

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Third Session  
February 8, 2005**

The Committee on Judiciary was called to order at 8:11 a.m., on Tuesday, February 8, 2005. Chairman Bernie Anderson presided in Room 3138 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mr. Bernie Anderson, Chairman  
Mr. William Horne, Vice Chairman  
Ms. Francis Allen  
Mrs. Sharron Angle  
Ms. Barbara Buckley  
Mr. John C. Carpenter  
Mr. Marcus Conklin  
Ms. Susan Gerhardt  
Mr. Brooks Holcomb  
Mr. Garn Mabey  
Mr. Mark Manendo  
Mr. Harry Mortenson  
Mr. John Ocegüera  
Ms. Genie Ohrenschall

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Allison Combs, Committee Policy Analyst  
René Yeckley, Committee Counsel

Katie Miles, Research Analyst  
Carole Snider, Committee Attaché

**OTHERS PRESENT:**

Ben Graham, Chief Deputy District Attorney, Clark County District Attorney's Office  
Howard S. Brooks, Office of the Public Defender, Clark County representing the Nevada Civil Attorneys for Justice  
Jackie Crawford, Director, Nevada Department of Corrections  
Dorothy Nash Holmes, Correctional Programs Administrator, Nevada Department of Corrections  
Fritz Schlottman, Administrator, Offender Management Division, Nevada Department of Corrections  
Dr. Ted D'Amico, Medical Director, Nevada Department of Corrections

**Chairman Anderson:**

The Assembly Committee on Judiciary will please come to order. If anyone in the room has a phone or other device that emits a noise, please turn them off as it is a violation of the protocols in the Assembly Standing Rules. [Roll called. All Committee members were present, and there was a quorum.]

We will not be taking testimony in front of Committee today. While I know there are many people who would like to be speaking to the Legislature, until we begin the actual hearing of bills, we are not going to be taking public testimony. As a matter of priority, we are trying to raise our level of awareness of the particular issues of the different agencies we are going to be dealing with.

As always, if you plan on testifying in front of this Committee, you should sign in on the attendance roster at the back of the room. In fact, it is helpful if everybody signs in. That way, if you happen to be motivated by some statement that is made by somebody, then you will have the opportunity to respond. If you happen to have a business card, it is a courtesy if you would present one to the secretary so they make sure your name is spelled correctly. It is not that some of you have handwriting that is difficult to read, but we want to make sure that your name is done correctly. In addition, if you have written testimony, we would like you to bring 20 copies. It is most helpful if you have it done electronically and give that to the Committee secretary so she will make sure the exhibit is electronically transferred to our sites without any disturbances. It is most helpful to their time and the public's interest of getting the accurate information into the record.

[Chairman Anderson, continued.] Any testimony before this Committee, any committee of the Legislature, or in discussions with members of the Legislature about pending legislation is covered under NRS 218.5345, which makes it a misdemeanor to knowingly misrepresent any fact to a legislator either here or in committee. That can even be elevated to a gross misdemeanor, although it is rare that it would be taken to a higher step.

Let me move to our order of business for the day. Judge Bunch in Battle Mountain, good morning. I want to welcome all of you to the first Committee on Judiciary for the Seventy-third, 2005 Legislative Session. As we get started, I want to remind everyone that our meetings are audio recorded and broadcast live on the Internet. Please remember your comments, even before the meeting begins or after the meeting has adjourned, may be broadcast live on the Internet. Even those casual comments that we whisper to each other are often picked up, so be very, very careful of what you say in one of these rooms. In the future, for those of you who would like to listen to meetings on the Internet, may go to the legislative website and click on "Live Meetings Listen or View" and view the legislative procedure.

I am Assemblyman Bernie Anderson of Sparks. I represent Washoe County, District 31. In my first session in 1991, I was appointed to serve as a member of the Judiciary Committee, thinking for sure they would have put me some place where my background as a schoolteacher would have been better served. Two sessions later, I was asked to serve as cochair and have had the honor, since 1995, serving as Chair of this important Committee for the last ten years. I would like to welcome our returning members and extend a welcome to our three new members. I think you will find, as I have, that the Judiciary Committee is one of the most challenging and rewarding committees in the Legislature.

I would like to introduce the other 13 members of this Committee, 10 of whom have previously served on Judiciary. I am very pleased to recognize Mr. Horne, my Vice Chair from Las Vegas. He is the new Vice Chair and, as we learned yesterday, the expectant father yet again as he was in his freshman session. While this is Assemblyman Horne's second session, he took the lead in the last session on important issues for the Committee, including the primary bill on homeland security. His in-depth knowledge and experience with judiciary issues have prepared him well to serve as Vice Chair of this Committee, and I am particularly pleased with that.

Next, I welcome back Assemblywoman Barbara Buckley of Las Vegas and Assemblyman Carpenter of Elko. We are privileged to have Assemblywoman Buckley, as she has served on this Committee since her election in 1995 when

she was Vice Chair. She continued to sit in this session as the Majority Leader. Assemblyman Carpenter has represented Elko and the interests of rural Nevada on this Committee since 1987 and is the ranking member of the Committee. His contribution to our work is invaluable both in terms in technical expertise and institutional knowledge. You will find at your desk, I believe, a cap for the members of my Assembly team. On the front of it you will find what I consider to be the logo for this particular session, the "CAB". The CAB is Carpenter, Anderson, and Buckley. The rest of you are associates. So when you hear the bill is about to move, get in the CAB.

[Chairman Anderson, continued.] We have more than 15 years of combined experience among our returning members. John Ocegura from Las Vegas is returning for this third session. He served the Committee in 2003 as Vice Chair.

Assemblywoman Genie Ohrenschall of Las Vegas has served with distinction since 1995.

We also have the pleasure of welcoming back Mr. Manendo to his sixth session. He is also a former Vice Chair of this Committee and it is great to have him back.

Assemblywoman Sharron Angle, on my far right, is also one of our ranking members with three Judiciary sessions behind her.

Finally, three of our members representing southern Nevada are returning for their second tour of duty. Here in the front is Assemblyman Harry Mortenson, Assemblyman Marcus Conklin, and Dr. Assemblyman Garn Mabey.

At the conclusion of my remarks, I will give each of you an opportunity to make a few comments, if you would like.

I want to extend a sincere welcome to our three new members: Assemblywoman Susan Gerhardt from Henderson, Assemblywoman Francis Allen from Las Vegas, and Assemblyman Brooks Holcomb from Reno.

Remember, each of you brings a unique and valuable perspective to this Committee. We are fortunate that our new members have a wide range of fields represented here. Our occupations include legal, medicine, business community, law enforcement with Ms. Gerhardt, firefighter with Mr. Ocegura, and I am an educator. We even have a nuclear physicist. It is this range of perspective, experience, and talent that will ensure that the Judiciary

Committee is successful in its assigned task to represent the people of our state.

[Chairman Anderson, continued.] Our efforts will be facilitated by legislative staff with Allison Combs on my left, who is returning as our Committee Policy Analyst. Allison works for the Research Division of the Legislative Counsel Bureau and has been staff for the Judiciary Committees both in the Senate and here since 1994. She is from the University of Tennessee Law School. Katie Miles is also assigned to the Committee as a Policy Analyst. She graduated from Nevada's William S. Boyd School of Law in 2001 and has worked for the courts before joining the Research Division. She has one of those great small-town Nevada stories of success. Katie will be taking a major role, particularly in the second half, when we begin looking at the Senate materials.

We have new legal counsel this session, but she is no stranger to the Judiciary Committee. René Yeckley received her law degree from the University of California, Hastings College of Law. She has worked for the Legal Division for eight years drafting bills in a wide variety of areas including Judiciary. Assisting Ms. Yeckley with Committee's legal needs are Ann Iverson and Yvonne Goodson. Ms. Iverson is a graduate of the University Of Utah College Of Law and has worked for the Legal Division for the past eight years. Ms. Goodson received her law degree from the University of the Pacific, McGeorge School of Law. She joined the Legal Division three years ago.

My Personal Attaché is Laurel Armbrust. She will work with our Committee Manager, Vicky Thompson, to keep the Committee on track. So if you are tracking a bill, Vicky is the one you want to talk to. If you need to make an appointment with me, you need to talk to Laurel, as she controls my life from 7:00 in the morning until whatever time I get to leave here. Laurel lives in Gardnerville with her husband and two boys after locating from Tahoe three years ago. She previously worked in Human Resources at the Lake Tahoe Community College until she met her husband and retired to raise her children. She now returns to the adult world and we welcome her to the Legislature. Vicky is back for her second session. She is originally from Phoenix, Arizona, where her grandparents owned a dairy on Central Avenue. When the Legislature is not in session, Vicky works as a secretary for Creto International along with her husband, who is Vice President. She tells me she is very happy to be back for the Seventy-third Session.

We have three new Committee secretaries this year. Jane Oliver moved to Gardnerville with her husband a year and a half ago after spending several years

working in a high-tech market in California. She is looking forward to her first session with the Legislature.

[Chairman Anderson, continued.] Judy Maddock moved from Sacramento to Carson City eight years ago. She said she did not work for the first few years in Nevada and she is an expert on older automobiles.

Carole Snider, who is the secretary today, just retired from the state after 30 years of service and has lived in Carson City for 34 years.

You may also hear that among our secretaries, there are three sets of twin grandchildren.

Finally, I would like to introduce my intern for this session, Kyle Zive. Mr. Zive is a senior at the University of Nevada, Reno, and will be graduating in May with a major in political science. He was born and raised in Sparks and has taught percussion at Reed High School for the past 5 years. Believe it or not, he had the misfortune of having to put up with me as an instructor when he was there in his high school days.

I now turn our attention to the business of this Committee. In front of you, you should find your cap. I usually wait until the end of the session to hand these out. I decided that if you are going to be part of the team, you should have a cap in the beginning. In addition, you should find a personal folder. Those are from me to welcome you to this session. In the Committee on the Floor, you will find a red binder beginning as soon as we get the first bill out. There was no sense to clutter your desk until that time. What you will find in these red binders on the Floor is the Floor statement and who has the responsibility in making that statement. You will have a copy which will tell you who has the responsibility and if you are the person who does, you will have an easy place to locate it. It is also a handy reference to what we have done here and, of course, I encourage you to take your own notes. Any questions or comments?

**Assemblyman Carpenter:**

Thank you, Mr. Chairman. I was just reading about what we will be doing here and it looks like we are off to a fast start. It is my pleasure to be back on this Committee again. I have been on this Committee ever since I have been in the Legislature and I find it most interesting. I am just glad to be back here again and we are going to get on that horse and ride it. So we are on our way.

**Chairman Anderson:**

I want to now turn to the business of the Committee. As you have heard by now, the Assembly Committee on Judiciary is one of the busiest in the Legislature. During the 2003, 180 measures were referred to this Committee. After much consideration, 119 were passed out of the Committee and our final passage rate was quite high. Over 80 percent of the bills that were passed out were signed into law. I always remind our members that we do kill bills in this Committee. It is part of the process. A high percentage again may die, in part due to the limitations of 120-day session and the volume of our work. In discussing the jurisdictions of our Committee, I am always reminded of former Judiciary Chairman Bob Sader's observation that we deal with issues ranging from life to after death. We have jurisdiction over chapters in 18 separate titles of the *Nevada Revised Statutes*. The Committee topics are far-reaching and include criminal jurisdiction, domestic relations, wills and estates, and incorporations. We are privileged to handle laws relating to courts and to the state's most important industry: gaming. As you can see, the Committee literally attracts the interest of our citizens from cradle to grave. The work we do here is not only important to the daily lives of our constituents, it is also important to the vitality of the entire state and Nevada's future generations. I hope you enjoy our time on the Committee, but please recognize the important responsibility you have been given.

As one of my favorite historians, C. Northcote Parkinson, once noted "Because work can be endlessly elastic, nothing would ever get done without deadlines." Our meetings will start promptly at 8:00 a.m., not at 7:30 a.m., although that is clearly within the Chairman's prerogative to set them at that time. Eight o'clock does indeed mean 8:00 a.m. every day except Mondays, when we start at 9:00 a.m. to accommodate our members traveling back from southern Nevada. Later in the session, we may indeed have to move our sessions to 7:30 a.m., and it is not unusual for us to hold evening sessions in order to meet the 120-day deadline schedule. We plan to adjourn somewhere between 10:30 and 10:45 every morning in order to accommodate the Floor session. Of course, today we do not happen to have one. That does not mean I will not try to get us out of here by 10:30 a.m.

I want to emphasize the importance in dealing with our members of the Committee staff and all of the persons who testify before us. I expect all of us to respect other persons who we deal with even though we do not agree with their positions.

I also want to emphasize the importance of holding fair hearings on bills and point out the importance of public testimony at all our meetings. Those people who take the time to come down here that are not familiar with the process, we

need to be most courteous to. We must never forget that we are here to serve the public, and their testimony deserves our respect. I remind members the importance of paying attention during testimony and not being redundant in making remarks or asking questions and not being argumentative with witnesses or Committee members. I know we have our laptops and there are things we want to get done at the same time, but eye contact is very, very important with the witnesses to let them know you are paying attention to what they are saying because they have given up their time to be with you.

[Chairman Anderson, continued.] I will ask Allison to remind us of the session deadlines during her presentation, but I want to remind us of my own limits and deadlines for the Committee, which have been in place now for several sessions.

I am now in the process of scheduling all the referred bills and we picked up 11 bills yesterday. As in the past, I plan to consider scheduling for hearings shortly after referral to Committee. If your bill is introduced and you will not be prepared to present it soon, then you need to let me know immediately and give me a specific date within the next two weeks when you will be ready for the hearing. Vicky will be sending out a notice to folks when we get a bill indicating when we are ready to go as I am ready to schedule.

Because of the time limits imposed by the 120-day session, I will have to schedule several bills for each meeting and limit testimony in many instances. Except for opening testimony on a bill and prearranged presentations that are requested by myself as Chair, I plan to limit all witnesses to 5 minutes unless the Committee requests extended time for a particular witness. We have an electronic system that I have here in front of me that puts a timer on in front of the witnesses to tell them how much time they have left in their presentation, and we do try to use it.

When I appoint a subcommittee or individual members to work on a bill and report back to the Committee, I expect a final report within ten days or less. When we approach the deadlines for Committee action on bills, I may have even shorter deadlines than that.

When conference committees are appointed, I would like for the first conference committee to report back within seven days and the second conference committee, if appointed, to report back within five days. When we approach the end of session, these deadlines may be cut even shorter.

Finally, as in the past, if a bill has been heard and at least seven committee members individually let me know how they have decided to vote on a bill. If



three of them say yes and four of them tell me no, that means that seven of you have made up your minds and you are ready for me to put it on my work schedule. Thus, if you are prepared to vote, make sure you tell me so that I can move it to the work session calendar. It does not mean that is the only way it will get there, but if you are concerned why a bill has not come up, that is probably the reason why.

[Chairman Anderson, continued.] Later this morning we will receive an overview of the Nevada Criminal Justice System from representatives of the district attorneys, public defenders, and corrections. Tomorrow morning starting at 8:00 a.m., we will hear from the chairmen of two legislative interim studies involving juvenile justice and the rural criminal justice system. These studies have recommended legislation, which will be heard at a later date, and I feel it is important for us to hear the philosophies these committee chairs discovered during the interim.

Presentations will follow on parole and probation and Nevada's Criminal History Repository—both areas we have identified problems in the past. Thursday, we will have a presentation on issues involving the child welfare system and the collection of child support. Again, an area we have noted problems in the past and where we will have an opportunity to ask some meaningful questions before we get down to actual legislation. Also on Thursday, we will hear the courts and our gaming regulators.

Next week, we will begin the actual hearing of bills. I am looking forward to working with all of you this session. I think we have an excellent group of people here and I know we will have some interesting and exciting days ahead of us. I am thanking you in advance for your cooperation and courtesy. Please help the Committee secretaries by cleaning up your trash at the end of each meeting. Coffee, hot water, and tea will be supplied each morning. Finally, for your information, each legislator will have a Committee folder in which the secretary will place your materials from the meetings that are left in the room. The folder will be placed in a cubicle in the meeting and available for you to access. If you have something confidential or valuable with you in the meeting, you should take those items with you when you leave. The blue pad, again, is a gift from me as a way of welcome. I have already mentioned the red binders and I have recognized anybody who wanted to speak.

There is a little button in front of you. When you push it, it lights up here on this permanent screen in front of me. When I touch that screen then, for example, Ms. Gerhardt's microphone will come on and a little white light should light up. So if you are speaking too long, I can turn you off also. The microphones on the witness table are similarly wired. There is probably one

person in this room that has more control of what the Committee does than the Chair and that is the Committee secretary. When she puts her hand up, please bring it to my attention if I don't notice it. If that equipment is not working, then the public is not able to listen to what we are doing and our record is not being kept accurately.

[Chairman Anderson, continued.] You should find at your desk a copy ([Exhibit B](#)) of the Standing Rules of the Assembly Committee on Judiciary. The majority of these standing rules is similar in nature and are not needed to be reproduced here. I do this as a courtesy to the Committee, as they are exactly the same as the Standing Rules of the Assembly which is in accordance with Assembly Standing Rule 100. I would point out that we now have gone back to a 14-member Committee, as last time we had 15 members. It requires 8 members for a quorum. The Judiciary Committee was the first Committee that required a second for every piece of legislation. So it is a requirement of this particular Committee and that precedent was set by the Judiciary Committee several sessions ago. Committee introductions of bills and resolutions will require two-thirds of the majority, 10 of the 14.

Items 1, 2, 3, 4, and 5 are restatements of Assembly Standing Rules. The duties of the Chair are similarly listed there, as are those of the Vice Chair. Most of these are pretty straightforward. I think you will find them in all the committees except for item 15, which is new. "Exhibits may be submitted by electronic mail at the discretion of the Chair and must be received by the Chair for consideration by 4:00 p.m. on the business day prior to the hearing." One of the great opportunities now that we have these laptops is that people send us material and then expect it is going to appear in the hearings on the legislation. If I don't have it in a timely fashion, I can't very well make sure that it gets into the record. So you cannot send it to me and then assume, because you couldn't come down here, that we can get it in. So if you are submitting material, you need to make sure that it comes in at least by 4:00 p.m. on the previous day. I may require additional information from the exhibits from the submitter prior to approving its inclusion in the minutes of the hearing. Believe it or not, because of the nature of electronic information these days, sometimes people misrepresent who they are and that becomes a problem.

The other big item is 16. "All directions, assignments, or requests on behalf of the Committee must be communicated to its staff and the personnel of the Legislative Counsel Bureau by the Chair of the Committee. A member of the Committee must submit such requests to the Chair for transmittal." The people in Research, of course, are more than happy to look up information and get the background material for you as a Committee member. That does not necessarily mean that the Committee itself is getting that information. That is

for you and you only. So if you are giving direction to Legal staff to prepare an amendment, recognize that it is a prerogative of the Committee and not a personal one.

[Chairman Anderson, continued.] The Chair will entertain a motion.

ASSEMBLYMAN MANENDO MOVED TO ADOPT THE  
STANDING RULES OF THE ASSEMBLY COMMITTEE ON  
JUDICIARY.

ASSEMBLYMAN CONKLIN SECONDED.

THE MOTION PASSED. (Mr. Ocegüera and Ms. Ohrenschall  
were absent for the vote.)

**Chairman Anderson:**

Allison Combs, would you like to present the Committee Brief?

**Allison Combs, Chief Research Analyst, Legislative Counsel Bureau:**

[Introduced herself and Katie Miles.] She put together, for a large extent, the Committee Brief before you ([Exhibit C](#)). It is a reference tool for you that provides an overview of the Committee and its jurisdiction and the legislation that was considered last year. Chairman Anderson asked that we provide a quick overview of the document. Katie and I would both be happy to answer any questions you may have after the hearing today on any particular bills or anything else in the brief.

If you'll turn to page 2 of the Committee Brief, it provides an overview of the jurisdiction of the Committee. The Committee has primary jurisdiction over Titles 1 through 16, which are listed in the chart. Title 1 relates to the Judicial Department, except for judicial retirement. The jurisdiction also includes civil practice, juvenile justice, criminal and civil procedures, property rights, commercial transactions, domestic relations, and guardianships. The Committee also has jurisdiction over titles beyond 16 including public administrators and guardians under Title 20, tax on controlled substances under Title 32, gaming under Title 41, and issues relating to driving under the influence of intoxicating liquor or a controlled substance.

To provide a little more information on the 2003 Session, at the top of page 3 provides information on the number of bills considered and passed by the Judiciary Committee in 2003.

[Allison Combs, continued.] I will go quickly through the next couple pages given the time involved today. If there are any questions on individual bills or anything from the prior session, please feel free to contact Katie or me at any time.

Page 3 starts with an overview of the measures from the criminal justice system. Some of the things considered in 2003 under crimes and penalties involved graffiti, identity theft, crimes against the elderly, and mentally ill individuals. The Committee also frequently responds to Supreme Court decisions and legislation in that area. On page 5, there is an overview of the terrorism legislation that was a major component of the Committee's work in 2003 with Assembly Bill 250 of the 72nd Legislative Session.

Starting on the bottom of page 5 is an overview of some of the criminal procedure measures that the Committee considered in 2003, including competency before trial, the plea of not guilty by insanity, the rights of persons who have been convicted of felonies, and Criminal History Repository procedures.

The Committee, of course, also has jurisdiction over measures involving juvenile justice. There are a couple measures listed on page 7, giving an overview what was considered in 2003, including Senate Bill 197 of the 72nd Legislative Session, that reorganized the juvenile justice sections into one location so that they are more easily reviewed.

The correctional measures in 2003 include some reentry programs under Senate Bill 264 of the 72nd Legislative Session. Then also in 2003, the Legislature considered measures recommended by 2001 and 2002 interim study concerning the death penalty.

On page 8, it provides an overview of bills recommended by the Committee, then considered and passed by the Legislature, including a measure that eliminated the three-judge panel, prohibiting the sentence of death for a person that is mentally retarded, and other issues, including defense fees for death-penalty cases.

On page 9, it lists other criminal justice measures that were considered by the Committee including a measure that created a statewide Amber Alert system in Assembly Bill 322 of the 72nd Session.

On the bottom of page 9, starting with measures involving domestic relations, the Committee considered a wide range in this area, including child custody and visitation, and some domestic violence legislation.

[Allison Combs, continued.] On page 10, child abuse and neglect measures were also considered by the Committee, along with some child support measures.

On page 11, the Committee considered guardianship bills last session.

Then on page 12, an overview of some of the court bills that the Committee considered, including the jurisdiction of the courts, juries, and exemption from jury duty. A major component of the legislation last time involved some modifications to court fees and administrative assessments, which are discussed on the bottom of page 12 and the top of page 13.

Also, the Committee considered some gaming measures last session. On the bottom of page 13 and the top of page 14 there is an overview of those. Each session, the Committee often considers bills from the Gaming Control Board involving the regulation of gaming and other related measures.

Page 14 also provides an overview of measures relating to driving under the influence. The Legislature reduced the concentration of alcohol for legal driving from 0.10 to 0.08.

There is an overview of some of the civil law and liability measures that were considered an update of business laws. Each session, the Judiciary Committee typically receives a rather large bill from the business community updating the corporate statutes.

Common-interest communities is also a major area considered by the Committee, and Senate Bill 100 of the 72nd Legislative Session provides its description. It was a major bill last time revamping some of the laws related to common-interest communities. Construction defects are another major area considered by this Committee. Some of the legislation is listed on page 16.

Issues that can be foreseen coming to this Committee during this session are listed on the bottom of page 16. There were three studies that you will hear more about this week. One involves the criminal justice system in rural Nevada, with some of the recommendations on page 17. You will hear more from the Chairman this week about the interim study. At the bottom of page 17, the juvenile justice system is discussed and you will find its recommendations on page 18. The third interim study you will hear about is the child welfare and the legislative study on children, youth, and families.

On page 19 is an overview of the 120-day session deadlines. You all have seen the calendar for the deadlines. The first one coming up is February 14, as that

is the deadline for legislators to submit their bill draft requests (BDRs) for the session. February 28 will be the deadline for the Committee to submit its BDRs for this session. March 21 is the deadline for introducing the individual Legislator's bills and March 29 for the standing Committee. April 15 is the deadline for passing the Assembly bills out of this Committee, and April 26 is the deadline for the bills to be passed by the Assembly. In similar deadlines for the Senate, bills that will be coming over are May 20 and May 27.

[Allison Combs, continued.] The next two pages, 20 and 21, provide a list of Judiciary contacts. These are certainly not all of the contacts that will be coming before the Committee, but some that have frequently testified before the Committee over the past sessions. If you need any assistance in contacting either a state agency or someone on behalf of a group, we are more than happy to help. Of course, the lobbyist list prepared by the Administrative Division is an excellent resource.

That concludes my very quick overview of a rather large document. We would be happy to assist or provide any information that any member of the Committee needs.

**Chairman Anderson:**

Are there any questions concerning the research document? Then let's hear from Ms. Yeckley.

**René Yeckley, Principal Deputy Counsel, Legislative Counsel Bureau:**

[Introduced herself.] Before the session began, Chairman Anderson asked me to review all the cases ([Exhibit D](#)) that had been decided since the last regular legislative session and determine which of our laws, if any, had been held unconstitutional or unenforceable. After conducting this review, unlike the interim before it, this past session did not produce an unusually large number of cases that fell into this category. In fact, last session this Committee was presented with about 12 cases that fell into this category. Today I will be presenting only 4 cases that fell into this category.

In addition, I also wanted to give the Committee an update on a case called *Hiibel v. Sixth Judicial District Court*, [124 S.Ct. 2451 (2004)]. It is a case that was presented to the Committee last session before it had been reviewed by the United States Supreme Court. Since that decision has now been issued, I wanted to update the Committee on that decision.

As requested by Chairman Anderson, we passed out a copy of the summary of cases that I prepared for him. These are the cases I will be presenting to him this morning. You are welcome to use this handout as a reference during this

presentation as well as during future hearings on any proposed legislation prompted by these cases.

[René Yeckley, continued.] As a preliminary matter, I also wanted to note the usual disclaimer that as staff for Legislative Counsel Bureau, I serve in a nonpartisan capacity; therefore, I do not urge or oppose any legislation.

With that said, I would like to turn to the handout that you have before you and start with the first case. It is *In the Matter of T.R.* [119 Nev. 646 (2003)]. In this case, the Nevada Supreme case held that NRS 62.590 is unconstitutionally vague. The statute provides that if juvenile sex offender has not been relieved of his duty to comply with the community notification requirements for a juvenile sex offender by the time he reaches 21 years of age, then the juvenile court must hold a hearing to determine whether he should be deemed an adult sex offender and, therefore, must comply with the adult registration and community notification provisions past his twenty-first birthday.

If the juvenile court determines the offender has not been rehabilitated to the satisfaction of the court or that he poses a threat to the safety of others, then the court shall deem him to be an adult sex offender and, therefore, he must comply with the adult sex offender community notification provisions. The Court said that this statute is unconstitutionally vague because, although it required the court to determine whether the child had been rehabilitated to the satisfaction of the court or determine whether he poses a threat to the safety of others, it did not provide any explicit standards to help guide the child to determine what conduct is expected of him to avoid this potential lifetime registration. It also does not provide any standards to the district court to help make its determinations.

What is the effect of this case on Nevada law? Unless this case is appealed to the United States Supreme Court and reversed on appeal, this statute may not be enforced in its current form. If the Legislature decides to amend the statute to make it constitutional from the Nevada Supreme Court, explicit standards should be added to help guide a child determine what conduct is expected to avoid the lifetime registration and also provide standards to help guide the district court in making this determination.

The next case before you is called *Seres v. Lerner* [120 Nev. Adv. Op. 95 (2004)]. In this case, the Nevada Supreme Court held that NRS 217.007, which is Nevada's "Son of Sam" law, was held to be unconstitutional in violation of the First Amendment of the *United States Constitution*. This statute allows a victim of a felony to recover from the felon monetary proceeds that the felon might receive from publishing materials that are based upon or

substantially related to the offense committed. The statute also provides that any damage awards that are derived from actions that are brought after the expiration of any applicable statute of limitations must be limited to the proceeds of the publication.

[René Yeckley, continued.] The Court, in this case, noted that the First Amendment requires a law that creates content-based restrictions on speech to satisfy a strict scrutiny review. What this means is that the law must address a compelling state interest and must be narrowly tailored to achieve that compelling state interest. Further, an overinclusive content-based law will fail this level of scrutiny. The Court applied the strict scrutiny review to the statute in this case. Although the statute seeks a compelling interest because, in this case, the court found that it was compelling to compensate victims of crimes and to help prevent criminals from profiting from their crimes. The courts found the statute did this in an unconstitutional, overinclusive manner. It was overinclusive in the sense that it applied to an author regardless of whether the person had sustained a conviction for the offense.

It was also found to be overinclusive because it may apply to all proceeds derived from a work, even if the work itself was only partially or tangentially related to the crime that was committed. The court found that this allows recovery and proceeds from works that include expression both related and unrelated to the crime, imposing a disincentive to engage in public discourse and nonexploitative discussion of it.

For these reasons, the Court found that the statute violates the First Amendment. The effect on Nevada law is that unless this case is appealed and reversed on appeal with the United States Supreme Court, the statute is currently not enforceable. If the Legislature decides to amend this statute to make it constitutional in accordance with the reasoning provided by the Nevada Supreme Court, the statute should be crafted to ensure that it is not overinclusive with regard to the persons who are subject to the statute or with regard to the speech that is subject to the statute.

Our next case is *McConnell v. State* [120 Nev. Adv. Op. 105 (2004)]. You may have recently heard about this case in the news. In this case, the Nevada Supreme Court held that a felony may not be used to establish both first-degree murder and also to aggravate the murder to capital status. In Nevada, a person is eligible for the death penalty if he commits first-degree murder. The person may be guilty of first-degree murder if he either commits a deliberate premeditated murder or he commits what is called felony murder. That is a killing that is committed during either the perpetration of another crime or the attempted perpetration of another crime. When determining whether a person



who has committed first-degree murder should receive the death penalty, the jury will consider any applicable aggravating circumstances that are set forth in NRS 200.033. One of these circumstances includes whether or not the killing was committed during the commission of certain felonies.

[René Yeckley, continued.] As the Court noted, to be constitutional and not in violation of the Eighth and Fourteenth Amendments, a capital sentencing scheme must genuinely narrow the class to a person who is eligible for the death penalty and must reasonably justify the imposition of a more severe sentence on the defendant compared to others found guilty of murder. What the Court found is based on a case called *Lowenfield v. Phelps* [484 U.S. 231 (1988)]. It was decided by the United States Supreme Court that one of the ways the Legislature can achieve this narrowing function is either it can narrowly define what a capital offense is, or it can leave that definition a little broader but narrow the class of defendants who would be eligible for the death penalty by limiting the aggravating circumstances. So the narrowing function would occur in the penalty phase.

The Nevada Supreme Court applied this analysis to Nevada's definition for capital offenses, particularly felony murder, and also aggravators in NRS 200.033. They found neither the definition of the capital offense in Nevada nor the felony aggravators in that statute are sufficiently narrow enough to allow the use of an underlying felony to be used for the felony murder charge and to be used as an aggravator to determine whether or not to impose the death penalty. The Court explained that this decision does not apply in a situation where the state is charging first-degree murder under the theory that it was a premeditated, deliberate murder. This only applies when the theory is felony murder.

If the state seeks the death penalty for a felony murder, the state must prove an aggravator other than the one that is the basis for the felony murder. Further, the Court concluded that if the state charges alternative theories for first-degree murder and intends to seek the death penalty, the state should provide a special jury verdict form so that the jury can indicate which theory it was using to base its finding upon. Also, the Court prohibited the state from selecting among multiple felonies that occurred under an indivisible course of conduct having one principal criminal purpose and using one felony to establish the felony murder and another felony for the aggravator.

**Chairman Anderson:**

Let me stop you for a second. This third one is of concern to quite a few of us. If we are to make the assumption that because of *McConnell*, we are going to be okay in Nevada except in a few instances? Is this going to be more

dependent upon the court's jury instruction or statutory language that we are going to have to reconsider?

**René Yeckley:**

I think there may be two issues that you are raising here. One is, the statute was not struck down. It was interpreted in a way to be constitutional. It is just setting up a new rule for how it will be applied in these felony murder cases. So whether or not it is applied this way will depend not upon the jury instruction, necessarily, but upon whether or not the state is charging first-degree murder and their theory that it is felony murder. That's when this case will be relevant.

The Court did not indicate whether this decision would have retroactive application. It may decide this issue if it grants a motion for rehearing in this case, or it may decide this issue in a future case that raises the issue. As I was saying, the Court did not strike down this statute as being facially unconstitutional. What it did is interpret it in this circumstance with felony murder to come up with the rule that if you are charging felony murder and seeking the death penalty, the underlying felony cannot also be used as an aggravating circumstance to seek the death penalty.

Next we have the case of *Chaffee v. Roger* [311 F. Supp. 2d 962 (2004)]. In this case, a federal district court questioned the constitutionality of NRS 199.300. This statute makes it unlawful for a person to directly or indirectly address any threat or intimidation to a public officer, public employee, or certain other protected persons listed in the statute. They do so with the intent to induce the person, contrary to his duty, to do, make, omit, or delay any act, decision, or determination. The penalties for this offense will vary depending upon whether the person used physical force or immediate threat of physical force in the course of the intimidation or when they made the threat.

The federal court here questioned the constitutionality of applying this statute in the situation where there is no physical force or there is no immediate threat of physical force. The Court found that the terms threat and intimidation had not been defined in the statute, so it appeared that the statute is likely both overbroad and vague in violation of the First and Fourteenth Amendments to the *United States Constitution*. Specifically, the court found that this provision appears to prohibit a substantial amount of constitutionally protected speech and that, because these terms "threaten" and "intimidation" were not defined, an ordinary citizen would be left likely confused as to what threats or intimidations are prohibited by the statute. The Court found that this uncertainty and this lack of standards in the statute leaves the question of what

speech the statute applies to entirely up to the enforcement officer, and that leads to arbitrary and discriminatory application.

[René Yeckley, continued.] The Court compared the Nevada statute to similar statutes in several other states which had been upheld, as they did narrowly define or limit the types of threats that were proscribed. Because of that, the Court believed that this statutory provision at issue in Nevada could likewise narrowly be construed by the Nevada Supreme Court. Also, because the federal court recognized that it must exercise caution in determining the constitutionality of a state law, one the state's highest court has not yet interpreted the meaning of that law, the federal court decided to certify a question to the Nevada Supreme Court. That question was, "What conduct or speech constitutes a threat or intimidation punishable under the statute?" The Nevada Supreme Court, on May 27, 2004, issued an order declining to answer that question, and now the case has been returned to the federal court, where it is still pending.

Based on the Court's previous analysis, it appears likely that the federal court may find that the statute is unconstitutionally overbroad and vague because those terms "threaten" and "intimidation" had not been defined for the statute. If the Legislature decides to amend this statute to address issues that were raised by the federal court, sufficient definitions for those terms "threat" and "intimidation" should be added to the statute.

Finally *Hiibel v. Sixth Judicial Court* [124 S.Ct. 2451 (2004)]. This is the case that I mentioned to you earlier that was presented to the Committee last session before it had been decided by the United States Supreme Court. The Supreme Court has ruled in this case, and what the Court found was that NRS 171.123 is constitutional. This statute is Nevada's "stop and identify" statute. It authorizes a peace officer to detain a person under certain circumstances which reasonably indicate that the person has committed or is about to commit a crime and requires the person to identify himself.

However, the statute specifies that apart from identifying himself, the person may not be compelled to answer any other inquiry from the peace officer. The Court began by noting in this case there is no question that the initial stop of *Hiibel* was based upon reasonable suspicion and was constitutional. The only question was whether the state could require a person to identify himself during the course of an otherwise constitutional stop and detention. The Court found that the state can require such a person to identify himself. The Court reasoned that this requirement does not violate the Fourth Amendment's prohibition against unreasonable searches and seizures because the statute properly

balances the intrusion of the individual's interest against the government's interest, such as investigating and solving crimes.

[René Yeckley, continued.] The Court also reasoned that the requirement does not violate the Fifth Amendment's prohibition on compelled self-incrimination. At least in *Hiibel's* case it found it did not because of disclosure of Hiibel's name under these circumstances presented no reasonable danger of incrimination. The Court did leave open that there may be circumstances where requiring the person to identify himself may implicate the victim. Ultimately, the Court upheld the statute, so the statute may continue to be enforced as written unless amended by the Legislature. With that, Chairman Anderson, I think that concludes the summary of cases. I would be glad to answer any questions that you or Committee members may have.

**Chairman Anderson:**

Thank you very much for doing the hard work of reanalyzing all these cases in terms of the federal statutes and the state statutes where they come into conflict. I know there are many questions that come forward from time to time. This is my interpretation of where we may be concerned. First of all, the *T.R.* incidence on juvenile sex offenders, we may need to do some hard sanding of legislative language. This may be a good topic for an interim study to be looking at some possible language there. Of course, it is going to be the will of the Committee when we have the sexual statutes open. We may want to take a very close look because we are going to have to do some hard work in this area to come up with meaningful definitions that are workable but are not vague. We always like the language that is vague, as we are not psychiatrists or psychologists and experts in sexual deviancy.

The Son of Sam law we need to look at again relative with language to the First Amendment. *McConnell* sounds like the judges are going to be doing what they need to be doing in terms of jury instruction. Language on *Chaffee v. Roger* needs to be looked at and that's about it. Thank you for a very thorough overview. Any questions from the Committee? Thank you very much, René.

Mr. Graham?

**Ben Graham, Chief Deputy District Attorney, Clark County District Attorney's Office:**

[Introduced himself and Kristen Erickson.] What I have given you this morning is something many of you have seen in a brief handout with regard to the overall view of the criminal justice system. Probably the most important document in here is on the back page, which is the *Bill of Rights*, which talks about the amendments that were adopted in 1791. The ones that we deal with

the most are the Fourth, the search and seizure, and the Fifth, which deals with the grand juries and double jeopardy issues. The Sixth Amendment deals with jury trials for crimes and procedural rights. This is our guidelines and bible.

[Ben Graham, continued.] As I met with Mr. Brooks this morning, I said, "Frankly, if a criminal clearly commits an offense and there aren't any issues of defense, clearly he is guilty." The police then make the arrest, write the reports very clearly, respect the rights of the accused and the interests of the victims in the state of Nevada. The prosecutors take a very close, valid look and charge the right things. If the judges do the right things, then we don't need a defense counsel. But all those things don't happen, and I thanked Mr. Olsen yesterday, as that is not very common for him. Once in awhile police make a mistake, and that is really what we are here for with regard to the defense and the criminal prosecution standpoint.

As first indicated in your handout ([Exhibit E](#)), the most important thing that the police in the law enforcement community have is the ability to make an arrest. There are certain times when an arrest can be made simply based upon probable cause. You see in your constitutional provisions that probable cause is a very imminent part, and that is really facts and information sufficient to lead a reasonable person to believe that a crime has been committed and that this person committed it. If a misdemeanor is committed in a police officer's presence, they can make an arrest. If it is a felony, which we have talked about in classification of crimes, then they can make an arrest without a warrant. Otherwise, they need a warrant based upon probable cause. It is always a good policy for both arrest warrants and search warrants: if there is the time and the opportunity, you need to go to the judge and get a warrant based upon probable cause.

The three courts that we will deal with—and you will hear people testifying on again—are the municipal court, which deals with misdemeanors committed within that city jurisdiction. All the municipal courts deal with are misdemeanors within their jurisdiction. In our state, misdemeanors are punishable by up to 6 months in jail and up to a \$1,000 fine. Keep in mind the magic words that you will hear about penalties and about jurisdiction in our "jail," which means it is a misdemeanor. That means it is in justice court or municipal court. If you hear the term "prison," then it means it is punishable by more than a year in prison and that means it is a felony. Those matters are all heard in district court, where you have jury trials and an automatic right to an attorney.

In municipal and justice courts with regard to misdemeanors and less jail time or there are significant collateral consequences present, you really don't get an

attorney appointed at every stage. You obviously can hire and bring your own attorney in, but the other significant factor in misdemeanors is there is no jury. You do not get a jury trial in municipal and justice court.

[Ben Graham, continued.] In a lot of jurisdictions, that misdemeanor is punishable by a whole year. You do get a jury trial in Oregon, Washington, or Idaho, or in some of our other sister states. But here we have a misdemeanor divided into two pieces, which is a penalty of six months is a misdemeanor and the other half of it is a gross misdemeanor. You hardly ever see a prosecution for a gross misdemeanor. Generally, that is something that is negotiated and dealt with in a plea bargain situation, which is another area.

Classification of crimes is on the next page and spells which courts they go into. Misdemeanors are within that geographical area wherever it is. Justice court has the misdemeanor jurisdiction for traffic violations, petty larceny, domestic violence, driving under the influence, battery, that sort of thing, committed outside of the municipal jurisdiction.

We have habitual criminal laws, which are part of your handout as well. The classic three-strikes-you-are-out. I hear there may be discussions on ethics where you get three chances on being unethical. If you didn't learn anything the first two times, by the third time maybe something more serious will happen, and that is what the habitual criminal laws are also. I personally think we have a pretty good habitual criminal structure. You don't see people being sent off to extended time in prison for stealing pizza and video tapes like we have seen in our sister states.

Procedurally, once you are arrested and it is a misdemeanor, you can plead in either justice or municipal court. If it is a felony, there are two ways that things happen. There is a preliminary examination, which may happen in justice court after a relatively short period of time if you are in custody or a longer period of time if you are out of jail. That is where the states simply put on sufficient evidence of probable cause for the judge to say yes, a crime has been committed and we think you probably committed it and we are going to send it on to district court. That is an open proceeding and the defense bar and witnesses are there. Very seldom do you ever see a witness testify at a preliminary hearing. Sometimes it is a good tool for both state and the prosecution to eyeball the witnesses and see what kind of case they really have. It is at that stage that cases are frequently negotiated.

If you see and hear somebody has been indicted, that triggers a lot of things in your mind that you know this matter has gone to the grand jury. By the way, the grand jury is in the *Constitution* and preliminary hearings are not.

Preliminary hearings are a creature of statute. If somebody has been indicted and the case presented before the grand jury, which frequently meets in secret, the defense is not there 99 percent of the time. Sometimes it is felt to be a tool that may be abused, but there are lots of good reasons for using it, and hopefully, in the right circumstances, it will not be abused.

[Ben Graham, continued.] All of these things are probable cause to get you into a trial situation where the burden of proof is then beyond a reasonable doubt. The juvenile courts are part of district court proceedings and, as indicated in your summary, there is going to be a significant examination of the juvenile court proceedings. There is a flow chart in your handout which talks about warrantless arrests, filings of complaints, arraignment, preliminary hearings and indictments from a prosecution standpoint. Hopefully, we are only getting good cases and only prosecute guilty people. From a defense standpoint, I am sure that is what they hope also. If we aren't doing our job, then we are going to get a not guilty verdict or at least a reasonable negotiation.

From my standpoint, and hopefully all of our standpoints, is that we want to make sure if we do make a decision one way or the other, we will respect that, but we want to make sure you do it upon valid information. A little bit further in, there is reasonable doubt instruction, which is the burden of the state to prove each and every element of offense beyond a reasonable doubt. Remember, not all doubt or "beyond a shadow of a doubt" is doubt based upon reason. To quote, "Things and matters are what you would do in making a decision in the more weighty affairs of life." So we will talk about that a little bit.

Also presented in the handout are juvenile court statutes and the certification process when there are times when young people have committed offenses that we feel deserve to be treated as adults. There are some that are fairly automatic like murder or attempted murder. Other times, when we think the juvenile system has done all it can do, we will ask to certify the juvenile to adult court.

The last portion in your handout is the *Bill of Rights*. It is really the basis and foundation that we are here for. "Beyond a reasonable doubt" is very important when the death penalty is involved. Back in common law, that involved breaking into your house at night with the intent to commit a felony and that has been expanded.

I did defense work for a lot of years, and the defense is to find holes in the state's case, so with that, Howard Brooks can speak, and if you have any questions, I would be glad to respond.

**Howard S. Brooks, Clark County Public Defender's Office and  
representing the Nevada Civil Attorneys for Justice:**

[Introduced himself.] Mr. Chairman, Members of the Committee and Staff, I am representing the Nevada Criminal Attorneys for Justice (NCAJ) today. NCAJ is a 200-member statewide organization of criminal defense lawyers. We will be following legislation here this session. We are available to you to answer questions, to testify, to do anything that is helpful to you during the session. We are also very fortunate this year because J. J. Jackson will be representing us as well during the session on criminal defense issues.

The numbers I am going to talk about during my presentation here ([Exhibit E](#)) are basically all about Clark County and the Clark County Public Defender's Office. We are the largest statewide criminal defense organization in Nevada.

In my overview of the system, I just want to say this. Basically, the criminal justice system from a practitioner's perspective is divided into three big parts. That is the pretrial, the trial proceedings, and the appellate proceedings, which are called post-conviction relief. The action in the system happens in the pretrial and trial proceedings. This is in the justice courts, the municipal courts and the district courts. This is where cases are litigated and prosecuted. Our office handles about 25,000 to 30,000 cases a year in justice court and district court. About 98 percent of all those cases negotiate and they plea bargain. The fact that so many of these cases do negotiate saves the taxpayers a vast fortune in resources. Most criminal cases take anywhere from 2 to 6 months from start to finish. Of the big universe of 25,000 to 30,000 cases, our office takes about 200 to trial each year, and about 80 or 90 percent of those cases result in some kind of criminal conviction.

If a case is going to go to trial on a criminal charge, it will typically take anywhere from 1 to 3 years from start to finish. If a person is convicted in a felony case at trial, our office appeals all of those convictions to the Nevada Supreme Court. That is the second part of the big system. Right now, our office has about 250 cases pending before the Nevada Supreme Court. Cases at the Supreme Court will take anywhere from 6 months to 5 years to litigate and finish. This will tell you that we are completely overwhelmed without the intermediate appellate system. They have a vast caseload at the Supreme Court.

Finally, once a case is finished at the Nevada Supreme Court, you enter this vast world of what is called post-conviction relief. Post-conviction relief is so complicated that most lawyers do not understand it. I would not worry myself about trying to understand it unless you have a particular bill dealing with post-conviction relief. Quite frankly, most post-conviction relief work is done on



a pro per basis where clients are people in prison filing documents by themselves to the courts. People are not entitled to a lawyer on post-conviction relief. The big exception to that is death penalty work. If you are death row, you are entitled to a lawyer. The most important work in post-conviction relief all derives from death penalty cases.

[Howard S. Brooks, continued.] That is basically my overview of the system. Please understand we are more than willing to help you in any way we can. Both Ben and I are available for any questions you may have.

**Assemblyman Mabey:**

Do you appeal all of the convictions?

**Howard S. Brooks:**

We do not appeal the 98 percent that are plea bargained. A person who pleads guilty has the right to appeal, but we do not file an appeal unless he communicates to us a request for an appeal. The real appellate cases are the cases that go to trial and the person is convicted, then we automatically file an appeal with all of those cases.

**Assemblyman Mabey:**

I can see appealing some of them, but I don't understand all of them.

**Howard S. Brooks:**

You will find if you go through a transcript of the trial, there is always something of a legal nature that is questionable in terms of an argument that was made or an evidentiary issue. There is always something that is not quite where the prosecutor and the defense attorney would agree on everything. So those issues we raise to the Supreme Court and let them decide whether they think it is important or not. The Nevada Supreme Court has ruled that if you go to trial, you have a right to an appeal. In fact, a lot of people who pled guilty file appeals as well, and some of those cases actually have merit. In fact, yesterday I wrote an appeal on a guilty plea where the guilty plea itself was deficient. The person's facts that he related just did not constitute criminal liability, so we are appealing that case.

**Assemblyman Carpenter:**

What percentage of these cases that you appeal resulted in an overturning a conviction or a lesser sentence?

**Howard S. Brooks:**

Approximately 5 percent of all the cases that we appeal to the Nevada Supreme Court are overturned.

**Chairman Anderson:**

Mr. Graham, let me remind myself of the statistical information of the number of cases that are prosecuted from the District Attorney's Office. Ninety percent seems to stick in my brain are usually plea bargained to guilty, so only actually about 10 percent go to trial.

**Ben Graham:**

Actually, fewer than that, Mr. Chairman. I have heard actually higher than 96 percent of cases are plea bargained. Of the 5 percent that may be addressed from the appellate division, it does not necessarily say that these people are not guilty. Some of them will be but there may be a procedural error or some other error in the trial rather than a reversal based upon the guilt standard.

**Assemblyman Horne:**

The practice of plea negotiations has been curtailed a little. Is this true?

**Ben Graham:**

Plea negotiations are still very, very much a vital element of the prosecution and defense process. At the present time, there are some standards that are required and hopefully getting more cases to trial. Our district attorney has a strong trial background, and he is urging at least five jury trials for the trial deputies. I think this is a good thing. The defense bar has been criticized for not taking cases to trial so actually it is a two-way street with the prosecution demanding more trials, and it gives the defense an opportunity to exercise in that area as well. Negotiations are still very much alive but there are more cases going to trial than in the past.

**Assemblywoman Buckley:**

Just a follow-up on Assemblyman Horne's question. I heard some of the growth was from the outlying areas, Henderson Justice Court, for example. The court was very alarmed at the statistics, so they might need 9 more judges, but were going to request 5 or 6. My second question would be to Mr. Brooks to ask you what you're seeing different. Does it make a difference in the community? What cases are being targeted?

**Ben Graham:**

I am not really privy to the fact if additional criminal cases are creating a significant overload. I think from what I am hearing there are hundreds of construction defect cases which may be overshadowing this. These are areas that the district court people are keeping track of and I am sure we will be hearing from them.

**Chairman Anderson:**

I believe, Mr. Graham, Ms. Buckley, and Mr. Horne, we are going to be hearing a presentation from the courts later in the week. It is a good question to keep in mind. I know the burden in the Clark County district has the higher number of court cases and the largest percentage of construction defect cases. There is a court that is dedicated solely to that single issue, so I think the court load question will be a very important one. While the money committee seems to be getting the focal point of the legislation in that area, I am hopeful to talk to the person who makes reference to the bills that maybe it should be a Judiciary bill in addition.

**Howard S. Brooks:**

Mr. Chairman, regarding the overload of the system, nationwide the figure we always hear is roughly 4 percent of all cases go to trial. I think in our jurisdiction in Clark County is around 2 to 3 percent go to trial. In our office, it is about 2 percent. If you go back about five years ago, we were down to less than one percent of the cases in our office going to trial. The five-trial rule, which Mr. Graham references, has boosted the number of trials for our office from about 50 a year up to 200. We are still well below the nationwide averages of cases going to trial. I think that if we were at nationwide averages, we would probably have 400 felony cases going to trial a year. However, I will say right now, the courts are completely overwhelmed. Every single week when you are trying to get a case into court for trial, there are 10 to 15 cases set for one court appearance. What happens is that it puts enormous pressure on the attorneys to go ahead and negotiate it. Yesterday, a very good friend of mine had a very important case that had to go to trial. He was unable to get any courtroom to start the trial and the case was continued for a month. So the situation where a person has a right to a speedy trial was evoked because he was being denied that right. The overload of the system is still overwhelming and I think it is going to continue to be a problem as long as we have the growth pattern in Las Vegas. Thank you.

**Chairman Anderson:**

Clearly what the Committee might deduce from that is that, while you are only talking about 2 percent in the criminal area, the burden, therefore, with the drug courts and the other specialty courts, like domestic violence and family court issues and all the civil litigation like construction defects, that is taking up a huge amount of court time.

**Assemblyman Horne:**

Also, we have a lot of medical malpractice suits going on down there. I guess they gave drop dead dates for trials. They are going to be moving those along pretty fast.

**Chairman Anderson:**

Possibly we will want to take this up when we come to the court questions since these gentlemen are pitching criminal information.

Today we have with us Jackie Crawford, the Director of the Department of Corrections. The Department of Corrections is very much a part of what we need to be concerned about. Police officers need to be concerned about the court system. We need to be concerned that the prison system is carrying out what I have always envisioned as a three-role function. That is, they are protecting society from the bad people. Secondly, they are punishing those people by whatever statutory decision that we as representatives of the people have set out as the punishment for a particular crime. And thirdly, we hope to correct that behavior so that at the end of this very costly process, their behavior is such so that they can come back into society as better people.

Ms. Crawford and her staff have brought a real enlightenment to that particular third function, which has often been overlooked and too often neglected because it costs money. It would be nice to believe that it didn't, but we have to be realistic. This is not a money committee. It is a policy committee, so we are going to hear about what these folks are doing. It always distresses me, however, that we are not able to give time to the correctional philosophy that I think is necessary to bring about a meaningful change.

**Jackie Crawford, Director, Nevada Department of Corrections (NDOC):**

[Introduced herself.] But before we go into that I would like to introduce some people who accompanied me here today. First of all, Dorothy Nash Holmes, who will be presenting today and is our Administrator for Programs. This is a relatively new division that was approved last year, and we have seen a marked improvement in our programming and also in behavior. Additionally, I would like for you to meet Fritz Schlottman, who is the Offender Management Administrator. Fritz has the hard job of looking at all the projections. I always call our Department the shifting sand, as it is unpredictable. One cannot predict who is going to go out and commit a crime and who is going to be adjudicated and who is going to come into our door, and more importantly, who is going to go out our door. Also today with me are the three employee associations—Scott MacKenzie with SNEA [State of Nevada Employees Association], Ed Flagg with NCA [Nevada Corrections Association], and Gary Wolff from Teamsters. They are also here today in support of where we are going and what we are doing, but most importantly, they represent the people who work very hard in our prisons and hold them together and make them safe. I wanted to acknowledge them being here today.

[Jackie Crawford, continued.] Also, accompanying me is Greg Cox, who is our new Assistant Director of Operations. He replaced Glen Wharton. Greg comes to our department with 20-plus years' background in corrections. His office is in the southern region because it makes it most difficult when we are trying to bounce around in each area. You will be seeing more and more of him.

Also, we have Dr. D'Amico, who is our Director of Medical Services. He has done a phenomenal job with the Department, and there may be some questions later on you might need to ask regarding some of our medical issues.

Additionally, Larry Arnold represents part of our employee association and has been very supportive of our Department.

With that in mind, let me share with you, our Department remains the seventh-largest city in Nevada. At the rate we are going, it could become the sixth, but I hope not. We house today over 11,000 offenders in 19 locations, and we employ 1,696 P.O.S.T. [Peace Officers Standards and Training]-certified employees and a total in our entire operation of 2,600 employees.

I would have to describe our Department as being the most complex, the most diversified, probably the least understood and sometimes least recognized for the hard work the people do. Usually when you hear about us is when there is something negative, but not necessarily when there is something positive. There are a lot of good, positive things that go on in our Department. Dorothy is going to share a little bit of comparing what we do with our funding compared to national statistics. I think you are going to find them enlightening because some people like to say we spend a lot of money. But, basically, Nevada is 49th in the nation on its costs for what we do. What we do with so little is to be commendable to this Department. I have to credit to the staff.

**Dorothy Nash Holmes, Correctional Programs Administrator, Nevada**

**Department of Corrections:**

[Introduced herself.] I would like to put a little context around what we do in corrections. These are the latest figures from the federal government, the Bureau of Justice Statistics. I was shocked when I saw this, quite frankly. At the end of 2003, one of 140 U.S. residents was incarcerated in this country. I was a prosecutor most of my 23 years that I actively practiced law, and that astounded me. That is 1 in every 109 men and 1 in every 1,600 women. If you also throw in the number in jail, on parole, or on probation, one in every 32 adults in this country is impacted by criminal justice and corrections. I find that absolutely astounding, which is 6.9 million overall.

[Dorothy Nash Holmes, continued.] Our prison population in 1990 was a little over 5,000. Today it is over 11,400. During that time, the United States' prison population inched up about 12 percent and ours increased over 100 percent.

I like to tell our officers when we are doing our training program that basically, in my opinion, we are the most important cog in the system. If you think about it, the cops have them long enough to arrest them. The prosecutors, defenders, and judges have them long enough to try them and sentence them. Parole and probation has them long enough to supervise them, and supervision is not real long term in Nevada. We have them every single day in and day out, sometimes for the rest of their lives. The average is about five years per inmate for the lesser sentenced ones.

Comparing us to the other states, we are 15th of 50 states in terms of the most incarcerations. That means 15th at the top of the list. These figures are from the [U.S.] Bureau of Justice statistics in 2004. We are 18th from the top in terms of the most people on parole. That stands to reason if we have the most in prison, we have almost that many on parole. We are the 45th of 50 states in terms of use of probation. This one also shocked me because I know most prosecutors will say almost everyone gets probation. But we use prison a whole lot more in this state than every other state in the country. In 1980, parole failures were a small part of admissions. By 2002, almost half, or 41 percent, of the prison admissions across the country are parole failure.

Look at our prison population compared to other states our size. I added the ones with 1.7 million and 1.8 million because we were 1.9 million just a few years ago. With 2.2 million population, the figure in this report was 10,500. Of course, we know we are 11,500 today. But other states like Utah have 5,000 inmates. Iowa has 8,000 inmates. We are right down there with Arkansas and Mississippi, but I am not sure if that is something to be proud of in terms of the number of people in our prison per 100,000 population.

To give you a snapshot of the people in our prison system, 93 percent are male and 7 percent are female. Of course, we just took over the women's prison in October. That population is up over 100 just since we took over. Our youngest currently is 15, but we can get inmates as young as 14 in the adult system in Nevada. Currently, our oldest is 89, and actually I just heard we have one just sentenced to us that is in his 90s that will be coming to us soon. Eighty-three percent of the inmates claim Nevada as home. Forty percent of those on death row were just passing through the state at the time they committed the crime. They did not have a motel room or an apartment here. Some did not even have a car rental here, so that is a telling statistic also.

[Dorothy Nash Holmes, continued.] We have a growing population under 30 years of age. In fact, the average age for our population is 34 for men and 36 for women. We also have a "graying" population. We have over 300 now that are over age 65. We have started some geriatric and senior programs here at Northern Nevada Correctional Center to deal with that.

**Assemblyman Horne:**

I wanted to know if you were going to get to the cost breakdown. I am particularly interested in the "graying" population.

**Chairman Anderson:**

Why don't we let them get through their presentation and then we will come back with questions. Since the representatives of the prison guards are here, we will also want to hear about their concerns.

**Dorothy Nash Holmes:**

This may answer one of the questions that just came up. This figure is the most recent available from the Bureau of Justice Statistics. They placed us 38th in the country in terms of the amount we spend per inmate per year. We spend \$17,500, by their figures. The average state spends \$22,600 per inmate per year. Darrel Rexwinkel, Assistant Director of Support Services, will tell you the figure is a little higher now at \$17,700. We spend very little on each inmate. In fact, we spend \$2.20 a day. That is 1.3 percent of our budget. The national average that prisons spend on prison food is 4.9 percent of their budget. We are the lowest in the country in terms of the amount of our budget spent on food for inmates.

We are also the lowest in the country on the amount of medical that we pay. We have \$8.74 a day per inmate. That is 5 percent of our budget, and the national average is over 11 percent. These figures are from the Corrections Yearbook 2002, which are the most recent figures comparing nationally.

Our clothing budget per inmate is \$30 a year. I don't know about you, but I couldn't buy Levi's, T-shirts, tennis shoes, and underwear on \$30 a year, but that's what we do.

To compare our classification breakdown, that, of course, is our different levels of security. Again, we are pretty far off the national average in some of this. The biggest discrepancy, or difference, if you will, is in the medium-minimum range. Over half of our population is classified as medium. That is a lot of offenders in expensive, hard beds. We are only 17 percent at minimum, whereas the national average is 24 percent. Those are your more lightweight

offenders. We are very light on the lower security end also. So Nevada is very often used for heavy bed incarceration sometimes for our least offenders.

[Dorothy Nash Holmes, continued.] This is just a picture of offenders that come into our system. This does not change very much because it has been about the same for the last two years. Fifty-eight percent come in with no secondary education. Forty-five percent are illiterate, which is defined as functioning below the eighth-grade level. That includes some, by the way, who do come in with a secondary education completed. Thirteen percent have some form of mental illness and, actually, the national average on that is about 16 percent, which I suspect is a little higher, but we are only starting to gather those statistics.

Seventy-two percent are parents. National statistics show that kids of inmates are 5 times more likely to go to prison than other kids. Eighty to 90 percent come into prison with drug or alcohol problems, and 60 percent of those have documented addiction. Sixty-five percent come in with no job training and no real skills. I will turn this over to Fritz Schlottman, because he is our numbers person regarding staffing and population projections, then I will speak again in a minute.

**Chairman Anderson:**

In your slide projections you featured in 1999, 35 percent were parole and probation failures?

**Dorothy Nash Holmes:**

What I quoted you were the national statistics. In our system, about 75 percent of our prisoners are new admissions and about 25 percent are parole violators. But some of the new admissions also might be parole violators as well. The national average is 41 percent of admissions are parole failures. There is no reason to believe Nevada is any better than that.

**Chairman Anderson:**

The slides that you had where you made the comparisons with other states, would you make available to Ms. Combs and make sure we have a reference where all those state figures are? Because I like to look at where we are in comparison not only dollarwise or populationwise but geographically. The same with the state prison costs and the classification breakdown. Do you have a chart that shows how this classification breakdown at max has changed with the opening of Lovelock and Ely? Can we show how those new facilities have impacted relative to the population change of the state?



**Fritz Schlottman, Administrator, Offender Management Division, Nevada  
Department of Corrections:**

[Introduced himself.] We can provide your staff with custody breakdowns throughout the year. We have a very good reporting system that Glen Whorton developed, and we can go back for a pretty substantial period of history to show you the changes in custody distribution.

**Chairman Anderson:**

Of the offender characteristics, the educational element is always an embarrassment to us. I guess as a teacher it always hurts my feelings. I remember the first time Mr. Manendo and I were on a prison tour. We walked through one of the facilities and one of the inmates pointed out that I had been her teacher. I had to walk back to see who it was. She was a memorable student and she really was a very good student. She had become involved in a drug problem and it was a great tragedy for me that one of my students was there. I noticed you use the eighth-grade level for 45 percent of the functionally illiterate and we all know that it is surprising, the number of people that cannot read a newspaper. How many of them statistically cannot read at all?

**Dorothy Nash Holmes:**

We don't have the exact number right now, but we will have it soon because we have gone to a new education testing tool. We are using this at intake with inmates coming in. We did not used to break it down that way.

Last session of the Legislature, Senate Bill 310 [317] of the 72nd Legislative Session was passed, creating a correctional educational authority in the superintendent's office. That required all the school districts to get together and work with us the same way. We actually do have some good news in that the school districts took over the teaching of literacy. They did not teach it before. We had to rely on grants, so they are now teaching literacy. There are a lot more people in the classes, I believe, and we have 1,000 more inmates in GED and high school classes than we did this time last year. So I think the numbers are going to go up. Director Crawford has imposed a policy that you must at least have a GED or high school diploma when you leave prison. We are requiring inmates to be working simultaneously on getting some sort of secondary inmate completion and their job, if they have one.

**Chairman Anderson:**

I guess that is one of the reasons I am such a big fan of Director Crawford and I know, Ms. Holmes, you are behind these correctional programs also. The percentage of inmates who have alcohol addiction is 80 to 90 percent with 60 percent that are documented. This means they have been through the drug

program we have on the outside and then are recidivists. In addition, there are 65 percent who have no job training skills. I was hopeful that we were going to have some of those programs getting into place. I was a little disappointed when I did not see that as one of the high priorities of this administration. So I am a little concerned about that element in the prison system.

**Dorothy Nash Holmes:**

Mr. Chairman, actually we have really focused on some vocational training over the last two years. We have been doing it with grants again. We currently have a grant from Nevadaworks in Reno for a construction trades program. We have 35 inmates going through that. We have culinary training going on at the women's prison. We just started a heating and air conditioning program for the women at the Jean camp, and it will also start at Southern Desert Correctional Center. We have started a new auto mechanics training program as well. They also get a lot of vocational training at Prison Industries, so we are really trying to push in that direction. At the end of the presentation, very quickly if we have time, I will go through some of the accomplishments that we have had from the Corrections Study Committee process. That will show you one of the things the Director really pushed us on was more jobs. She has a goal of over 2,000 more jobs in the prison system so we are pushing hard in that direction.

**Jackie Crawford:**

Mr. Chairman, let me add something before we go on. We are in the process of submitting a request for a proposal of an industrial park that is going to be sited between Southern Desert [Correctional Center] and High Desert [State Prison]. This will be a national model. I am very proud of what we are doing. It will then have a vendor come in, design, build and hire inmates. There also will be training. Our goal is to start out with 500 and see how it continues to grow. So jobs are our number one priority. In our operation, we believe that the work ethic is as equally therapeutic as any other kind of treatment.

**Chairman Anderson:**

I appreciate that, Director Crawford, and I want to get all of my questions out of the way before I turn it over to the Committee so I know they will have great questions also. My last observation has to do with the statistic that 72 percent have children. How many of those are children of people who were in prison? I also remember the anecdotal information relative to jobs. Once upon a time they told me in some communities, much of the work force had never ever held a job or had any family member held a job that they had known. Not their grandparents or their great-grandparents. So when I look at 72 percent have children, I am curious as to how many have grandparents who were

incarcerated. Have we become so sophisticated with computers that we can tell that statistical information or do we bother to gather it?

**Dorothy Nash Holmes:**

We haven't previously, Mr. Chairman, but we have started. Of course, our inmate record system is very old and hopefully we will get it replaced this year with our budget. When we took over the women's prison, we did a survey of just those 500 women just to get a snapshot. In that population, we brought in a college student who was working on her master's degree who did a very detailed population. What we found was pretty grim. Over 58 percent of the women in that facility had been the victim of sexual assault. Over 48 percent were the victims of domestic violence. From the questions we have been asking of the new intake, 40 to 50 percent have some relative, maybe not parents, in prison. Now we are just going to start getting that information as to the male population but that is what we did in our survey with the females.

**Chairman Anderson:**

It would seem to break the cycle you would need to break the drug problem, provide proper educational skills, and provide proper parenting skills so they would be good models for their children. That way it would be more cost-effective to deal with the people who are a real threat to society and have to be locked away. I am not naïve enough to believe that there aren't some bad guys who will be bad guys forever. But we could cut down on the cost and do a service to them as human beings to put their lives back in order.

**Fritz Schlottman:**

Mr. Chairman, I believe the risk if your mother is an offender is quite significant. The child of a female offender is 4 times more likely to go to prison themselves.

**Assemblyman Mortenson:**

Ms. Holmes, did I hear you correctly that we are kind of lopsided in this state with respect that we put more people in maximum security than in minimum security situations?

**Dorothy Nash Holmes:**

We call maximum "closed custody," so that is about the national average. We have a lot fewer people at minimum security in what we call "community trustee"—those that can go out and work. We have a lot fewer at that level and a lot more at medium. The majority of the country has kind of evenly divided in terms of minimum and medium. We have 17 percent minimum and 54 percent medium, so we are pretty out of whack in that comparison.

**Assemblyman Mortenson:**

Is that because of the nature of the crimes or is it because of some anomaly in the way we distribute the prisoners?

**Dorothy Nash Holmes:**

It is a combination of things because we do have a lot of strict penalties in Nevada. We have a lot of strict prosecution. We have some crimes that are prison only that in other states are probation crimes. It is a combination of several things.

**Assemblyman Mortenson:**

That is very interesting. Thanks.

**Fritz Schlottman:**

Mr. Chairman, also a function of classification of custody is also a function of law. We do not put sex offenders and violent offenders in minimum custody. Other states do.

**Assemblywoman Buckley:**

I have two questions. My first question has to do with the condition of doors and locks at the Southern Nevada Correctional Center. We have had discussions in past sessions where the doors and locks don't work. Are they working now?

**Jackie Crawford:**

Yes, they do. If you are talking about Southern Desert, we are working on those doors and they are operable. The Jean facility was totally renovated and that is prepared to be operable whenever we want to occupy that. We have been working very diligently on that.

**Assemblywoman Buckley:**

So Southern Desert is now working also?

**Jackie Crawford:**

Yes.

**Assemblywoman Buckley:**

My second question was I wanted to get your perspective on how the relationship is between the Department and your officers. I know in the past it was, perhaps, stormy at times. I understand that there has been some work done to improve that. I would like to get your perspective on that.

**Jackie Crawford:**

Mr. Chairman, Assemblywoman Buckley, it was rather stormy last session. As you all know, we had to reduce our budget and downsize significantly. That was not a fun time for anyone. I think there was probably some confusion that I was taking people's positions away or, monetarily, some of the overtime. I think that has improved significantly. We worked very hard towards those goals, and I have members here from the employees' association, or you can go into any of my institutions any time and talk to our people. I am never going to be totally liked. This is not a popularity contest. Sometimes we have to make some hard decisions. We value our employees. I started as a correctional officer and there is nobody who knows better what it's like going up through those ranks and having to work in the field. I believe that there is a tremendous improvement. Wardens are meeting with staff. We have a lot of good programs and we have worked very hard to mend those relationships.

**Assemblywoman Buckley:**

I think it makes a lot of sense to establish those open lines of communication, conferring with employees and having them be part of the process. They have a very tough job and are underpaid compared to local governments. They sometimes have quite a distance to travel, not the best working environment, and working with a harder, tougher population. So I really want to commend you for opening up those lines.

**Chairman Anderson:**

Let me indicate to the members of the Committee Mr. Holcomb, Mr. Manendo and Mr. Mabey are all waiting to speak. Mr. Holcomb, you are next.

**Assemblyman Holcomb:**

I have three questions. The first one, I was at a legislative program that they had for candidates and they announced a shocking statistic that with population growth, we are going to have to build one prison every annum. Would you say that is correct?

**Fritz Schlottman:**

Mr. Chairman, looking at the growth that we have experienced the last two years and looking at the growth that comes through the population projection, if you look at the last two years, we grew 1,300 inmates in the system. That is a facility the size of Nevada Correctional Center. It is bigger than the Ely State Prison. It is bigger than the Nevada State Prison. If we continue on that pace, yes, we would have to build a major new prison every two years.

**Assemblyman Holcomb:**

Thank you. The other question I noted in the newspaper that we are expending \$500 million on the prison. Also, I got another shock at a subsequent hearing on mental health that we are expending \$100 million. What was shocking to me, because it ties into the prison system, these people are lacking marketable skills. Ninety-two percent of the mental health clients basically earn less than \$16,000. This is what I would like to ask you: you had statistics that had 65 percent lacking job skills. Would you say, in your professional opinion, that giving young people at the high school level more vocational and technical programs or opportunities to get these marketable skills would possibly reduce our prison population? Would that be the right way to move possibly to address this problem?

**Dorothy Nash Holmes:**

All the national statistics show that of all the re-entry and transitional services that are the most important, a job is the key. If an inmate can go out and go right to work, they have a much higher chance of not coming back. They're still going to run into their pals. They still are going to have drug temptations, but if they have got a way to make an honest living, the odds are much, much better that they won't come back. That is why we are really starting to push on many different kinds of vocational training programs. The community college and school district are being very cooperative with us on that. They are really pushing that as well.

**Assemblyman Holcomb:**

Basically, the amount of appropriations for vocational education since 1997 has been \$100,000 per year. In 1985, the Legislature gave a one-time appropriation of \$3 million to buy vocational education equipment. In 1991, it was \$1.6 million. Since 1997, it was \$100,000. In the Governor's budget this year, there is no money for vocational/technical education.

**Chairman Anderson:**

Mr. Holcomb, this is not the money committee. I presume you are heading toward an educational question. If it is headed towards Ms. Holmes' educational program in the prison system, it would be an appropriate question but most of the statistics you are talking about are relative to the money committees' allocation of the funds.

**Assemblyman Holcomb:**

It was leading up to the cause of the symptom.

**Dorothy Nash Holmes:**

We are treating all of the above. Right now all our programming money comes from grants or the Prison Industries, which must be a self-sustaining, profit-making entity according to the State of Nevada. So if Howard Skolnik [Assistant Director of Prison Industries, Nevada Department of Corrections] starts a prison industry and it doesn't make money, it has to close down within three years. He has gotten a lot more people employed than we used to have. When the Director first came in, there were only 300 inmates in prison industries. Now there are over 800, and when we open the industrial park, it will probably double or triple. We are dealing with the causes that got these people into prison, and in every case, 100 percent of the cases, the deficiencies that will get them back into prison if we don't fix them now.

**Assemblyman Manendo:**

In my first session in 1995, this Committee visited a prison, as we had heard along the lines of Ms. Buckley's question about the prison doors and locks. I did a follow-up surprise visit not too long after that. I keep hearing from our workers that this is an issue. It seems every session we come back and hear that the doors and locks are not working. This is a safety issue not only for our correctional officers, but also for the inmates themselves. This is just a huge issue. I went into a cell myself. They closed the door and locked it and I was able to lift it off and get out, and I am not a big guy. I just wanted to make sure we are where we need to be, or is there something else we need to do?

**Chairman Anderson:**

I think this is a good question relative the safety of the correctional officers.

**Jackie Crawford:**

I do, along with you, understand and want to make sure those prisons are safe because those are important to us. Those individuals that are harmed or hurt reflect negatively on this Department. It also creates a lot of instability as far as the correctional officers. Southern Desert locks were prepared, fixed, whatever. We have ongoing maintenance problems on all prisons because the rack and pinion or the doors have to open and lock. The Southern Desert doors were repaired. They are always going to require some ongoing maintenance. I understand that, but I welcome you to come out any time to Southern Desert if you have a concern with those doors. Go out there any time and talk to those people and you will find a different environment. We have right-sized those institutions. Southern Desert was never meant to be a closed-custody, hard-core prison. It is all in programming. We now have a therapeutic community. We have the going-home program. What we were able to do is take the softer institutions that had the more hard-core people in them and relocate those hard-core people, which helps the environment.

**Assemblyman Manendo:**

I don't mean just that particular institution. It's all of them, and it's a really big concern to me.

**Jackie Crawford:**

I'll be real honest with you, Northern Nevada Correctional Center needs lots of help.

**Assemblyman Manendo:**

Just so we have that on record. The answer to Ms. Buckley seems to be everything is okay now. I just want to make sure that if there are other areas that we need to help with, then we need to know about them. Maybe we could do a letter to the Chairman of the Ways and Means Committee. I want to commend you on the food, clothing and medical.

**Assemblyman Mabey:**

During the last session, we changed the law so you could reuse your prescriptions. Did that work?

**Jackie Crawford:**

Mr. Chairman, Assemblyman Mabey, I would like Dr. D'Amico to answer that.

**Dr. Ted D'Amico, Medical Director, Nevada Department of Corrections:**

[Introduced himself.] Thank you, Mr. Chairman. We have not gone into what I would describe as an automated system in pharmacy. That automated system would allow us to recycle medications when people either expire from the system, died, or stopped using the medicine and it was not totally dispensed and it was in a pre-packed individual dose. I am not at that level yet. We had originally designed a program to put into this budget that would automate it this time. Funds are not available at this particular time for us to get that sophisticated. We do still have that plan. We have some savings program in effect and maybe down the line this year, I can reenter that automated system. But at the present time, no, we are not able to do that.

**Chairman Anderson:**

Let's move then to the next part of the presentation. Thank you for allowing us to get off track and to go to our own personal interests. Please don't feel you have to abandon any parts of the information you feel the Committee needs.

**Fritz Schlottman:**

[Began PowerPoint slide presentation, ([Exhibit F](#)).] The first slide you will look at is our staffing as opposed to the number of inmates we supervise. On the left-hand side, you will see the number of nonuniform staff, those are typically



administrators, in proportion to the number of inmates that we have in our Department.

[Fritz Schlottman, continued.] What will immediately be obvious is that Nevada's operation on the administrative side is extremely efficient. We have fewer staff per inmate than any other state in the western states. This is, in many cases, problematic. But we are limited as to what we can do by the number of staff that we have. So there is a compromise involved. On the right-hand side, you will see the number of uniformed officers to the number of inmates that they supervise. Nevada was among the lowest number; that is, our officers supervise more inmates than officers in other states. In fact, I believe we were 46th out of 50 states, and the 51 being the District of Columbia, which does not report because it is part of the federal system. The number-of-inmates-to-staff ratio has continually increased since the period of 1991. We dug up our old records and back in 1991, our officers were supervising three inmates each, so this number has doubled over the last 15 years.

Going on to our population issues, currently, we are in a severe bed crunch. If you look at our northern facilities like Lovelock, Ely, Nevada State Prison, and Northern Nevada Correctional Center, each of those facilities has fewer than 15 beds open, so we are really getting down to the crunch. As of yesterday, the High Desert State Prison had over 2,400 inmates. We grew far faster than we anticipated.

When we were last before you in the 2003 Legislature, we were at a flat spot. Since that flat spot, we have grown far faster than JFA Associates, who does our population projection, had anticipated. A big chunk of this is in new admissions. If you see on the chart, new admissions in 2003 grew at a double-digit pace, over 10 percent. In 2004, it has calmed down a little more, as it only grew at 4 percent. That has an effect on our total in-house population.

You will see back in 2003, when we were last before you, we were in a flat spot that lasted a year. Since then, it has almost been straight up. The increase in the total in-house population again is over 1,300 inmates. For the 2003 to 2004 period, this is more than double what our population expectation was for that period.

You will notice this is particularly severe among the female population. Female inmates increased by 115 since the last time we were here just last year. As a result, today I could use a new female prison in Nevada. I haven't received funding or design yet. So we are going to have a period between now and

when we get something up and going. We are going to have to look seriously at some alternatives that we did not anticipate when we were last before you.

[Fritz Schlottman, continued.] In looking back, we asked why this is occurring and has it ever occurred in the past. What we notice is a big change in the property distribution of our inmates. You notice that the only category that increased between the last time we were here and now were property offenders. They increased at a rather alarming rate. It is also a younger group of offenders. That led us to the question, has this ever happened before? We looked back in the history of the Department. The last time we had double-digit growth were the 1994 and 1995 calendar years. Each of those years, we grew over 10 percent. Also, in each of those years, the number of property offenders grew disproportionately. The similarities in those two years were that both periods came immediately after an economic slowdown and in the first years of recovery. What that may lead you to believe is that there is an economic component out there. We asked, is there a difference in crime? So we looked at the public safety statistics for crime rates in the period. We discovered three areas were up. The first area was burglary, the second area was larceny, and the third area was motor vehicle theft. The increase in property offenders corresponds to an increase in the crime rate for those offenses. So it is not necessarily just that prosecutors now have resources, the police have resources and are going out and using overtime, and courts are functioning during the slowdown.

There may also be, we speculate, a lack in the economy. Typically, what happens, you have a recovery that is uneven, and this one has been exceptionally uneven. Employment is a lagging indicator in recovery, so what it may be is we know that our prison population comes from a socio-economic group that is first fired and last hired. So it may be after a prolonged economic difficulty, we frankly have some desperate people that are committing property crimes. So that may be an indication. If that is the case, then we can expect, in the future, this population growth will slow down as more employment comes into these areas. To be honest, if I knew why people committed crimes, I would probably be working for the casinos making a heck of a lot more money. Somebody very smart, far smarter than I, is going to figure out why this happens. Anyone from the Committee who has an idea of why this occurs after a period of economic slowdown in the first year's economic recovery, I am willing to listen to theories, because right now it would help me to be able to plan for the future in our many prisons I need to operate. It would also give us some clues as to what we need policywise to address this situation.

We also see the same pattern occur on our female offense distribution. The property offense group grew dramatically during that period. Then you see the

great proportion of these people are new commits; that is, people coming into the prison system on new crimes which grew at a double-digit pace in 2003 and grew at 7.5 percent in 2004. At the same period, releases from the prison system were slightly down, which aggravated our bed situation.

[Fritz Schlottman, continued.] This is an interesting chart ([Exhibit F](#)). On the left-hand side, you will see an actual performance for the last decade. On the right-hand side, you will see a population projection. What immediately strikes you about that chart is the amount of volatility in the prison population. On the right-hand side, it shows the lack of volatility. That would lead you to believe that probably is an element of the regression that JFA Associates uses that we are unable to anticipate either large swings to the upside or the downside. The likelihood is, over the next ten years, we will have a pretty substantial miss in either direction. These are the same projection in raw numbers of inmates coming up.

**Chairman Anderson:**

Is JFA the Austin group?

**Fritz Schlottman:**

Yes, Mr. Chairman.

**Dorothy Nash Holmes:**

Mr. Chairman, very quickly I would like to go through the events that have happened since we did the correctional study. For those of you who are new to the Legislature, in 2002 the Governor appointed a committee of law enforcement, business owners, college professors, and some of us in corrections basically to do a fundamental review of corrections. We came up with a number of goals and a number of objectives. One of them was to create a Correctional Programs Division, and that has happened. So what I wanted to do just briefly is to go through what has been accomplished since the report to the Governor in October 2002.

**Assemblyman Carpenter:**

For a number of sessions, we did not have to build another prison. When I first came here, we had to build a prison every session, then all of a sudden it leveled out. It seems to me there has to be a different cause. It doesn't look to me like the increase in property crimes would provide the rate increase in the numbers of people that were incarcerated. It seems to me it must be some other reason. I know we have had a large increase in population overall, but do you have any other theories of what may be causing this?

**Fritz Schlottman:**

Looking at the national statistics, during that period crime was down nationally 6 percent. Nevada was the exception in that our crime was up. Nationally, the only category where crime was up was in sex crimes. Property crimes and violent crimes were down. Nevada is certainly bucking the national trend in a number of ways. In fact, the people that do our population estimates have said in a lot of ways, Nevada is always two years ahead of the rest of the nation. So what happens to us is that they know we are the barometer. They can tell their other clients what will happen to them in about two years.

If I knew what caused people to commit crimes or why they are suddenly showing up at my front door, I would certainly share that with the Committee. The truth is, I don't know for certain why that is. I can only speculate on the data we are getting. We are getting proportionately far more property offenders than we have in the past.

**Assemblyman Carpenter:**

What about gangs? Has that fallen off or increased? What exactly has happened there?

**Fritz Schlottman:**

This is a difficult subject to speak about because we are seeing more organized gangs starting to show up in our prison. We have a group that is associated with a California gang called Surenos, which is a branch of the Mexican mafia that is showing up in large numbers in our southern prisons. This gang is very well organized as opposed to what we have seen in the past. They are very well disciplined and they are far more sophisticated in how they deal with staff and other inmates than we have seen in the past. They are presenting a much different challenge, and we are very grateful for the experience Director Cox has brought to us because he comes from Illinois and he has seen this before. This is not new to him. We are taking measures within our prison system to be more sophisticated in how we deal with these groups.

**Assemblyman Carpenter:**

So maybe increased gang activity or more sophisticated gang activity may be one of the reasons for our increase?

**Fritz Schlottman:**

Yes, that is one of the things we are looking at.

**Dorothy Nash Holmes:**

We had about four primary areas that the corrections study recommended changes in. They involved the infrastructure, inmate programming, a number of

different areas, including our philosophical approach, which promoted the Correctional Programs Division.

[Dorothy Nash Holmes, continued.] What we have accomplished so far is the gym at High Desert is finally built. We heard some comments at the last Legislature that you had funded the gym several times and it never got built, but it is now built. The Prison Industries Facility at High Desert has also been built, and we are going out for RFP [Request for Proposal] as the Director said, on the industrial park, which will be between the two prisons at High Desert and Southern Desert. It will be in the middle and the inmates from both prisons will go into the industrial park and work inside the fence at many more jobs.

We have started, as the Director said, some of the physical planned improvements at Northern Nevada Correctional Center. NNCC is basically turning into our geriatric and medical prison. We have a lot of old guys there in wheelchairs and walkers. We have started several senior programs, including wheelchair calisthenics. It is an old prison that needs a lot of work and we have just started doing that.

We have introduced inmate programming in most of our camps, but not every camp. Some of them are just 100 percent firefighting because of their location. It is in place where it is feasible, we can get the school working on education and get volunteers. A lot of our camp programming is done by religious volunteers, for example. They come in and teach the anger management classes. We have a program from University of Nevada, Reno, where the computer students came in and set up a computer training program for the women at Silver Springs Conservation Camp.

One of the approaches that the Committee recommended was to stop building hard beds and to look at more creative ways and alternative ways to deal with our inmates so we wouldn't have to build a new prison every year. We did delay for a while the construction of Phase IV of the High Desert State Prison. In fact, those funds went to pay for the new mental health facility that will be in Clark County. Some of those funds from what was going to be our construction went into that.

Also, concerning Casa Grande, the Director worked very hard to get this going. It was approved by the Legislature last time. Casa Grande will be a transition and reentry center that will open in Las Vegas in October 2005. We planned it for 200, but given the numbers now, it will be for 400 inmates. They will go into this facility their last four to six months of incarceration. They will start getting connected with the community, working jobs, family, and everything, so

it is one of our methods to try some more creative things with stepping these people out of prison rather than build so many more hard beds.

[Dorothy Nash Holmes, continued.] I mentioned previously that we started the Correctional Programs Division, and that has been a real boon to us. We have reorganized 56 positions and we are taking a real systematic approach. We are doing best practices now. We are getting evidenced-based programs. We are doing testing of inmates with the LSI-R [Level of Service Inventory-Revised] which is an instrument to see what kind of programming they need. Also, our programs are aimed at the criminogenic factors. We are targeting programs rather than just putting everything out there for everybody. We are looking at what the real needs of our inmates are. We are doing these specific kinds of programs because we cannot be all things to all people, but we can use our resources better.

We are identifying special needs still. Our Youthful Offender Program has grown considerably. It started with 33 inmates and it has had over 150 at one point this year. It is about at 105 right now.

We are getting geriatric programs going. We still need to work on programs for the developmentally disabled, retarded inmates.

The Committee also told us to think about leasing out some of the space. The Director made contracts with Washington and Wyoming and brought a great deal of money into Nevada for a while. It didn't go into our budget, but it went into the General Fund. This basically got us through the crunch so we didn't have to cut back our Department's budget any more than that. Now given our numbers, we will be sending those people back to Washington and Wyoming fairly soon because our numbers are up.

Also, we have been pursuing grant writing as I indicated. All of our funding for programs has come from that. We have actually completed 11 grants. We have 10 that we are currently working on. We have had 12 that we applied for that we didn't get. So our percentage is actually pretty good; we have raised over \$6.6 million in the last 3 1/2 years for our correctional programs.

We relocated our mental health facilities. We had a mental health unit down south that was built in anticipation of a regional mental health facility down there, but that didn't happen. Dr. D'Amico determined that we needed to move our mental health resources and consolidate into one location, so that has been moved up to Northern Nevada Correctional Center now. That is part of our combining resources. We created the Correctional Education Authority. I did

mention this earlier and mentioned the types of vocational training programs that we are trying to focus on now.

[Dorothy Nash Holmes, continued.] Director Crawford has set a very lofty goal for us in terms of getting our inmates into jobs while they are in prison so they will have some money when they leave prison. As I indicated, we are up to 800 now in Prison Industries. When the industrial park is opened, we will have over 2,000 working. When they make money, they can leave with more than \$25 and a pair of new blue jeans, which is what our reentry program has been before we got our Going Home Prepared grant.

We are still working on the idea of a kitchen, basically, to consolidate all of our cooking for the south. They have a kitchen at High Desert that could feed the entire southern Nevada population. It is huge and that is being worked on.

The last was one of the additional resources we needed, a Victim Services Offices. We were one of only five states in the country that did not have a Victim Services Office in our prison. We now have one. We are required by federal law to notify victims when there are parole hearings and when there are psych panel hearings. A person might come out ten years later and we will give that victim a photograph of what he looks like now so she will know if he is coming around her neighborhood where he wasn't supposed to be.

**Chairman Anderson:**

I was under the impression, Ms. Holmes, we had indicated that in earlier legislation that victims were supposed to be notified and that statutorily that had already been put into place.

**Dorothy Nash Holmes:**

That is state law and we had a phone number, we had a person. We were able to do basically the minimal compliance with that. Now we have a full-time person who attends parole hearings with victims in our case. She has done a lot of training around the state. We were complying with the law, but it was with the assistance of a person assigned to answer that telephone and to let people know when hearings came up.

**Chairman Anderson:**

The way you said that I was afraid Ms. Yeckley was going to be telling me there was a Supreme Court case that was about to slap us in the face and somebody had better get their pens out and start writing real quick.

**Dorothy Nash Holmes:**

No, we are doing very well in that area. So these are the accomplishments that we have made since 2002 and we are very proud of them. I think Director Crawford will address a few more things for you. We just want to thank the legislators for giving us the help we have had so far because we are on a roll.

**Chairman Anderson:**

Before I turn to Director Crawford, I wanted to address one slide. The percentage of population that are special needs, how do they make up some of these other statistical groupings such as educational needs because of their particular problems? Their health needs are oftentimes somewhat greater than the population as a whole, so that can become a complication. I know they are in a school setting and I presume they are in a prison setting. Institutions are institutions, I guess, in that regard.

**Dorothy Nash Holmes:**

Mr. Chairman, again, we don't have a lot of statistics on that because our old system was never equipped to take down the kind of demographics we need. If an inmate comes into us with a special education plan, a 504 Plan for example, and has not completed his education, we do everything we can to get that person into the kind of classes they need. I'm not even sure I can tell you basically how many people are developmentally disabled in our system right now. What we do now is put them in protective custody and do the best we can. We have some art therapy classes. We have some lower-level educational classes, but we do not have an entire focus on this yet. It is something that we need to work on. It is one of the goals of the Programs Division.

**Jackie Crawford:**

Let me put closure on this. We have done several things in submitting our budget this time. You have asked for a lot of statistical data. We have a computer system that is 18 years old that is DOS-based and is, quite frankly, operated with Band-Aids and rubber bands. We have had an individual who is an absolute genius who put it together. He is retiring in the next couple weeks. We have 18 people in our Information Services Division who will be putting out an RFP [Request for Proposal]. We will be submitting four proposals for a new automated system. That is something that will be brand-new to this Department. When I was first appointed, that was one of the things I asked for: what kind of statistical data do we have? The staff shared with me what we had and this is how we operate. I was amazed, and this Department should be commended for what it has done for 18 years for this state to even bring you the data that has been utilized in order to make some of these hard decisions. Keep in mind, we are still growing, and the Governor has approved monies for that and we will be doing an RFP.



[Jackie Crawford, continued.] Quite frankly, we had a master plan designed for last session. We even had Mr. Beers, who was a guru in that area, who helped with that master plan providing input. That was important for us to gather the expertise. Because of your 9/11 and our 9/11, we were not allowed to submit it last time. This time we have, and I wanted to share that with the Committee. I am hoping next session you will be hearing about a new system and we are going to be able to bring up any kind of database that you believe will be essential in making good decisions.

The other thing I would like to share with you is that we are doing a lot of master planning. One of the things this Department has not done a lot of is a master plan. Where do we want to go? What are our plans? Quite frankly, most of it has been in construction. What happened is that every time we have needed beds, we built beds. If we wanted to build a camp, we built a camp. This time through the Public Works Board, there will some monies. In fact, the Governor has authorized four master plans in the area for a women's facility and determining what those needs are. Also, for camps, to strategically locate them where they are going to be the best use and more importantly, where the people want them and need them.

Also, in our master plan, we are looking at a lot of maintenance programs. What kinds of maintenance programs do we need? One of the things I will share with you that will be your shining star next time will be our Young Adult Offender Facility. We will be transferring our young adults to the Jean facility. We are talking about an educational/vocational type facility. It will be a different type of facility than just the "prison environment." That is going to help with those kids to regroup those thought patterns, educate them, and hopefully they will not come back to our prison system. This is new for Nevada, so stay tuned. If all of this is approved, you are going to see change in our culture in our Department, as it is long overdue. We have these young boys coming into our system and if we don't reach them the first time, you will see them back time and time again. Because when they go out, if they have not been prepared, they will be your ultimate repeat offenders. That is something I am very excited about.

The other part is opening up our transition center in Las Vegas. That is also going to be a model. We are very proud of what we are going to be doing in that area. In fact, we are leading the country right now because we are building a brand-new facility with a brand-new theme and philosophy.

So those are all some major things that I want you to stay tuned for. We will be going before the Legislature finance committee to ask for those things. So you will be hearing a lot about us. I hope it is all going to be good. I hope we have the support of not only the Legislature like we have had each time but also the

community. So we really appreciate, Mr. Chairman and members, for allowing us to come here and to present to you today.

**Chairman Anderson:**

As I said in the introductory part, I consider you to be part of the team that makes this system work. We kind of wash our hands of it and say it's your problem now. It often scares me because we have all toured your facility and know that none of us wants to be there. It is a nice place to visit if you can get by the smell except Ely, which doesn't have an institution smell. I have to compliment you how interesting the Gap was. It was truly an interesting facility, and if any of you ever have a chance to go there for a tour, I surely would recommend it. I appreciate the thoroughness of the presentation. Doctor, did you need to present some information for us?

**Ted D'Amico:**

I am available in case the Committee may have some specifics regarding Medical. You have some pretty alarming statistics here, so I am just here to answer any questions and let you know what direction we are taking in Medical but not a formal presentation today.

**Chairman Anderson:**

I know that the prison population has grown so dramatically in the 14 years that I have been in the Legislature. I know you have been with the prison system almost all these years. When did you first come to work?

**Ted D'Amico:**

Mr. Chairman, I have been in prison most of my life. I hear you talk about the old days here in Nevada in the 1960s. I came here in 1950. I have been Medical Director about eight years and it has been interesting.

**Chairman Anderson:**

I know we have some medical facilities that we were finally able to get into the system with the recognition of the older prison population. Recently, the newspaper has indicated stories about several of the guards having been identified with possibly having TB [tuberculosis]. As a teacher, I have to have one of those tests on a regular basis because being in a population group. Has this become a major problem just recently in the prison system?

**Ted D'Amico:**

I think I'll just take a moment of your time because I think it needs to be put into perspective. We have been dealing with TB since the pharaohs. The micro bacteria in TB is just a real interesting bug and the bugs try to win. Unfortunately, this particular bug doesn't last like anthrax in the ground. It

needs a host, so human beings throughout the world have been coughing on each other for eons. About seven years ago, we went through a scare here at the prison because we had an active case of TB.

**Chairman Anderson:**

Doctor, when you mean an active case, do you mean an inmate with an active case of TB?

**Ted D'Amico:**

We did have an inmate with an active case of TB. That was when I just came aboard at that time. Texas has about 20 or so a year of active cases that they treat for tuberculosis. Big states also have active cases. We have never had another active case in the last eight years.

At the present time, we do not have an active case of TB. We had CDC [Centers for Disease Control] come into our institutions and we recognized all of our protocols to protect our inmates and our community with very tight controls on how we screen for tuberculosis. Tuberculosis is screened by skin testing throughout the military and throughout the world. That skin testing is administered every year to all of our inmates in our institution and read by our medical staff. We also provide the manpower to administer the tubercular skin test to our employees of our department and read those tests.

Recently, in the last two or three weeks, eight of our employees came up positive, which means they converted on their skin test. This is compared about to two or three over the years that we have seen. So that in itself was alarming. What we did was to investigate where the target was, this Typhoid Mary, so to speak. So we did a testing on all our inmates at the Nevada State Prison. We also came up with another alarming statistic. We had about 50 converted cases in our inmates. Where does that leave us?

Every year about May we do a complete testing of all our inmates. I have accelerated that and we have started in the testing of all our inmates in the whole state within the next couple weeks. All of the employees throughout the system have been skin tested. The only place we have seen a conversion right now to any extent are these 8 cases of custody officers at Nevada State Prison.

We recently had some Washington inmates that came through Nevada State Prison. So thinking there might have been something coming down from the north, we looked at all their records. They have a very tight program in Washington as well, and we found out all those skin tests were negative and recent within the last year. They were all sent down to High Desert. So, at the present time, Public Health has come in to help us on this also to try and find

out if we have, in fact, an active case some place which we haven't found. Or if these are just positive skin testings are part of our screening efforts.

[Ted D'Amico, continued.] Each person who gets a skin test that tests positive is provided with chemoprophylaxis. In fact, they may have a latent case of TB or were recently infected or previously infected. This helps to prevent it from spreading because that is an alarming fact in our country that a lot of latent TB has not been recognized. It seems to be cyclic. A Los Angeles County institution has come through numerous positive skin tests right now. This is seven years since the last time we had a scare. Public health can't give us any direction other than what we have taken so far. Where are we going to go from here? I think we are going to continue to look throughout our whole population to see if we have an infected case someplace. We will upscale our protocols in the future because we have an increase of Asian and Hispanic population within the state. In fact, I think Caucasians are a minority in the West now if you take California and all the western states.

We may be seeing TB latent cases in the California system and Texas system affecting Nevada. We may get more positive skin tests. But at the present time, none of the officers have been identified as infected. They are under chemoprophylaxis from the contracting doctors in the community. None of our inmates have been identified as having active cases of TB. That is why we screened just for this reason.

**Chairman Anderson:**

I guess I am concerned that the employees who represent the people who are dealing with the prison population are getting the kind of attention they need to protect them from the population. They come out the door every day and have the potential for infecting the rest of society and their own families. We owe it to them to make sure that they are taken care of. We need to make sure we are indeed taking a quick response and an adequate response in terms of the medical needs of those people.

**Ted D'Amico:**

I think they have confidence in our Medical Division. For your information, we have about 14 or 15 board-certified physicians that are licensed in this state. We don't utilize any contract physicians. We have 7 psychiatrists that are board certified. We have about 10 dentists. We have an elaborate medical staff with over 100 nurses with about 80 percent registered nurses and 20 percent licensed practical nurses. Our staff is really on the ball and very up to date. I think that custody and the rest of the employees could feel pretty confident that we are up to date on this.

**Chairman Anderson:**

Doctor, I appreciate the numbers and then I look at the number of facilities and recognize that while the numbers look big, they are spread pretty thin. You're all over the place. There is a long distance from Ely to anywhere, having just driven over there recently. Although I love Nevada and love traveling in Nevada, I don't want to do it when the roads are not good. Not all of our locations are close to even good community medical facilities. They just have minimal medical facilities in those communities. So I am concerned about the family population of the people who are working for us. I agree your staff is doing a remarkable job with a very, very tiny staff.

I was noticing what is not in this presentation, if there is going to be any criticism. There used to be a map I would get every session that showed where it was located and how many people were at that location. It is probably one of ones that you dropped out to try and get us under the 20 minutes we gave you for this. It is not a criticism of you, Doctor, I just know that you have staff that work in isolated locations where medical treatment is often not available in the community. Your staff has worked really hard and I appreciate what you are doing not only for the prison population, but for our guards that have to represent us.

**Ted D'Amico:**

I would like to remind the Committee, if they are not familiar with this, our medical staff operates almost 200 hospital beds in this state and maybe 100 or more actual mental health hospital beds in this state. We have relationships in our outlying areas that are better than they ever have been before utilizing their facilities and their talent. All this is without building more facilities for Medical. So I appreciate your comments and we will continue to try and do a good job for you.

**Assemblyman Carpenter:**

Coming from the rural area, I am very aware of the good work the honor camps do, so I am glad to see in your long-range planning that you are going to develop a new master plan for new camps. I was just wondering if there were going to be more of these camps out there, could they help the situation that you are talking about that we have more people than other states do in hard beds? Would that help or not?

**Jackie Crawford:**

Absolutely. Part of what the master plan will do is to look at our population and determine that classification with some projections and look at some camps that we believe can address those needs. I anticipate that some of those camps will be expanded. We are looking at a 600-bed work camp plan in Indian Springs. We are looking at Carlin and Wells. Should those two be combined or should they just be expanded? That is what the master plan will do for us, and I think you will be very satisfied with the results of that master plan because this is something we haven't done in this state. We haven't done a lot of planning. So I was very gratified that the Governor had approved the monies for us to look at some planning. So you also will have a footprint. Where are we going? What are we going to be doing? We are not building facilities just to be building them. We are going to have a plan, a roadmap, to accomplish those goals. Yes, it will help immensely.

**Chairman Anderson:**

Thank you. This is not a bill hearing, so we are not taking additional testimony. If there are other people in the audience who feel they have a specific observation that they wish to make, generally speaking, this is not the appropriate time. But I want to make sure that if there is something you need to get into the record for us to think about, this would be an appropriate thing to say. Do you need to say something on behalf of the administration? Anybody else? Members of the Committee? Any other information to come before the Committee? We are adjourned [at 11:42 a.m.].

RESPECTFULLY SUBMITTED:

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Carole Snider  
Committee Attaché

APPROVED BY:

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Assemblyman Bernie Anderson, Chairman

DATE: \_\_\_\_\_

## EXHIBITS

**Committee Name:** Judiciary

**Date:** February 8, 2005 **Time of Meeting:** 8:00 a.m.

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