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Testimony for SB-218.....12 March 2003

Good morning my name is Daryl Riersgard. For the record, I am the manager of the CHR.

I was invited to appear by Senator Cegavske's (She-gav-shee's) staff yesterday. In fact yesterday was a whirlwind of activity related to this bill draft.

Donna Coleman and I had a series of phone contacts yesterday, trying to figure out how we might help this effort. Donna had asked that I follow her testimony with my comments.

Much has already been said on this subject, so I will tailor my comments to what I have not yet heard said.

As part of that whirlwind of activity yesterday, I put together a small briefing package that I thought might compliment this topic. You should have that package in front of you now.

If it pleases the Chair, I would like to briefly cover what is inside this package.

(1) **Cover page**.....sometimes it is helpful to put a face to the problem. The faces on my cover were pulled off a sex offender notification web page from another state. Suffice it to say that you would not like to have any of these men babysitting your children or grandchildren.

(2) **Overview page**.....From my perspective, I have had the opportunity to see first hand how other states perform their sex

offender public notification. I am pleased to be a part of this SB-218 effort because anything we do will be an improvement. I will be the first to say that our current system is not just inferior, but we may be at the back of the pack when it comes to providing this public safety service. Right up front, I would like to applaud the bill sponsors for making two improvements: first is the important fact that this service should be free and second, it should be user friendly to the requester. Also the timing of this effort is very good, as the Supreme Court just made an important ruling on this subject. The notification system from Alaska was under review and it help up with flying colors.

(3) Statute references.....My package has a three page summary of the key statutes under Chapter 179D. Of more significance is a sketch on the following page which shows the relationship of the six entities that have a collective role here. The key here is the relationship between the sex offender and local enforcement.

Includes pages 4-5-6-7 (above)

(8) Statistics page.....Moving forward you will see on page 8, the first in a series of support statistics. This is intended to give the committee a point of reference as to the scale of this challenge. You will see a series of six statistical categories. This starts with the large number at the top, the figure of **7,277**. This represents the total number of sex offender cases that the Repository is tracking.

From that number, we subtract just over **3,000** cases because they are considered inactive. Some of these cases are inactive because the offender has died, is back in prison or has moved to another state or another country. The only portion of this inactive file that concerns me is the **691** number. This represents the number of sex offenders who made the decision to not register with local law enforcement as they were released from either prison or jail.

The next number (**4,186**) represents the number of current cases my employees are tracking. The portion of that number that causes me the greatest concern is the **950** offenders who have failed to respond to my annual verification certified letter. This represents that portion of the system that have not complied with state law. On the other hand, we have **3,236** individuals who have active files and are in compliance with the laws that you established.

I would draw your attention to the two small numbers (the 691 and the 950). As the parent of a 14 year old daughter, these are the sex offenders that cause me the greatest worry. This combined figure comes to **1,641**. We need to do a better job of reining in these sex offenders who are thumbing their noses at our system.

(9) **Next statistical page.....**To put these sex offender in some sort of order, we have a tier assessment that helps define their danger to our society. There are four categories. First are the minor offenders who do not even rate a tier assessment. Second are the least dangerous offenders, called Tier-1. The analysis of the Supreme Court case last week suggests that we should leave these offenders in a lessor category.

By statute and by common sense, the levels that we need to focus attention on are the Tier-2's and the Tier-3's. We have 1400 in Tier-2 and 43 in the most dangerous category, T-3. This T-3 number reflects 1% of the total.

(10) **Now for the creative part.....**SB-218 is clearly a step in the right direction and I support everything that I have heard so far.

I would like to offer two additional steps that you have already heard mention of. Usually, when we suggest bigger and better service to the public the first question is "how much will it cost?"

In this case there is a price tag, but it will not cost the State one cent. Allow me to cover the service first and the price tag second.

But first.....

(11) **Budget reality for the CHR.....**I would like to make a reminder of what the Repository testified to last month. We indicated that our budget architecture was flawed. We also indicated that court assessments have been both inconsistent and inadequate. This budget shortfall had resulted in forced staffing reductions. These staff shortages have resulted in huge backlogs.

The key point here is that pessimistic report remains valid today. Despite my optimistic tone on this SOR topic, I have to qualify that any of these creative initiatives, to make badly needed improvements, will have to be built on a shaky budget foundation.

(12) **Adding Step-2 and Step-3**.....Step 2 is the addition of a web-based public notification system. We should do this for a number of reasons. First of all, the reality is that most other states have been doing this for some time. Second, this type of notification system is easy and simple for the public to figure out. In order to make this work, you don't have to know the name/rank/serial number of the sex offender before you attempt an inquiry. All you have to do is type in a zip code and you would have the display of all convicted offenders in your area. It would be free, simple and effective. It is precisely what Megan's parents would have hoped for about 9 years ago when the next door neighbor raped and killed their daughter.

Step -3 would take this effort one step further. It would provide a real time notification to our many street officers so they would know if their subject on a traffic stop was one of the 1,641 sex offenders who was now a felony violator of this statute. As a matter of fact, I was told last week by a state NCJIS Steering Committee that they felt slighted that the public may have a better notification system than the street cop. I promised the group last week that I would work on that valid problem.

Now the price tag.....With a cooperative effort with Donna Coleman, we think that we can provide the Step-2 service for approximately \$50K. Donna feels that she can come up with the \$35K. I know that I can come up with the balance of \$15K. This means that regardless of what happens to this bill draft, I am committed to pursue this improvement. Based on short notice estimates from the Public Safety Technology Division, we think this new system can be developed within 5 months.

Regarding the Step-3 idea. PSTD also feels that they can program a link from my SOR files to the State NCJIS switch for approximately \$2500. This would be a patch work system but it would get us started. The real fix here would have to come later at a higher development cost. Liaison with the Office of Criminal Justice Assistance tells me that they can guarantee Byrne grant funds to cover both the \$15K and the \$2500.