

# Corrections

Historically, lawmakers have elected to invest heavily in the state prison system as a primary means of providing for public safety. In 2019, lawmakers began to shift this focus substantially by focusing resources away from incarceration and toward rehabilitation and successful re-entry of prisoners into society with an aim to reduce recidivism.

Incarceration is a costly approach to criminal justice as taxpayers must bear significant costs for prison construction, staffing, and the alimentation, health care and programming needs for prisoners. While citizens expect to be protected from fraud and violence, it is not obvious that high levels of prison spending are the most cost-effective means of providing that safety.

## Key Points

**American incarceration rates are exceptionally high, and not tied to crime rates.** The prison population in America has nearly quadrupled over the past 40 years, growing to more than 1.5 million individuals. This occurred during a time of mostly declining crime rates.<sup>1</sup> The United States has one of the highest incarceration rates in the world at 505 per 100,000 in population, ranking sixth between Cuba and Panama – countries that jail political dissenters. The United Kingdom and Canada are ranked 113<sup>th</sup> and 161<sup>st</sup> with 135 and 85 prisoners per 100,000 in population, respectively.<sup>2</sup>

**High incarceration rates yield diminishing returns.** A 2008 study prepared for the Colorado Division of Criminal Justice noted that “Incarceration has a far greater impact and return on investment when it is used for violent and high-rate offenders.” While prisons are expensive, “violent and career criminals impose tremendous financial and social costs on society. The empirical evidence is increasingly clear, however, that *the increased use of incarceration for low-rate, non-violent offenders prevents and deters fewer crimes.*”<sup>3</sup> (Emphasis added.)

More recent research tracking the rates of recidivism among individuals sentenced alternatively to prison or probation found that incarceration has no significant effect in deterring an individual from committing violent crime within five years.<sup>4</sup>

**Recidivism drives long-term spending.** When an individual is released from prison, they face increased difficulty securing lucrative employment, pursuing higher education or starting a business. This limits their potential to contribute to the market and often leads to frustration and a return to criminal behavior. More than 80% of individuals released from state prisons are arrested again within nine years of release.<sup>5</sup>

**Lawmakers’ 2019 reforms are estimated to save more than \$640 million on prisons.** Assembly Bill 236 reduced the number of offenses requiring incarceration, making increased use of probation. It also directed various agencies to develop evidence-based programs to treat mental health problems or substance abuse and deliver vocational training. These strategies focus on successful rehabilitation rather than punishment.<sup>6</sup> The Nevada Sentencing Commission now forecasts the state to house 2,000 fewer prisoners by FY 2028, avoiding the need for construction of new facilities. It forecasts these changes will result in at least \$640 million in savings over the next eight years.<sup>7</sup>

---

<sup>1</sup> Stand Together Trust, “Why Prison Reform Matters in America,” 2018.

<sup>2</sup> Institute for Crime & Justice Policy Research, World Prison Brief, 2021.

<sup>3</sup> Roger Przybylski, “What Works: Effective Recidivism Reduction and Risk-focused Prevention Programs,” prepared for the Colorado Division of Criminal Justice, 2008.

<sup>4</sup> David J. Harding et al., “A Natural Experiment Study of the Effects of Imprisonment on Violence in the Community,” *Nature*, Vol. 3 (2019), pp. 671-677.

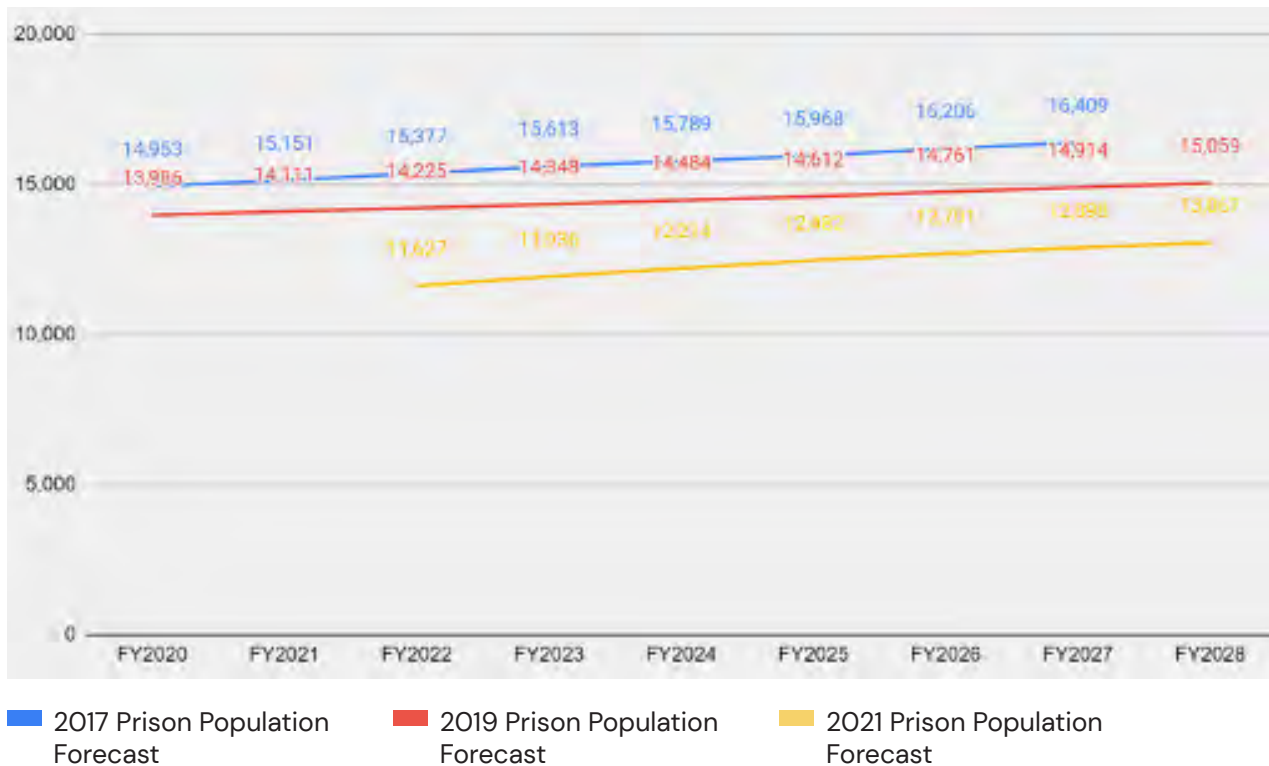
<sup>5</sup> U.S. Department of Justice, Bureau of Justice Statistics, “2018 Update on Prisoner Recidivism.”

## Recommendations

**Maintain 2019 reforms.** The reforms included in Assembly Bill 236 closely mirror those in model legislation previously recommended in this volume.<sup>8</sup>

**Pass a Community Corrections Performance Incentive Act.** Model legislation from the American Legislative Exchange Council would allow probation departments to share in the savings when they develop successful strategies for reducing recidivism rates.<sup>9</sup>

## Nevada Prison Population Forecast, Before and After AB236



**Source:** Nevada Sentencing Commission, "Projected Amount of Costs Avoided Report," August 2022.

**Note:** Future prison population forecasts developed in 2019 reflect the anticipated impact of AB 236. Updated forecasts developed in 2021 additionally reflect a reduction in prison population due to measures taken to address the impact of COVID-19 within prison facilities.

<sup>6</sup> Nevada Legislature, 80<sup>th</sup> Session, Assembly Bill 236.

<sup>7</sup> Nevada Sentencing Commission, "Projected Amount of Costs Avoided Report," August 2022.

<sup>8</sup> American Legislative Exchange Council, "Recidivism Reduction Act."

<sup>9</sup> American Legislative Exchange Council, "Community Corrections Performance Incentive Act."