

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-third Session
February 10, 2005**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 8:00 a.m. on Thursday, February 10, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Mark E. Amodei, Chair
Senator Maurice E. Washington, Vice Chair
Senator Mike McGinness
Senator Dennis Nolan
Senator Valerie Wiener
Senator Terry Care
Senator Steven Horsford

STAFF MEMBERS PRESENT:

Nicolas Anthony, Committee Policy Analyst
Kelly Lee, Committee Counsel
Gale Maynard, Committee Secretary

OTHERS PRESENT:

Amy Wright, Chief, Division of Parole and Probation, Department of Public Safety
Mike Ebright, Acting Deputy Chief and District 1 Administrator, Division of Parole and Probation, Department of Public Safety
Mark Krmpotic, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau
Jackie Crawford, Director, Department of Corrections
Darrel Rexwinkel, Assistant Director, Support Services, Department of Corrections

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Fredrick Schlottman, Administrator, Offender Management Division, Department of Corrections

Dorothy Nash Holmes, Mental Health Programs Administrator, Department of Corrections

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

Gary H. Wolff, Teamsters Union, Local 14

Edwin R. Flagg, Nevada Corrections Association

CHAIR AMODEI:

This meeting of Senate Judiciary will come to order. We have a presentation from Parole and Probation.

AMY WRIGHT (Chief, Division of Parole and Probation, Department of Public Safety):

Our Director, George Togliatti, could not be here and he wishes to express his apologies. I will be presenting an overview of our Division of Parole and Probation ([Exhibit C](#), original is on file at the Research Library). I will address who we are, what we do, our three major program areas, our workload, growth trends, staffing ratios, some of our outcome measures, information on revocations and our inmate programs, restitution and supervision fee collection, and finally, a brief overview of our budget requests.

This Division is under the Department of Public Safety, and we derive our authority through the Nevada Revised Statutes (NRS) listed on page 3 of the overview, [Exhibit C](#), provided for informational purposes only. We conduct presentencing investigations and make recommendations to the court. We monitor and enforce offender compliance with the conditions of the community supervision that assist offenders with successful reintegration into the community. We collect deoxyribonucleic acid (DNA) samples and restitution payments for disbursement. We conduct pre-parole inmate and incoming interstate placement investigations.

The Division of Parole and Probation has three major program areas. The first is the Court Services Program. This is staffed by primarily civilian personnel. Their main job function is to conduct presentencing investigations and reports for the court, supplemental presentencing investigations, post-sentence investigations, pardon investigations with reports, and boot camp letter reports.

MS. WRIGHT:

Work growth in our Court Services Unit is generated by the district courts in the State of Nevada. There has been a sharp rise in the number of our presentence investigations the Division has conducted in fiscal years (FY) 2003 to 2005. We have had a 23-percent workload increase since FY 2001, and this corresponds with the increase in the Nevada Department of Corrections (NDOC) population.

Our next major program supervises offenders in the community. We supervise Nevada parolees, Nevada probationers, inmates on conditional release programs and lifetime supervision of sex offenders. Specifically with lifetime supervision, in the 1995, or 68th Legislative Session, there was a law passed requiring that all convicted sex offenders, in addition to their original sentences, be placed on lifetime supervision by this Division; it was termed as a parole. This means when they finish their sentence of probation, incarceration or parole, they are placed on lifetime supervision with the Division. We have specialized caseloads for sex offenders who remain static, and those caseloads will only grow because those offenders are on for their lifetimes. Other parolees and probationers from other states are supervised via the interstate compact. The interstate compact is a reciprocal national compact allowing offenders who are residents of the State of Nevada, and who were convicted out of state, to be supervised in Nevada at the request of the state the offender committed a crime in. It also allows those offenders convicted in the State of Nevada who reside in another state to return home and have that state assume supervision for the State of Nevada.

Our supervision programs include regular supervision having a combination of maximum, medium and minimum levels of offenders. Our Intensive Supervision Unit (ISU) officers oversee our high-risk offenders and are in caseload ratios of 30 to 1. Residential confinement is an inmate program for those inmates who are released into the community on residential confinement under supervision. We work with the Department of Corrections in investigating placement programs. Our specialized sex-offender caseloads are in the urban areas of Reno and Las Vegas.

We supervise offenders throughout the State, and we have 4 district offices and 13 offices statewide. The first district is Carson City and Fallon. We have also included the average number of offenders who are supervised in those areas. District 2 is Reno; District 3 is Elko, which is our rural district, covering the most miles across this State. The officers have to do a tremendous amount of

driving when they are supervising offenders in the community. Our District 4 office, in Las Vegas, has the largest number of offenders to supervise, and this is where we have the largest number of personnel. Since FY 2001, we have had a 3-percent growth in our supervision programs.

Ms. WRIGHT:

The next major area is our Central Office Caseloads Unit which monitors compliance with the conditions when the offender has been transferred out of state and that other state is supervising this offender. Our prerelease unit coordinates the release of inmates who are on parole and facilitates placement programs to the district parole and probation offices. Our Fugitive Apprehension Unit monitors the cases of fugitives who have gone to warrant and also facilitates the returns or extraditions of those offenders when they have been apprehended out of state. Our central office is staffed by civilians, and over the last 4.5 years, we have seen a 1-percent increase in workload growth.

As of January 1, 2005, our regular supervision programs are manned, at this point, at a caseload ratio of 100 offenders to 1 officer. This is an average caseload across the State of Nevada. Our authorized staffing ratio is 70 to 1. Staffing ratios in our higher-risk areas for sex offenders and residential confinement subjects, who need intensive supervision, are about where they should be—43 to 1 for sex offenders and 31 to 1 in our residential confinement programs. We will always move officers out of regular supervision to man caseloads in those high-risk areas when they start to rise. Our court services investigation area is approximately in the correct ratio of 64 to 1, though currently, we are about 68 to 1.

With regard to our sworn personnel annual vacancy comparison, in the years 2000 and 2001, our average vacancy rate was 37. It began to fall when the Legislature authorized an increase for our sworn staff for retention and recruitment purposes. We were able to bring these numbers down between July of 2002 and July of 2003, to an average vacancy rate of 15 sworn positions. Due to some budget crises, the tragedy of September 11, 2001, our efforts in recruitment and retention and having to compete with local law enforcement, who offer a much greater salary incentive, our vacancy rate has increased. Included in the Governor's recommended budget is a two-step increase for our sworn staff to assist the Division in being able to recruit officers and to increase our retention rate.

MS. WRIGHT:

Our annual civilian personnel vacancy comparison is improving. During the hiring freeze, when the State budgets were in crisis, we were forced to stop hiring civilian personnel. Our vacancy rate rose to an average of 48 during July 2002 to 2003. However, it has continued to fall since that time, and currently we have a vacancy rate of seven percent.

There are successful and unsuccessful ways in which an offender can exit from supervision. Successful exits include a parole and probation discharge, which means this offender completed his or her probation and parole without being revoked, or if an inmate on community supervision has been paroled or his or her sentence expired. An unsuccessful exit occurs when parole or probation is revoked or if an inmate is returned to prison due to a violation of their community supervision rules.

Shown in [Exhibit C](#) is an historical overview of our success rates for parole exits covering the last five years. We have averaged about 70 percent, which is 31 percent over the national average. From year to date and projecting out, we are rising at 78 percent, and the national average is about 47 percent of parolees successfully exiting their paroles. On the other side, when a parolee is in the process of violating the conditions of his or her parole, we are mandated to report to the parole board those violations. We work with the offenders and make our responses to their violations correspond to the nature of the violations and their risk to the community.

An overview of a two-year revocation comparison was given. These are the total number of parolees in FY 2004 who were returned to the parole board for revocation or consideration of the violations. Of these considerations, 24 percent had their paroles reinstated, and 76 percent were revoked and the inmates were returned to prison. From year to date and projected to FY 2005, it mirrors to about the same numbers as in FY 2004. Twenty-six percent were reinstated, and seventy-four percent were returned to prison.

The reasons for revocation have been broken down into these three areas: a new arrest or conviction, absconding or rules violation. Every month, the Division collects a tremendous amount of statistical data regarding revocations. A rules violation case may include an order to enter into an inpatient treatment program and failing to attend, or continuing to test positive for drugs, or weapons possession, or in the case of a sex offender, associating with a minor

or possessing pornography on the computer. Approximately 50 percent return to prison as parole violators or on a new arrest conviction; 22 percent return for absconding and about 27 percent return for a rules violation. We have compared the number of revoked paroles to the average parole population. Out of the majority on parole during a given year, nine percent are revoked because of a new arrest conviction, four percent for absconding and five percent due to rules violations. There is also a comparison on the chart for FY 2005, [Exhibit C](#).

MS. WRIGHT:

For probationers discharged without being revoked, our five-year average is about 65 percent, while the national average is 59 percent successful exit rates. Our felony probations being revoked are increasing. Forty-seven percent of probations were revoked in FY 2004 for new arrests and convictions, 27 percent for absconding and 26 percent for rules violation. It was approximately the same in FY 2005, year to date. I want to make it clear to you that we are only comparing felony probations; the Division also supervises gross misdemeanor probationers and they account for one-third of our overall probation population. It was not brought to your attention earlier, but our probation population, since 2004-2005, is rising. If we flip back to page 21 of [Exhibit C](#), we see our parolee population is dropping. Part of this is due to A.B. No. 105 of the 72nd Session allowing parolees' credit against their sentences when released on community supervision if they are complying with the community supervision and paying restitution and fees. In the community, they are earning good-time credits for a total of 20 days per month. This is shortening the length of time they are on parole. It is giving us the effect we thought it would.

I would like to take you through our 305 Residential Confinement Program for felony driving-under-the-influence (DUI) inmates who, while incarcerated, go through a treatment program given by the NDOC. The NDOC makes recommendations that they be placed in a community-supervision program and placed on residential confinement. We have had a good success rate with this program and about 89 percent of these offenders successfully complete their 305 program. Upon completion, they are either released into the community or they are released on parole. The forecast for FY 2005 was a 6-month data projection outward, and at the time this slide was done everyone in the program had successfully completed it, but since then, we have lost one who has been returned to the community.

Another inmate residential program is the 317 Program and these are inmates who are primarily convicted of theft or drug related offenses. They are not violent or sex offenders, and while NDOC screens inmates for eligibility, they make recommendations to the Division and we investigate their placement programs. Again, we have had a good success rate on this program and our 5-year average is 69 percent.

There is another inmate program known as the 184 drug court program which began in 2001. It has proven to be effective and we have had a 68-percent success rate. These inmates are not placed on residential confinement when they reenter the community but are instead placed in drug court and must follow the rules and conditions of that court and agree to accept that court as the authority. For those inmates who do not comply, the drug court then makes a recommendation that they be returned to the institution and to the parole board. We currently have 70 offenders participating in this program.

The Division of Parole and Probation, in conjunction with supervision of offenders in the community, is also responsible for the collection and disbursement of restitution to victims of crime. We also collect supervision fees to defray the costs to the State of Nevada.

I am proud to say that the men and women of Parole and Probation were projected to collect this year \$4.8 million in restitution to be returned to victims of crime and nearly \$2.8 million in supervision fees.

We have an overview of the Division's funding sources, [Exhibit C](#), and our budget requests for this biennium. In this budget request, we have included an increase in staff. Our staffing needs are based on projections by JFA Associates, and at the time our budget request was entered, our projections were extended into FY 2006 to include 21 new sworn positions and in FY 2007, 5 new sworn positions for a total of 26 over the biennium. JFA Associates will be coming in with their projection next week and our staffing needs will be adjusted at that time for this budget.

MS. WRIGHT:

Some major enhancements included in our budget have been to restore the residential confinement program to the General Fund. This is a program that has worked with great success. We hope to expand this program to those inmates and offenders who otherwise would not be eligible for the program as it is

currently operated. Presently, our residential confinement is completely offender-paid. Offenders must be able to pay for the program in order to participate. The Division, at one time, did have General Fund monies to support this program, and we have steadily seen, since we have moved to offender-paid, that the inmates and the offenders placed on this program have dropped dramatically. We would like to expand the program to include those inmates in prison who are qualified but are unable to pay for it.

Our Division has also submitted a bill draft request (BDR) for a one-time administrative fee for \$10 for every new term of supervision. This generated revenue will fund training for the Division of Parole and Probation. In the past, we have not been truly funded in the area of training. Currently, our FY 2004 budget allowed for \$66 per employee for training per year. This included new officer training for those who had to attend the training for the Peace Officers' Standards and Training Commission (P.O.S.T.). In FY 2004, this dropped to \$55 per employee. We hope to build a budget that will provide training for all of our staff, both sworn and non-sworn, to increase their effectiveness professionally, and to attend the American Parole and Probation Association training seminars that are held twice a year. This seminar provides updates on what is new in community supervision and gives information on what works and what does not work to make us more efficient and effective. It would also provide our non-sworn staff with training opportunities to increase our efficiency.

Included in our budget is a capital improvement project to fund the planning and design to replace our building in Las Vegas at 215 East Bonanza Road. It is the original State building for Las Vegas and was built in 1954. It has the original air conditioning and heating units and original plumbing and electrical systems. The State Public Works Board has funded studies and recommends that it be demolished. We have outgrown the building. We hope funding for this will be approved this budget. Included in that is funding to move some of our staff out now, to decrease the load on the building and in preparation for the construction process.

A portion of the budget will be used to contract for a statewide study for a mobile data communications system. This will allow the Division to go wireless and will allow us to create virtual offices for officers in the field. Through laptop computer or a Palm Pilot-type device, while making home contacts or field contacts of offenders, they will be able to enter into their case management systems all the information on that offender and make

up-to-the-minute chronological entries in the field. This is a program being used more and more across the State.

Last, but not least, are the salary adjustments for our sworn staff. I touched earlier on our inability to recruit and retain sworn staff, which produces high vacancy rates. Salary adjustments will make us more competitive with local law enforcement, and even with the 2-grade increase we are going to be averaging about \$10,000 less per year than other law enforcement staff in these areas. Again, our major issues are sworn personnel recruitments, sworn personnel retention, working conditions, training and equipment.

CHAIR AMODEI:
Are there any comments or questions?

SENATOR CARE:
In the case of the convicted sex offender and the lifetime supervision, what would constitute violation of the terms of supervision? What exactly would be a violation of the terms and what happens after? If the offender has completed his term and parole, would a violation of terms depend on another crime being committed or, in some instances, would a punitive civil measure be taken by your Division?

MS. WRIGHT:
In this case, when a sex offender on lifetime supervision violates the terms of his or her community supervision, it constitutes a new offense. It becomes a felony with a one- to six-year penalty. Therefore, the Division has to file an affidavit with the district attorney's office in the jurisdiction, charging a violation of the person's lifetime supervision. The violator appears in court and it is as though they are being charged with a new offense. Lifetime supervision is termed like a parole by statute, and they abide by the same rules and conditions of those offenders placed on probation or parole, and we do take them back for violations. Some have been convicted under the lifetime supervision act, NRS 213.1243, and have gone to prison for the violation of their lifetime supervision and they also have been placed back on probation. It can be a violation of the rules and conditions as well as a violation based on a new offense.

SENATOR CARE:

I understand if they commit another crime, but let us say they get into a brawl, or they do something unrelated to the original offense, what sort of conduct, besides a blatant criminal offense, would constitute a violation of supervision? Also, when a sex offender leaves the State, does it compact so that he is supervised in another state? In other words, have all states entered into the compact or are there some states where there is no such thing as lifetime supervision, where an offender in Nevada once he leaves the State, is no longer being supervised?

MS. WRIGHT:

The only state that has not entered into the compact is the state of Massachusetts, and they are moving towards signing on. Lifetime supervision is somewhat unique to the State of Nevada. It makes it difficult for sex offenders who are on lifetime supervision to compact to other states, because other states are not willing to accept a sex offender into their community for lifetime supervision. The provision that it constitutes a new criminal offense is troublesome. Normally, when you commit an offense in Massachusetts, it has to be in violation of Massachusetts law. Now, they are residing in Massachusetts and not in Nevada. There are a lot of states that find this unworkable.

SENATOR CARE:

The other question was what kind of conduct, outside of a felony, would constitute violation of lifetime supervision?

MS. WRIGHT:

A violation could be a rules violation where we have a sex offender who has a propensity to violate children, and we find them in possession of child pornography either at home or in their computer, or if they are visiting parks, or if they are not reporting or have absconded, or are not going to their treatment programs. We also deal with them in-house. Our response to the violation is based upon the level of the violation. If the violation is not reporting, then we may put them on weekly reporting; we may see them in the field more often. There will be some consequences. If we find them with child pornography, then they will be arrested for violation of the lifetime supervision rule, and in addition, they will have new criminal charges filed against them. Also, if they are ordered into treatment programs, and they are not attending, this constitutes a serious violation and they will be taken to court.

SENATOR NOLAN:

Over the last several sessions, I have noticed the interstate compact has been an issue with the number of parolees coming in from other states that we are required to monitor. Last Session there was a discussion about this, and your Division was struggling to get a grasp on the number of people entering into the State of Nevada, both north and south. I would like an update on the numbers. What is the percentage of these people coming in who are reporting versus not reporting?

MS. WRIGHT:

I do not have that data in front of me, but I will get it to you. Historically, the interstate compact has worked well for Nevada because we export more than we import, at a ratio of two to one. But we have more offenders coming into the State of Nevada committing offenses who are not residents, getting convicted, and then we are able to move them back to their states. Some coming into our State are Nevada residents and we just accept them back and supervise them for another state. The new rules' conditions for the interstate compact have tightened a great deal. Other offenders coming into the State of Nevada would either have to be former residents, or have family or support here for a certain length of time in order to make them eligible to come into this State.

SENATOR NOLAN:

With respect to the residential confinement, can you give us an idea of the number of parolees who are eligible that actually participate in the program, and do you keep recidivism rates on those who participate in the residential confinement program versus those who do not?

MS. WRIGHT:

We measure the success of the program and of the residential confinement programs and have a high rate of achievement. We have not carried this out into recidivism in the sense of do they re-offend and come back in. Residential confinement subjects have less of a chance of revocation, and the success rate is greater also with community supervision.

SENATOR NOLAN:

My concern is if the people who need it and do not have the financial resources or support mechanisms are the ones who are recommitting the offenses and recycling back into the system. Is there some kind of study that says if they

participate in these programs they will be less likely to be revoked, or if they have no financial support and were given assistance to get into the program that they would still re-offend?

SENATOR MCGINNESS:

I chaired the interim committee on the Criminal Justice System in Rural Nevada and Transitional Housing for Released Offenders. We saw some particular challenges in rural Nevada, and obviously the goal of your Division is to have successful outcomes. Is it less likely that an offender will be successful in rural Nevada because of the challenges, or have you looked at this?

MS. WRIGHT:

We have not broken it out by district, but I can provide this information to you.

SENATOR MCGINNESS:

We recognized some particular challenges, not only physical buildings such as the courthouse in White Pine, which is in the Governor's one-shot appropriations, but the fact that we mandated weekly counseling for drug and domestic abusers. This is not available in rural Nevada, and the recommendation from the Committee is to make some changes. Are there any challenges your Division faces that we can help you or the offenders meet as well?

MS. WRIGHT:

I gave testimony in that interim committee and acknowledge that in the rural areas especially, counseling for sex offenders and those who have significant substance abuse issues is problematic. These offenders have got to drive to where they can find counseling. Sometimes it becomes impossible, and you cannot get it done and hope that they can make it with the support of supervision and whatever they can get through Narcotics Anonymous or Alcoholic Anonymous. With sex offenders it is a real issue, and we have discussed the possibility of circuit therapists being hired to make routes through the State in these rural areas to provide counseling. Also, video conferencing would be a big plus. All of this comes with cost because you have to have the video conferencing centers in the areas for those offenders to move into.

SENATOR MCGINNESS:

If you had an offender coming out of a less populated area of eastern Nevada, and counseling was mandated and he had family there but no counseling, would this prevent the offender from returning to that community?

MS. WRIGHT:

It certainly could. They would have to relocate to an area where they could get the counseling.

CHAIR AMODEI:

Are there any other questions for the Division of Parole and Probation?

SENATOR HORSFORD:

I have several questions. This is important to my district, and I have worked on improving our employment and training programs in Las Vegas. I will refer to your presentation, [Exhibit C](#), page 9. Can you tell me again the number of offices by your different regions?

MIKE EBRIGHT (Acting Deputy Chief and District I Administrator, Division of Parole and Probation, Department of Public Safety):

In District I, encompassing Carson City, Douglas County, Storey County, Lyon County, Churchill County, Mineral County and parts of Washoe County, we have two offices. The main district office is in Carson City with a sub-office in Fallon. There was an office in Minden for a few years, but during the 3-percent budget cuts, we closed that office to save some money and moved those officers to Carson City. Reno is District II, and we have one district office there; they handle strictly Washoe County. In District III, we have a district office in Elko with sub-offices in Winnemucca, Ely, Tonopah and Pahrump. In District IV which is Las Vegas, we have the main district office on Bonanza Road, two offices on Belrose—one of those offices being fairly new, and a sub-office on South Tropicana Avenue that handles the southern tip of Clark County.

SENATOR HORSFORD:

Ms. Wright referred on page 14, [Exhibit C](#), to a two-step increase. Is this the 2-percent increase by the Governor or is that something different?

MR. EBRIGHT:

It is part of the Governor's recommendation and he is proposing a two-step increase for the law enforcement members of the Department of Public Safety including the Highway Patrol, the Investigation Division, along with Parole and Probation. We are all experiencing the same types of recruitment and retention difficulties.

SENATOR HORSFORD:

I know there are a lot of challenges with the State's law enforcement recruiters being able to compete with local jurisdictions. My hope is while we are increasing in every category in our prison population, as well as parole and probation, we will see fit to reward those persons trying to do the work to keep these people out of prison. On page 16, [Exhibit C](#), you talk about the successful exits. I would like to know more of your experience in other states and the types of restitution that those offenders receive once they get out of the system, compared to Nevada. I am aware we are one of five states that are punitive when it comes to voting, and accessing employment and after release becoming a law-abiding citizen. What is your experience in other states?

MR. EBRIGHT:

It is hard to compare us to other agencies, but in general terms, we do lean towards the more conservative, comparatively speaking. There are many agencies throughout the country who are law enforcement officers, and there may be law enforcement-based practices. There may be others who are more social-work oriented. It is probably fifty-fifty when doing this type of comparison. Many states are not staffed by parole and probation officers who are peace officers, but there are many states that are similar to ours. We are very similar to North Carolina with what happens in the areas of philosophy, training, responsibilities and how they conduct their work. As far as programs, we have looked across the country to see what works, and we have tried to put some of those practices into place here in Nevada. Some of these programs have worked, and we have taken steps to try some things that subsequently did not work. I think we have been successful, especially in the area of the inmate programs. It is not unique, but it is not something common throughout the rest of the State. Between the Department of Corrections and the Division of Parole and Probation we have been successful with these programs, and it is something that has been very good for Nevada.

SENATOR HORSFORD:

I have seen and witnessed a change in philosophy throughout the Department of Corrections with Ms. Crawford and her approach, but what I am looking for is how our State compares from the point of release and what happens afterward. What do ex-offenders receive? Are there any restoration rights, and how does this affect recidivism and their overall ability to assimilate back into society?

MR. EBRIGHT:

In some of Nevada's rural areas, we do not have the same resources many states have for programs and rehabilitation that we can provide to the offenders when released. This certainly affects the recidivism rate. You spoke about voting privileges, and we are one of two states which take away voting privileges once a person is convicted of a felony. The last Legislative Session made things much easier for a former offender to regain voting rights. Other processes, such as pardons investigations and granting pardons, are probably similar throughout the country to people who have turned their lives around.

As far as long-term recidivism rates, which we need to be concerned about, Parole and Probation has not delved into this. We track people while they are on probation and parole, but once they are off our supervision, we lose track of them. We do not track what happens to them for a year or two after they are no longer under our supervision. We know they are successful while under supervision, and we hope before they leave supervision our guidance has given them the tools to lead a better life. I am unaware of any studies tracking the offenders for this period of time to see how we are compared to other states.

SENATOR HORSFORD:

Ms. Wright has indicated that parole is decreasing as an overall percentage and probation is increasing?

MR. EBRIGHT:

Right now, we are seeing a short-term trend indicating we lost quite a bit of our parole population, and we think the effect is due to A.B. No. 105 of the 72nd Legislative Session and the credits granted to the parolees that did not exist before. We have seen an increase in our probation population, and this is attributed to the growth of the State. We have seen the same type of growth in our referrals for court services and our pre-sentence investigations. We have seen an increase in our prison and probation populations.

SENATOR HORSFORD:

What is concerning are the statistics given to us that show more successful outcomes for parole, although it is declining as a percentage, and there has been a steady decline over five years of successful exits for probation, which is increasing. What effect is this going to have on the recidivism rates for the prison population, and what are we doing in the prison population? I am

concerned about the trend over time and what the impact can be to the State, to the budget and to the number of people incarcerated.

MR. EBRIGHT:

We need to take a look at the long-term trends and not the short term. Over a period of five years, we have been 70-percent successful with the paroles, and probation runs a little lower. Right now we are having a trend where our success rates with the parolees have been higher, which we attribute to A.B. No. 105 of the 72nd Legislative Session where we have seen a lot of exits, and therefore these numbers have gone up. We have seen a short-term trend recently with our probationers dropping. We are hoping it is not something that is going to be occurring over a long-term period. There is some impact from what is happening at the district court levels and possibly more at the justice court levels, where some of the offenders we used to get, let us say ten years ago, for simple possession of marijuana, are now being deferred into the justice courts. We used to get those on probation, they did well, and we had more success. There has been a hardening of the population and deferring more to the justice courts. They have drug court programs now which have been successful, and the numbers causing their success used to be our numbers. It has taken away a population of good offenders, and this had an affect on our numbers. It is a little too soon to see if this trend is going to continue.

SENATOR HORSFORD:

Is it fair to say we need to focus on the probation sector and evaluate what we are doing and how we are doing it in order to determine if we need to invest more or bring different approaches than what we have been utilizing in the past?

MR. EBRIGHT:

We certainly need to keep an eye on it. The resources for the officers handling the parolees and probationers are no different, and there is no reason we cannot see any success rates that are very common. We need to keep an eye on what has been happening and be concerned about what we see with probation, and certainly, we always need to be taking a look at other things we can be doing, other resources we can utilize and practices that other states are finding successful.

SENATOR HORSFORD:

I see in the budget a "going-home-prepared program," which was primarily funded through a grant from the Department of Justice, is ending. Are there any plans to continue this through State funding? I see zero revenue for FY 2007. There has been some success with this program in coordination with nonprofits in the community and how ex-offenders reenter local communities. What is going to happen with that effort?

MR. EBRIGHT:

The loss of the grant funding will cause us to lose two of our counseling positions. Excuse me, I was informed that those positions are being funded under NDOC. I am not as familiar with that program in Las Vegas. I do not think we are stopping the program due to a lack of funding. We see the success and the need and are going to continue, but most of that funding and program is run under the Department of Corrections' budget and not ours. We have the officers there to provide the supervision and we will continue to do this.

CHAIR AMODEI:

Are there any other questions? Mr. Mark Krmpotic, please come up and give us your perspective, from a resource point of view, over the last few budget cycles for Parole and Probation.

MARK KRMPOTIC (Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

I have prepared a short breakdown of our past, present and projected future needs, [Exhibit D](#).

CHAIR AMODEI:

Are there any questions?

SENATOR WIENER:

With the increase of the 30 new staff positions, you stated that it will affect the caseload. What would the ratio be? What are we coming from and what will we be going to with the increase of these new positions?

MR. KRMPOTIC:

The 30 new positions are recommended to address projected increases in caseload. I do not have current information on what the actual caseloads are for the division, but I can tell you there are 12,088 projected cases in FY 2006,

which is about a 1.5-percent increase over the FY 2005 projected level. This goes up to 23,420 cases in FY 2007. Of the 30 positions recommended by the Governor, 27 of those are slated for Las Vegas, and approximately 3 are slated for the sex offender unit in Reno.

SENATOR WIENER:

If we could get that information, Mr. Chair, I would appreciate it. One of the concerns in corrections, and thereafter, are the caseload and case-management issues. If we could get the projections, I would like to see them.

SENATOR WASHINGTON:

I would like to follow up on some questions Senator Care had regarding the release of sex offenders. I was contacted by the *Reno Gazette Journal* about statutes that are on the books about sentencing referring to levels one, two, and three and the supervision. Have you surveyed the BDRs circulating out there, and is there anything we can expect to tighten our sex offender statutes and our supervision?

MR. EBRIGHT:

We have prepared a bill specifically to make some adjustments to the lifetime supervision laws. We want to continue to provide enhanced supervision for those offenders in the community, and we want to do it with the same philosophy of "this is for life." Some of the laws and the way they are written, for instance, having to file new felony charges when a violation occurs, and the fact that it is only a form of parole and not a true parole, and the types of issues that Senator Care brought up reference the difficulty we have in transferring those cases out of state. We need to make some changes to those laws, and our bill should cover a large percentage of the problems we are having and other law enforcement agencies are experiencing in dealing with the lifetime supervision of the sex offender group.

SENATOR WASHINGTON:

During the last Session, we looked at some other states and what they were doing with sex offender supervision. We looked at Washington state, which has offender addresses located on the Internet, so the residents could see who was living within their areas and maybe identify some of those sex offenders. Have we taken a look at those types of issues or ideas? The problem with this supervision is the Constitution and whether or not the federal Privacy Act of 1974 was going to be protected and enforced or if the statute even passes

constitutional scrutiny. Are we going to be faced with a constitutional challenge with a pending BDR that will come to this Committee, and from those opponents who want to protect those privacy rights?

MR. EBRIGHT:

I do not think we are going to have any constitutional questions. There are other states that have been approaching those constitutional issues on this fine line, much more than the State of Nevada. I know there are other bills that have been submitted from the Department of Public Safety to address the sex-offender issue. The Central Repository for Nevada Records of Criminal History has submitted a bill regarding some issues they have with the registration of offenders. They currently do not list addresses because of privacy issues and also from what they saw in Washington. There were retaliatory acts from the community against offenders when addresses were submitted. We have learned from other's mistakes and have tried not to make those same mistakes. The type of notification is based on tier level. We need to make sure the community is notified and aware of what is going on, yet still protect privacy and make sure former offenders have a life they can lead.

SENATOR WASHINGTON:

I know local law enforcement, especially in the major metropolitan areas, have been concerned about working with Parole and Probation and the ongoing problem of location, living arrangements and supervising higher-level sex offenders. Is there a collaborative effort between the local law enforcement agencies and yourself to make sure we get something comprehensive in your bill that will address some of their needs?

MR. EBRIGHT:

There is nothing included in the bill to address those areas. We are working very closely with local law enforcement. Our sex-offender supervising officers in Reno and Las Vegas work closely with the detectives and the officers assigned to those cases and investigations. We have got a handle, with the officers on supervision with us, on who is and who is not complying with the registration laws. The concerns the department has are the ones who have not registered and the ones we do not know about. These are the ones we need to be concerned about. We need to put some funds in so we can put a greater effort into locating those people and getting those people under compliance and getting backlog resolved and getting their information to the criminal repository. We need to get on top of this situation.

SENATOR WASHINGTON:

Are these people actually moving into the State, or are they exiting from prison?

MR. EBRIGHT:

We know where the ones exiting the prison are and we can keep track of them. It is those who are out there we have not known about for years and the ones who have moved in from other states. There is also the same problem with our people moving into other states. We need to make sure that communication is on a national scale so we can keep track of them. All the states are having problems. Some are having more successes than others at locating, tracking and getting people registered. It is going to be a costly and time-consuming thing to do.

SENATOR WASHINGTON:

Is this more of an appropriations issue, as opposed to a statutory issue?

MR. EBRIGHT:

It is probably more of an appropriations issue. I think the statutes that are there are workable to get the work done.

SENATOR WASHINGTON:

According to Ms. Wright, increased staffing, training, and computerization will help. Will this aid you in getting this done?

MR. EBRIGHT:

As far as getting us in better shape to handle those on probation and parole, yes. These are the issues, but other agencies are going to need additional funding in order to tackle other issues for those who are not on probation and parole.

SENATOR WASHINGTON:

Is there a comprehensive plan? Do you know where you are going to be for the short term versus long term, in dealing with sex offenders?

MR. EBRIGHT:

There is nothing in the works at present in addition to the changes we are proposing to those laws so we can make management of offenders better. We have not had a chance to sit down and develop any type of long-term plan on how to deal with the lifetime supervision of sex offenders. It is still relatively

new and is now starting to have an impact on us with the numbers. We are just recently starting to see these numbers increase because these offenders are coming out of prison and falling under this lifetime supervision statute.

SENATOR WASHINGTON:

Maybe we ought to take another look at it. I know we worked on this several sessions ago.

MR. EBRIGHT:

It is time we develop the laws now and follow up to do some evaluation on how things are working and take a look at what is happening, what it is we can do better and make some long-term plans.

SENATOR WASHINGTON:

Maybe we can work with your office and come up with something or at least the start of something.

CHAIR AMODEI:

Mr. Krmpotic, we are going to hear some information on Clark County Advisory Question I, which is the sales tax for more law enforcement officers. I do not know if it is going to pass or not, but on the assumption it does, could you take a look to see if there are any databases which indicate what we can expect in projections as far as courts, corrections, parole and probation when we increase our law enforcement presence in the largest jurisdiction in the State. I would like this information to be available to the Committee, and possibly the money committees, in terms of if this goes through, what impact it will have on some of the budgetary and resource discussions we have had with the parole and probation people.

SENATOR HORSFORD:

Mr. Krmpotic, before you leave, you had mentioned something about 26 cuts in Parole and Probation for FYs 2001 to 2003, is this correct?

MR. KRMPOTIC:

The positions that were eliminated occurred last Session for the current biennium.

SENATOR HORSFORD:

Are you referring to FY 2003 through FY 2005?

MR. KRMPOTIC:
Correct.

SENATOR HORSFORD:

The recommendation is for 30 new positions. I just want to put this on the record. I was having a discussion with a colleague the other day, who indicated there were no cuts. There have been cuts and eliminations in positions, and it is important for this Committee, and especially the budget committees, to understand that the budget this time is allowing us to do things we were not able to do in past budgets, and really, the recommendation is for four new positions over where we should have been. I do not know if four positions are adequate, based on what has been outlined today with the issues you are facing in your departments. Could you please provide the information that is distributed through your parole and probation officers to offenders upon release as to what their rights are for voting, what access they have for reentry programs? I have gotten some complaints that the information is not consistent or misinforming at times, and I would like to see what is being distributed and if there is some way we can improve on information distribution in the future.

CHAIR AMODEI:
Are there any other comments?

MR. EBRIGHT:

It was pointed out that Senator Wiener was not present for the initial portion of the presentation. On page 13 of our handout, [Exhibit C](#), it talks about our staffing ratios. The additional positions we are requesting will take us to where we need to be, which is 70 to 1 for regular supervision, 45 to 1 for the sex offenders and 30 to 1 for the intense supervision for house arrest supervision. Right now this is what we feel we need in order to be where we should be. Some of our projections have not been completely finalized, but we will have those within a few weeks.

CHAIR AMODEI:

Thank you, gentlemen, for your input. Director Jackie Crawford, please come forward. I would like to thank you and your staff for giving us the information we have requested.

JACKIE CRAWFORD (Director, Department of Corrections):

We are pleased to be here this morning, and I have with me my staff who will also be making presentations. To my right, I have Dorothy Nash Holmes, who is the Mental Health Programs Administrator. This is a position a study committee determined we needed and it was funded. We will be hearing about the results and what she has been doing to justify her position. To my left is Fredrick (Fritz) Schlottman who is our Administrator, Offender Management Division. He is in charge of all population projections. Also with me are the employee associations and I would like to recognize them because they are here to support us. I would like to start with Gary Wolff, who is with the Teamsters; Scott McKenzie, who is with the State of Nevada Employees Association (SNEA); Edwin Flagg, who is with the Nevada Corrections Association; Darrell Rexwinkel, who oversees our budget and manages all of our finances; and I would also like to introduce Gregg Cox, who is the Assistant Director, Operations, and replaces Glenn Whorton, who has retired.

I would like to open up our presentation ([Exhibit E](#), original is on file at the Research Library) by saying we are the seventh largest "city" in Nevada, and if we continue, we will probably wind up being the sixth largest city. We have 19 locations, and once our newest facility, Casa Grande, located in the Las Vegas area, has been completed, this will make it twenty locations. This project is scheduled for completion by October, 2005.

We have a staff of 2,627 of which 1,696 are certified peace officers. In the year 2000, the Nevada Department of Corrections was charged by Governor Guinn to bring about a more balanced approach to our system. We appointed a study committee, and at that time redirected our philosophy. The goal is to provide professional staff, protect the community through safe, efficient and humane confinement of offenders and provide opportunities for offenders to safely reenter the community. This can be achieved through education, training, treatment, work and spiritual development. Last, but not least, is being sensitive to the needs of victims, which we have done over the last two years. I would like to share with you some of our accomplishments. Looking at our organizational chart, we have several divisions including Operations, Medical, Programs, Support Services, Personnel and Employee Development, Prison Industries and an Inspector General. Our newest addition, which is going well, is the victim's services.

MS. CRAWFORD:

Let me go on to talk about staffing ratios. About two years ago our overtime was horrific. We had a \$9-million overtime issue. Mr. Glenn Morton launched an extensive study to see what we were doing and how we could better manage our people. We were able to automate this process, and by going through our staffing ratios and looking at the national ratios, we discovered that we had the fourth lowest staffing ratio in the nation. We also discovered that in 1991 the inmate to staff ratio was three to one, which is the national average. We lost some momentum and traction in 1991, probably due to a budget crunch, and as a result, we never gained those positions back. Building new prisons and staffing those prisons preempted us from getting the relief staffing we needed. Rather than having a 1.6 staffing pattern, in our study we needed a 1.7. This equates to about 167 new positions statewide. However, during this period our population increased rapidly by 850 inmates over an 8-month period. We had to absorb those inmates with the existing beds and staffing.

The Governor had to do some weighing and make some decisions. We must have those prisons open, because we are going to fill them rapidly. More important, we need three living units that will cost about \$54 million, along with being staffed which we will be asking the Legislature to support. Coupled with this, we will be opening up the Jean Correctional Facility to house our young adult offenders. I am pleased about this, and the Governor did authorize and fund those positions, approximately 230. Keeping this in mind, my priority was to get our staff salary increases.

Our staff officers make \$14,000 less than Las Vegas Metropolitan Police Department (Metro) officers and we are recruiting staff directly out of the academy. I cannot promote lieutenants and sergeants because they can make more as an entry level Corrections Officer (CO) with Metro than they can being promoted in our Department. This is sad. I understand we have to be tough on crime, and we have to build the prisons and look at systems, but we are going to have to pay for it, and prisons are expensive. This department has operated on shoestrings for years. Honestly, we have the most dedicated staff I have ever seen. During the budget crunch and the tragedy of September 11, 2001 (9/11), it was difficult and people were angry because we had to downsize. We right-sized institutions and reduced our staffing patterns, so we could best serve our inmates. Some of this was healthy and it made us look at our departments' operations and also made us aware we were not very strong when it came to staff and resources. Taxpayers want to know why they are "wasting" money

locking up convicts. Let me tell you that you need us and we are also a branch of Public Safety. What are you going to do after the arrest and adjudication and have no place to send them or manage those individuals constitutionally? You are going to wind up in federal court.

I am passionate about our Department, and I will also tell you at the same time, our Governor has done more for this Department since the year 2000 than what I have seen over the past ten years. As we go through this, bear in mind, we have done a great deal with limited funds and a lot of support from the Legislature and the Governor.

CHAIR AMODEI:

If anyone has any questions, please feel free to jump in. What is the present proposal in the budget for NDOC operations personnel in terms of pay? We just heard Parole and Probation say it is a two-step increase for sworn officers.

MS. CRAWFORD:

It is the same as Parole and Probation. It is a two-step increase and then, of course, the cost of living allowances.

CHAIR AMODEI:

What does this do for your personnel? I understand we are still behind the curve as far as competing with other law enforcement positions for State and local governments. Was the \$14,000 accurate if the array goes through?

MS. CRAWFORD:

For our COs, it would have been, at that point, about a \$10,000 to \$11,000 difference. Mr. Rexwinkel could probably respond to you with the exact figure.

CHAIR AMODEI:

Based on this, you do not expect your recruiting and retention issue to change?

MS. CRAWFORD:

I have to say, it is going to be difficult and a challenge.

CHAIR AMODEI:

You spoke about the staffing ratio. How do you think that snuck up on us, or how has that matriculated over the past 15 or so years? I am looking at the

charts on page 3, [Exhibit E](#), uniformed and nonuniformed. Is this a comparison with other states in the West?

MS. CRAWFORD:
Yes, this is correct.

CHAIR AMODEI:
Does the present budget proposal for NDOC contain items that would affect in any way the staffing ratios reported on this page?

MS. CRAWFORD:
I think it does in some respects; Mr. Rexwinkel could respond to you more accurately.

CHAIR AMODEI:
Is there anything anyone would like to ask at this time?

SENATOR WASHINGTON:
In reference to the two-step increase; is it two steps for the classified employees, or are you looking at nonclassified?

MS. CRAWFORD:
No. The two steps would be for the certified, uniformed peace officers.

SENATOR WASHINGTON:
I know the Governor is in the process of realigning classified employees. Is this the two-step plus the 2 percent?

DARREL REXWINKEL (Assistant Director, Support Services, Department of Corrections):

It is primarily a two-grade increase, and we have nine steps within each grade. Each step is worth about 5 percent, and each grade is worth about 5 percent. If we talk about steps versus grades, it is about the same increase, but it is a two-grade increase. In addition to this is the 2-percent cost of living adjustment for July 1, 2005, and July 1, 2006. In total, it comes up to about a 13.25-percent increase by the time we get to July, 2006. The increase for a correctional officer would bring the figure from \$29,800 to \$33,700 and includes the two-grade increase and the 2-percent increase. When you talk

about pay, you have to remember there are several different pay scales, but it all works out to be the same in total costs.

SENATOR WASHINGTON:

I think we have to understand that these are employees who are not at entry level.

MR. REXWINKEL:

This would apply to correctional officers, senior correctional officers, sergeants, lieutenants and wardens.

SENATOR WASHINGTON:

They have been in the system for a while.

MR. REXWINKEL:

It could be new officers, and in addition, there is also a two-grade increase for registered nurses and for case workers.

SENATOR WASHINGTON:

This still does not put you at parity with Metro?

MR. REXWINKEL:

I think the Director indicated a \$14,000 difference. This would probably tighten the difference by \$4,000. With respect to the chart which shows 6.34, we do have a total of 313.5 new positions in the budget. With these positions, the chart will not change much and take us to about 6.3 inmates per sworn officer. In the non-sworn staff, these positions will take us to 12.3 inmates per staff officer and the chart shows 11.74. We are slipping down the chart in non-sworn officers, and we have improved slightly with sworn officers.

CHAIR AMODEI:

Are those positions related to new beds and new facilities opening? Are those growth positions?

MS. CRAWFORD:

This is correct.

CHAIR AMODEI:

You mentioned, Ms. Crawford, that we have 800 new inmates. In a projection sense, do we have any idea what drives inmate population? Is it how the judges feel a certain month, or is it how things go with violations or are there too many variables?

FREDRICK SCHLOTTMAN (Administrator, Offender Management Division, Department of Corrections):

What has happened with our population is unusual. We had a period of over 8-percent growth over this past year. This translates to over 800 inmates under the system. You ask if this has ever happened before. We had this happen two years back in 1994 and 1995, when our population grew in double digits. Then and now are remarkably similar in a couple of ways. First, there was a disproportionate number of new commits entering the system, or people who were adjudicated from the courts rather than being revoked from parole. The other factor is conviction types; they were disproportionately property crimes.

This is different from what we have seen before, because historically, there has been a hardening of our population, with more violent offenders and more sex offenders. Suddenly, we get this boom in property offenders. Both periods were immediately preceded by an economic slowdown. You had a slowdown at the end of the Clinton administration leading into the next Presidential administration. We are just coming off an economic slowdown. We know employment is a lagging indicator, and in a recovery we know that this one has been a little uneven. It could be we are seeing people in our population who are not the most educated or the most skilled. It could be these people are the first fired and last hired. Frankly, we have some desperate people out there, which could be an explanation for what is happening. It could be there are more money and resources for courts to run overtime and hire police and attorneys. We see this down in Clark County, where we have a new jail, and potentially, new officers and new district attorney coming aboard. If you think about the system as if it were a production system, the beginning of the line is building up capacity, and it does not take much to figure out what will happen to the rest of the production line. You are going to get more offenders in, and you are building capacity for it. Clark County thinks more people are coming in.

SENATOR HORSFORD:

It is an issue of how we approach corrections from the beginning to the end. I represent a community for which, in certain parts, there are census tracts with unemployment as high as 15 percent. The State Department of Employment, Training and Rehabilitation always puts out reports that we have the lowest unemployment. This is not true for all segments of the population. This is not unique to my community; it is true of a lot of communities throughout the State. When you have this large segment of the population who are unemployed and do not have the opportunity to get the skills and training they need, they do things, make poor choices and commit crimes. We do not consider much on the educational end and the effect it has down the road. We talk about it a lot, but you do not see the investment in the same way at all levels. I am glad you pointed this out.

MS. CRAWFORD:

The year 2004 was our busy time, and we have accomplished a great deal. I would like to share some of these with you from [Exhibit E](#), page 4, as we continue with our presentation. We established advisory committees which consisted of our community leaders. Some Legislators participated on these committees, and we appreciate the support you have given our Department. We renovated the Jean Correctional Facility and one central administrative office. This was accomplished by utilizing inmate labor; we did not have enough money to do all of this and worked with Public Works in partnership. We contracted with a contractor who chose to hire our inmates, and it was gratifying. With the Jean facility, we were able to save or offset approximately \$8 million that we did not have. Also, in our new central office in the north, we probably offset \$800,000 or \$900,000. The great thing is not only do we have facilities that were nicely done, but those inmates who worked with that contractor left with job skills qualifying for \$15- to \$16-an-hour jobs. This is what it is all about, where there is going to be a win-win situation, where these people will not come back. All of our research has demonstrated that if they walk out with a good job and some money, with most of them the recidivism will decline, and we are seeing those results.

We planned the Casa Grande Transitional Center in Las Vegas. It is a bureaucratic process when you are trying to build something, therefore, instead of opening this fiscal year, we will be opening in October 2005, and will be asking the Legislature for the funding of 400 beds as opposed to 200 in 2005. Additionally, we established the central office Victim's Assistance Unit.

In October, 2001, we assumed management of the southern Nevada Women's Correctional Center from the private-sector contractor who could not afford to operate it. This transition has gone well, although it cost us an additional \$1 million.

We applied for and received some federal funding. We also developed a Security Threat Group Task Force. We have experienced an influx of inmates from California's prison system who are now coming into our prison system. We did have some problems, initially, and realized we needed to do some retraining and redirection of one of our units in order to better manage the situation. The Governor has authorized, for the High Desert State Prison, an additional 34 new positions to help bring in some management style to this facility. This State prison was not designed well, and we staffed it in a traditional staffing pattern that did not meet the needs of this facility.

Additionally, we absorbed 800 inmates with existing staff and beds. We were also fortunate to contract with Washington and Wyoming in housing their inmates who did not have beds, which generated a little more than \$10 million for the General Fund. Unfortunately, this will be phasing out in October, 2005, because our bed space has dissipated, but during the time space was available, we were able to contribute to the General Fund.

Our goal for the Department is to provide a balanced system between incarceration and reentry into the community. We are designing and implementing an offender tracking-reporting system. At present, we have a system that is 17 to 18 years old that is outdated, and it is time we moved forward with a new automated system.

We are going to create a ten-year master plan for location, design, and construction of facilities which will address classification programs and housing needs for offenders. We are creating a master plan for developing new camps in the rural areas. It is good to have a plan that outlines where we need to go so we can articulate to the Legislature what we need. It also helps the Legislators to determine what funding methods are best suited.

I want to talk about our staff. Our main goal is to provide a safe, clean and healthy work environment for our staff, to provide a competitive salary, promote NDOC service as a career and promote training and resources, especially for the high-risk institutions for effective supervision of offenders.

After we opened the women's facility, our population increased over 100 women in an eight-month period, which is unprecedented. This population is growing rapidly and we need to plan and build for this. We are looking at a 400-bed addition for the women's center that will include reentry, family reunification and minimum security and transition preparation. Opening the Casa Grande facility, will give us additional beds and an opportunity to change the culture in our department and perhaps redirect some of these people that Parole and Probation will not have to bring back or supervise as closely. All residents will be required to contribute to the cost of this program.

SENATOR WASHINGTON:
When is the completion date?

MS. CRAWFORD:
It will be in October, 2005, and it has been challenging. We had lease-purchased this facility, which was a new thing for us, and there was some confusion as to what we should do, but we overcame our challenges.

We are planning the opening of the Young Adult Offender Center in August of 2006. At the rate our population is increasing, and once we get our projections on this, I may have to ask the Legislature and the Governor to move that date up. Based on what I have been told by the Metro Sheriff's department, we will experience a lull, but once the officers get training, there are going to be spikes and they will start to accelerate the processing of these individuals.

SENATOR WASHINGTON:
When you speak of young offenders, what is the age group?

MS. CRAWFORD:
This will be the age group between 15 and 22 years of age. Currently, there are 610 in this age group for an average of three to five years, just a short period of time. This is the group we want to reach. If we do not program and reach these individuals, they are going to be the types of people who are repeaters.

SENATOR WASHINGTON:
Is there a federal mandate or court order requiring you to separate these inmates?

MS. CRAWFORD:

We are not the juvenile division, but I am getting some juveniles. To answer your question, I do not have a mandate and this is going to be proactive. What we have done is separate the young offenders in single cells at the High Desert Facility, behind the fence and away from sight and sound and under a different programming until such time as we could implement and locate another facility.

In conclusion, I have had input as to where we need to locate facilities and what kind of facilities we need. With a plan and a blueprint, we can project and better understand what we need to do to build the system. I will allow my colleague, Dorothy Nash Holmes, to continue with this presentation on national review, [Exhibit E](#).

DOROTHY NASH HOLMES (Mental Health Programs Administrator, Department of Corrections):

Some of the statistics have already been mentioned and they are the most recent from the federal government. By year end 2003, 1 out of every 140 United States resident adults was incarcerated. This translates to 1 out of every 109 men and 1 out of every 1,613 women. If you add the numbers who are incarcerated and on parole and probation, 1 in every 32 United States adults was involved in the criminal justice and corrections system, or 6.9 million people. It used to be thought you were born on the wrong side of the tracks, but everyone knows someone who has been involved with drugs or felony DUI in this country.

Our correctional officers are important, and although the street officers, judges, and probation and parole officers have a hand on the offenders, we have them year after year, some of them for the rest of their lives. If you look at our prison population growth, it has more than doubled while the rest of the country grew at a much slower rate. As has been referenced before, the High Desert State Prison cost us \$90,000 per bed to build. We have to ask ourselves, as a State and as Legislators, if we are going to continue to put Category C, D and E offenders in \$90,000 prison beds.

SENATOR WASHINGTON:

When truth-in-sentencing law was developed, is it true that the primary objective was for low Category D and Category E felony offenders to have a diversionary program to keep them out of the system and allow the hard-core

offenders to enter into the system? Why are we not diverting more of the lesser offenders? Is it the courts? This was not the intent.

MS. HOLMES:

One of the effects of truth in sentencing is we categorized and hardened some of the penalties. We have some crimes in Nevada that have mandatory prison time that in other states, are probation. A second-time burglary in Nevada is mandatory prison and we imprison people that a lot of states do not. We also use probation less than almost every other state in the country. Therefore, a Category E felony is a diversion on a first offense, but if you do not abide, it is prison. Category C is one to five years, while Categories D and E are one to four years or less. We have a large number of these offenders in our prison system.

SENATOR WASHINGTON:

Is it primarily Categories E, D, and C offenders filling our prisons?

MS. HOLMES:

What we have had in the last few months is a spike in the number of property offenders, who would probably fall into Category C. Category D is an attempt-to-commit C offenses, and Category E offenses are drug crimes. You will see when we show our statistics that our overall population does not have a lot of drug and DUI offenders. We do have serious offenders and sex offenders, but the property offenders are starting to increase.

CHAIR AMODEI:

When you compare Nevada to other states' references for what you can be in prison for, are there any proposals that you are aware of to take a look at this?

MS. HOLMES:

One of the past Legislatures was going to recommend an interim study next time to examine the overall criminal justice system. This would be a timely move.

CHAIR AMODEI:

Would the study be in a resource context?

MS. HOLMES:

The BDRs are still titles and you cannot see what is coming. I do not know of a particular change in statute. There are a lot of bills up to increase penalties on

certain crimes; every time this happens, our numbers go up. We did make a similar presentation to the State District Judges Association in May, and they were as shocked as we were to find out we use probation less than 49 other states. I think there has to be an across-the-board rethinking of this, from the judges on down. We have to take whomever they give us, we have no choice. We have taken prisoners as young as 14, and technically, because of our system, they can come in younger. If a child who is ten years old commits a murder or an attempted murder, this is automatic adult treatment in Nevada. We have to take a serious look at this.

CHAIR AMODEI:

When it comes to value judgments and policy decisions, we want to make it with a 360-degree view, in terms of it may sound good now, but this is where your organization comes in and plays a critical role if there is a negative effect later.

MS. HOLMES:

I have been putting a lot of these national facts and figures in because neither we nor our officers knew. The public certainly does not know where we stand in comparison to other states; or how much we spend on our prisons, which is less than some other states; or where we are in terms of the types of people entering into our prison system. For most people, when you tell them you work for the Department of Corrections, they think it means the Nevada State Prison. They do not know we have 11,400 inmates, and we are the seventh largest city in Nevada.

SENATOR WASHINGTON:

It was about ten years ago when we put together the truth-in-sentencing law. You made reference to a spike in crime and there was an outcry from the public to do something. At that time, our sentencing laws were chaotic and we made the attempt to come up with a matrix. We have tried to work with the courts, the Nevada District Attorney's Association, the Office of Criminal Justice Assistance, the Department of Corrections and Parole and Probation. It was a comprehensive effort in getting a handle on crime, and we should not dissolve the matrix and go back to where it was.

MS. CRAWFORD:

Most states, on a cycle, will review a criminal justice system in its totality to see if it needs improvement. Sometimes, bills are passed that compound the

process. Therefore, a lot of states do an interim study every 10 to 15 years. I do not know if there is going to be a study; this will be left up to the Legislature. We have made an independent study within our own committee which has been enlightening with good decisions coming out of this.

MS. HOLMES:

Page 9 of [Exhibit E](#) showed where we stand in comparison to the national average, in terms of our use of incarceration, probation and parole. We are the 15th of the 50 states in terms of the most incarceration, 18th in terms of the most on parole and this is obvious because if you have more in prison, you have more coming out on parole, and 45th of 50 in terms of our use of probation. One of the things we need to do in Nevada is recognize there are a lot of interim ways to do things besides imprison. Casa Grande will basically be our first step-down facility in Nevada, but other states step people into prison as well. They also send lesser offenders to community-based facilities and they do more creative sentencing, where there are longer periods of parole. There are a lot of other things to look at in a study, and as the Director said, it is time.

On page 10 is a breakdown of our classifications compared to the national average. In some areas we are off, and in others we are on target. We have a high percentage of our population in medium beds, which are expensive. We have a lower percentage at the lesser end which is what is the most cost-effective. These will be the community-based and work-release centers and other alternatives.

MR. SCHLOTTMAN:

The difference between what our models compute someone's custody to be, what the losses are and where we can place them, is in the classification breakdown chart. As you can see, we have a disproportionate number of offenders in medium custody. There are a number of offenders who would compute to minimum custody, but because they have some history of violence that may be minor according to the law, or some history or an allegation of a sex offense, they are not placed into the communities. Perhaps this is one area we can look into and see what other states are doing and what results they are getting.

SENATOR HORSFORD:

Are you saying that a person with a prior medium or more severe felony conviction who commits another crime that is minimum or less, and based on how you have to classify them, they are segregated?

MR. SCHLOTTMAN:

It does not have to be that. Let us say you got into a bar scuffle when you were 18 years old and you are now 43. You now go into prison for a property crime or drug crime; I cannot put you out into minimum custody because you have a history of violence.

MS. HOLMES:

We have a 2.2 million population in Nevada and I wanted to see a comparison to other states our size, population-wise. We have more people in prison, and spend less than any other prison system in the country on our food and medical. Utah has the same population and has half as many people in prison. We are even with Arkansas and Mississippi, in terms of having a higher proportion than we should. Mr. Rexwinkel has told us that we spend \$2.20 per day on food for inmates, the same with medical, which is \$8.74 per day. It is half of what other states spend. Clothing is \$30.26 per year per inmate. This has not changed in many years.

Our prison cost comes in 38th in the country. Actually, Mr. Rexwinkel's figures, as of this year, show us \$17,700, but we still spend a lot less per inmate than most other states.

Parole failures are a big reason for the growth in prison populations around the country. The growth over the last couple of decades was 17 percent; it is now 41 percent, nationally. What we have found in Nevada is that about 75 percent of our admissions are new felonies and 25 percent are revocations, but some of those new felons might also be revocations.

We have looked at who comes into our system and why we needed a programs division. We have looked at doing some other things. It is not enough to hold these people and do nothing with them; they need help and treatment while they are incarcerated. A lot of them are uneducated and illiterate, which is an 8th grade education level, and some have mental illness.

We have a lot of programming going for women. There is the structured living program. We have started some geriatrics programs because we have a growing older population. We are increasing our vocational training because 65 percent of our inmates come in with little or no skills or previous work experience. We have got to give them something so they can get viable jobs. We started a construction trades program, and this month we have started a heating and air conditioning program for the women at the Jean Correctional Center, which will probably be extended to the men at the Southern Desert Correctional Center. Also, a culinary program was started for the women.

SENATOR WIENER:

With the legislation we have, possibly Senate Bill No. 317 of the 72nd Session, on stabilizing the corrections program from the different communities, is this working?

Ms. HOLMES:

Yes, it is, and Marta Hall met with the school districts for about six months. We standardized the entire curriculum and can approach the correctional student, as opposed to comparing him to a 17-year-old in the community. We have 1,000 more inmates working towards their general education diploma (GED) and high school diploma than we had last year. We do not have as many completing it because of a ruling by the director, stating that by the time a person leaves prison, he or she has to have a high school diploma or GED. This meant that everyone who was working and did not have one, had to start working on it, and we are seeing some results in this.

We have our drug treatment programs. Addiction Recovery Commitment to Healing (ARCH) is the new name for the therapeutic community at the women's facility that holds 50 women. Then, we have the Willing Inmates in Nevada Gaining Sobriety (WINGS) and Offenders Acting in Solidarity to Insure Sobriety (OASIS) programs. The national funding for ARCH has been cut by two-thirds. We are asking, for our budget this year, to put the OASIS positions in our General Fund, so we can continue drug treatment in our southern prisons. These are our biggest problem areas, and with what ARCH money we get, we will continue to fund the WINGS program.

On mental health, Dr. Ted D'Amico has the mental health unit, structured care unit and the extended care unit. We have our psychologist in the general population doing medical monitoring.

Going Home Prepared was a topic Senator Horsford asked about earlier. This is the reentry program, and we have asked to put the four positions we acquired from the grant into our budget, starting in 2007, when the grant is exhausted. We had signed a memorandum of understanding and Carlos Brandenburg, Administrator of the Division of Mental Health and Developmental Services, was going to seek the clinical social worker that we bought for him in his budget and Parole and Probation was going to seek the two social workers we paid for out of the grant in their budget. We have all agreed to sustain the project on our own.

We have some 15 good prison industries going, and to credit Howard Skolnik, Assistant Director, Prison Industries, when the director came in, he had 300 people in prison industry jobs, now it is up to over 800. We have built a prison industry building at High Desert and we are going to start a prison industry industrial park between the two prisons in the south. This will give us a couple thousand people doing inmate jobs.

MR. SCHLOTTMAN:

We do population projections and develop our prison building programs for a ten-year projection. First, let me give you a recap of the past few years. Back in 2003, we were in a flat spot in our population and received a low population projection from JFA Associates. Admissions for 2003 had increased to a double-digit rate. It slowed down some in 2004, and we are hoping for the continued slowdown for 2005. Needless to say, we have exceeded the projected growth in population.

Looking at the total in-house population, there is a flat spot in 2003, and from there, it is almost straight up. During the past two years, we have added over 1,300 inmates, and this is equivalent to the population at northern Nevada Correctional Center. If this continues, we will add a new prison this size every biennium for the foreseeable future.

Looking at the year-to-year increases, in 2003 we increased 4.5 percent; and in 2004, we increased 8 percent; therefore, it is accelerating. In 2003, the net change in the male in-house population had actually slowed to an increase of only 85. It has taken off since then to over 1,200 for the male side.

On the female side, by a housing standpoint, it is a disaster. We have added 150 new female offenders this year. This has put us over a biennium ahead of

our building plans. We could use a female facility today, because bed space is scarce both at the Jean Correctional Center and the Southern Nevada's Women Correctional Center. I have not gotten a new prison funded nor have I had one designed. I do not know how we are going to make it without one. We are going to have to work hard to find a solution or get creative. On the male side, it has also put us into a jam. Currently, I have less than fifteen beds available at any of my northern correctional centers, and we have 2,400 inmates currently at the High Desert State Prison.

With reference to the change in our prison population, the only category that increased from 2003 to 2005 was those property offenders. Not only did we find this among males, but it was even more distinctive among females. This is different from the national statistics, which show that crime actually decreased 6 percent across the nation. The one category that increased nationally was sex offenses. We are countercyclical to what is happening nationally.

SENATOR WASHINGTON:

When you say property crimes, what does that mean?

MR. SCHLOTTMAN:

Three property crimes categories went up. This is also consistent with a period we saw in 1994 and 1995. The three categories were burglary, motor vehicle theft and larceny.

SENATOR WASHINGTON:

Is there any reason, besides the glamour, there is an increase of property crime in Clark County?

MR. SCHLOTTMAN:

I wish I knew why people committed crimes.

SENATOR WASHINGTON:

Are these youth offenders?

MR. SCHLOTTMAN:

Actually, our average age has declined. In the Seventy-Second Legislative Session, our average age on the male side was 36.5 years. It has now declined to 34 years. This tells us we are getting an influx of younger offenders into the system for property crimes.

We had a double-digit increase for new commits in 2003 and a substantial increase in 2004. These are not parole revocations; these are new crimes committed, coming into the system. It is greatly disproportionate compared to the previous ten years.

SENATOR HORSFORD:

Can you provide us with more specific demographic information like you did on the education levels, skill levels and family income for this specific group? I think it would be important for the Committee to know.

MR. SCHLOTTMAN:

Yes.

SENATOR NOLAN:

Referencing the parole side, we send more people out of the system and out of the State than we actually receive in for monitoring. Are we starting to see more out-of-state offenders who are not residents of this State?

MR. SCHLOTTMAN:

Nevada, by its nature, is a tourist haven. We know from our death-row population that only 68 percent of this population comes from Nevada and the remaining are from elsewhere. This is less than our overall population in which 85 percent comes from Nevada itself. We have another 15 percent we know about, and 9 percent from U.S. Immigration and Naturalization Service are people who were born outside the United States. The rest are people from other states.

Moving on, the number of releases was down a little last year. This chart is interesting for a couple of reasons. On page 21, [Exhibit E](#), on the left-hand side of the chart, you will see our actual performance, and you will notice quite a bit of volatility in the performance year to year. On the right, you will see a population projection which is in a narrow band, and actually this population projection is relatively conservative and is below our average growth rate for those previous years. You will notice it is not a function of their formula, but the regression seems to have leveled out some of the volatility. This leads me to believe we will have substantial misses, both on the upside as well as the downside, in future years. Our population projection is a good average, but on a year-to-year basis, it is going to be difficult to calculate.

SENATOR WIENER:

Does this factor in the quarter percent increase for law enforcement down south?

MR. SCHLOTTMAN:

No, it does not. They use the same method of functional regression of what has happened in prior years. It is not like a weather forecast, nor can it see changes in our economy or changes in our population; it only knows what has happened, not what will happen in the future. This is a projection, if you think in terms of percentages, you see it is a narrow band around the 3-percent area and is substantially below our average rate of growth for that period. We will be getting a new population projection in about a month.

CHAIR AMODEI:

Your presentation has generated some discussion for a potential bill draft request. Maybe we can try to do something similar to what was done by the study committee and by you a few years ago. Your presentation has indicated that NDOC has done a good job, in terms of economics and getting the most out of its dollars. Another thing, it may be a policy to make sure we are acting efficiently in terms of what you can go to prison for. When you speak of the budget challenges in terms of staffing and salaries, we know it is going to be hard to catch up. Maybe part of that ground can be made up by knowing who you have to service and how you service them. If a bill draft request is in order, we will probably lean on your experience and will ultimately have a global title such as, the Criminal Justice Administration Reform Act of 2007, or something along those lines. Are there any other questions for Ms. Crawford or her staff?

SENATOR WASHINGTON:

We have been working on a definition for transitional housing and I was wondering if you have seen a bill for this.

MS. HOLMES:

I have not seen one since our last meeting. I know that some others are interested in looking at it.

SENATOR WASHINGTON:

We may have to call the legal department to see what is going on.

SENATOR WIENER:

I have a bill that deals with pharmaceutical wholesaling and it was mentioned in that bill about the opportunity to reissue uncontaminated drugs. I was wondering if Dr. Ted D'Amico, can provide us with any information on how this is working in his facilities.

DR. TED D'AMICO (Medical Director, Department of Corrections):

We had a proposal on the table to recycle medication by going into automation. We ran into the same problems as everyone else, where do you get the money? Our first attempt was with pharmacists positions, which met with heavy lobbying against us. At present, all of our pharmacy positions are filled and we have a proposal on the table to automate. Funds are not available, and we have to operate in the same way by counting out our pills. We think individual doses are the answer and will fit into what your bill is requesting, which is recycling. Unfortunately, there is no money available for an automated system, and when we find a way to save some money, we will come back with a workable program.

SENATOR HORSFORD:

I would like to thank the people in the Department of Corrections for taking a more proactive approach in working with offenders while they are incarcerated as it relates to education, training and reentry.

As you have shown us today, you are faced with many challenges. I do not want to build a prison every two years. It is a bad investment for the taxpayers with a bad return. You could easily invest a much lesser amount in educating our young people on the front end, for people who want to go to college. It costs four times as much to incarcerate a person per year as it does to educate them. We will look at this issue in a more comprehensive manner. It has been like this for some time and I do not know at what point it will really change, but I believe the investment has to be on the front end and on the prevention end. Although we have to support corrections, and victims deserve to have the perpetrators pay for their crimes, we need to do it in a way that does not burden the State or the taxpayer. I hope, as we move forward, we can find more creative ways to support prevention.

MS. CRAWFORD:

We are very proud of what we do and we work very hard and are gratified by the Committee's support. If there is anything we can provide, please contact our office.

CHAIR AMODEI:

Is there anyone else who wishes to speak on any one of the agenda items today or public comment?

GARY H. WOLFF (Teamsters Union, Local 14):

I would like to say that the director is one of the finest examples of an administrator I have had the pleasure of working with in the past 30 years. In reference to the salary increases, with this two-step increase, 4 percent will disappear from the officers' pay immediately. The Public Employees Retirement System needs some 3.8 percent just to keep the police and fire retirement fund stable. Therefore, they won't even see the increase, and because they have no collective bargaining rights, it is coming off the top. In reality, they are so far behind now, this is a nice bandage. We are having an extraordinary problem just keeping all the law enforcement, including Corrections, Highway Patrol, Parole and Probation, within the State system. Please keep this in mind when we are going through this.

EDWIN R. FLAGG (Nevada Corrections Association):

There is one thing the director said with which I disagree and that is the inmate-to-staff ratio. It says 6.9 inmates per 1 staff, and in all reality, there are 2 officers with 180 inmates at any given time; and that makes it 1 to 90. As Senator Horsford was saying, some areas have 15-percent unemployment, while others have only 1-percent unemployment. When you break it down and the reality of it, we are there sometimes with 1 staff member per 180 inmates, sometimes 2 staff members. If you are entertaining any Committee BDRs, look at the relief factor.

CHAIR AMODEI:

If there is no further discussion, I would like to give the Committee a brief update before we adjourn. Senate Joint Resolution No. 5 of the 72nd Session is the Nevada Supreme Court's intermediate appellate court bill. At the request of the Chief Justice, both the Senate and the Assembly are holding this for now and taking a look at it. Leadership in the Assembly and the Senate are talking

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about the initiative petitions floating around, and I have indicated we do not object to dealing with it.

This meeting is adjourned at 10:42 a.m.

RESPECTFULLY SUBMITTED:

Gale Maynard,
Committee Secretary

APPROVED BY:

Senator Mark E. Amodei, Chair

DATE: _____