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Estimating the Impact of Current and Alternative Sentencing and Parole Policies

A Study Provided for the
Nevada Legislative Subcommittee 375

Submitted by

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1982

This research was sponsored by funding provided by the National Institute of Justice, U.S. Department of Justice and the National Institute of Corrections, U.S. Bureau of Prisons. Opinions stated herein are those of the authors and do not necessarily represent the official position of NIJ of NIC.

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Acknowledgements

Special thanks to Ed Mathison of the Nevada Department of Data Processing for his assistance in creating the sentencing data files. Director Rob Calderone and Deputy Director Chuck Cline of the Nevada Department of Probation and Parole were also extremely helpful in collecting and analyzing the sentencing data. Pete Demosthenes of the Nevada Department of Prisons assisted in collecting the prison admission statistics and in interpreting good-time policy. Finally, Mark Stevens of the Legislative Fiscal Analyst staff was the primary liaison between the Legislative Subcommittee and the research staff and provided most of the direction for this study.

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CHAPTER I

INTRODUCTION

Background of the Study

Considerable debate exists throughout the nation on the appropriate use of probation, incarceration, and parole by state and local governments. This debate has been heightened by the rapid increase in the prison population, despite dwindling public resources necessary for expansion of prison capacity. There is also a growing recognition among criminal justice professionals that expanding correctional capacity alone is not the answer to burgeoning prison populations. Many jurisdictions have built new prisons and jails only to see them quickly overcrowded, such that their design capacities and inmate population projections have been exceeded.

Among the states Nevada, in particular, is facing a difficult task. Although its 1983 prison population of 3,200 is not large in terms of total numbers, Nevada has the highest prison incarceration rate (354 per 100,000 in 1983) of any state (see Table 1). While reasons for Nevada's high rate are many, recent changes in historic practices related to sentencing and parole decision-making are among the two most important factors. Nevada officials have indicated that there is insufficient public revenue to "build out" of their prison crowding problem. These are also concerns that parole and sentencing policies are not structured to maximize public protection from offenders.

In light of this situation, the Nevada 1983 legislature passed Senate Bill 375 authorizing a comprehensive study of the benefits, detrements and costs of abolishing parole in the state. The thrust of the study, however, goes beyond the parole process itself. Senator Helen Foley, Subcommittee Chairperson, has indicated that the subcommittee has responsibility for studying and developing workable policies for a wide range of areas:

1. The operation of both the State Board of Parole Commissioners and the State Department of Parole and Probation.

Table 1-1

Prisoners Under Jurisdiction of State and Federal Correctional Authorities, By Region and State, Yearend 1982 and 1983

	Total			Sentenced to more than a year			Number of sentenced prisoners per 100,000 population 12/31/83[a]
	1983	1982	Percent change	1983	1982	Percent change	
United States	**438,830**	**414,362**	**5.9**	**419,820**	**395,948**	**6.0**	**179**
Male	419,811	396,439	5.9	402,391	379,374	6.1	352
Female	19,019	17,923	6.1	17,429	16,574	5.2	14
Federal institutions	31,926	29,673	7.6	26,331	23,652	11.3	11
State institutions	406,904	384,689	5.8	393,489	372,296	5.7	167
Northeast	**65,680**	**60,203**	**9.1**	**63,076**	**57,181**	**10.3**	**127**
Maine[c]	1,049	999	5.0	858	781	9.9	75
New Hampshire	479	445	7.6	479	445	7.6	50
Vermont[d]	497	599	-17.0	378	435	-13.1	72
Massachusetts	4,559	4,623	-1.4	4,559	4,527	0.7	79
Rhode Island[d]	1,157	1,037	11.6	878	781	12.4	92
Connecticut[d]	5,474	5,836	-6.2	3,577	3,809	-6.1	114
New York	30,489	27,951	9.1	30,489	27,951	9.1	172
New Jersey	10,209	8,191	24.6	10,159	7,990	27.1	136
Pennsylvania	11,767	10,522	11.8	11,699	10,462	11.8	98
North Central	**81,640**	**78,549**	**3.9**	**79,624**	**77,353**	**2.9**	**135**
Ohio	17,766	17,317	2.6	16,686	17,317	-3.6	155
Indiana	9,360	8,790	6.5	8,973	8,295	8.2	164
Illinois	15,595	14,293	9.1	15,522	13,949	11.3	135
Michigan	14,382	15,224	-5.5	14,382	15,224	-5.5	159
Wisconsin	4,898	4,670	4.9	4,862	4,670	4.1	102
Minnesota	2,156	2,081	3.6	2,156	2,081	3.6	52
Iowa[b]	2,814	2,829	-0.5	2,676	2,709	-1.2	92
Missouri	8,053	7,445	8.2	8,053	7,445	8.2	162
North Dakota	410	322	27.3	350	276	26.8	51
South Dakota	824	791	4.2	807	755	6.9	115
Nebraska	1,677	1,709	-1.9	1,452	1,554	-6.6	91
Kansas	3,705	3,078	20.4	3,705	3,078	20.4	152
South	**186,373**	**180,946**	**3.0**	**180,348**	**175,145**	**3.0**	**225**
Delaware	2,190	2,062	6.2	1,659	1,507	10.1	273
Maryland	12,606	11,012	14.5	11,968	10,427	14.8	277
District of Columbia	4,344	4,081	6.4	3,465	3,351	3.4	558
Virginia	10,093	10,079	0.1	9,855	9,715	1.4	177
West Virginia	1,628	1,729	-5.8	1,628	1,729	-5.8	83
North Carolina	15,395	16,578	-7.1	14,257	15,358	-7.2	233
South Carolina	9,583	9,137	4.9	9,076	8,629	5.2	276
Georgia	15,347	14,416	6.5	14,929	14,049	6.3	259
Florida	26,334	27,830	-5.4	25,385	27,139	-6.5	235
Kentucky	4,738	4,077	16.2	4,738	4,077	16.2	127
Tennessee	8,768	7,869	11.4	8,768	7,869	11.4	187
Alabama	9,856	9,233	6.7	9,641	8,581	12.4	243
Mississippi	5,586	5,484	1.9	5,481	5,359	2.3	211
Arkansas	4,183	3,925	6.6	4,167	3,921	6.3	179
Louisiana	12,976	10,935	18.7	12,976	10,935	18.7	290
Oklahoma	7,487	6,350	17.9	7,096	6,350	11.7	212
Texas	35,259	36,149	-2.5	35,259	36,149	-2.5	221
West	**73,211**	**64,991**	**12.6**	**70,441**	**62,617**	**12.5**	**152**
Montana	850	914	-7.0	850	914	-7.0	104
Idaho	1,206	1,047	15.2	1,205	1,047	15.1	121
Wyoming	721	702	2.7	721	702	2.7	138
Colorado	3,450	3,042	13.4	3,450	3,042	13.4	109
New Mexico	2,013	1,718	17.2	2,013	1,447	39.1	142
Arizona	6,889	6,069	13.5	6,693	6,048	10.7	223
Utah	1,275	1,216	4.9	1,262	1,199	5.3	77
Nevada	3,200	2,712	18.0	3,200	2,712	18.0	354
Washington	6,701	6,322	6.0	6,701	6,322	6.0	155
Oregon	4,181	3,867	8.1	4,181	3,867	8.1	157
California	39,360	34,640	13.6	38,025	33,583	13.2	150
Alaska	1,634	1,306	25.1	1,075	856	25.6	219
Hawaii	1,731	1,436	20.5	1,065	878	21.3	103

* Source: Bureau of Justice Statistics, April 1984.

2. The criteria used to grant parole, including good time credits and the length of time offenders must serve before becoming eligible for parole.

3. The effects of any changes in the state parole system, including the use of guidelines, sentencing commissions, or determinate sentencing.

4. The fiscal effects of any of these changes.

Thus, the scope of work for the SB375 Subcommittee involves the State's criminal justice system from sentencing through parole and represents a rare opportunity for a state with centralized probation, prison, and parole systems to develop a systematic policy for handling convicted offenders.[1/]

This report summarizes the findings of major statistical analyses and is intended to provide some guidance to the Subcommittee in its consideration of various sentencing and parole model systems. As such, the entire research effort represents a unique opportunity to coordinate and maximize federal, state, and private resources to guide correctional policy and assist correctional practitioners. It also represents a model approach for other states considering major changes in sentencing and parole systems and how to estimate the effects of such policy changes on prison populations and fiscal costs.

Previous Work in Nevada

Prior to 1982, Nevada had little systematic information concerning the adult criminal justice system. Aware of this lack of accurate planning data, the legislature authorized the establishment of a legislative committee to develop a prison master plan for the State by 1982. As part of its mandate, the committee contracted with the National Council on Crime and Delinquency Research Center (NCCD) to complete the following research tasks:

1/ The 13-member subcommittee is composed of six legislators and seven members from other sectors: the Director of the Nevada Department of Prisons (NDP), the Chief Parole and Probation Officer, a state parole comissioner, a district judge, a district attorney, a member of the law enforcement community, and a private attorney who specializes in criminal defense.

1. Develop a statistical profile of prison admissions.
2. Develop a statistical profile of prison releases.
3. Develop a profile of the daily prison population.
4. Evaluate the security needs of the prison population using various classification models.
5. Develop a prison population model sensitive to changes in criminal justice policies.
6. Produce 10 year prison population forecasts.

At the completion of the committe's role in the fall of 1982, all of these research tasks had been completed. Futhermore, Nevada is now making an aggressive effort to institutionalize the data systems developed by NCCD. It should be noted that NCCD is continuing work to (1) implement the National Institute of Corrections classification model, (2) develop a comprehensive management information system, and (3) train data processing staff in the use of a prison population projection model that is sensitive to criminal justice policy.

At the heart of this work is the prison population projection model. This model has been used by the Board of Prison Terms of the California Department of Corrections and is being implemented for the Illinois Department of Corrections by NCCD. Without going into detail, the projection model allows legislative and correctional officials to estimate the effects of changes in sentencing, prison and parole policies on correctional growth.[2/] The model allows legislative deliberations to focus on fiscal and policy outcomes rather than to become excessively preoccupied with philosophical debates over the purpose of imprisonment. As such, it may prove to be an effective tool for

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2/ The model reports monthly projections of both prison and parole populations. It will also be possible to refine the model so that it can produce a probation population estimate if sentencing data are incorporated into the model's program. For more detailed information on the model's components and use, please see NCCD, 1982.

legislative committees such as the SB375 Subcommittee, which are responsible for developing recommendations with respect to the future of parole and sentencing law.

Recently, Nevada has relied upon this projection model to assess pending legislation. During the past legislative session, the Nevada legislature introduced numerous bills intended to further reform sentencing and parole decisionmaking. In addition, bills affecting the amount of good-time awarded inmates, which would affect lengths of time served by prisoners, were introduced. Model projections were conducted and showed that these bills would lead to dramatic increases in the size of the current prison population. Accordingly, it appears that most of these bills were not passed since state resources could not be provided to expand the system at the rate projected by the model.

Unmet Informational and Planning Needs

Although Nevada has made important strides toward improving its information and planning capacity, two major information gaps did remain: sentencing and parole decision-making data. Both of these decision points are of major importance to policy-makers and require close monitoring and analysis. Prior to this study, however, insufficient data existed to analyze current policies or assess the impact of future legislative reforms.

During the past two years, the proportion of offenders sentenced to prison by the Nevada courts was believed to have increased. Sentence length has also increased. Parole release rates have also been changing rapidly. Staff of the 1982 prison master plan study found that the granting of parole at first hearings decreased dramatically from a 60 percent release rate to a 30 percent release rate. Furthermore, the rate of parole revocations had increased from 15 percent to 27 percent. These two developments at the "back end" of the system created a need for additional funds to house an additional 400 inmates in fiscal year 1983 alone.

The recent flurry of uncoordinated legislative activities and criminal justice system changes represented a major (and not uncommon) obstacle to managing Nevada's correctional systems in a planned and coordinated fashion. Little systemic control of the major decision points of sentencing and parole existed, making it difficult to coordinate a correctional policy based on the values of equity, certainty, public safety and cost effectiveness. Nevada's officials recognize that to formulate a rational, systemwide policy, the legislature must gain control over key decision points that have an impact on probation, prison and parole systems.

Approach and Research Design

Nevada officials are specifically interested to determine if sentencing, prison and parole policies can be changed to meet the primary objective of ensuring selective incapacitation of dangerous offenders within the fiscal limits of the State's correctional resources. Selective incapacitation, put briefly, recognizes that a minority of prison inmates are high-risk offenders who require certain and long-term imprisonment (RAND, 1982). The majority of inmates, on the other hand, are believed to require short-term imprisonment or possible placement on probation. By selectively incapacitating those persons defined by statute as high-risk offenders for longer periods of time and reducing terms for low-risk offenders, prison population growth can be effectively controlled and public safety maintained at current crime rates. By restructuring sentencing, good-time credits and parole release criteria, the State can rationally allocate resources to its probation, prison and parole agencies. Further, unbridled discretion by the courts and parole board can be replaced by certainty and equity in these key decision points of sentencing and parole.

A primary objective of this research project, therefore, was to examine the feasibility of implementing principles of sentencing and parole release policies used by other states and to assess their impact on Nevada's prison population as well as other components of the correctional system.

Description of the Data Used For Analysis

To conduct the necessary analysis three data files were created:

A. Sentencing Data

B. Prison Admissions Data

C. Parole Board Data

Sentencing Data

A major concern has been the extent to which Nevada's criminal courts were sentencing offenders in a fair and consistent manner. Associated with this question of equity, was the need to use computer simulations of alternative sentencing schemes to assess the likely impact of such sentencing schemes on prison population growth.

To accomplish these analytic tasks a representative sample of criminal cases sentenced by the court to either probation or prison was required. More specifically, the sample had to consist of felony cases only where the decision to imprison or place on probation is generally at the discretion of the court.[3/]

Since July, 1983 all court convictions for felony and gross misdemeanor offenses were entered on a newly developed probation and parole automated system. Between July 1, 1983 and March 1, 1984 approximately 2300 case records had been computerized. Unfortunately, no resources had been made available by the State to transform this management base data file into a fixed length file amenable to statistical analysis.

Research staff met with the State's data processing staff to (1) identify the specific data elements required for analysis and (2) develop a procedure for creating a fixed length file to be written on tape and forwarded to NCCD for analysis. Once this was accomplished NCCD staff were able to create a Statistical Analysis System (SAS) file which was used to conduct statistical analysis of Nevada's courts' sentencing decisions.

3/ There are a few crimes listed where the decision to imprison is not optional to the court.

Two important limitations of this data file should be noted. First, not all court decisions are fully recorded on the automated system. Only in cases where pre-sentenced reports are filed by probation staff are complete data on the offender and offense entered into the system. This means that for a substantial number of cases (estimated at 25 percent) incomplete data exist. This problem can be corrected only by mandating that the courts require a pre-sentence report prior to sentencing or seeking some alternative means for collecting the data after sentencing.

Second, the system is actually a case-based and not a person-based system. In other words, the unit of analysis is criminal charges and not offenders. To convert the data base into a person-based system required considerable programming and internal logic check. Additional programming work should be completed in the future to ensure that a capacity to routinely convert or merge criminal cases to offenders is maintained for the state.[4/]

Prison Admissions

In addition to the sentencing data file which includes offenders convicted and sentenced to prison, a prison admissions file was created. Resources needed to create this file were provided through a National Institute of Corrections (NIC) grant to assist NDP develop their own classification system using numerical factors. The purpose of this system was to provide a sufficiently detailed data file on all persons admitted to prison, in order that it would not have the problem of the sentencing file where approximately 25 percent of all prison admissions are not fully recorded, i.e., persons re-admitted to prison for parole violations and persons admitted to prison for 120 days of observation prior to sentencing.

4/ The Nevada Department of Probation and Parole is in the process of contracting with NCCD to ensure this work is completed during the next six months.

The prison admissions file also contains more detailed information on the characteristics of offenders which is needed to conduct computer simulations of classification levels. In short, it is the most complete and detailed information set for prison admissions.

A systematic random sample of 399 inmates admitted to prison on alternating months in 1983 (January, March, May and July) was used. Assuming there is no major bias caused by seasonal variations in sentencing practices, the sample should be statistically representative of the 1983 admissions population.

This data file is principally used to feed or load the simulation prison populations model which requires detailed information on all persons admitted to prison. It is also used to make comparisons on how the characteristics of prison admissions have changed since the 1982 Prison Master Plan which also analyzed prison admission characteristics.

Parole Decision Making Data

The third data file collected detailed information on all inmates appearing before the Nevada Parole and Pardon Board. As noted earlier, the legislature was desirous of understanding what the rate of parole was in Nevada and what factors were associated with decisions to grant or deny release.

The Board has no automated system upon which statistical analysis can be easily conducted. However, it has a well maintained and detailed manual system for all parole hearings. Much of the data contained in this manual system are compatable with the sentencing and prison admissions files, in terms of inmate characteristics at the time of sentencing. In addition to parole decision outcomes, these files also contain valuable information on institutional conduct, program participation, staff/warden recommendations and parole plans.

To quickly collect and computerize a sample of 2,000 plus decisions made annually by the Board, a systematic random sample was employed. A roster of all decisions made from January 1, 1983 - March 1, 1984, in chronological order, was provided by the Board. From this list, a sample of approximately 470 cases was selected by including every fourth case.

This file is used for several purposes. First, it provides the State with the first systematic analysis of current Parole Board practices. Second, given the detail of data contained in the file, it is possible to simulate alternative parole release criteria suggested by the Subcommittee or being used by other states. Alternative parole release criteria affect the probabilities of being granted parole at each hearing for the inmate over the course of his/her incarceration. The "new" probabilities can be inserted into the projection model to estimate the impact of these criteria on the State's prison population.

Structure of the Report

The following chapters systematically detail sentencing and parole analyses, plus the major prison population projections completed for Subcommittee 375. Chapters 2 and 3 present analysis of the sentencing and parole decision-making practices, respectively. Chapter 4 presents prison population simulations based on alternative sentencing, parole and good-time policies. Chapter 5 summarizes the major findings of the study and offers suggestions for future research and information needs for Nevada.

CHAPTER 2

SENTENCING PRACTICES

Introduction

Perhaps the most critical decision-point affecting prison population size is the court's sentencing decision. Like most states, Nevada's criminal courts have considerable discretionary authority to determine if an offender should be committed to prison and for what period of incarceration.

There are nine district courts in Nevada which process criminal cases brought before them by the State's district attorneys. Once a defendant is found guilty, the court must dispose of the case by pronouncing the appropriate sentence. What follows is a statistical overview of what factors the Nevada courts use to make sentencing decisions. The specific mandate of the analysis was to learn to what extent the courts make prison and probation dispositions in a fair and equitable fashion.

Method of Analysis

Two distinct types of analysis were conducted. First, an examination of factors associated with the decision to commit to prison in lieu of probation was conducted. In Nevada, persons convicted of most felonies are, at the discretion of the court, eligible to be sentenced either to probation or State prison. There are a few offenses for violent crimes when the judge has no such discretion and where prison terms (usually minimum terms of five years, ten years, or life with or without the possibility of parole) are mandated. These offenses, however, represent only a small proportion (less than 12 percent of all prison admissions and less than six percent of all felony convictions each year) of the court's work.

To answer the issue of equity in case dispositions (i.e., the probation vs. prison decision) the sample of all felony convictions was separated into three analytic groups;

- felony convictions receiving a probation (including jail) disposition,

- felony convictions receiving a prison disposition,
- felony convictions receiving an "other" disposition (e.g. fine, restitution, jail only sentence).

As the "other" category only represented three percent of all dispositions the primary focus of analysis was the prison versus probation disposition. By analyzing differences between the two primary dispositional populations, variables which best discriminate an offender's differential membership in either the prison or probation disposition groups can be identified. One can then make de facto conclusions, using more sophisticated multi-variate analysis, about which offender characteristics are the best "predictors" of whether a convicted felon will receive a prison or probation disposition from the court.

The second level of sentencing analysis dealt with the issue of sentence length which is another part of the equity equation. It could be that the courts are quite equitable in their decisions to place a person in prison versus probation, but at the same time demonstrate substantial disparity in determining prison sentence lengths. In other words, do offenders convicted of similar offenses receive similar prison terms?

To answer this question, this research analyzed data concerning the sentence length of persons admitted to prison while controlling for offense and prior record characteristics. If disparity does not exist then persons convicted of a similar crime with a similar prior record should receive a similar disposition.

Sentencing Disposition Rates

Forty two percent of all criminal cases resulting in a conviction are sentenced to prison (see Table 2-1). Although no national data exist to evaluate how high this rate is with other jurisdictions, available data from four other states where similar statistics are kept suggest that this rate is comparatively higher than for other states (see Table 2-2).

When examining prison disposition rates by each of the nine district courts (see Table 2-3) two findings stand out. First, two districts (Clark and Washoe representing the Reno and Las Vegas metropolitan areas) account for 82 percent of all prison

Table 2-1
Dispositions Of Felony Convictions

	N	%
State Prison	633	41.5%
Probation (with or without jail)	856	56.1%
Fine, jail only, other	38	2.5%
Total	1527	100.0%

Note: Percentages may not total to 100.0% due to rounding.

Table 2-2

Proportion of Felony Cases Resulting In Prison

For Selected States

Nevada	42%	(1983)
Illinois	38%	(1982)
California	33%	(1982)
Minnesota	22%	(1983)
Washington	20%	(1983)

Table 2-3

Proportion of Felony Cases Resulting In Prison

By Nevada's District Courts

District Court	N	%
1	26	42.6%
2 (Washoe)	144	39.1%
3	17	40.5%
4	11	32.4%
5	11	57.9%
6	9	47.4%
7	7	58.3%
8 (Clark)	377	43.3%
9	31	73.8%

commitments occurring in felony cases. Second, considerable disparity exists among the districts in their prison disposition rates. In particular, some of the smaller district courts have very high disposition rates but these differences are somewhat tempered by the relatively high numbers of cases processed by Clark and Washoe. The issue of disparity among these district courts is explored in greater detail later on in this chapter.

Factors Associated with the Probation versus Prison Decision

The bivariate analysis (offender characteristics by court disposition) indicated that the following offender characteristics were associated (at $p \leq .05$) with the two primary court dispositions;

Current Charge Variables

1. Type of offense committed
2. Criminal court status at arrest
3. Pretrial release status at arrest
4. Weapon used in crime

Prior Record Variables

5. Prior arrests
6. Prior convictions
7. Prior probations
8. Prior jail sentences
9. Prior prison sentences
10. Prior paroles

Personal Characteristic Variables

11. Sex
12. Race
13. Nevada versus other state residency

The direction (or relationship) of these variables with the court's disposition indicate that persons sentenced to prison tend to be charged with more serious and violent crimes, were under some form of criminal court status, had not been released pretrial, used a weapon in the crime, had a more extensive criminal record, resided outside of the State, were male, and were Black.

From a judicial perspective most of these offender characteristics related to prison commitment would be considered appropriate. In other words, compared with other offenders one would expect that a higher proportion of persons be sentenced to prison

when they are convicted of violent crimes, have more serious prior records, and have used a weapon(s) in the commission of their crimes. However, the social characteristics of race and sex generally are not viewed as appropriate factors upon which to base sentencing decisions. It could be, however, that these two social factors actually reflect the legal factors, i.e., Blacks and males tend to be assoicated with more serious crime and extensive prior criminal records.

To further clarify the bivariate analysis, a multiple stepwise regression analysis was conducted. The purpose of this statistical technique is to simultaneously sort out the relative effects of all the variables found to be associated with the court dispoistion variable. For example, it is possible to examine whether the trend of Blacks having a higher probability of receiving a prison term remains after taking into account the effects of the other variables. If Blacks have more extensive prior records and are charged with more serious crimes, then the regression analysis should show that race is not a significant variable in the regression model predicting court dispositions predicting court dispositions.

Three findings of the regression analysis are noteworthy (see Table 2-4). First, the best predictors of court dispositions were the legal variables. Specifically these were:

- Type of Offense Committed
- Criminal Court Status of Offender at Time of Arrest
- Number of Prior Arrests
- Number of Prior Felony Convictions
- Weapon Used in Current Offense

Second, sex and race persist as predictors of court disposition although they are much less powerful than the legal variables. For Blacks, this is related to the fact that they tend to be convicted of more serious charges, use a weapon in the crime and have more prior arrests. However, the fact that being Black still maintains some influence in the model suggests that race, independent of the other factors, was an influence on court dispositions.

Table 2-4

Results of Stepwise Multiple Regression*

Variable Entered	F	Prob F
Type of Offense Committed	158.4	.0001
Number of Prior Felony Convictions	77.42	.0001
Criminal Court Status at Arrest	80.8	.0001
Number of Prior Arrests	55.9	.0001
Male	26.1	.0001
Weapon Used in Current Offense	17.7	.0001
Black	5.9	.0153

Culminative R Square = .37 F = 106.1

* Maximum R-Square Improvement for Dependent Variable Court Disposition (1 = prison, 2 = probation, X 1.574 S.D. = .494)

Third, the total amount of variation explained by this linear model of court disposition is relatively high. An R^2 of .337 indicates that 33.7 percent of the variation in court dispositions is explained by these seven variables. Conversely, 66 percent of the variation is explained by other factors or measurement error. Although this may seem like a high level of predictive error, compared to other studies of court dispositions it is a fairly strong figure. Nevertheless, a significant portion of the court's behavior is not being explained by the seven variable model.

Disparity in Sentence Length

The second factor to consider in evaluating the court's decision to imprison is sentence length. Unlike the issue of court disposition, variance in sentence length is expected according to specific offense groups. However, one would not expect variation with these groups or among judges at district courts.

A first step in analyzing sentence length is to determine to what extent variation exists in the sentence lengths given out by Nevada's judges. When considering each of the State's nine court districts a considerable range in sentence lengths was found (see Table 2-5). However, as with analysis of court dispositions, these differences may be legitimate if differences among the courts in offender characteristics or differences in the types of criminal cases coming before the district courts exist.

To explore these issues more carefully the district courts were grouped into two categories;

1. Low sentence district courts (i.e., districts where the median sentence length was below the State's median sentence length).

2. High sentence district courts (i.e., districts where the median sentence length was above the State's median sentence length).

As a further control measure, median sentence lengths by the major criminal offenses for both the high and low districts were produced (see Table 2-6). This analysis revealed that with three exceptions, the low districts continued to show significantly lower sentence

Table 2-5

Nevada Prison Sentence Lengths By Distric Court

District	N	Median (Mos.)	Mean (Mos.)	Mode (Mos.)	Death/Life N	Death/Life %
1	26	54	78	36	(2)	8%
2	144	36	57	36	(3)	1%
3	17	36	48	36	(0)	-
4	11	24	51	24	(1)	9%
5	11	36	53	36	(2)	18%
6	9	60	83	60	(0)	-
7	7	37	44	12	(1)	14%
8	377	60	81	36	(31)	8%
9	31	24	51	12	(2)	6%
TOTAL	633	48	72	36	(42)	7%

Median - The midpoint of all sentence lengths

Mean - The arithmetic average of all sentence lenths

Mode - The most frequent sentence length.

Table 2-6

Sentence Length By Court District By Offense

	Low Districts[1]			High Districts[2]		
	N*	Median	Life/Death	N*	Median	Life/Death*
Murder	5	60	2	17	120	10
Manslaughter	9	120	0	9	72	0
Rape	13	84	4	31	120	16
Robbery	27	72	0	73	120	0
Assault	4	54	0	4	60	1
Kidnapping	6	60	0	13	72	0
Other Sex	7	36	1	4	54	0
Arson	0	0	0	2	66	0
Burglary	19	42	0	46	60	1
Larceny/Theft	20	24	0	54	39	0
Forgery	7	36	0	14	48	0
Fraud	2	42	0	1	60	0
Stolen Property	20	36	0	9	36	0
Weapons	1	30	0	5	36	0
Drugs	32	36	1	38	48	0
Gambling	4	36	0	5	60	0
DUI	19	24	0	9	36	0
Other Traffic	1	24	0	1	36	0
Escape	4	12	0	4	30	0
Other	4	30	0	12	42	0
Missing	14	54	1	59	48	5

1 Districts 2, 3, 4, 5, 7, 9

2 Districts 1, 6, 8

* Includes Life/Death Sentences

length even when controlling for offense type. For example, a person convicted of rape in District 2, 3, 4, 5, 7, or 9 is likely to receive a sentence of 84 months compared to a sentence of 120 months in District 1, 6, or 8. In total, such differences persisted for 17 of the 20 major offenses shown.

However, given the already documented influence of prior record variables on the court's decision to sentence to prison, it may be that the high district courts process offenders with more extensive prior criminal histories which would justify their longer sentence lengths. To test this hypothesis a prior record index score was computed for prison commitments of those convicted of rape, robbery, buglary, larceny/theft and drugs. These offenses were chosen because they constitute the major offense groups and provide a diverse mix of property and personal crimes. The prior record index simply represented the average (mean) number of prior arrests, misdemeanor convictions, felony convictions jail sentences, and prison sentences. It is important to note that this index is not a measure of prior offenses alone. For example, a person arrested, convicted of a misdemeanor crime and receiving a short jail sentence will have a score of three for a single crime. Nevertheless, the index does provide a means for controlling for the effects of offenders' prior records on sentence length.

It appears that, overall, the high district courts do process offenders with more extensive prior records (see Table 2-7). However, this difference is neither large (a 2.5 difference in prior record scores for all offenses) nor consistent. For example, both robbery and larceny/theft cases processed by the low district courts have prior index scores greater than or about equal to the high district courts. Yet the low district courts hand out prison terms 15-48 months less than those given by the high district courts for these two crimes. The major conclusion to be drawn from these data is that substantial disparity in setting prison sentence lengths exists even after controlling for type of offense and the prior records of offenders. Depending upon how this disparity is reduced,

Table 2-7

Prior Record Index Score of Prison Commitments By Selected Offense Groups [1]

Offense	Low Districts [2]	High Districts [3]
Rape	8.0	10.0
Robbery	13.0	10.0
Burglary	8.0	14.0
Larceny/Theft	16.5	17.5
Drugs	9.0	20.5
All Offenses	11.5	14.0

1 Prior record index score consists of total number of prior arrests, prior misdemeanor convictions, prior felony convictions, prior jail sentences, and prior prison. Life and death sentences excluded.

2 Districts 2, 3, 4, 5, 7, 9

3 Districts 1, 6, 8

and in which direction, will have major consequences for prison population growth. For example, if Nevada's courts all adopted the practices of the high district courts in setting sentence lengths the State's prison population would likely increase quite substantially.

Summary

- 42 percent of all persons convicted to felony crimes are sentenced to prison This rate is higher than for other states capable of reporting disposition rates
- In making their decisions to sentence an offender to prison versus probation the judges tend to sentence disproportionate numbers of offenders charged with person crimes, under criminal court status at arrest, have histories of arrests and convictions, and who used a weapon in the crime. Males and Blacks are also more likely to receive prison terms.
- Considerable disparity exists among the district courts in their sentence lengths These differences in sentence length among the district courts persist after controlling for offense type and prior record characteristics

Chapter 3

CURRENT PAROLE DECISION-MAKING PRACTICES

Introduction

The second most important factor affecting prison population size is the Parole Board's decision to grant release or retain the inmate within the prison system. In Nevada, there has been a profound shift in the Board's parole practices which has had an accompanying impact on the prison population. Specifically, the Board has significantly reduced the likelihood of an inmate being granted parole. In 1979, for example, the Nevada Parole Board reported that 60 percent of all their hearings resulted in a favorable parole decision. By 1982 that decision rate had been reduced to less than 30 percent. The net result has been longer lengths of stay in prison which in turn has increased the prison population.

Concerned about these trends, the Legislative Sub-committee directed its inquiry to the Board's decision-making process. Similar to sentencing practices, analysis was requested to better understand on what basis (i.e., what factors) the Board is presently making decisions and what effect alternative parole release policies would have on the size of Nevada's prison population.

Probability of Parole

The likelihood of an inmate receiving parole has decreased substantially. About 15 percent of all parole hearings result in the Board granting an inmate unconditional parole within Nevada (see Table 3-1). The total parole grant rate is actually 34 percent but this statistic includes several options which do not translate into actual release from prison. Seven percent of the hearings result in parole to consecutive sentences. In these instances, the Board is allowing those inmates serving consecutive sentences for multiple offenses to begin serving their next sentence and does not reflect the release of the inmate to the community.

Table 3-1

Parole Board Decisions For All Hearings

(1983)*

	N (463)	Percent (100.0%)
DENIED		
To Next Hearing	235	50.6
Expiration of Sentence	62	13.4
Inmate's Request	8	1.7
GRANTED		
To Consecutive Sentence	30	6.5
To Other State	46	9.9
To Hold/Detainer	13	2.8
Unconditional Parole	69	14.9
TOTAL Parole Rate	158	34.2

* Also includes January and February, 1984

Similarly, parole to holds or detainers (3 percent), and other states (10 percent) do not necessarily translate into release from prison. Inmates whose parole is conditioned upon residency in another state must receive the approval of that state's parole authority before release from Nevada can take effect. Similarly, paroles to detainers and holds may mean that an inmate is being transferred to the custody of another state or local jurisdiction. Here again, approval of such a transfer must take place prior to release from Nevada's state prison system.

The most predictable decision of the Board is denial. Fifty-one percent of all decisions result in a flat denial and an additional 13 percent result in a denial of parole through expirations of the inmate's sentence. The latter statistic reflects a situation where the inmate's sentence will expire before another hearing can be scheduled. If the Board continues its current trend of granting few paroles, one can expect the frequency of denials to expirations of sentence to increase over the next few years.

Analysis was also conducted on the reasons cited by the Board for denial of parole. For each case, when parole is denied the Board can cite as many as 13 official factors justifying their decision (see Table 3-2). Because the Board can give more than one reason for its decision to deny parole, there were 1,218 reasons given for the 305 denial cases (an average of four per case). For purposes of this analysis, the reasons were grouped into five major categorical factors: previous criminal history, current offense, institutional behavior, public safety, and other miscellaneous factors.

The most common factors cited by the Board relate to public safety concerns (26 percent), current offense factors (29 percent) and the extent of the inmate's prior criminal history (15 percent). The Board seems to pay less attention to the inmate's progress within the institution (only 9 percent of all reasons for denial) or inadequate plans for parole (8 percent). These trends suggest that the Board bases many of its decisions on factors already taken into account by the court at sentencing (prior record

Table 3-2

Official Reasons for Denying Parole

	Reasons	N (1218)	Percent (100.0)
I.	Previous Criminal History	189	15.5%
II.	Current Offense Factors		
	Injured Victim With Weapon	145	11.9%
	Nature and Severity of Crime	164	13.5%
	Lessen Seriousness of Crime	74	6.1%
	Multiple Offense with Violence	9	0.7%
	TOTAL Current Offense Factors	392	29.2%
III.	Institutional Behavior Factors		
	Unsatisfactory Institutional Adjustment	62	5.1%
	Inadequate Program Participation	12	1.0%
	Poor Adjustment	37	3.0%
	TOTAL Institutional Factor	111	9.1%
IV.	Inadequate Parole Plans	94	7.7%
V.	Public Safety Concerns		
	Threat to Society	22	1.8%
	Public Safety-General	298	24.5%
	TOTAL Public Safety		26.3%
VI.	Other Factors		
	Further Evaluation Necessary	84	6.9%
	Other	28	2.3%
	TOTAL Other	112	9.2%

and current offense characteristics) and what the Board believes the inmate is likely to do in the future (public safety). The latter point is especially noteworthy given that the Board has no empirically derived screening instrument in place, based upon the actual experiences of Nevada parolees, to guide their predictive-based decisions. States which use the liklihood of failure or success on parole as a criterion for release have developed empirically-based release criteria which identify high and low risk candidates for release. In a subsequent chapter, such a predictive parole release model is applied to the Nevada parole decision-making sample to estimate how such a model could affect parole board practices.

Factors Associated with the Parole Decision

On what basis is the board making their decisions to grant or deny parole? The first level analysis was a bivariate analysis where a number of background variables were crosstabulated with parole decisions to determine which variables were associated with the outcome decision. Unlike the sentencing decision analysis, only eight variables were found to be related (at $p \leq .05$) to parole decisions. These different variables, four of which reflected institutional behavior, were:

Current Charge Variables

1. Type of Offense
2. Number of Counts

Institutional Adjustment

3. Warden's Recommendation
4. Disciplinary Tickets
5. Administrative Segregation
6. Disciplinary Problem

Personnel Characteristics

7. Race
8. Drug Use

These bivariate relationships indicated that inmates denied parole tend to be charged with crimes against persons, had multiple counts, demonstrated a poor institutional record, were Black and had a history of drug use.

As with the sentencing analysis, most of these factors, with the exception of race, would be viewed as appropriate and in the expected direction. However, it is important to remember that most inmates are not paroled, meaning that substantial numbers of inmates with contrary characteristics are also being denied parole. For example, although 73 percent of inmates convicted of violent crimes are denied parole, 65 percent of the property offenders are also denied parole. While this eight percent difference is statistically significant, it is of less substantive importance given the low parole grant rate in Nevada for all offenders.

To clarify the strength of these variables in predicting Parole Board decisions, multiple regression analysis was conducted using these eight variables. As with the sentencing analysis, the purpose of this statistical procedure is to control for the interactive effects of the various variables identified thus far, as well as to evaluate the overall strength of the model in explaining variance in parole decisions.

The regression analysis revealed that the Warden's recommendation for parole and whether the inmate is labeled as a disciplinary problem by institutional staff are the two best predictors of whether the Board grants or denies parole (see Table 3-3). Clearly, these two variables plus two other variables noted above (i.e., the total number of disciplinary tickets and administrative segregation) are statistically and substantively interrelated (see Table 3-4), suggesting that the Board relies most heavily upon the conduct of an inmate in determining his/her appropriateness for release on parole.

However, one should also note the overall inability of this regression model to have as much predictive power ($R^2 = .166$) as the sentencing regression model. This was likely due to the lack of variation in the dichotomous dependent parole decision variable (i.e., only 33 percent receive parole orders). In situations where the dependent variable is heavily skewed (and without a normal distribution), prediction of rare events (in this case paroles being granted) is extremely difficult. Prediction of parole denied is relatively

Table 3-3

Results of Stepwise Multiple Regression

Variable Entered	F	Prob F
Warden's Recommendation	14.90	.0001
Hearing Number	4.58	.0330
Total Disciplinary Ticket	1.00	.3172
Disciplinary Problem	28.32	.0001

Culminative R Square = .166 F = 48.80

* Maximum R Square Improvement for Dependent Variable Parole Decision (1=Denied, 2=Granted, x=1.271, S.D=.445).

Table 3-4

Correlation Matrix of Institutional Behavior Variables

	Total Ticket	Adm. Seg.	Disp. Prob.	Warden Rec.
Total Ticket	1.00		-	-
Adm. Segregation	-.54	1.00	-	-
Disp. Prob.	-.55	.48	1.00	-
Warden Rec.	.30	-.26	-.35	1.00

easy since they occur so frequently, but it is much more difficult to predict the more rare occurrence of parole granted.

The problem in parole prediction can be illustrated using simple crosstabulation tables of the two more important variables; Warden's recommendation and disciplinary problem (see Table 3-5). Inmates who are defined as a disciplinary problem or not recommended for parole by the Warden are almost certain to not be granted parole. However, a majority of inmates who (1) are not a disciplinary problem (67 percent), and (2) are recommended for parole by the Wardens also do not receive parole (56 percent). It is also interesting to note that the Wardens recommend parole in 64 percent of all cases - a rate similar to the Board's parole rate of 60 percent in 1979.

Clearly, what is now happening in Nevada is a uniform trend toward less use of parole. Inmates, largely independent of their behavior during institutional confinement, their criminal history, type of current offense and other factors, are not likely to be paroled. Institutional behavior has some limited effect on an immate's likelihood of being granted release by the Board.

Summary

- 34 percent of all inmates appearing before the Board are granted parole. This rate is substantially below the rate of 60 percent reported in 1979.
- Only 15 percent of all inmates appearing before the Board are paroled directly to Nevada. Over half of the parole grant orders are conditional paroles or paroles to consecutive sentences or detainers and holds from other jurisdictions. The best predictors of an inmate being granted parole are the Warden's recommendation and disciplinary record. However, the overall predictability of the Board is quite low.
- Overall, the Board has adopted a conservative parole release policy with an increasing trend toward a general denial policy.

Table 3-5

Parole Decision By Warden's Recommendation and Disciplinary Problem

	Parol Decision		
	Denied (284)	Granted (123)	Total (434)
Disciplinary Problem			
Yes	96.4%	3.6%	12.7%
No	66.7%	33.3%	87.3%
Warden's Recommendation			
Deny	94.6%	5.4%	36.1%
Parole	55.8%	44.2%	63.9%

Chapter 4

PRISON POPULATION SIMULATION PROJECTIONS

Introduction

The previous two chapters analyzed current sentencing and parole practices in Nevada. Both analyses identified several trends in current practice. For two reasons, however, these trends may not be desirable from a public policy perspective. First, there is evidence that sentencing and parole decisions are not grounded in explicit criteria which, in turn, create undesirable levels of disparity in sentencing and parole decision points. In sentencing decisions, disparity is most evident in the setting of sentence lengths. The Parole Board, on the other hand, appears to be increasingly dependent upon a general policy of denying parole in the majority of cases, independent of other factors. A possible alternative to these trends is the adoption of sentencing and parole guidelines which, at a minimum, would make the criteria at these critical decision points more explicit and equitable.

A second major trend concerns the State's increasing reliance upon imprisonment which, in turn, is aggravating the State's prison crowding problem. Compared to other states, Nevada's courts have a relatively high prison disposition rate for convicted felons. This form of disposition translates into a relatively high prison admission rate and a relatively low rate of commitment to probation. Furthermore, the trend toward fewer paroles being granted means longer lengths of stay in prison which, in turn, increases the prison population. Collectively, trends of (1) high prison commitment rates, (2) low parole rates, plus (3) high crime rates, and (4) a projected increasing state population (4 percent annual increase), provide some explanation about why Nevada now has the highest incarceration rate in the nation and the highest in the State's history.

The Nevada legislature is concerned that these trends will unnecessarily produce a chronic overcrowded prison system at tremendous fiscal cost to the State throughout the next decade. The Subcommittee members requested that analysis be conducted to learn

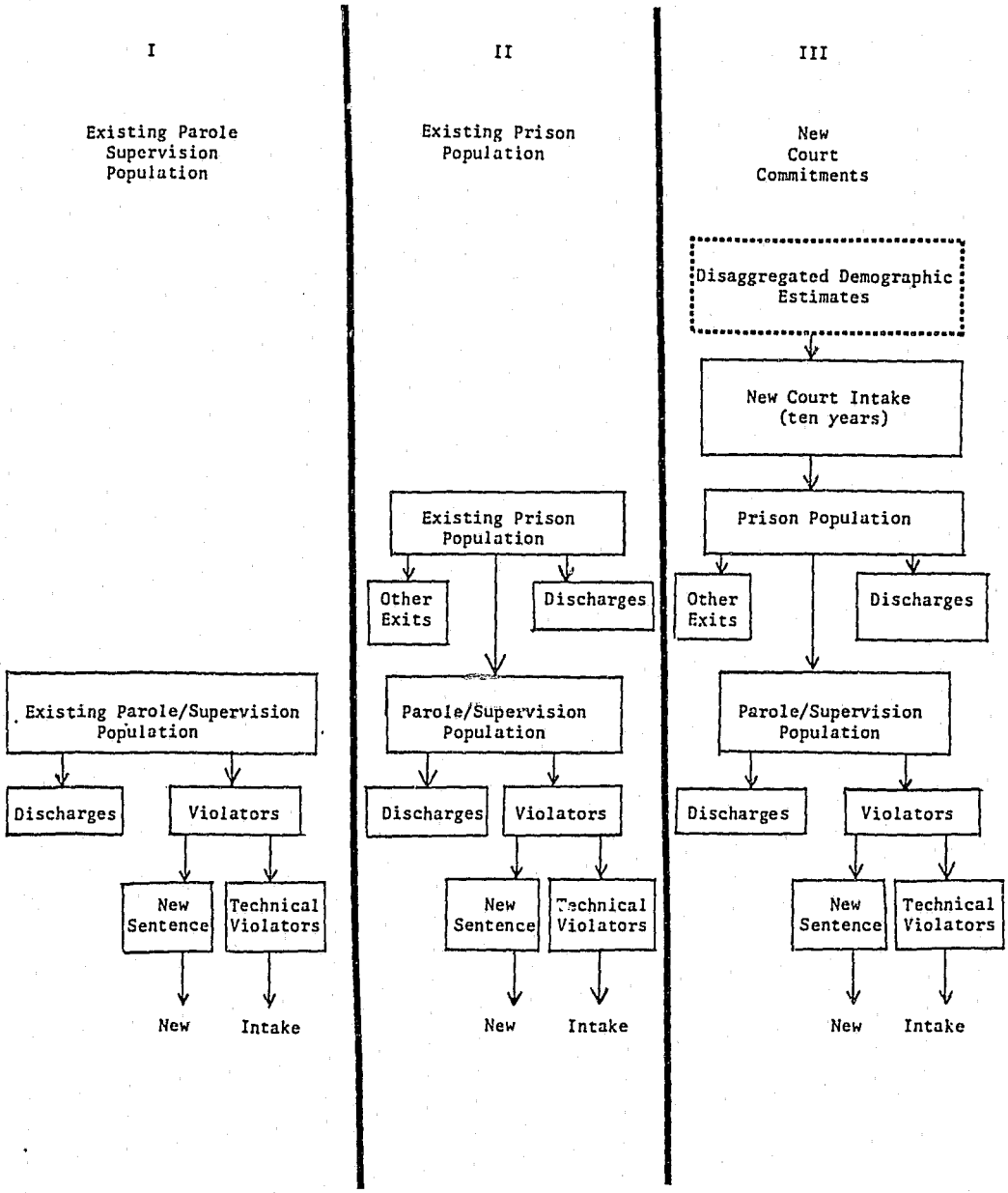
if adoption of a certain sentencing, parole and good-time policies (as practiced by other states) would help help control prison population growth and reduce sentencing disparities. Consequently, Subcommittee staff requested that a series of prison population scenarios be simulated using the NCCD projection model to estimate their likely effects on prison population size. What follows in this chapter is a description of the methods used to simulate alternative policies and the results of these simulation analyses.

Projection Methods

A major product of the 1982 Prison Masterplan study completed by the National Council on Crime and Delinquency (NCCD) was the development of a prison population model capable of projecting the size of future prison populations and simulating the impact of alternative correctional policies. The model allows one to artificially initiate change in one aspect of the criminal justice process and maintain current practices in other components not affected by the new policy. In correctional reform, this capability is essential since many reforms only affect new prison admissions and not the existing probation, prison and parole populations. For example, legislation proposing to alter sentence length would not be retroactive to those offenders already serving time in prison or sentenced to probation.

A conceptual overview of the model is shown on the following page. Briefly, the model disaggregates the correctional population into three major subcomponents: existing parole population, existing prison population, and new prison intake population. In terms of statistical properties, this model is commonly called a stochatic entity simulation model. It is stochatic (or probabilistic) in the sense that random numbers are used in the process, and an entity simulation in the sense that the model is conceptually designed around the movement of individuals through the prison system. More generally, it utilizes Monte Carlo simulation techniques because random numbers are used to simulate the flow or persons through prison and parole systems. In addition to Nevada, similar models are being used in California and Illinois to project their correctional populations.

NCCD Prison and Parole Population Disaggregated Simulation Model Conceptual Design



Current Projection

The last official projection submitted by NCCD was in 1982 as part of the Prison Masterplan. Although that projection has proven to be quite accurate thus far, a revised projection was needed given recent policy developments in Nevada. First and foremost, the 1982 projection did not take into account an increasing parole denial rate. The 1982 projections assumed that 30 percent of all inmates appearing before the Board would be paroled. It is now known that this rate is too high and needs to be adjusted downward to reflect current Board policy.

Also affecting prison population estimates are changes in sentencing laws and court practices which affect the number and type of inmates admitted to prison each year. These changes have not been as significant as the parole release factor but still require adjustments in the model. Such factors have been accounted for by updating the admission parameters; specifically, annual admission rates and sentence length distributions.

Annual admission numbers are estimated for ten years using a disaggregated demographic technique developed by Blumstein (1980) and used for the 1982 projection. Because certain sex, age, and ethnic groups are known to have high incarceration rates, it is essential to know to what extent these "at risk" demographic groups will grow. Nevada is a growth state and expected to increase its state population substantially over the next decade. As more persons reside in Nevada, one can expect that the number of males aged 18-39 will also increase. This demographic group is the one most likely to be arrested and incarcerated. Consequently, prison admissions can be expected increase unless changes are made in sentencing policies.

With all of these adjustments made in the model, a new updated projection was completed (see Table 4-1). This projection has the following key assumptions:

1. Annual Admission Growth Rate of 4 Percent for new prison commitments from court.

Table 4-1

Nevada Prison Population Projection

NCCD 1982 and 1984

Fiscal Year	1982 Projection	1984 Projection
83-84	3400	3450
84-85	3625	3725
85-86	4025	4075
86-87	4450	4450
87-88	4750	4875
88-89	4975	5325
89-90	5350	5725
90-91	5575	6225
91-92	N/A	6600
92-93	N/A	7000

2. Parole Probability of 26 percent paroled at Hearing 1; 41 percent paroled at Hearing 2; 42 percent paroled at Hearings 3 and 4; and 50 percent paroled at Hearing 5.

This projection estimates that the state's prison population will grow to 7,000 by Fiscal Year 1992-1993 if there are no changes in these major assumptions. Compared to the 1982 projection (also provided in Table 4-1), this growth represents a substantial increase which is largely driven by the greater restriction of parole which begins to have major effects in Fiscal Year 88-89. In the 1982 projection, the parole probabilites were substantially higher (i.e., 30 percent paroled at Hearing I; 60 percent paroled at Hearing 2; 90 percent paroled at Hearing 3; 95 percent paroled at Hearing 4; and 99 percent paroled at Hearing 5). If the current parole policy remains in effect throughout the decade, inmates with long sentences will begin to increasingly stack-up over the decade and have substantial consequences for prison population growth.

Conversely, there are two factors which may reduce the projected growth in Nevada. First, the Board may return to its earlier practices. It would be hard to imagine a scenario where the Board could become more conservative in its present practices, but it is possible that the Board might return to its policies of 1979, 1980 and 1981 when 45-60 percent of all hearings resulted in parole being granted. Such a shift would substantially reduce the ten year projection.

Second, the number of new court admissions may also decrease to a rate below the projected demographic growth rate of the state. This could be attributable to the fact that crime is down nationally and fewer persons are being arrested and convicted for felony level offenses. In the last four months of Fiscal Year 1983-84, admissions did level off to a one percent growth rate. If this continues, the ten year projection would also be reduced.

Both of these potential trends point out the need to constantly monitor and update the projection model with the most current and accurate data. Ideally, new projections should be issued every six months by NDP to provide the State with accurate population

growth analysis. Such timely analysis will provide information to base operational budget needs and long-term capital expansion needs. This is not being done at this time as NDP staff require training in order to take over the NCCD model. Immediate steps are needed to improve both information systems and staffing needed to properly maintain the projection model.

Alternative Sentencing Guideline Models

Sentencing reforms primarily impact the number of offenders committed to prison and the sentence lengths handed out by the court. In the course of the Subcommittee's public hearings, testimony was heard from a number of experts from other states and Federal agencies on how several states reformed their sentencing systems. The Subcommitte was especially interested in the Minnesota Sentencing Guidelines model which had successfully controlled population growth and reduced disparity. This model relies principally on two factors to sentence convicted felons; current offense category and prior convictions. An example of the scoring grid is shown on the following page.

In terms of computer simulation, it was possible to estimate what impact this model would have on Nevada's sentencing practices by applying the model's criteria to Nevada's convicted felon population. The principle purpose of this simulation was to estimate how the Minnesota model would alter the current prison disposition rate of 42 percent noted in Chapter 2. Minnesota's prison disposition rate is substantially lower at 22 percent.

Initial results reveal that if Nevada fully adopted the Minnesota model it would reduce the prison dispostion rate to 27 percent (see Table 4-3). Some Subcommittee staff felt this was too low and requested a more moderate rate of 35 percent be used as a Nevada version of the guidelines model. This was done by slightly increasing the guideline for a few of the property offenders with less severe criminal histories (see Table 4-2).

Minnesota Guidelines Model

MINNESOTA SENTENCING GUIDELINES GRID

Presumptive Sentence Lengths in Months

Italicized numbers within the grid denote the range within which a judge may sentence without the sentence being deemed a departure.

SEVERITY LEVELS OF CONVICTION OFFENSE		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
Unauthorized Use of Motor Vehicle Possession of Marijuana	I	12*	12*	12*	15	18	21	24 *23-25*
Theft Related Crimes ($150-$2500) Sale of Marijuana	II	12*	12*	14	17	20	23	27 *25-29*
Theft Crimes ($150-$2500)	III	12*	13	16	19	22 *21-23*	27 *25-29*	32 *30-34*
Burglary-Felony Intent Receiving Stolen Goods ($150-$2500)	IV	12*	15	18	21	25 *24-26*	32 *30-34*	41 *37-45*
Simple Robbery	V	18	23	27	30 *29-31*	38 *36-40*	46 *43-49*	54 *50-58*
Assault 2nd Degree	VI	21	26	30	34 *33-35*	44 *42-46*	54 *50-58*	65 *60-70*
Aggravated Robbery	VII	24 *23-25*	32 *30-34*	41 *38-44*	49 *45-53*	65 *60-70*	81 *75-87*	97 *90-104*
Assault 1st Degree Criminal Sexual Conduct, 1st Degree	VIII	43 *41-45*	54 *50-58*	65 *60-70*	76 *71-81*	95 *89-101*	113 *106-120*	132 *124-140*
Murder, 3rd Degree	IX	97 *94-100*	119 *116-122*	127 *124-130*	149 *143-155*	176 *168-184*	205 *192-215*	230 *218-242*
Murder, 2nd Degree	X	116 *111-121*	140 *133-147*	162 *153-171*	203 *192-214*	243 *231-255*	284 *270-298*	324 *309-339*

1st Degree murder is excluded from the guidelines by law and continues to have a mandatory life sentence.

*one year and one day

Note: Cells below heavy line receive a presumptive prison sentence. Cells above the heavy line receive a presumptive non-prison sentence (and the numbers in those cells refer only to duration of confinement if probation is revoked.)

[Rev. Eff. 8/1/81]

Table 4-2

Sentencing Disposition Scores of Nevada Offenders Using Minnesota and Modified Minnesota Guideline

FREQUENCY	.	0	1	2	3	4	5	6+	TOTAL
.	0	39	23	16	10	5	4	15	.
1	0	25	18	10	4	5	1	6	69
2	0	238	133	59	37	14	7	17	505
3	0	81	61	32	9	13	4	17	217
4	0	91	42	23	13	3	8	9	189
5	0	30	33	15	13	2	3	3	99
6	0	19	23	10	12	4	0	4	72
7	1	42	28	19	21	3	8	4	125
8	0	39	24	10	10	1	1	3	88
9	0	15	5	5	2	0	0	1	28
10	0	13	4	1	2	2	0	2	24
TOTAL	.	593	371	184	123	47	32	66	1416

* Upper line reflects modified Minnesota criteria.
Lower line reflects original Minnesota criteria.
Numbers within cells reflect offenders assigned to that specific cell.

Table 4-3

PRISON POPULATION PROJECTIONS

Sentencing Guideline Models

FY	Current	Minnesota Model*	Nevada Model**
83-84	3450	3450	3450
84-85	3725	3725	3725
85-86	4075	4075	4075
86-87	4450	4450	4450
87-88	4875	4575	4825
88-89	5325	4600	5025
89-90	5725	4700	5275
90-91	6225	4775	5500
91-92	6600	4950	5800
92-93	7000	5050	6100

Assumptions:

1. 4% Annual Admission Growth Rate
2. Guidelines start July 1, 1987
3. Six month lag between effective date and first change in prison intake
4. Not retroactive to existing population
5. Parole Probabilities of .26, .41, .42, .42, .50 for both current and new intake populations

* Assumes a .27 Prison Disposition Rate

** Assumes a .35 Prison Disposition Rate

Three technical points should be noted here. First, it was assumed that the sentencing law would not take effect until July 1, 1987 and that there would be a time lag of six months before the first noticeable change in actual prison admissions would be apparent. Second, the law would not be retroactive to the existing felon population. And third, the current parole board system and sentencing system would remain in effect including current parole release probabilities. In actuality, both the sentence length and parole function would likely be changed substantially if the State were to adopt a determinate sentencing structure like Minnesota. However, at this time it was not possible to estimate the extent of these changes. By maintaining current sentence length and parole probabilities, these projections assume that the current length of stay in prison will remain as it is now.

The results of the two projections (Minnesota and Nevada version of Minnesota) indicate that both sentencing reforms would have major effects on prison population growth (see Table 4-3). The Minnesota model would essentially "cap" the population by 1987 and keep it at a flat rate through 1993. The Nevada version, although not as dramatic, would also have a major impact on reducing projected prison growth.

Alternative Sentence Length

A second set of reforms affecting sentencing focused on adjusting current sentence lengths. Testimony had also been given to the Subcommittee on the highly promoted selective incapacitation concept. This approach simply means that high risk offenders would spend longer terms in prisons and less risky offenders would have their terms reduced. Because violent or high risk offenders represent a minority of all prison admissions, these adjustments could be made without increasing the prison population. Futhermore, public safety would be enhanced since the more dangerous offenders would be incapacitated for longer periods of time (assuming, of course, that such offenders can be identified).

The Subcommittee specifically recommended that a simulation be done where an offender committed to prison for crimes of violence (murder, manslaughter, rape, kidnapping, arson, robbery, battery, and assault) would have their sentences increased by 25 percent. This group of offenders would represent the high risk group. All other offenders would have their sentences reduced by 25 percent. A second scenario was also tested where violent offenders had their sentence lengths increased by 50 percent while reducing all other offenders' sentence length by 25 percent.

In both simulations, it is assumed that the sentence length changes would not take effect until July 1, 1985 with a six month lag factor. Current parole probabilities remain constant and the legislation would not be retroactive to the current prison population.

The results of these simulations demonstrate that adopting such sentencing policy would have minimal impact on population growth (see Table 4-4). This finding reflects the distribution of Nevada's violent and non-violent offenders actually admitted to prison. Less than 25 percent of all NDP prison admissions are for violent crimes. Even though sentence lengths for these offenders are already quite long, increasing their prison terms an additional 25 to 50 percent is compensated for by reducing the sentence length of the majority of prison admissions (75 percent non-violent) by 25 percent. Consequently, there would be virtually no impact on the projected population growth over a ten year period.

Alternative Parole Policies

The next set of policy simulations centered on adjustments in current parole release rates. Subcommittee members were greatly concerned with the increasing trend toward parole denials and its subsequent impact on prison crowding. Furthermore, the analysis of parole decision-making discussed in Chapter 3 showed that the Board is not using explicit criteria for its decisions. Similar to sentencing, the Subcommittee was interested in the effects of using a more structured guideline approach to parole release decisions.

Table 4-4

PRISON POPULATION PROJECTION
Sentence Length Revisions

FY	Current	25/25[1]	50/25[2]
83-84	3450	3450	3450
84-85	3725	3725	3725
85-86	4075	4125	4150
86-87	4450	4425	4450
87-88	4875	4750	4750
88-89	5325	5150	5150
89-90	5725	5600	5600
90-91	6225	6025	6100
91-92	6600	6450	6550
92-93	7000	6775	6950

1 Assumes 25% increase in sentence lengths for persons convicted of following crimes; Murder, Manslaughter, Rape, Kidnapping, Arson, Robbery, Battery, Assault, and all other Sex Crimes.

All other crimes have sentence lengths reduced by 25%

2 Assumes 50% increase in sentence lengths for persons convicted of following crimes; Murder, Manslaughter, Rape, Kidnapping, Arson, Robbery, Battery, Assault, and all other Sex Crimes.

All other crimes have sentence lengths reduced by 25%

Assumptions:

1. 4% Annual Admission Growth Rate
2. Parole Probabilities of .26, .41, .42, .42, .50
3. Legislation takes effect July 1, 1985
4. 6 month lag time before first admission to prison affected by new law.
5. Not retroactive to existing prison population

Two specific policy options were proposed. The first was a parole guideline model now being used by the Pennsylvania Board of Probation and Parole. Pennsylvania's model is, in part, a predictive model which uses factors found to be related to actual parole performance. Furthermore, the model is also objective since it uses a point scoring matrix to provide for equity in the parole decision-making process. The Board may deviate from an inmate's designated score only if a written explanation is provided justifying the exception to policy. It should also be added that almost 80 percent of the cases appearing before the Pennsylvania Board are paroled. Furthermore, over 81 percent of offenders released on parole are not recommitted to prison or abscond supervison after a one year follow-up suggesting the model is fairly successful in identifying the low risk parole candidates.

Not unexpectedly, analysis indicates that if Nevada adopted the Pennsylvania approach the probabilities of being granted parole would increase substantially to a level of 72 percent. This figure is calculated by applying the Pennsylvania factors to the sample of Nevada inmates appearing before the Nevada Parole Board. Applying this change to the current projection model, a drop of over 1,000 beds would occur by 1993. This projection assumes the parole policy would not take effect until January 1, 1986 (see Table 4-5).

A second option for modifying current parole practices was developed by the Subcommitee staff. Their criteria suggested the creation of the following four classes of offenders who would have certain parole release probablities:

Class I	Property Offender - No Prior Felony Convictions (High Probability)
Class II	Property Offender - Prior Felony Conviction(s) (Moderate Probability)
Class III	Violent Offender - No Prior Felony Conviction (Low Probability)
Class IV	Violent Offender - Prior Felony Conviction (Minimal Probability)

If this approach were used by the Board, a higher composite parole release rate would take effect (50 percent release rate Hearing I; 65 percent release rate Hearing 2; 75 percent release rate Hearing 3; 77 percent release rate Hearing 4; and 79 percent

Table 4-5

PRISON POPULATION PROJECTION

Parole Guideline Models

FY	Current	Proposed Nevada*	Pennsylvania**
83-84	3450	3450	3450
84-85	3725	3725	3725
85-86	4075	3875	3875
86-87	4450	3825	3675
87-88	4875	4100	3900
88-89	5325	4475	4225
89-90	5725	4975	4700
90-91	6225	5475	5125
91-92	6600	5900	5500
92-93	7000	6300	5975

Major Assumptions:
1. Guidelines effective January 1, 1986
2. Guidelines retroactive to current population
3. 4 percent Annual Admission Increase
4. No change in sentencing or goodtime policies

* Proposed Nevada: Parole Probabilities changed to .50, .65, .75, .77, .79 for both new intake and current population.

** Pennsylvania: Parole Probabilities changed to .72, .72, .72, .72, .72 for both new intake and current population.

release rate Hearing 5). This, in turn, would produce a ten year projection of 6300 or 700 less than the current estimate (see Table 4-5). In summary, both attempts to implement parole guidelines would result in substantial reductions in the projected population.

Abolition of Parole

Subcommittee 375 was initially created to study the potential effects of abolishing the current parole release system altogether. Criticisms had been raised by legislative and criminal justice officials that the Parole Board selectively released offenders who subsequently committed serious crimes quickly after release. As an alternative, would it not be possible to simply eliminate parole and require inmates to serve their entire term in prison?

In Nevada, inmates are generally discharged from prison without parole supervision after serving approximately 61 percent of their sentence. It is also estimated that inmates are generally eligible for parole at 21 percent of their sentence, thus creating a spread of some 40 percentage points in sentence length during which the Board has the authority to grant release.

Although the Board is presently using highly restrictive release criteria, more than half of inmates released from prison are released to parole prior to sentence expiration. Compared to previous years, the vast majority of Nevada inmates must wait until their third, fourth, or beyond hearings before the Board grants release. The policy to be tested here would be no parole for inmates, meaning that they would serve the estimated 61 percent of their original sentence. The major assumptions of the projection simulation were that the new law would take effect July 1, 1985, that six month lag factor would be in effect, and that it would not be retroactive to the current population.

The results of this simulation indicate that a substantial increase would occur in the prison population (see Table 4-6). A net increase of over 2,000 beds beyond the current projection would be needed to accommodate the effects of longer prison terms

Table 4-6

PRISON POPULATION PROJECTION
Abolition of Parole

FY	Current	Parole Abolished
83-84	3450	3450
84-85	3725	3725
85-86	4075	4075
86-87	4450	4450
87-88	4875	5100
88-89	5325	5925
89-90	5725	6700
90-91	6225	7625
91-92	6600	8350
92-93	7000	9025

Assumptions:

1. Parole Abolished for persons arrested after July 1, 1985
2. Parole still in effect for existing prison population/not retroactive
3. Lag time of six months between July 1, 1985 and first admission to prison affected by new law.
4. 4% Annual Admission Growth Rate
5. Parole Probability of .26, .41, .42, .42, .50

for new prison admissions. Furthermore, the increased rate of growth likely would continue for several years beyond.

Alternative Good-Time Policies

The final set of projections centered on modifications in the schedule of statutory good-time allowable to inmates. Inmates are allowed to have time taken off their sentences through positive institutional behavior. These meritorious good-time (MGT) deductions, as they are called, affect both the inmate's initial parole eligibility release date and the inmate's maximum sentence expiration date. The present legislation and policies which determine how much time and how often time can be granted are extremely complex and confusing. For example, in addition to statutory good-time credits, inmates can receive additional credits for giving blood or participating in specific work programs or activities.

Widespread agreement exists that the current system needs to be overhauled and reformed. Some members of the Subcommittee also suggested that the awarding of good-time be tied more closely to the behavior of the inmate. Presently, inmates receive substantial amounts of credits, not for participating in programs but more for simply staying out of trouble in the institution. Consequently, inmates can receive substantial reductions in their prison terms by doing nothing.

A number of proposals were considered by the Subcommittee which would impact both minimum parole eligibility date and maximum expiration date. As noted previously, the current projection assumed that most inmates will be eligible for parole at 21 percent of their sentence and will be discharged by the time they have served at least 61 percent of their sentence if parole is not granted.[5/] The difficult task for the simulations of alternative good-time policies was to estimate how these policies would impact the 21 percent and 61 percent estimates. It is difficult to estimate the proportion of

5/ The model separately analyzes inmates with statutory minimum parole eligibility dates and those with life sentences without possibility of parole.

inmates eligible for different types of good-time credits without knowing if the Department of Prisons will have sufficient programs and work assignments. Consequently, all of the following projections are extremely tenuous.

Five initial proposals were presented by the Subcommittee staff to adjust current good-time calculations. Each policy contained three types of days; for disciplinary behavior inside the prison walls, work performed inside the prison walls, and work performed outside the prison walls. These days could be deducted from either the minimum or maximum sentence lengths. For example, secenario A represents a maximum of 30 days for each months served to be deducted off both the minimum and maximum parole eligibility dates (see Table 4-7). Scenario B uses the same formula but applies it only to the maximum sentence only. These rates are then calculated as to how they impact assumptions in the projection model.

All but two of the suggested formulas would increase prison populations (see Table 4-7). The greatest reduction was the NDP proposal which included 30 days of MGT per year for 25 percent of the population. The most conservative formula (Scenario D) provided for no more than 15 days per month with no MGT time.

After much debate, a final proposal was suggested by the Subcommittee which included a 5/10/15 plus 30 MGT days per inmate per year at the discretion of the Director of prisons (see Table 4-8). This simulation suggests a slight increase of 375 beds will occur on the ten year period. However, the tenuous nature of this projection needs to be recalled.

Table 4-7

PRISON POPULATION PROJECTION

Good Time Provision

FY	Current	A	B	C	D	NDP
83-84	3450	3450	3450	3450	3450	3450
84-85	3725	3725	3725	3725	3725	3725
85-86	4075	4075	4125	4175	4325	3950
86-87	4450	4450	4550	4550	4750	4250
87-88	4875	4875	5000	5075	5325	4625
88-89	5325	5325	5550	5575	5875	5025
89-90	5725	5725	6050	6075	6425	5500
90-91	6225	6225	6500	6625	7050	5950
91-92	6600	6600	7075	7075	7650	6450
92-93	7000	7000	7500	7775	8225	6850

Assumptions:
1. 4% Annual Admission Growth Rate
2. Effective July 1, 1985
3. Not Retroactive
4. Parole Probability of .26, .41, .42, .42, .50

A. 10/10/10 Goodtime off minimum (.21) and maximum (.61)

B. 10/10/10 Goodtime off maximum only (.33) (.61)

C. 5/10/10 Goodtime off minimum (.23) and maximum (.68)

D. 5/5/5 Goodtime off minimum (.26) and maximum (.79)

NDP: 10/10/10 Goodtime of minimum (.21) and maximum (.61) plus 30 days MGT per year for 25% of existing and incoming population

Table 4-8

PRISON POPULATION PROJECTION

Good - Time Reform

FY	Current	5/10/15 + 30 MGT Days
83-84	3450	3450
84-85	3725	3725
85-86	4075	4125
86-87	4450	4500
87-88	4875	5975
88-89	5325	5450
89-90	5725	5900
90-91	6225	6425
91-92	6600	6825
92-93	7000	7375

Assumptions:

1. 4% Annual Admission Growth Rate
2. Effective July 1, 1985
3. Not Retroactive to Existing Population
4. Parole Probability of .26, .41, .42, .42, .50
5. Restricted Use of 30 MGT Authority

Table 4-9

Simultaneous Simulations
Sentencing and Nevada Parole Guideline Models

FY	Current	Nevada Sentencing Nevada Parole Models	Minnesota Sentencing and Nevada Parole Models
83-84	3450	3450	3450
84-85	3725	3725	3725
85-86	4075	3875	3875
86-87	4450	3825	3825
87-88	4875	3950	3825
88-89	5325	4125	3800
89-90	5725	4525	3925
90-91	6225	4825	4100
91-92	6600	5175	4325
92-93	7000	5575	4550

Same individual assumptions are maintained for projections presented previously for Nevada Sentencing Guideline, Minnesota Sentencing Guidelines, and Nevada Parole Guideline Models.

Combining Sentencing, Parole and Good-Time Policies

The final projection produced for the SB375 Subcommittee took into account the simultaneous effects of adopting sentencing, parole and good-time policy reforms. Such a simulation would allow the Subcommittee to estimate the interactive effects of policies introduced over a staggered time period and affecting both the rate of admissions to prison and prison terms.

A variety of sentencing, parole and good-time policy combinations were analyzed before the Subcommittee selected what members considered to be the two most likely options for Nevada. These combinations consisted of using the Nevada version of sentencing guidelines (or modified Minnesota model) and the Minnesota sentencing guideline model with the proposed Nevada parole guideline model and the 5, 10, 15 plus 30 MGT good-time system. The result of this simultaneous simulation indicated a 1,425 (or 23 percent) reduction in the current prison population projection (Table 4-9). A more dramatic reduction of 2,450 (or 35 percent) would be achieved if the State were to adopt the pure Minnesota model since that model would enhance the diversion of property offenders to probation.

CHAPTER 5

IMPACT OF SENTENCING AND PAROLE REFORMS ON PAROLE, PROBATION, AND PRISON CLASSIFICATION

A common weakness in correctional policy analysis is the absence of a system-wide perspective which would account for change in other aspects of the correctional system. Many reforms which focus on modification of the number of offenders sentenced to prison and inmate release practice also will have secondary effects on probation and parole populations. In the case of Nevada, the major reforms being considered would accelerate the numbers of offenders being placed both on probation and on parole. These secondary effects must be accounted for to accurately estimate the additional costs of managing a larger community correctional population.

One can also anticipate that as more selective sentencing and parole release guideline models are implemented changes in the characteristics of the prison population will also evolve. These changes will inevitably alter the security needs of the prison population toward the higher classification levels.6/

The purpose of this chapter is to present broad estimates of how the major sentencing and parole proposals presented in the previous chapter will impact the future size of probation and parole populations as well as the security needs of the prison system. For purpose of simplicity, the analysis will be limited to the two major proposals recommended by the legislative subcommittee: Nevada Sentencing Guidelines and Nevada Parole Guidelines models.

6/ One could also argue that similar classification changes will develop for probation and parole populations as different types of offenders are channelled by the court and the Parole Board. However, since no correct classification data exists for probation and parole, this kind of analysis will not be presented.

Parole Population Estimates

The Nevada prison population projection model produces estimates of parole population movements which are essential to accurate prison population estimates. A parole board release sub-module internal to the overall model provides probabilities on the likelihood of an inmate being granted parole at his first, second, third, fourth and fifth hearings as well as expected length of parole supervision. As the release probabilities are increased, as they are for the proposed Nevada Parole Guidelines model, inmates are then released at a faster rate to parole supervision status, which in turn increases future parole population projections.

Table 5-1 summarizes both the current parole population estimates as well as those projected assuming the state adopts either parole guidelines or parole guidelines and sentencing guidelines. The latter projection simultaneously takes into account the effects of more parolees and fewer prison admissions. Please note that this table includes only in-state parole population estimates. Nevada by virtue of its gaming industry and its geographic proximity to California has a significant out-of-state parole population (estimated at 34 percent). The current projection model does not internally adjust for this out-of-state parolee population. The adjustment is made for this table by simply reducing the raw calculated parole population by 34 percent.

If only the Nevada sentencing guidelines model is adopted, a slight reduction in the state's parole population will begin in fiscal year 1988-89. The reduction is small for two reasons. First, the Board is already quite restrictive in its use of parole. Sentencing guidelines will serve principally to direct the number of offenders committed to prison and not necessarily increase the parole rate. Second, sentencing guidelines would not be adopted until July 1, 1987, with the first observable change in prison admissions unlikely to occur until January, 1988. And, it will be 1-2 years before a large number of these new prison admissions begin appearing before the Board further diluting the immediate impact on parole population size.

Table 5-1

In-State Parole Population Projections*

Fy	Current	Nevada Sentencing	Nevada Parole	Nevada Sentencing/Parole
83-84	675	675	675	675
84-85	725	725	725	725
85-86	750	750	825	750
86-87	800	775	1075	1075
87-88	825	800	1150	1100
88-89	850	825	1225	1125
89-90	900	825	1275	1125
90-91	925	850	1325	1150
91-92	950	850	1350	1150
92-93	975	875	1375	1175

*Assumes a .36 reduction of total parole population for offenders released to other jurisdictions.

Conversely, adoption only of the Nevada Parole Guidelines model would dramatically increase the parole rate for all inmates beginning in fiscal year 1985-1986. The parole population is thus expected to increase by 400 to 1,375 by July, 1993. However, if one adopts both reforms and the projected parole population is reduced to 1,175 by June 30, 1993, reflecting the countervailing effects of a reduced prison admission rate and an increased parole rate.

Probation Population Estimates

Unlike the parole population estimates, the current projection model does not produce probation population estimates.7/ Consequently, determining how the probation population would be affected by proposed reforms is quite tenious. However, it is possible to provide gross estimates on the expected direction and magnitude of the changes using rather straightforward statistical proceedures.

At the outset, reforms affecting parole release rates can effectively be discounted from this discussion as they will have minimal impact on probation population. The only possible impact would be a slight increase in probation if one assumes that by increasing the number of offenders released on parole, a high number of parolees discharged from parole supervision would be elegible to commit additional crimes and thus be placed on probation (or recommitted to prison). However, such estimates are quite speculative.

The primary reform likely to impact probation populations is the Nevada Sentencing Guideline model which would divert 17 percent of the current prison admission population to probation. Although precise estimates can be made of how this reform will increase probation commitments, there is little data for estimating the projected length of probation supervision for these offenders. Probation officials did report that felony probationers spend approximately 24 months on supervision. Using this

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7/ A probation population projection model could be developed but would require detailed information on probation admisssions, current probation population, and a probation exit cohort.

estimated length of stay with the projected increase in probation committments beginning January 1, 1988, one can calculate the expected growth in the probation population as shown in Table 5-2. By June 1993, the probation population is expected to grow to 3,325 if no sentencing reforms are adopted assuming a 4 percent admission growth rate at the 24 month length of supervision. If the proposed sentencing legislation is adopted, this number would increase by 675 or a total of 4,000 offenders on probation.

Impact on Prison Classification

The final estimates to be made concerns the impact of these reforms on the characteristics of the prison population which in turn impact the security needs of the prison system. Reforms like sentencing guidelines which serve to divert the less serious offender will also transform the residual prison population into a smaller but more "secure" population requiring higher security and more expensive cells. Although it is difficult to arrive at precise estimates of how those reforms will affect classification some attempt must be made to at least suggest on a broad level the direction and dimension of the expected changes.

As with the discussion on probation populations, the primary reform to be concerned with is the Nevada Sentencing Guideline model. This reform will have the most direct effect on what type of offenders are committed to prison. Increasing parole probabilities does have some further effect, but not at the level of sentencing guidelines unless one assumes that those released sooner on parole only represent lower security risks.

For purposes of the Sentencing Guideline analysis, an estimated 17 percent reduction in prison admissions, which would represent only minimum security inmates, is assumed. Applying this assumption to the classification estimates produced in the 1982 Prison Masterplan, reduces the number of minimum security inmates admitted to prison by some 38 percent. Furthermore, by applying the estimated length of stay for minimum security inmate to the reduced number of minimum security admissions while holding

Table 5-2

Projected Felon Probation Population

FY	Current	Nevada Sentencing Guidelines
83-84	2325	2325
84-85	2425	2425
85-86	2525	2525
86-87	2625	2625
87-88	2725	3025
88-89	2825	3425
89-90	2950	3550
90-91	3075	3700
91-92	3175	3852
92-93	3325	4000

Assumptions:

1. Current Average Length of Stay on Felony Probation estimated at 24 months and remains constant.
2. 4 percent annual increase in admissions to probation.
3. Sentencing Guideline Model takes effect July 1, 1987, with six month lag on actual impact.

constant the estimated number of admissions and length of stay for medium and maximum security inmates, one can estimate new classification levels for the prison system (Table 5-3). The major shifts are reductions in minimum security inmate and increases by the medium security populations. A slight increase in maximum security inmates is also expected. These changes would not begin until fiscal year 1988 and be fully felt by fiscal year 1989 reflecting the gradual trickling of offenders into the prison system.

Estimating similar effects for the adoption of parole guidelines with and without the presence of sentencing guidelines was done by making assumptions on the expected length of time served by each classification level. For purposes of this analysis, an assumption was made that maximum security inmates would have their terms reduced by one month, medium security by two months, and minimum security by three months. This is based on no hard data but more on the expected trends one could reasonably expect if the Board began selectively easing its release criteria.

Using this assumtion on reduced prison terms, one can see that parole guidelines will produce a modest but further "hardening" of the inmate population. The greatest number of high security inmates would be experienced if sentencing and parole guidelines are both implemented reflecting both diversion of and shortened prison terms for inmates requiring minimum security.

Summary

- Adoption of the Nevada Sentencing Guidelines model would reduce the projected FY 1993 daily parole population by 10 percent (100 parolees) but increase the projected FY 1993 daily probation population by 20 percent (675 probationers). In terms of classification, this reform would reduce the need for minimum security cells and increase the need for medium and maximum security cells.

- Adoption of the Nevada Parole Guidelines model would increase the projected FY 1993 parole population by 41 percent (400 parolees) but have minimal impact on probation population size or prison security levels.

- Adoption of both the Sentencing and Parole Guideline models would increase the parole population by 21 percent (200 parolees), increase the probation population by 20 percent (675 probationers), and increase the need for medium and maximum security cells.

Table 5-3

Classification Simulations

Custody Level	x Incarceration Length	Annual Admissions	Daily Population	Classification Percentage
		I. Current		
Maximum/Close	2.6 yrs.	82	213	10.5 %
Medium	2.2 yrs.	468	1029	50.9 %
Minimum	1.8 yrs.	435	779	38.5 %
		II. Parole Guidelines		
Maximum/Close	2.5 yrs.	82	205	11.1 %
Medium	2.0 yrs.	468	936	51.0 %
Minimum	1.6 yrs.	435	696	37.9 %
		III. Sentencing Guidelines		
Maximum/Close	2.6 yrs.	82	213	12.4 %
Medium	2.2 yrs.	468	1030	59.7 %
Minimum	1.8 yrs.	268	482	27.9 %
		IV. Sentencing and Parole Guidelines		
Maximum/Close	2.5	82	205	13.1 %
Medium	2.0	468	936	59.7 %
Minimum	1.6	268	429	27.2 %

Chapter 6

SUMMARY AND CONCLUSIONS

The central focus of this research report concerned the key decision points which impact the size of Nevada's correctional populations. At issue are two issues . First, is the evidence that sentencing practices and parole policies need to be reshaped to realize the goals of equity and fairness in the administration of criminal justice sanctions. Second, if change is indicated, what form should new policies assume to create a more equitable system within the fiscal limitations of the State.

The major findings of this study were as follows:

- Nevada's prison population is expected to continue to increase substantially over the next decade.
- This increase is being driven by the expected demographic growth of the State's at-risk population, a relatively high prison commitment rate and a relatively low parole release rate.
- Considerable disparity exists among the district courts in terms of prison disposition rates and sentence lengths.
- Parole is granted to less than 30 percent of all inmates appearing before the board. This marks the lowest parole rate since 1979.
- The infrequent decision to grant parole is largely dependent upon the inmate's institutional disciplinary record.
- Adoption of both sentencing and parole guideline models now being used by other states would produce substantial reductions in Nevada's projected prison population.
- The State must continue to improve its informational data base to permit accurate estimates of prison population growth.
- Adoption of both sentencing and parole guideline models would increase both the probation and parole populations and reduce the need for minimum security cells.

These findings point out that the Nevada legislature and the choices it makes to reform sentencing, parole and correctional policies will have much to do with the size, cost and effectiveness of the state's correctional system. If the legislature proceeds to enact new policies, careful attention must be made to the exact language of each reform. As the structure and assumptions change for each reform, so too will the

estimates of correctional populations. Perhaps the most important contributions of this first study were to: (1) identify the most promising means for controlling population growth, and (2) develop a sound methodology for estimating the effects of these and additional reforms correctional populations. Although state policymakers will have to select those few policies which meet the state's correctional needs, it now has a process by which to make informed choices.

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