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Advisory Commission releases recommendations to address growing prison population and improve public safety

CARSON CITY, Nevada – Facing a growing prison population, mounting taxpayer costs, and a behavioral health crisis, a group of Nevada criminal justice leaders today released a package of recommendations to improve public safety and reduce recidivism.

The Advisory Commission on the Administration of Justice (ACAJ) announced a comprehensive package of data-driven policy recommendations for the upcoming legislative session that would reduce recidivism, hold offenders accountable, and control the state's prison growth.

“These recommendations are the result of months of careful review, research, analysis, and gathering input from a variety of stakeholders,” Assemblyman and ACAJ Chairman Steve Yeager said. “With these policies, Nevada has an opportunity to change course and follow the lead of dozens of other states that have improved public safety while also controlling growth in their prisons.”

The ACAJ's recommendations would:

- Strengthen responses to behavioral health involved individuals;
- 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 the criminal justice reforms.

In August, then-Governor Brian Sandoval together with the Nevada Supreme Court Chief Justice Michael Douglas, Assembly Speaker Jason Frierson, and then-Senate Majority Leader Aaron Ford charged the 19 ACAJ members with developing data-driven solutions to curb the growth in taxpayer spending on prisons while shifting resources toward more cost-effective policies that increase public safety by reducing recidivism. The ACAJ engaged in a six-month study of Nevada's sentencing and corrections systems, analyzing data, evaluating innovative policies and programs at key decision points, reviewing research on what works to reduce recidivism, and developing comprehensive and tailored recommendations.

The ACAJ represents the diverse perspectives of the criminal justice system including prosecutors, defense attorneys, judges, legislators, law enforcement, criminal justice agency directors, and crime victim advocates.

Bucking a national downward trend in incarceration, Nevada's prison population has increased 7 percent since 2009, and the state's imprisonment rate is now 15 percent higher than the national average. The increase has disproportionately impacted women, with the female prison population growing at four times the rate of the overall prison population since 2009.

This trend has come at enormous cost to Nevada taxpayers, with spending over \$347 million in fiscal year 2019 on the state prison system alone. Despite that investment, recidivism remains a concern, with one in

five individuals discharged from prison and one in three individuals who are paroled returning to prison within three years of release. Moreover, while the corrections budget swells, significant gaps remain in the treatment opportunities to address the growing behavioral health crisis in the state.

Absent changes, Nevada's prison population is projected to grow by 9 percent in ten years, adding nearly 1,200 beds. Nevada will soon have to either build new prison facilities or contract with other states to house the growing inmate population. The projected prison population growth is estimated to cost the state an additional \$770 million in capital expenditures and added operating costs over 10 years.

The ACAJ's recommendations include providing training for law enforcement officers to identify and respond to individuals with mental illness, expanding diversion options for nonviolent first-time felony offenders, and reclassifying drug and property crimes to align the penalty with the seriousness of the offense. Other recommendations would improve planning and support for individuals leaving prison and returning to the community, reduce the length of probation terms that can be ordered, and require the use of graduated sanctions when responding to technical violations of parole and probation, such as a positive drug test or failure to complete treatment.

These policies, if signed into law, would avert an estimated 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.

"As the Commission discovered, not only is the Nevada Department of Corrections overcrowded and forced to send Nevada inmates to other states at a hefty cost, but the overcrowding creates problems with staffing, safety, and our ability to address the multitude of problems that individuals sent to prison come in with," said Nevada DOC Director James Dzurenda, who is also an ACAJ member. "The recommendations put forward today will over time help relieve the strain on our prisons and taxpayers through smart, data-driven policies that will keep Nevadans safer."

The ACAJ also recommended that state agencies track the impact of policy changes and that a portion of resources that would have been spent on incarcerating people instead be diverted to alternatives like providing law enforcement officers with more resources to respond to individuals with behavioral health needs.

Nevada Supreme Court Justice James Hardesty, who co-chaired the Commission, applauded the thoroughness of the ACAJ's review.

"For years, the ACAJ has discussed the need for reforms to our criminal justice system," said Hardesty. "But the lack of data and detailed analysis caused a road block to progress. The comprehensive file review, data collection, thorough analysis and specific findings by CJI have been tremendous and significantly inform Nevada on data driven options to reform our system."

The ACAJ received technical assistance from the Crime and Justice Institute through the Justice Reinvestment Initiative.

Members of the Nevada Advisory Commission on the Administration of Justice are:

- **Steve Yeager (Chairman)**, Assemblyman
- **James W. Hardesty (Vice-Chairman)**, Justice of the Nevada Supreme Court
- **Aaron Ford**, Attorney General (Appointed January 7, 2019) former Sen. representative to ACAJ
- **James Ohrenschall**, Senator (Appointed December 3, 2018)

- **Lisa Krasner**, Assemblywoman
- **Paola Armeni**, Representative, State Bar of Nevada
- **Judge Sam Bateman**, Henderson Justice Court
- **Christine Jones Brady**, Deputy Public Defender, Washoe County
- **Julie Butler**, Representative, Central Repository
- **Chuck Callaway**, Police Director, Las Vegas METRO
- **Christopher DeRicco**, Chairman, Board of Parole Commissioners
- **James Dzurenda**, Director, Department of Corrections
- **Kymerli Helms**, Victims' Rights Advocate
- **Mark Jackson**, Douglas County District Attorney
- **Adam Laxalt**, Attorney General (Member until January 7, 2019)
- **Al McNeil**, Former Sheriff, Lyon County
- **Amy Rose**, Inmate Advocate, ACLU of Nevada
- **Judge Jim Wilson**, Carson City District Court
- **Natalie Wood**, Chief, Parole and Probation

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