court Case Management system since 2014
 - Admissions, termination data extracted for the 2017 cohorts
 - Sample limited to felony drug, mental health and DUI courts
- Offense data is for the most serious offense at admission
- Unless stated otherwise, all data presented was analyzed by CJI in consultation with AOC
- Data presented here may not match AOC reports due to different methodologies for analysis

Specialty Court Program Sample

- Sample limited to
 - Case characteristics
 - Adult participants
 - Criminal cases involving felony charge or conviction
 - Court characteristics
 - Operated out of district court
 - Adult drug, mental health or DUI court program

Specialty Court Programs in Sample

Drug Court Programs

2nd JDC – Adult Drug Court

11th JDC – Lander Adult Drug Court

4th JDC – Adult Drug Court

11th JDC – Pershing Adult Drug Court

5th JDC – Pahrump Adult Drug Court

Western Regional – Carson Adult Drug Court

5th JDC – Tonopah Adult Drug Court

Western Regional – Churchill Adult Drug Court

6th JDC – Humboldt Adult Drug Court

Western Regional – Douglas Adult Drug Court

7th JDC – Adult Drug Court

Western Regional – Northern Mineral Adult Drug Court

8th JDC – Adult Drug Court

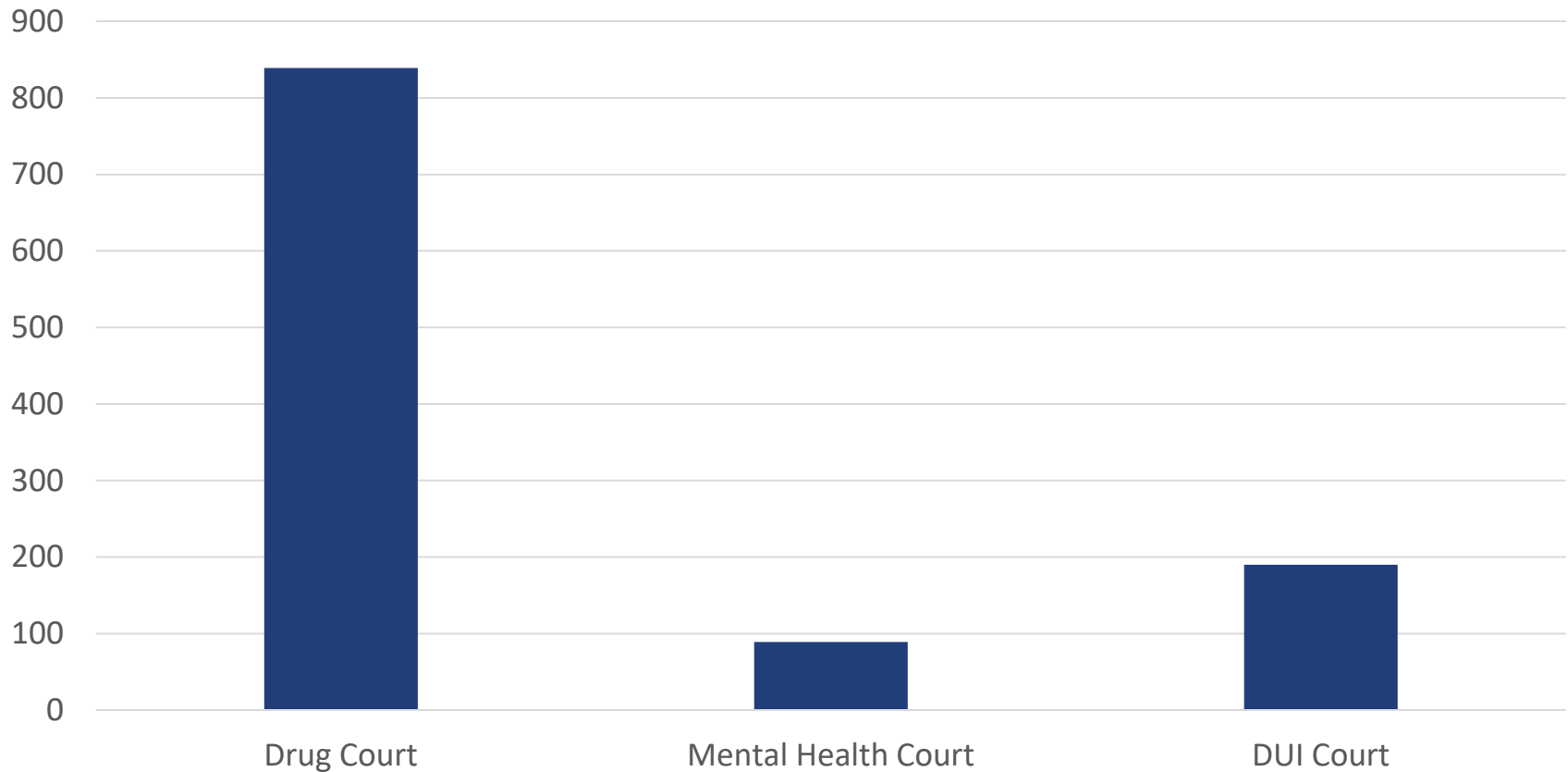
Western Regional – Lyon Adult Drug Court

Specialty Court Programs in Sample

| Mental Health Court Programs | DUI Court Programs |
|---|---|
| 2 nd JDC – Mental Health Court | 2 nd JDC – Felony DUI Court |
| 6 th JDC – Mental Health Court | 4 th JDC – DUI/Diversion |
| 8 th JDC – Mental Health Court | 6 th JDC – Humboldt DUI/Diversion |
| Western Regional – Mental Health Court | 8 th JDC – Felony DUI Court |
| | Western Regional – Carson DUI Court |
| | Western Regional – Douglas DUI Court |
| | Western Regional – Fallon, Yerington, N. Mineral – Felony DUI Court |

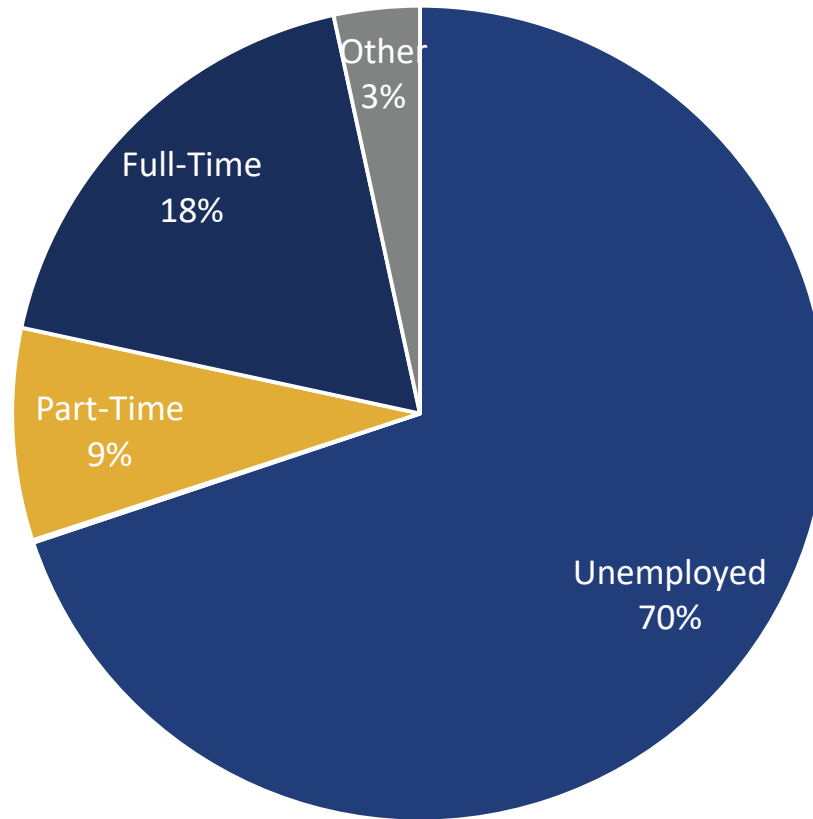
Over 800 Felony Offenders Admitted to Drug Court Last Year

Specialty Court Admissions by Court Type, 2017



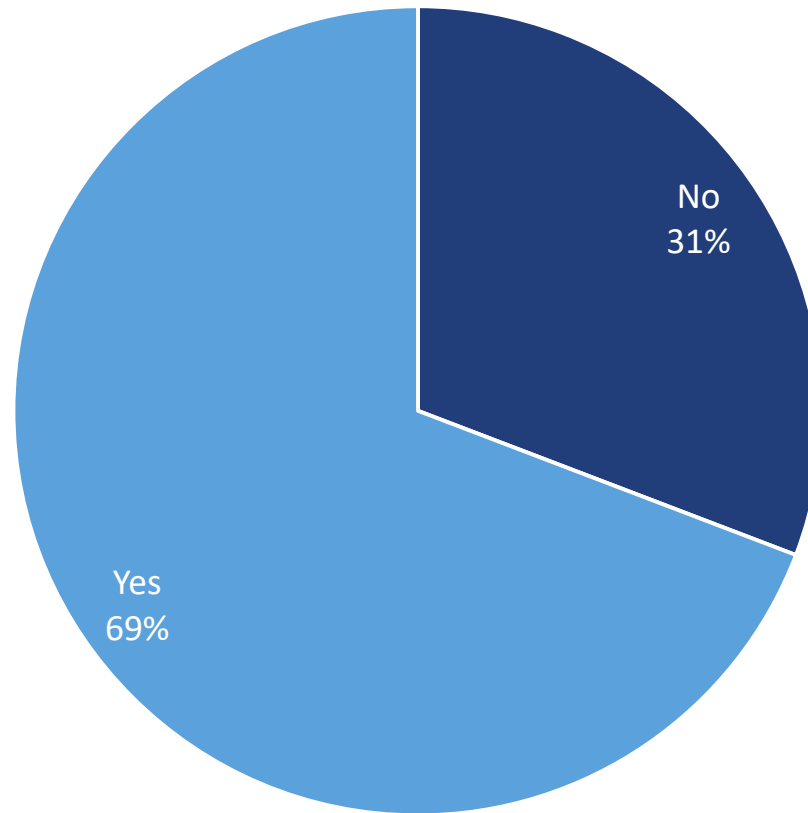
70% of Participants Admitted to Specialty Court Are Unemployed

Employment Status at Admission to Specialty Court, 2017



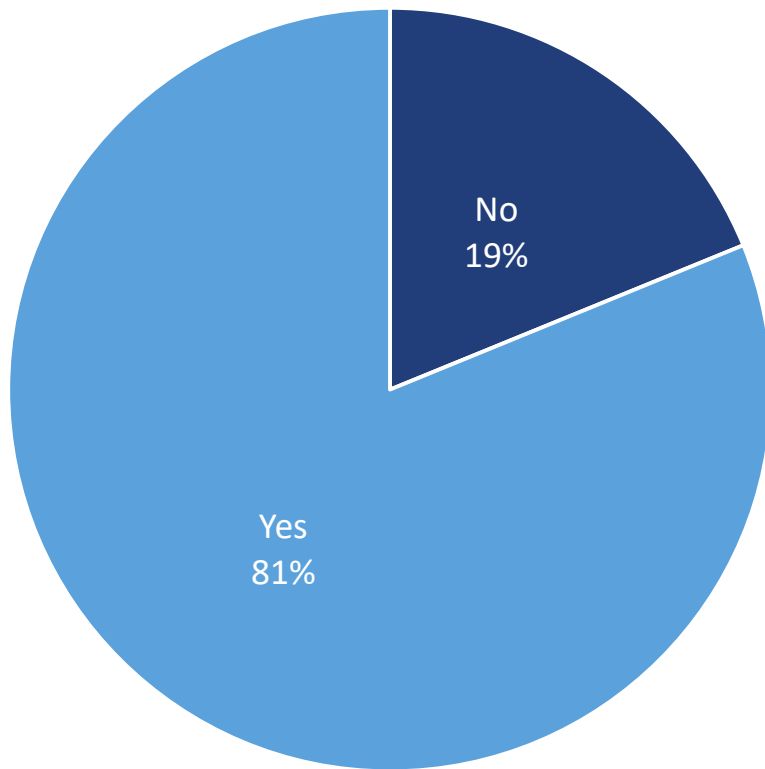
More than Two Thirds Have a Prior Criminal Record

Admission to Specialty Court by Prior Conviction Status, 2017

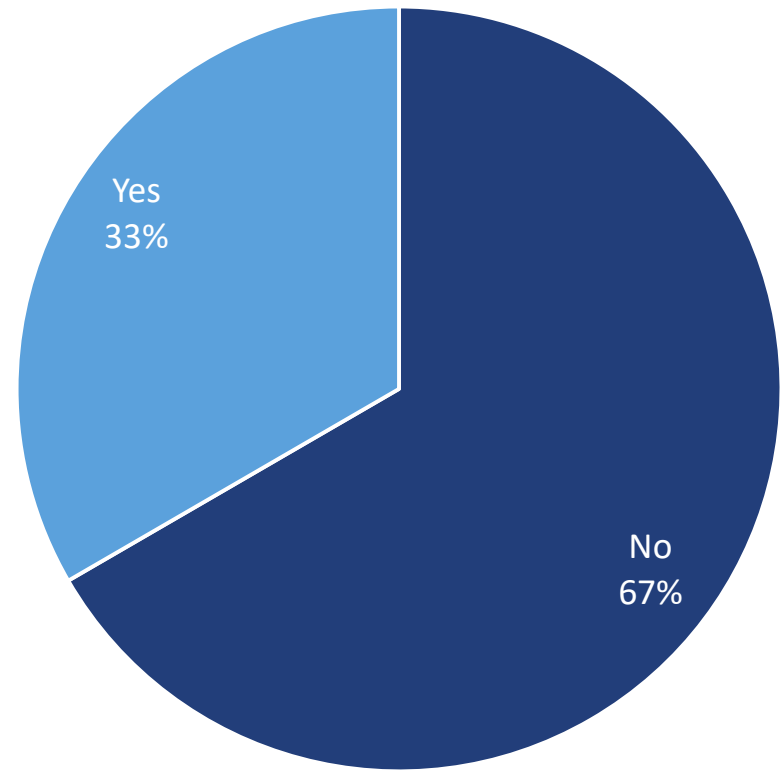


81% Report History of Substance Abuse, Yet Only 33% Have Accessed Treatment

Specialty Court Admissions by Prior Substance Abuse History, 2017

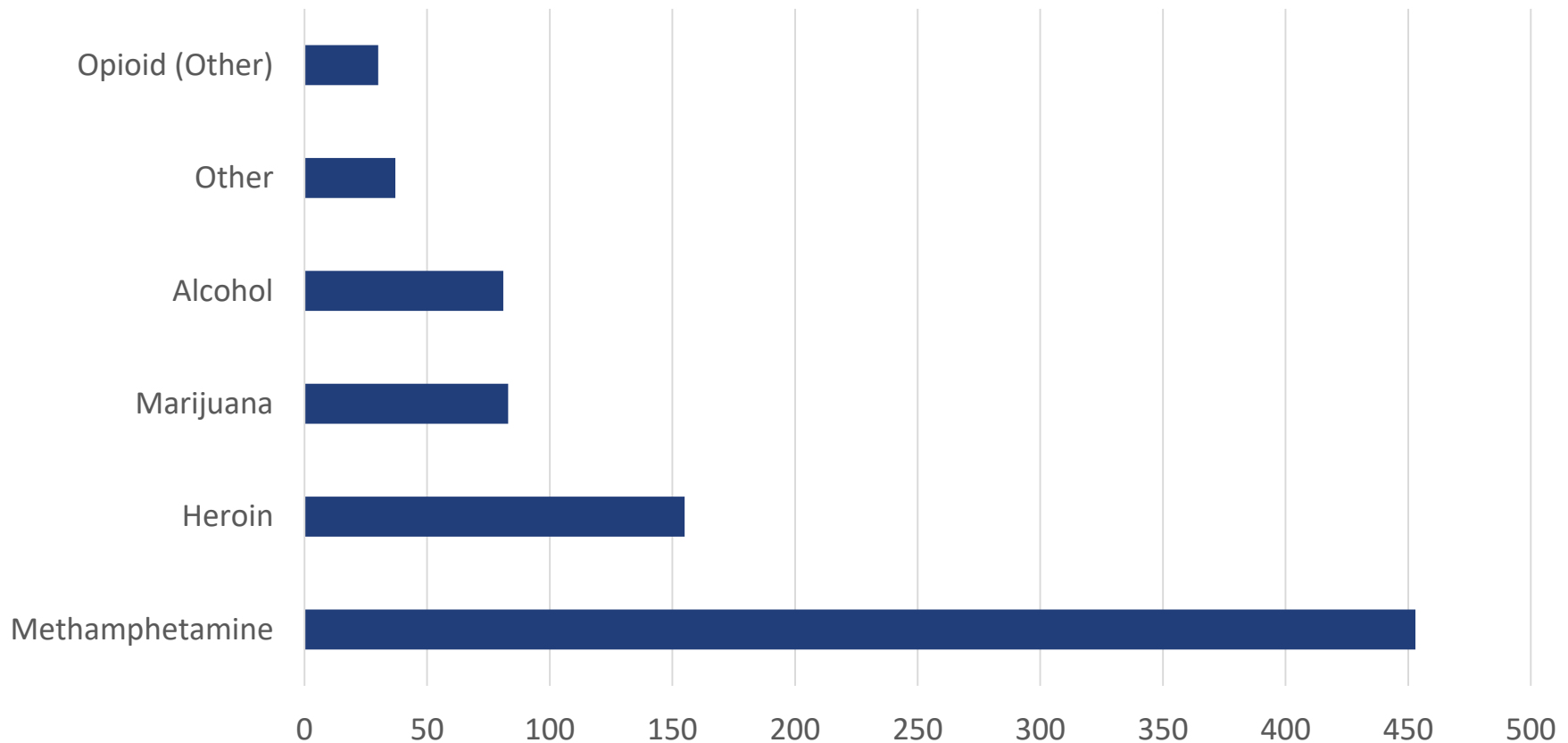


Specialty Court Admissions by Prior Substance Abuse Treatment, 2017



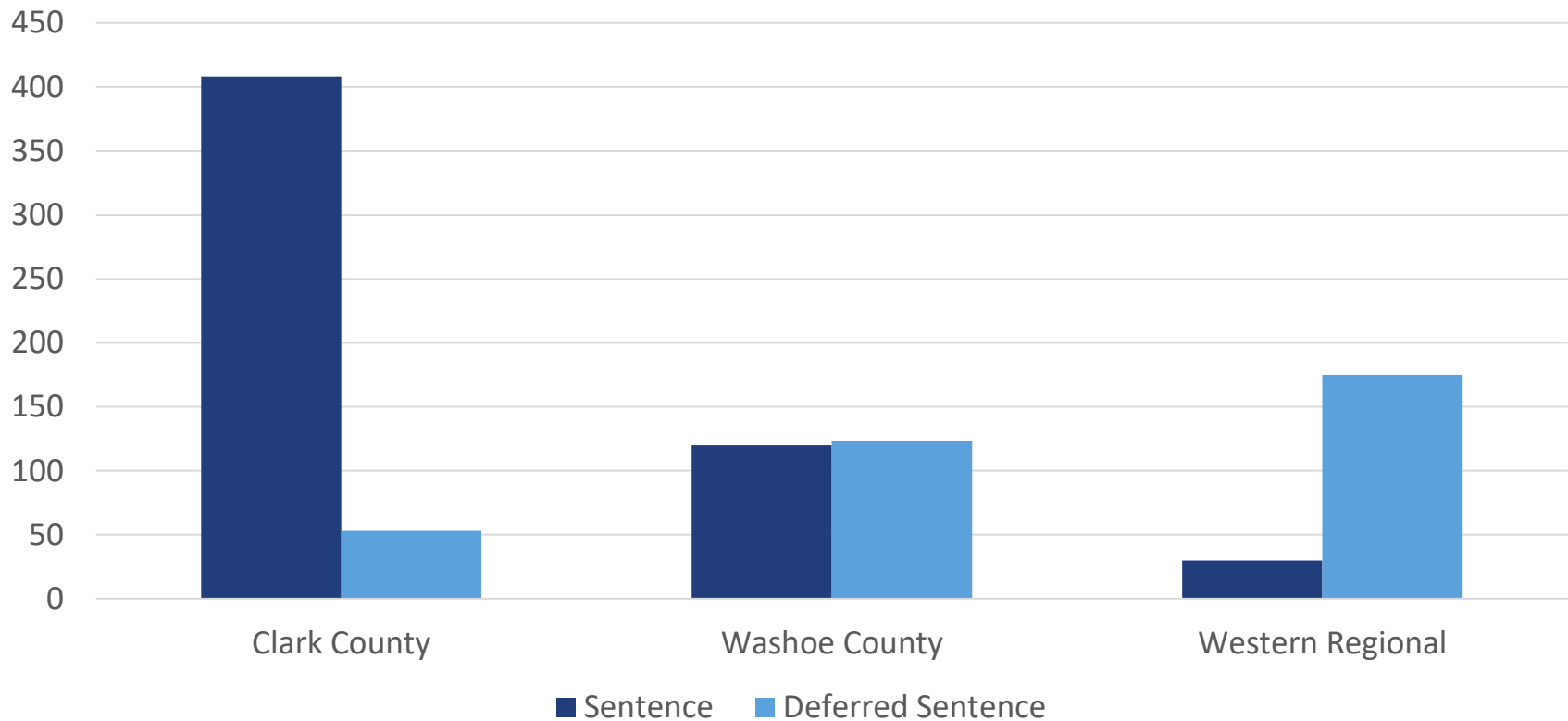
Methamphetamine is Primary Drug of Choice for Drug Court Participants

Specialty Drug Court Admissions by Drug of Choice, 2017



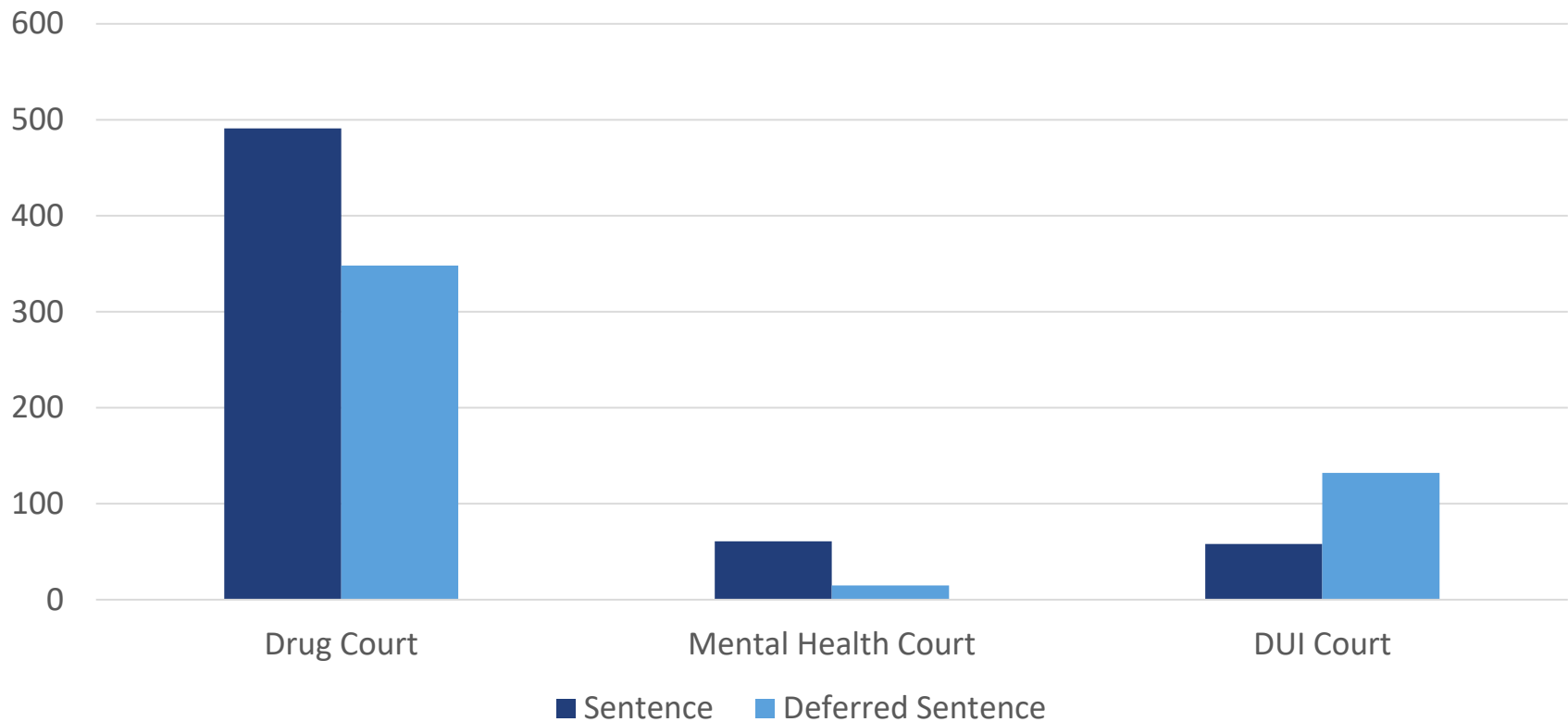
Use of Sentence Deferrals Varies Widely by Region

Specialty Court Admissions by Criminal Case Sentencing Status and Region, 2017



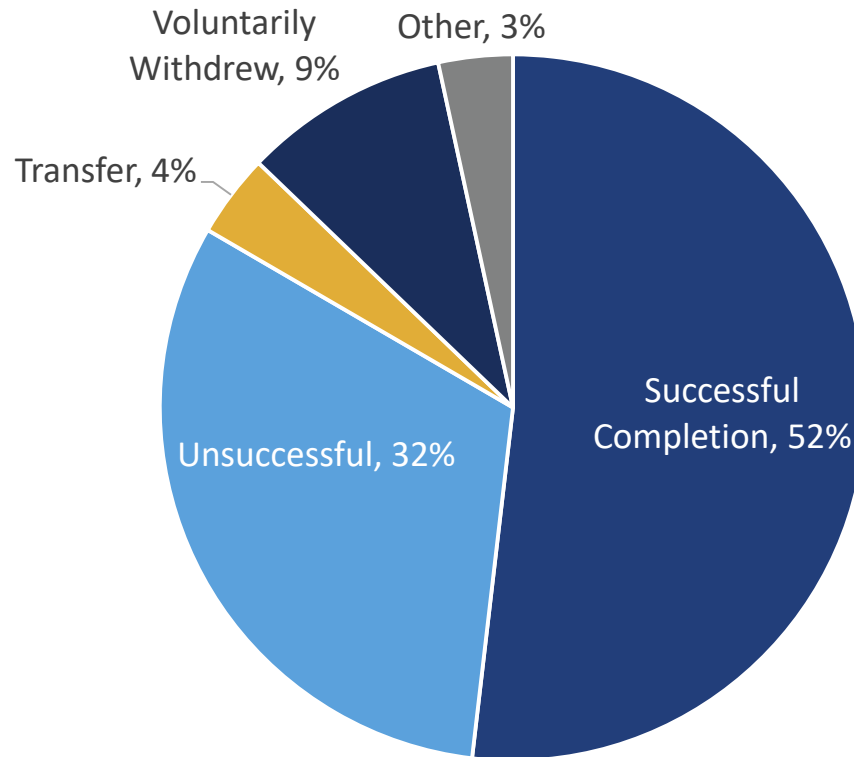
Sentence Deferrals Less Common in Mental Health and Drug Courts than DUI Court

Specialty Court Admissions by Criminal Case Sentencing Status and Court Type, 2017



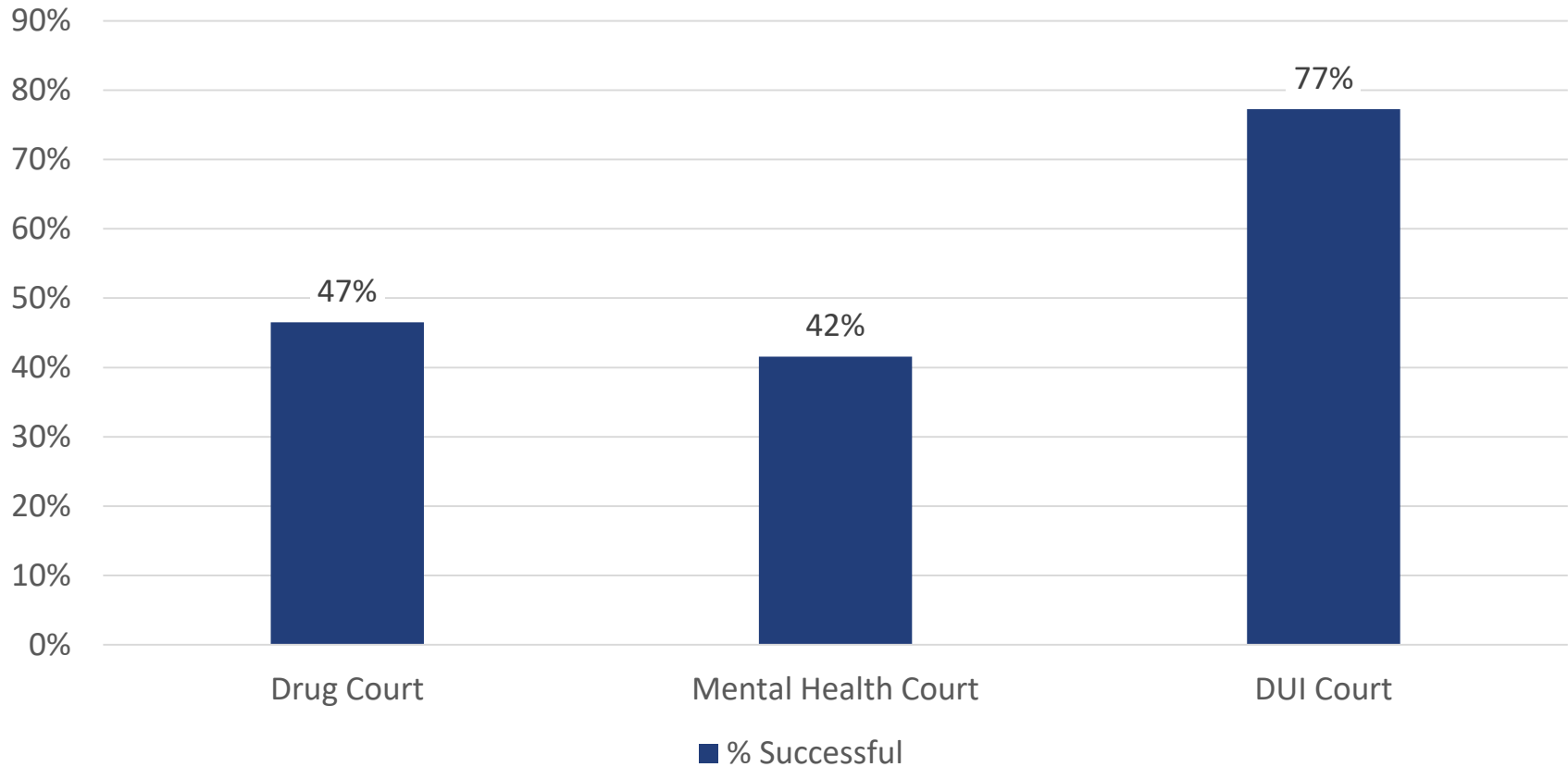
Over Half of Specialty Court Releases Graduated from Program

Specialty Court Releases by Outcome, 2017



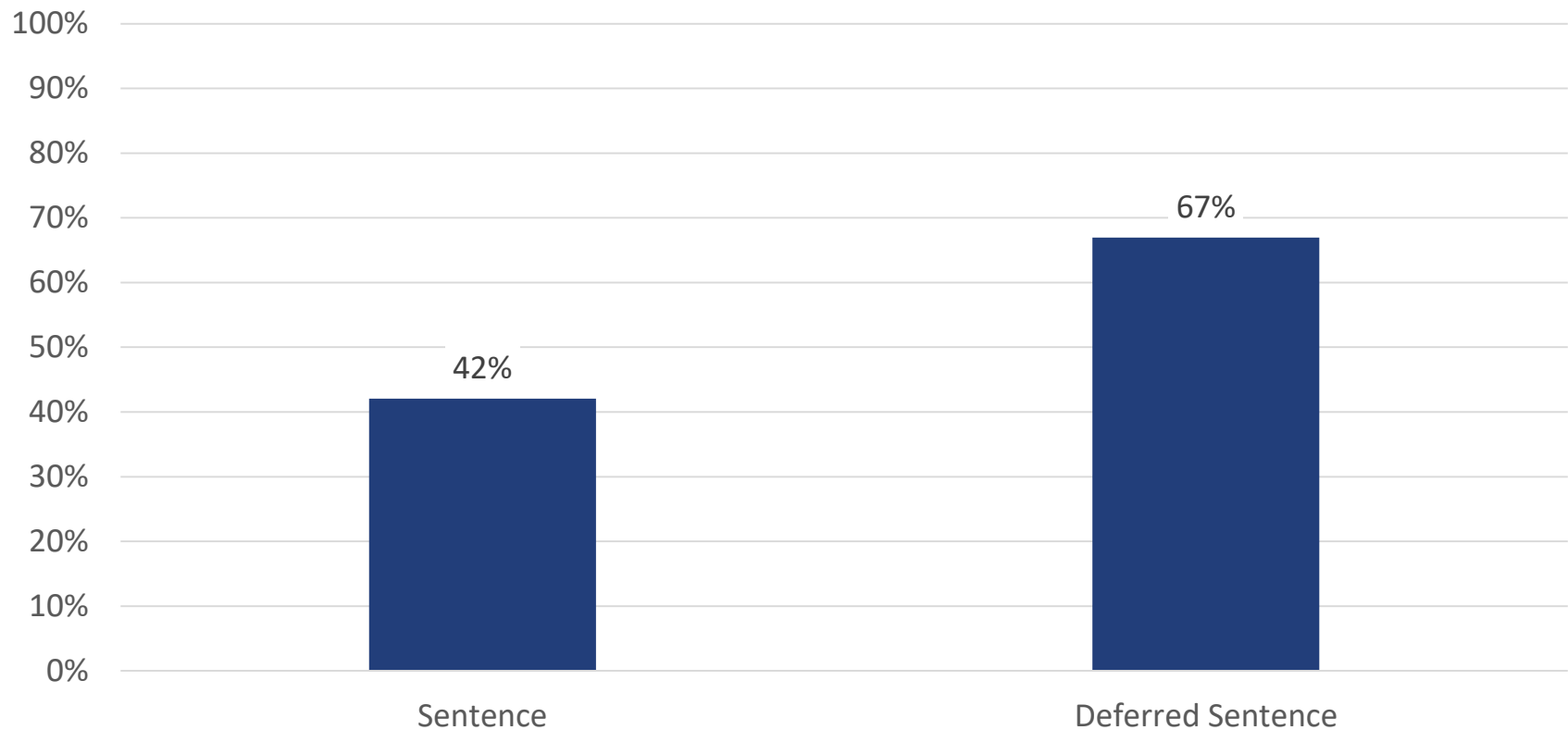
Success Rate Highest for DUI Court

Success Rate for Specialty Court Releases by Court Type, 2017



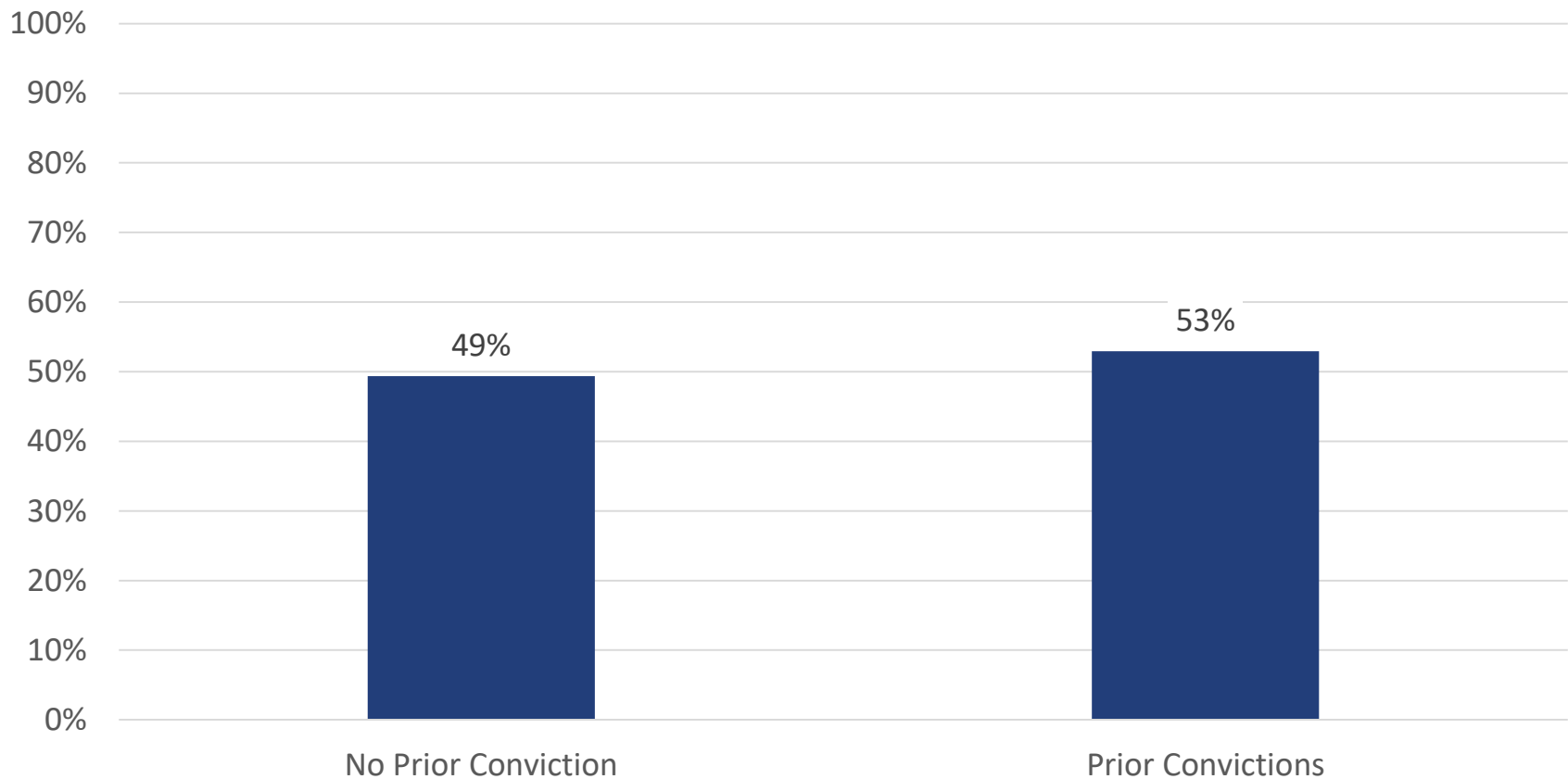
Participants with Sentence Deferrals More Successful in Specialty Court

Success Rates for Specialty Court Releases by Criminal Case Sentencing Status, 2017



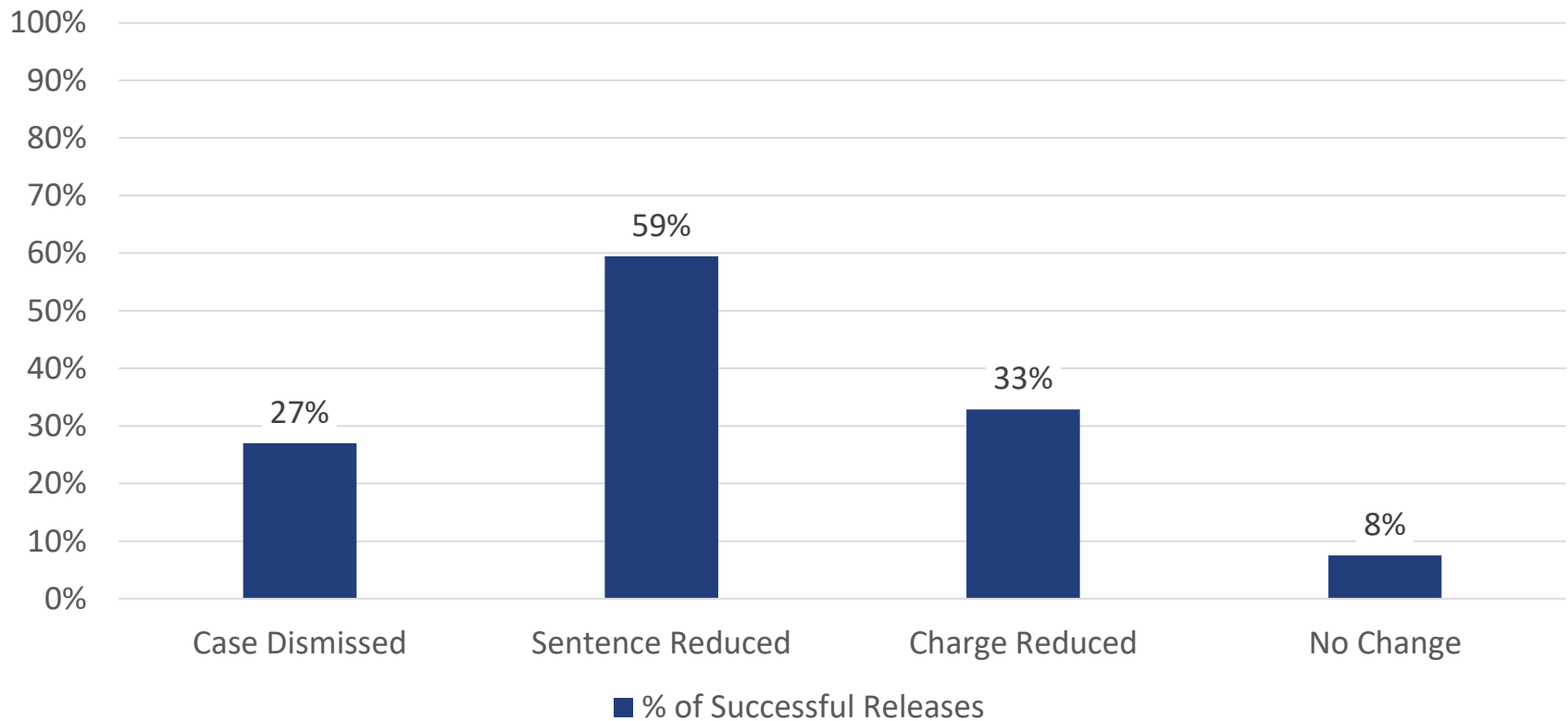
Participants with Prior Convictions As Successful As First-Time Offenders

Success Rate for Specialty Court Releases by Prior Criminal History, 2017



Nearly 60% of Specialty Court Graduates Receive Sentence Reduction

Adjustments to Court Dispositions as Percentage of Successful Specialty Court Releases, 2017



Key Takeaways

- Most Specialty Court participants in sample are unemployed and have a prior criminal record
- 81% of participants report substance abuse, yet only a third have previously accessed substance abuse-related treatment
- Eligibility requirements and court practices may affect program success
 - Graduation rates in sample are higher for those who receive a deferred sentence, across courts and regions

Next Steps

Next Presentation

- Wednesday, October 10, 2018
- Topics:
 - Sentencing
 - Time Served
 - Release

ACAJ Calendar

- Presentation #2: October 10, 2018
- Presentation #3: November 8, 2018
- Subgroup Meetings #1:
 - Group 1: November 27, 2018
 - Group 2: November 29, 2018
- Subgroup Meetings #2:
 - Groups 1 and 2: December 18, 2018
- Report Out & Recommendations: January 11, 2019

Questions?

Contact

- Contact information:

Maura McNamara

Phone: 617-529-3654

Email: mmcnamara@crj.org

Alison Silveira

Phone: 617-733-1437

Email: asilveira@crj.org

Disclaimer

This project was supported by Grant No. 2015-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this presentation are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.