

Advisory Commission on the Administration of Justice - Justice Reinvestment Initiative

What's at Stake?

Over the last decade, Nevada's prison population has grown 7 percent, and the state now has an imprisonment rate that is 15 percent higher than the national average. This growth has resulted in Nevada spending over \$347 million on corrections in FY2019, crowding out the state's ability to fund treatment and services that reduce recidivism and address a growing population with behavioral health needs.

Without significant changes, the prison population is projected to increase 9 percent, costing taxpayers an additional \$770 million over the next decade.

The ACAJ's Findings

- Despite research demonstrating that, for many offenders, incarceration can increase recidivism when compared with noncustodial sanctions, **Nevada relies on incarceration more than community supervision compared to other states.** Sixty-six percent of prison admissions in 2017 were sentenced for nonviolent crimes and four out of 10 offenders had no prior felony convictions.
- **Almost 40 percent of all prison admissions in 2017 were a result of individual's failing on parole and probation supervision.** Many of these failures were due to technical violations of the conditions of supervision, like failing a drug test or failing to complete a treatment program, rather than for a new criminal conviction.
- Despite research demonstrating that longer prison terms do not reduce recidivism, **time served has increased 20 percent across all offense types in the last decade.**
- **Nevada's female prison population has grown at four times the rate of the overall prison population,** driven by admissions for low-level, nonviolent offenses and revocations from probation and parole. Nearly 80 percent of female admissions are for nonviolent offense.
- **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.

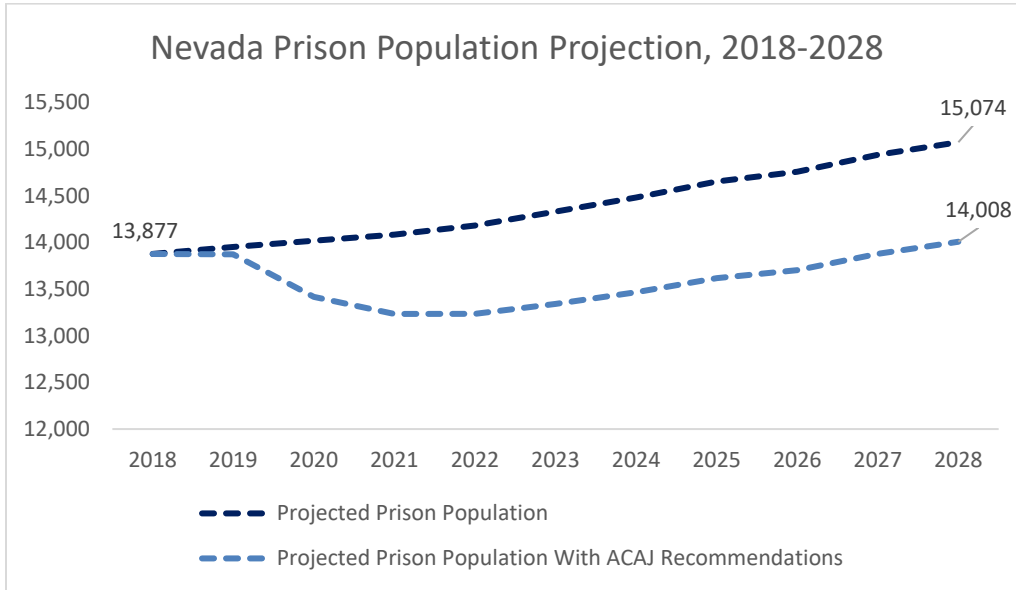
Components of AB 236

- **Strengthen responses to offenders with behavioral health challenges** by requiring crisis intervention training for new law enforcement officers; removing barriers to presumptive probation for individuals struggling with substance abuse; establishing pre-prosecution diversion for first time, nonviolent offenders; and ensuring specialty courts align with best practices.
- **Focus prison resources on serious and violent offenders** by aligning penalties for burglary with the severity of the criminal conduct; increasing the felony theft threshold to \$2,000; reclassifying simple possession from a felony to a misdemeanor; increasing judicial discretion to impose alternatives to incarceration for drug offenses; amending trafficking weights to distinguish drug sellers from drug traffickers; creating a lookback period for the habitual criminal statute; reclassifying several non-violent offenses from a Category B to a Category C felony; removing the sentencing recommendation from the PSI report; streamlining the parole process; and establishing a geriatric parole process.
- **Improve the efficiency and effectiveness of community supervision** by shortening probation terms to focus resources on the highest risk offenders; expanding the use of graduated sanctions in responding to technical violations; requiring a risk and needs assessment be used to set conditions and make supervision decisions; and requiring a case plan to be developed based on the results of the assessment.
- **Minimize barriers to successful reentry** by requiring reentry planning to occur six months prior to an individual's parole eligibility date; requiring agencies to collaborate on the development of the reentry plan; and requiring inmates be provided with resources to help them transition to the community, such as a 30-day supply of medication.
- **Ensure sustainability of criminal justice reforms** by requiring data to be collected and tracked to measure the impact of the policies; requiring staff to receive training on evidence-based practices; and requiring a gap analysis to be conducted to determine the programming needs in the community.

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Impact of AB 236

Without significant changes, the prison population is projected to grow by close to 9 percent, or nearly 1,200 beds, in the next 10 years, costing taxpayers an additional \$770 million dollars. If adopted, AB 236 is projected to **avert 89 percent** of the projected growth of the prison population and nearly **\$640 million** in additional state corrections costs anticipated through 2028.



Background on the ACAJ

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.”

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. 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.