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**NEVADA BOARD OF PAROLE COMMISSIONERS**

January 3, 2013

Brenda Erdoes, Legislative Counsel  
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Subject: Comprehensive Review of Parole Standards (NRS 213.10885) and Annual Report to the Legislature.

On or before January 1 of each even numbered year, the Board of Parole Commissioners (Board) is required to perform a comprehensive review of the standards adopted pursuant to NRS 213.10885(6). The report that was prepared by The JFA Institute took several months to complete and has just become available. NRS 213.10885(7) specifies that the Board make a report to the Legislature during each regular session.

Attached, please find a copy of that report.

Please do not hesitate to contact me should you have any additional questions. I may be reached at [cbisbee@parole.nv.gov](mailto:cbisbee@parole.nv.gov) or (775) 687-5049.

Sincerely,

*Connie S Bisbee*

Connie S. Bisbee, Chairman  
Nevada Board of Parole Commissioners

Attachment: JFA Report  
cc.: Members of the Board

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### **Comprehensive Review of Parole Standards - NRS 213.10885(6)**

NRS 213.10885 requires that standards be adopted to assist the Board in determining whether to grant or revoke parole. These standards are to be based on objective criteria for determining the each inmate's probability of success on parole.

In establishing the standards, the Board is required to consider factors that are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. These factors include, but are not limited to, the following:

- a) The severity of the crime committed;
- b) The criminal history of the person;
- c) Any disciplinary action taken against the person while incarcerated;
- d) Any previous parole violations or failures;
- e) Any potential threat to society or to the convicted person; and
- f) The length of his or her incarceration.

The standards must also provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

The 2011 Legislature appropriated funding to re-validate the parole risk assessment tool. James Austin, Ph.D., an expert criminal justice consultant, submitted his completed Revalidation of the Nevada Parole Board risk assessment instrument.

The Board conducted a public meeting on October 29, 2012<sup>1</sup>. Dr. James Austin reviewed the current parole standards and made suggestions for change as he presented the JFA Institute's revalidation analysis. His conclusions said, that "Most of the factors used by the Board for risk assessment are associated with recidivism and are valid predictors." The report also stated, "However, there are four dynamic factors that are currently not showing predictive attributes. In previous studies they have been predictive."

NRS 213.10885(5) requires that if a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole, and that other standards should be adopted. The Board took immediate action. Please see the section entitled Bi-annual Report of Parole Board Activities and Decisions - NRS 213.10885(7) for details.

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<sup>1</sup> Interested members of the public attended the meeting. During the first Public Comment session, general comments about parole and sex offenders were received and noted. There were no specific suggestions regarding the re-validation of the risk assessment tool. No written suggestions for change were submitted by the public prior to the meeting, or during the meeting.

**Bi-annual Report of Parole Board Activities and Decisions - NRS 213.10885(7)**

The information in the next three subsections is required by NRS 213.10885 (7):

***(a) The number and percentage of the Board’s decisions that conflicted with the standards.***

The Board may deviate from a guideline recommendation and either grant parole (favorable action), deny or rescind parole (unfavorable action).

The following chart shows the number of parole actions that deviated from the guideline recommendation:

<i>Quarter</i>	<i>Favorable</i>		<i>Unfavorable</i>		<i>Total Hearings</i>
	<i>Actions</i>	<i>%</i>	<i>Actions</i>	<i>%</i>	
FY 11 – Qtr 1 (Jul – Sep)	8	0.37%	12	0.56%	2147
FY 11 – Qtr 2 (Oct – Dec)	16	0.75%	12	0.56%	2214
FY 11 – Qtr 3 (Jan – Mar)	7	0.33%	11	0.51%	2109
FY 11 – Qtr 4 (Apr – Jun)	14	0.65%	10	0.47%	2071
FY 12 – Qtr 1 (Jul – Sep)	8	0.37%	15	0.70%	2138
FY 12 – Qtr 2 (Oct – Dec)	22	1.02%	21	0.98%	2875
FY 12 – Qtr 3 (Jan – Mar)	4	0.19%	18	0.84%	2243
FY 12 – Qtr 4 (Apr – Jun)	12	0.56%	12	0.56%	2122
<b>Total or % Average</b>	<b>91</b>	<b>0.53%</b>	<b>111</b>	<b>0.65%</b>	<b>17919</b>
<i>Source: Quarterly Reports submitted for FY11 and FY12</i>					

***(b) The results and conclusions from the Board's review pursuant to subsection 6***

After reviewing the presentation of The JFA Institute report, the Board concluded that "the procedures the Board uses in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued" are effective.

Of note is Dr. Austin's review of Table 10 in the attached revalidation report, which is reproduced here for your convenience:

Severity	Risk Level			Total
	High Risk	Mod Risk	Low Risk	
Highest	9%	61%	54%	51%
High	10%	63%	73%	54%
Moderate	11%	79%	92%	65%
Low Mod	24%	80%	88%	70%
Low	43%	91%	97%	87%
Total	14%	73%	72%	61%

It shows that the Parole Board is engaging in a process that demonstrates adherence to its guidelines because: (1) the inmates with a highest risk of committing another crime and the highest rate of severity of crime are being paroled at a conservative rate of 9%; and (2) Inmates who have a low severity of crime and a low risk of committing another crime are being paroled at the high rate of 97%.

*(c) Any changes in the Board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.*

Dr. Austin also pointed out that some of the factors that had previously shown high correlations of success were no longer predictive. To remedy this situation, the following recommendations for improving the risk assessment instrument were made and adopted by the Board:

1. **Modification of Risk Levels:** The lower and upper levels of risk were adjusted:  
  
5 points or under = Low Risk  
6-11 points = Moderate Risk  
12 points or higher = High Risk
2. **Gang Validation:** Validated as a "suspect" is no longer given 2 points on the assessment. Only "associates" and "members" will be scored with the 2 points.
3. **Program Participation:** Only programs shown to reduce recidivism will be given credit on the parole risk assessment. The NDOC has implemented new programs which have shown to reduce recidivism. In addition to certain programs administered by the NDOC, credit is given for the completion of a high school diploma, GED, college degree or a certified vocational program. The achievement must have been earned during the current booking, regardless of the sentence on which it was earned.
4. **Disciplinary Misconduct:** Points for disciplinary misconduct are now based on the number of infractions, not the severity of an infraction. When counting the number of infractions, multiple charges stemming from a single event are considered one infraction.

## Appendix – Report from the JFA Institute

**Revalidation of the Nevada Parole Board  
Risk Assessment Instrument**

**Prepared by**

**James Austin, Ph.D.**

**Roger Ocker**

**The JFA Institute**

**2012**

## **Introduction and Background**

An increasing number of parole boards throughout the United States are relying upon risk assessment instruments to help them make decisions about whether to grant or deny parole to prisoners eligible for release to the community. The Nevada Parole Board is one of those states where a parole risk assessment instrument is being used for such purposes.

The Board first began using a validated risk instrument in 2004. That instrument was based on a cohort of 5,375 prisoners who were released from custody in 1999 and tracked to determine how many were returned to custody within three years of being released. That study found that 27% of the released prisoners had been returned for either a new offense or a technical violation (14% were returned for a new conviction) while 13% were returned for a technical violation).

A more simplified version was adopted in 2008 which removed a number of items that were redundant or should be used as aggravating and mitigating factors. The current instrument as shown in Appendix A consists of 11 items, which are further separated as according to static and dynamic risk factors. The static items are risk related factors that do not change over the course of the person's imprisonment. The dynamic factors are risk related items that can vary based on time served and the prisoner's conduct. All of the items are found on most adult correctional risk assessment instruments, which have been validated on a variety of adult correctional populations (probation, parole and prison).

In the last validation study, it was found that the overall instrument score was associated with recidivism which was defined as being returned to prison for any reason within a three-year period. The items that were most predictive were the so-called "static" factors that are largely reflective of the person's attributes at the time of admission to prison. The so-called "dynamic" factors consist of factors that reflect the prisoner's behavior and conduct that have occurred since being admitted to prison. These include the inmate's current age, gang affiliation, participation and completion of rehabilitative programs, and custody level.

It is important to note that the participation in treatment/rehabilitative programs was found *not* to be related to recidivism (i.e., had no positive impact on lowering recidivism rates) in the last validation. At that time, JFA recommended continued use of the this factor based on

studies conducted in other jurisdictions that had found such a relationship but that another study be completed to determine if such an effect could be detected.

### **Study Design**

This study is based on a cohort of prisoners released in 2009 and followed for a two-year period. It consists of 5,693 released prisoners whose overall return to prison rate was 22.6% (see Table 1). Of the 22.6%, those returned for a new crime was 10.2% versus 12.4 % returned for a technical parole violation.

It's important to note that this recidivism rate is low and compared to most states is low. The most recent national data on recidivism was published in April 2011 and examined the 3-year return to prison rates for prisoners released in 1999 and 2004.<sup>1</sup> For both cohorts the overall return to prison rate was 45% and 43%. Nevada was one of nine states that did not participate in the study. But given that most re-admissions occur within two years, its fair to say that Nevada's rate is among the lowest of the states.

The Nevada Department of Corrections (NDOC) has recently completed a three-year recidivism study of 5,139 prisoners released in 2008 and reported that only 27% were re-admitted to prison for a new crime after three years.

One of the reasons for the low recidivism rate is the large number of California residents who are arrested and convicted of crimes while visiting or temporarily residing in Nevada. Upon their release from prison many may either be paroled to California or relocate there after a short period of parole supervision. When re-arrested, convicted and sentenced to prison in California they will not be counted as a recidivist.

These low rates of recidivism had several policy and research implications. Most significantly, it shows that overall the vast majority of prisoners being released from prison (over 70%) are not returning to prison. In turn this means that as a class of people they are not high risk to re-offend. The downside of this positive statistic is that it becomes more difficult to develop risk instruments that will accurately predict those who will return to prison. It's far easier to predict who will not return to prison since the vast majority do not return. Put differently, if one

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<sup>1</sup> *State of Recidivism, The Revolving Door of America's Prisons*. April, 2011. The Pew Center on the States.

predicted that every prisoner released from prison will not return within 2-3 years for any reason, one would be right 70-75% of the time.

Given these broad parameters, a parole board should be granting parole in the majority of cases it sees since most of the candidates for parole are non-recidivists, at least in terms of being readmitted to Nevada's prison system.

### **Analysis**

A series of statistical runs were made based on the data file provided by the NDOC of the 2008 releases. That data file included a variety of demographic and criminal offense data. More importantly, the file included the items used by the Nevada Parole Board on its risk instrument. Table 1 shows the recidivism rates for some of the key demographic and offense attributes. The results show, as expected, statistical associations for age, gender and offense. Put differently, younger people and males have higher rates of recidivism. And as has been noted in prior recidivism studies in Nevada and elsewhere, persons convicted of violent crimes, drugs sales and DUIs also have lower recidivism rates. As will be shown later on, all three of these items are also used in the Nevada Parole Board risk instrument.

Table 2 portrays the 11 risk instrument items by the aforementioned recidivism rates. As the table shows 8 of the 11 items have positive and statistically significant associations with recidivism. The one possible exception is the sex item which is in the proper direction but not statistically significant. Note that the sex/recidivism relationship is stronger in Table 1 which has more prisoners in the analysis. The risk based data file only has 3,662 releases versus the entire 2008 release sample of 5,693. So the use of gender remains valid.

The large number of missing cases in the current validation sample has other implications beyond the one noted for the gender variable. It would appear that the missing cases as a group have a slightly lower overall recidivism rate (20% versus the 24.2% rate for released prisoners with a risk assessment record in the data base. As with the gender variable such a difference in the recidivism rate between the risk assessment cases and those missing such a metric can serve to weaken the analysis of the risk instrument itself as was the case for the gender item. For these reasons the validation analysis is inherently limited and caution should be taken in

**TABLE 1. General Demographic and Offense Attributes by Recidivism**

Item	N	%	% Returned
Base	5,693		22.6%
<b>Age at Release</b>			
27 and below	1,613	28.3%	26.1%
28-37	1,827	32.1%	22.7%
38-47	1,451	25.5%	22.2%
48-57	647	11.4%	17.0%
58-67	139	2.4%	13.7%
68-77	16	0.3%	0.0%
<b>Gender</b>			
Female	737	12.9%	20.1%
Male	4,956	87.1%	23.0%
<b>Highest Offense Severity</b>			
Unknown	96	1.7%	33.3%
Highest	737	12.9%	18.3%
High	1,202	21.1%	17.2%
Moderate	1,679	29.5%	23.0%
Low Moderate	1,544	27.1%	26.9%
Low	435	7.6%	25.5%
<b>Most Serious Offense</b>			
Unknown	115	2.0%	31.3%
Murder	94	1.7%	18.1%
Sex	268	4.7%	16.0%
Assault/battery	494	8.7%	15.8%
Robbery	298	5.2%	19.5%
Other violent	255	4.5%	20.8%
Drug sale	631	11.1%	16.3%
Drug possession.	441	7.7%	25.2%
Burglary	754	13.2%	25.1%
Theft/fraud/forgery	1,424	25.0%	29.6%
Weapons	214	3.8%	22.4%
DUI	303	5.3%	11.2%
Other property	105	1.8%	18.1%
Other non-violent	297	5.2%	25.9%

Source: NDOC Data File

making any significant changes to some of the items that in previous validation studies with more complete data have shown to be predictive.

There are three items that are not related to recidivism (NDOC Treatment Programs, Disciplinary Reports and Inmate Custody Level) and require further discussion as they do show a statistical relationship with recidivism.

With regard to Item 9 - NDOC Treatment programs, the current definition for receiving credits for program completion results in nearly 2/3rds of the released inmates being so scored. Unfortunately, those who did receive credits for this item actually have a higher recidivism rate than those who have not completed such programs (26% versus 21%).

Further, when we asked the NDOC to list those programs that inmates should have received credits two observations can be made. First, the percent of inmates receiving such credits is quite low (under 10%). Second, there is little relationship between completion of the programs and recidivism (Table 3).

The NDOC has received technical assistance from a consultant on how to improve these results. According to the NDOC, the consultant has recommended that only inmates who are not assessed as low risk should be allowed to enroll in these programs. If a substantial number of low risk prisoners do occupy the program slots, it will have negative results. Several studies have found that assigning low risk inmates to treatment programs can actually increase the expected rate of recidivism.

One indication that this is occurring is shown in Table 4. Here one can see that of the inmates scored for risk assessment, about 28% were already low risk and required no such intervention. In order for the rehabilitative programs to have a larger impact they must be more directed at the moderate and high-risk prisoner. And of course they must be of sufficient quality to also have an impact. The DOC is going to launch an effort to address both the selection and quality of service components. To that end, during the last year, NDOC has made a commitment to incorporate evidence-based practices into its substance abuse treatment programs. To that end, NDOC has hired administrative staff with a high level of expertise in developing, implementing, and managing evidence-based practices for corrections agencies.

TABLE 2. Nevada Parole Board Risk Instrument Items and Recidivism

Item	N	%	% Returned	Item	N	%	% Returned
Base	3,662		24.2%	Base	3,662		24.2%
1. Age at First Arrest				7. Current Age			
25 or older	819	22.4%	14.0%	41 and above	1,155	31.5%	22.0%
20-24	995	27.2%	21.8%	31-40	1,092	29.8%	23.4%
19 or younger	1,848	50.5%	30.0%	21-30	1,306	35.7%	26.3%
2. Prior Revocations				Under 21	109	3.0%	32.1%
None	1,337	36.5%	16.0%	8. Active Gang Member			
One or more	2,325	63.5%	28.9%	No	3,000	81.9%	23.8%
3. Employment History				Yes	662	18.1%	26.1%
Satisfactory full time >1 yr	879	24.0%	15.7%	9. DOC Certified Ed/Voc/Treat program			
Employed less than 1 yr	1,327	36.2%	25.0%	Yes	2,414	65.9%	25.7%
Unsatisfactory	1,456	39.8%	28.6%	No	1,248	34.1%	21.3%
4. Current or Prior Conviction				10. Disciplinary Conduct Past Year			
All others	990	27.0%	12.3%	No major	3,063	83.6%	24.2%
Property, robbery, forgery, etc.	2,672	73.0%	28.6%	Multiple minor	290	7.9%	29.0%
5. History of Drug/Alcohol Abuse				Major	260	7.1%	20.0%
None	162	4.4%	17.3%	Multiple major	49	1.3%	22.4%
Some	419	11.4%	19.6%	11. Current Custody Level			
Frequent/serious	3,081	84.1%	25.2%	Minimum	1,441	39.4%	25.0%
6. Gender				Medium	2,066	56.4%	23.6%
Male	3,123	85.3%	24.6%	Maximum	154	4.2%	24.7%
Female	539	14.7%	22.3%				

Source: NDOC Data File

**TABLE 3. Released Inmates Who Completed Treatment Programs**

Item	N	%	% Returned
Base	5,693		22.6%
Addiction Prevention			
Other	5,279	92.7%	22.5%
Yes	414	7.3%	24.2%
Anger Management			
Other	5,402	94.9%	22.3%
Yes	291	5.1%	27.8%
Cage Your Rage			
Other	5,572	97.9%	22.7%
Yes	121	2.1%	16.5%
Commitment to Change			
Other	5,299	93.1%	22.3%
Yes	394	6.9%	26.9%
Domestic Violence			
Other	5,642	99.1%	22.7%
Yes	51	0.9%	15.7%
Education			
Other	5,350	94.0%	22.7%
Yes	343	6.0%	21.6%
Emotions Management			
Other	5,607	98.5%	22.7%
Yes	86	1.5%	19.8%
GED			
Other	5,492	96.5%	22.6%
Yes	201	3.5%	23.4%
High School Diploma			
Other	5,534	97.2%	22.7%
Yes	159	2.8%	20.1%
OASIS			
Other	5,479	96.2%	22.6%
Yes	214	3.8%	23.4%
Victim Awareness			
Other	5,519	96.9%	22.6%
Yes	174	3.1%	23.0%

Source: NDOC Data File

**Table 4. Released Prisoners Receiving Treatment/Rehab Points  
By Risk Level**

<b>Total Risk Level Points and Risk Level</b>	<b>Number Receiving Treatment Points</b>	<b>% of Total Receiving Treatment Point</b>
-3	3	0%
-2	13	1%
-1	31	1%
0	47	2%
1	86	4%
2	106	4%
3	170	7%
4	231	10%
<b>Low Risk</b>	<b>687</b>	<b>28%</b>
5	296	12%
6	319	13%
7	323	13%
8	282	12%
9	245	10%
10	143	6%
<b>Moderate Risk</b>	<b>1,608</b>	<b>67%</b>
11	48	2%
12	32	1%
13	18	1%
14	11	0%
15	4	0%
16	4	0%
17	2	0%
<b>High Risk</b>	<b>119</b>	<b>5%</b>
<b>Totals</b>	<b>2,414</b>	<b>1247</b>

Source: NDOC Data File

The staff has begun conducting quality assurance reviews and needs assessments of all the statewide therapeutic communities. Based on those initial activities, at a minimum, NDOC proposes to greatly enhance the quality and array of effective correctional programs and services beginning this year.

The other two dynamic items related to inmate conduct and custody level. As shown in Table 2, there is no relationship between the inmate’s classification and only a partial relationship between the inmate’s disciplinary record and recidivism.

Regarding the latter item, inmate’s with multiple minor conduct records have significantly higher rates as compared to those with no misconducts or only major conducts. The multiple misconducts may be a precursor to persons who are unlikely to conform not only to the prison rules but also parole regulations.

Overall the static factors are the best predictors of recidivism while the dynamic ones have at best mixed results. The relative difference between the two scales can be seen in Tables 5 and 6. Whereas the static factors show a fairly standard progressive or incremental increase in the recidivism rates as the points increase, no such pattern can be discerned for the dynamic factors. This is expected given the lack of association for the dynamic factors with recidivism rates.

**Table 5. Static Points and Recidivist Rates**

Score	Static		
	N	%	% Returned
Base	3,662	100.0%	24.2%
1	26	0.7%	0.0%
2	34	0.9%	0.0%
3	123	3.4%	3.3%
4	163	4.5%	5.5%
5	256	7.0%	8.2%
6	353	9.6%	13.9%
7	450	12.3%	21.6%
8	623	17.0%	27.9%
9	712	19.4%	28.5%
10	569	15.5%	35.7%
11	353	9.6%	36.0%

Source: NDOC Data File

**Table 6. Dynamic Points and Recidivist Rates**

Score	N	%	% Returned
-4	326	8.9%	22.4%
-3	746	20.4%	21.6%
-2	769	21.0%	24.7%
-1	716	19.6%	26.1%
0	498	13.6%	26.5%
1	282	7.7%	27.0%
2	160	4.4%	20.0%
3	84	2.3%	21.6%
4	46	1.3%	4.3%
5	15	0.4%	13.3%
6	11	0.3%	36.4%
7	6	0.2%	33.3%
8	2	0.1%	50.0%

Source: NDOC Data File

Table 7 shows these same results when both the static and dynamic points are combined. Note that the combined score does a reasonable job of identifying the low and moderate risk inmates. But it does not perform well when in identifying the higher risk inmates. Again this is being caused by several of the dynamic factors not being associated with recidivism for the 2009 release cohort.

**Table 7. Total Points and Recidivist Rates**

	N	%	% Returned
Total Score	3,662		24.2%
-3	3	0.1%	0.0%
-2	13	0.4%	0.0%
-1	39	1.1%	0.0%
0	55	1.5%	7.3%
1	100	2.7%	5.0%
2	148	4.0%	8.1%
3	226	6.2%	11.5%
4	314	8.6%	16.2%
5	397	10.8%	21.2%
6	437	11.9%	23.6%
7	467	12.8%	26.1%
8	466	12.7%	32.4%
9	406	11.1%	35.5%
10	306	8.4%	39.2%
11	104	2.8%	22.1%
12	85	2.3%	21.2%
13	50	1.4%	22.0%
14	24	0.7%	29.2%
15	9	0.2%	22.2%
16	4	0.1%	25.0%
17	6	0.2%	16.7%
18	2	0.1%	50.0%

**Parole Board Decision-Making – Combining Risk and Offense Severity**

The other key component of the Parole Board’s guideline is the use of offense severity in rendering its decisions. As suggested above, this part of the decision-process may be contradictory to the risk assessment component as prisoners convicted of the most serious crimes (murder, manslaughter, rape, assault, and drug sales) tend to have significantly lower recidivism rates. However, the Board is mandated to take into account the severity of the crime which means that persons charged with the more serious crimes will have lower parole grant rates.

Tables 7, 8 and 9 show the Board's grant rates for discretionary parole, mandatory release and the overall or combined parole rates. All three tables show that both the risk level and the offense severity are strong predictors of the Board's decisions. To begin with the overall parole rate is 61% which is completely consistent with the low recidivism rates described earlier. It should be added that compared to most other parole boards in the U.S. it is one of the higher grant rates.

Second both the offense severity and the risk level produce consistent and valid parole decisions. As shown in Table 8, inmates who are low risk and low offense severity have a 97% chance of being paroled. Conversely, prisoners who are high offense severity and high risk have only an 8% chance of being paroled. This same pattern can be found for the mandatory parole decisions. Low risk and low severity cases have a 100% chance of being paroled while the high risk and high offense severity have only a 10% chance of being paroled. As the ratings move for the other categories of risk and offense severity, the parole rates increase and decline consistent with the designations of risk and offense severity.

	Risk Level			
Severity	High Risk	Mod Risk	Low Risk	Total
Highest	8%	58%	52%	49%
High	8%	58%	72%	51%
Moderate	5%	75%	92%	65%
Low Mod	19%	79%	86%	70%
Low	38%	91%	97%	88%
Total	10%	71%	70%	61%

<b>Table 9. Mandatory Grant Rates</b>				
	Risk Level			
Severity	High Risk	Mod Risk	Low Risk	Total
Highest	10%	67%	67%	55%
High	14%	74%	76%	60%
Moderate	19%	84%	90%	66%
Low Mod	32%	81%	91%	67%
Low	50%	82%	100%	72%
Total	20%	78%	79%	62%

<b>Table 10. Combined Parole Grant Rates</b>				
	Risk Level			
Severity	High Risk	Mod Risk	Low Risk	Total
Highest	9%	61%	54%	51%
High	10%	63%	73%	54%
Moderate	11%	79%	92%	65%
Low Mod	24%	80%	88%	70%
Low	43%	91%	97%	87%
Total	14%	73%	72%	61%

### **Conclusions and Recommendations**

1. The Nevada Parole Board uses and risk and offense severity to render its parole decisions. This means that inmates are paroled based on the severity of their crimes and the risk to public safety.
2. The parole grant rate of 60+ percent is consistent with the overall Nevada three-year return to prison rate of 27% which is well below the national rate of approximately 40%.
3. This grant rate has been a key component in the state being able to stabilize and lower its prison population since 2008 from 13,500 in 2008 to 12,800 by 2012. While this decline has occurred the Nevada crime rate has continued to decline.

4. Most of the factors used by the Board for risk assessment are associated with recidivism and are valid predictors.
  
5. However, there are four dynamic factors that are currently not showing predictive attributes. In previous studies they have been predictive. Given the problems with the data file noted earlier we are reluctant to remove them but feel the following modifications are warranted.
  - a. Regarding the inmate classification level, that variable should remain as is as it reflects an inmate's willingness and ability to conform to correctional policies and rules. Further, the inmate classification ranking has been shown in the prior Nevada (and other state) recidivism studies to be associated with recidivism.
  
  - b. Inmate misconduct should be modified so that it is an ordinal variable where inmates conduct during the past 12 months is scored as follows:
    - i. No misconduct of any kind = -1
    - ii. One misconduct of any kind = 0
    - iii. 2 misconducts of any kind = -1
    - iv. 3 or more misconducts of any kind = 2
  
  - c. Completion of treatment programs should be counted only for the following obtaining a GED, High School and above formal degree, or a vocational training program. Furthermore, as other programs are certified by the NDOC in terms of their efficacy, they will be counted with inmates receiving a score of -1 points.
  
  - d. Gang membership should NOT include those suspected as gang membership. An analysis of that group found that their recidivism rate was 20% -- below the overall average of 23%.
  
6. Given the low recidivism rate for the inmate cohort as a whole, the risk levels should be modified as follows:

Low Risk = 5 points or less  
Moderate Risk - 6- 11 points  
Higher Risk = 12 points and above.

With respect to modeling these changes it is not possible to assess the impact of the changes proposed to the treatment and disciplinary items as the data are not defined as precisely as is

being proposed. However, it is possible to change the gang membership and scale cut-off changes. Table 11 shows these results. Here one can see that the proposed changes would serve to increase the number of low and moderate risk groups and reduce the higher risk group. Specifically, 418 inmates who were scored as moderate risk would be scored as low risk. Another 114 inmates who were high risk would be scored as moderate risk. All total these 532 inmates represent about 15% of the 2009 release cohort.

Task 11. Current and Proposed Risk Levels Based on 2009 Release Cohort  
with a Risk Instrument

Current Risk Level	Proposed Risk			Total
	Higher	Moderate	Low	
Current High	170	<b>114</b>	0	284
Moderate	0	2,061	<b>418</b>	2,479
Low	0	0	898	898
Total	170	2,175	1,316	3,661

## Appendix A

### NEVADA PAROLE RISK ASSESSMENT

Name	ID Number	Location	Date
<b>Static Risk Factors</b>		<b>Dynamic Risk Factors</b>	
<b>1. Age at First Arrest (juvenile or adult)</b>		<b>7. Current Age</b>	
25 years or older	0	17 and above	-1
20-24 years	1	15-16	0
19 years or younger	2	21-30	1
<b>2. Prior Prob/Parole Revocation (juv. or adult)</b>		Under 21	
No parole or probation revocations	0	<b>8. Active Gang Membership</b>	
One or more (including gross misdemeanor)	2	No	
<b>3. Employment History (prior to arrest)</b>		Yes	
Satisfactory full-time employment > 1 year	0	<b>9. DOC certified edu/voc/treat program</b>	
Employed less than full-time full-time < 1 year	1	Yes, or has existing GED/HS Dipl/Degree	
Unsatisfactory employment (unemployed/unemployable)	2	No	
<b>4. Offense for Current or Prior Convictions</b>		<b>10. Disciplinary Conduct - Past Year</b>	
All others	0	No Major Disc. Violations or Single Minor Gen.	
Property Offense, Robbery, Forgery, etc.	2	Multiple Minor General Violations	
<b>5. History of Drug/Alcohol Abuse</b>		Major Violation	
None	0	Multiple Major Violations	
Some use, no severe disruption of functioning	1	<b>11. Current Custody Level</b>	
Frequent abuse, serious disruption of functioning	2	Minimum	
<b>6. Gender</b>		Medium	
Male	1	Maximum or Disciplinary Segregation	
Female	0	<b>Total Dynamic Risk Score</b>	
<b>Total Static Risk Score</b>		<b>Total Score (Static+Dynamic Score)</b>	

\_\_\_\_\_ Low Risk = 0-4 points
\_\_\_\_\_ Medium Risk = 5-6 points
\_\_\_\_\_ High Risk = 7-14 points or 8 points on Dynamic factors

The risk assessment is based on the static and dynamic factors that are applicable at the time of a parole hearing. A change in status following the hearing that may impact the risk factors shall not be the basis for an appeal for re-computation. A prisoner will only be granted re-hearing if a factor is misapplied at the time of the hearing, and a correction would cause a deviation from the guideline recommendation.