

**COVID-19 AND CRIMINAL JUSTICE IN NEVADA:
LEARNING FROM A CRISIS
KEY FINDINGS AND RECOMMENDATIONS**

In March 2021, Nevada leaders asked the Crime & Justice Institute (CJI) to evaluate the effects of the COVID-19 pandemic on the state’s justice system, and draft a report with responsive policy recommendations. Below is a summary of the 12 recommendations contained in the report. They are intended to:

- A. Elevate and strengthen positive policies and practices adopted in Nevada during the pandemic;
- B. Reduce the density of the prison and jail environment to better protect the health of corrections staff and the incarcerated population, both in the present time and in the event of future health crises; and
- C. Optimize cooperation, coordination, and transparency among the various components of Nevada’s public safety, public health, and justice systems.

Finding	Recommendation 1
Many of Nevada’s Courts underwent a significant shift to remote proceedings, which created both efficiencies and challenges. Some jurisdictions continue to struggle with a backlog of serious felony cases exacerbated by the pandemic delays.	<i>Continue and expand policies implemented to expedite case processing, establish a framework of rights for parties to remote hearings, and expand rural access to remote court proceedings.</i>

Finding	Recommendation 2
Law enforcement in Nevada reacted to the pandemic by focusing resources on cases with significant public safety concerns, limiting unneeded custodial arrests, and suspending the execution of lower-level warrants. Clark County Detention Center admissions declined 22 percent from March to December 2020, and Justice Courts experienced a 40 percent decline in drug offense filings over this same period.	<i>Prioritize law enforcement resources for people who commit serious crimes, by continuing to reduce custodial arrests, admissions, and filings for lower-level conduct, and considering diversion for those with behavioral health needs.</i>

Finding	Recommendation 3
Most NDOC programming completely ceased for over a year during the pandemic, which removed opportunities for incarcerated people to earn sentencing credits. This apparently contributed to longer prison stays during the pandemic, as the length of stay for people released in 2021 was around 2.5 months longer than for individuals released prior to March 2020.	<i>Continue and expand the development of remote and packet-based programming within NDOC facilities, and pursue legislation to prevent the removal of sentence credits from incarcerated people when programming is absent due to a public health crisis.</i>

Finding	Recommendation 4
The Department of Parole and Probation transitioned to a more remote supervision model and focused interventions and sanctions on individuals who posed significant public safety risk. Partly reflecting NPP’s shifted focus, violation hearings held by the Parole Board decreased since April 2020. Of the violation hearings held since then, a higher share were violations for more serious offenses (e.g., violent versus drug).	<i>NPP should continue its shift toward a more remote supervision model, continue reserving punitive interventions for individuals who pose risk to public safety, and continue employing graduated sanctions and supportive services for lesser conduct, including substance use relapse.</i>

Finding	Recommendation 5
Data indicate a significant increase in the incidence of behavioral health issues since the pandemic began, both in the community and in custodial settings. Interviews with stakeholders across the state cited access to remote telehealth services as a critical tool for providing behavioral health services.	<i>Strengthen remote care via an expansion of broadband capacity in rural areas to strengthen remote access, and legislation ensuring that Medicaid covers virtual services.</i>

Finding	Recommendation 6
Releases from jail and prison declined during the pandemic, due to factors including the removal of sentencing credits, a reduced capacity to hold parole hearings, and the general absence of policies designed to safely increase releases. Average monthly releases from NDOC declined 19 percent since March 2020, and have yet to return to pre-pandemic release patterns.	<i>Expand statutory release mechanisms available to the NDOC, for use both generally and in the event of future health crises, by increasing eligibility for safe release to residential confinement, medical release, geriatric release, and temporary furlough.</i>

Finding	Recommendation 7
In contrast to many other states, as the threat of COVID-19 became clear, Nevada did not pursue policies to reduce prison population density by releasing lower level individuals or those at higher risk of serious illness or death. States who did take such measures have published preliminary data indicating no adverse public safety consequences.	<i>When public health crises jeopardize the health and safety of corrections staff and incarcerated individuals, the state should pursue executive or administrative orders to safely reduce prison and jail density.</i>

Finding	Recommendation 8
Nevada’s Parole Board grant rates remained relatively consistent during the pandemic, at around two-thirds of actionable hearings being granted parole; however, a smaller overall number actionable hearings have been held since March 2020, with many cases receiving a “no action” designation due to the pandemic and fewer inmates being marked as eligible for parole by the NDOC.	<i>Expand the Parole Board’s ability to safely release incarcerated people – both generally and in the event of future public health crises – by adding emergency and public health factors to parole consideration and requiring expedited hearings in the event of a no-action hearing that is not attributable to the incarcerated person.</i>

Finding	Recommendation 9
NDOC’s “firewall strategy” in responding to the pandemic resulted in significant, and in some cases avoidable, declines in prison conditions. Severe staffing shortages at both the NDOC and NPP had an adverse impact on preparing incarcerated people for release.	<i>Ensure NDOC’s policies and practices during a crisis uphold its mission of protecting the safety and wellbeing of people in custody by increasing the number of health professionals and NDOC case workers in facilities, prioritizing and facilitating more remote visitation capacity, and waiving unneeded fees.</i>

Finding	Recommendation 10
<p>Nevada does not have a consolidated independent oversight body for the justice system, and therefore some important policy responses to the pandemic were developed with less public discussion or accountability than existed in other states.</p>	<p><i>Create a new oversight body for the justice system as a whole, consisting of justice system stakeholders, that is empowered by statute to provide meaningful oversight of state criminal justice agencies.</i></p>

Finding	Recommendation 11
<p>The NDOC was not required to publicly or internally share information relating to their policy response to the pandemic, and when it provided information, it did so inconsistently. Incarcerated people, their families, and attorneys expressed frustrations at the absence of information concerning either department-wide or facility-specific policies during the pandemic.</p>	<p><i>Increase NDOC transparency about its crisis response by requiring NDOC to regularly publish and widely disseminate relevant policy changes or data findings, to the public, its inmates and its staff.</i></p>

Finding	Recommendation 12
<p>COVID-19 exacerbated the pre-existing reentry challenges for a person leaving prison or jail. Providers closed down, and jobs and housing were severely limited. Stakeholders repeatedly raised a lack of housing as the primary obstacle to successful reentry during the pandemic. As a result of both the pandemic and staffing challenges, NPP sent fewer officers into NDOC facilities to assist with reentry planning.</p>	<p><i>Develop more transitional housing to support individuals exiting prison and jails, via existing grant programs and incentives. Resume an NPP presence in NDOC facilities to better facilitate reentry coordination.</i></p>