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## **Nevada Legislature advances major criminal justice reform**

*The following is a statement from Len Engel, Director of Policy & Campaigns for the Crime and Justice Institute, on the Legislature's passage of [AB236](#), landmark reform legislation that will protect public safety and help control soaring prison costs. The Crime and Justice Institute provided technical assistance to Nevada leaders in development of the bill.*

“With the passage of AB236, Nevada has embraced evidence and data over fear and anecdote, advancing criminal justice legislation that will make Nevada stronger and pave the way for continued work to focus prison resources on those who pose the greatest risk to public safety.

“This legislation is the result of nearly a year of exhaustive research, debate, and compromise to arrive at a bill that moves Nevada’s criminal justice system forward and will have far-reaching positive impacts. Time and time again throughout this process, leaders on all sides of the debate have showed their dedication to putting Nevadans’ safety first and the end result reflects that commitment. AB236 continues to hold people engaged in criminal behavior accountable, prioritizing prison beds for serious and violent individuals, while strengthening alternatives to incarceration for those who commit lower-level and nonviolent offenses. The bill also includes new strategies to address the state’s behavioral health crisis, which has packed prisons with individuals suffering from addiction and unmet mental health needs.

“These changes will significantly slow growth in the state’s prison population over the next decade. By focusing on evidence-based strategies that reduce recidivism, analyzing data, and engaging stakeholders from across the political spectrum, Nevada can continue to move forward, further rein in prison growth, and give taxpayers a better return on their public safety investment.”

### **ACAJ Process & Findings**

AB236 is the result of a bipartisan effort to address prison population growth through the Justice Reinvestment Initiative (JRI), a public/private partnership between the United States Department of Justice-Bureau of Justice Assistance and the Pew Charitable Trusts. In August of 2018, Governor Sandoval, Senate Majority Leader Ford, Speaker Frierson, and Chief Justice Douglas tasked the Advisory Commission on the Administration of Justice (ACAJ) with conducting a comprehensive assessment of the state’s criminal justice system.

Over a six-month period, the ACAJ analyzed Nevada’s sentencing and community supervision data, compared the state’s policies and procedures with nationally recognized best practices, and reviewed the latest research on reducing recidivism and improving public safety. The ACAJ found that:

- Nevada’s prison population is up 7 percent since 2009.

- This growth has been driven by a 6 percent increase in admissions and a 20 percent increase in the average amount of time people serve in prison.
- For contrast, between 2009 and 2016, the overall U.S. state prison population declined by 7 percent.
- The average time served in prison has increased at similarly high rates across all offenses, including nonviolent offenses.
- This increase is even more pronounced when examining women involved in the criminal justice system. Nevada's female prison population increased four times faster than the overall prison population, climbing 29 percent.
  - The number of women sent to prison has grown 39 percent since 2008.
  - In 2017, 79 percent of women sent to prison were convicted of nonviolent offenses, primarily burglary and drug possession.
  - More than half of women sent to prison have mental health needs.
  - Studies show that women in the justice system are more likely to have been victims of trauma or abuse, suffer from mental health issues or drug or alcohol addiction.
- The state is draining its limited resources by incarcerating individuals convicted of nonviolent and low-level offenses.
  - Two out of three people sent to prison in 2017 were convicted of nonviolent, non-sex offenses.
  - 43 percent of the prison population were sentenced for non-violent offenses.
  - Sending low-level individuals to prison can expose them to more anti-social behavior and increase their likelihood of recidivism.
- Moreover, many of those entering prison are admitted for failing probation or parole.
  - Approximately 2,500 current prisoners entered prison for a parole or probation violation that did not amount to a new felony conviction.
  - Since 2008, the number of parole violators admitted grew 43 percent, and the number of probation violators admitted increased 15 percent.
  - High probation and parole failure rates result in individuals cycling in and out of prison at high cost and further strain limited resources.
- A large number of individuals who are entering prison have a mental health need requiring a treatment or medication protocol. The number of individuals admitted with an identifiable mental health need is up 35 percent since 2008.
  - Prisons are not equipped to provide adequate treatment, which leads to people with untreated behavioral health needs being released into the community with limited resources to address those needs.
- A person convicted today will spend a longer period of time in prison than a person who was convicted ten years ago for the same crime.
  - The amount of time a person is incarcerated on a sentence has increased 20 percent since 2008.
  - Compared to people sent directly to prison and released in 2012, the increase is 31 percent.
  - Longer prison stays strain resources, do not deter criminal behavior, and have not resulted in reduced recidivism.

- Sending more people to prison for longer periods of time does not reduce recidivism more than shorter periods of incarceration.
  - Over 1,500 people released in 2014 were re-incarcerated by 2017.
  - Female recidivism rates are increasing and are nearly identical to male recidivism rates.
  - 39 percent of individuals who were admitted to prison in 2017, were the result of a failure on probation or parole.
  - Studies show effective implementation of evidence-based practices that identify individuals' specific risk and needs, frontload resources, incorporate treatment, and use swift, certain, and proportional sanctions to change behavior are more effective at reducing recidivism than incarceration.

## **AB 236**

Based on these findings, the ACAJ developed a comprehensive package of recommendations to increase public safety, reduce recidivism, and shift resources to more cost effective public safety strategies. These recommendations have been translated into AB 236 and focus on policies and practices that reduce recidivism and promote public safety across the state. This bill would expand and strengthen responses to individual's with behavioral health needs by establishing criteria for Crisis Intervention Training, reinvesting in law enforcement initiatives, providing alternatives to jail for those with behavioral health needs, and ensuring specialty court practices align with national standards.

It would likewise focus prison resources on individuals involved in more serious criminal activity by aligning penalties for property and drug crimes with the severity of conduct, increasing the theft threshold to respond to changes in inflation, and streamlining the parole process.

To combat increasing admissions to prison from community supervision, the bill proposes many changes to supervision practices and bolsters reentry services for people who are returning to their community. This includes focusing probation terms on the highest risk individuals, proactively identifying and responding to the factors driving an individual's criminal behavior, and requiring the use of graduated sanctions when responding to technical violations such as a positive drug test.

AB 236, when signed into law and implemented, will avert an estimated 63 percent of the projected prison population growth, avoiding \$543 million in additional prison costs over the next 10 years.

### **Justice Reinvestment:**

Many states have adopted policies that increase public safety by reducing recidivism through a "justice reinvestment" strategy, including Georgia, Mississippi, and Utah. These states have revised sentencing and corrections policies to focus state prison beds on individuals engaged in chronic and violent criminal behavior, and invested in more effective and less costly strategies to reduce recidivism, address gaps in victims' services, and improve public safety.

With the passage of AB 236, Nevada joins the list of states that has altered its policy-making process. Nevada, like these other states, pursued a path focused on data and research and a thoughtful process designed to identify problems and develop sustainable solutions.