

**MINUTES OF THE MEETING
OF THE
ASSEMBLY SELECT COMMITTEE ON CORRECTIONS, PAROLE,
AND PROBATION
Seventy-Fourth Session**

February 8, 2007

The Select Committee on Corrections, Parole, and Probation was called to order by Chair David R. Parks at 3:58 p.m., on Thursday, February 8, 2007, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman David R. Parks, Chair
Assemblyman Bernie Anderson, Vice Chair
Assemblyman John C. Carpenter
Assemblyman William Horne
Assemblywoman Kathy McClain
Assemblywoman Valerie E. Weber

GUEST LEGISLATORS PRESENT:

Assemblyman John Marvel, District No. 32 (Portions of Humboldt, Lander, and Washoe Counties)
Assemblyman Harvey J. Munford, Clark County District No. 6

STAFF MEMBERS PRESENT:

Craig Hoffercker, Committee Policy Analyst
Risa Lang, Committee Counsel
Marion Miles, Committee Secretary
Olivia Lloyd, Committee Assistant
Deanna Duncan, Committee Manager



OTHERS PRESENT:

John Gonska, Chief, Division of Parole and Probation, Department of Public Safety

Mark Woods, Captain, General Services Bureau, Division of Parole and Probation, Department of Public Safety

Kevin Tice, Deputy Chief, Southern Command, Division of Parole and Probation

Glen Whorton, Director, Department of Corrections

Howard Skolnik, Deputy Director, Silver State Industries, Department of Corrections

Dorla M. Salling, Chairman, Board of Parole Commissioners

Constance Kosuda, Private Citizen, Las Vegas, Nevada

Sharon Samson, Private Citizen, Las Vegas, Nevada

Florence Jones, Private Citizen, Las Vegas, Nevada

Kevin Ranft, Legislative Representative, State of Nevada Employees Association/American Federation of State, County and Municipal Employees

Chair Parks:

[Roll called.] Today we have asked for presentations from the Department of Public Safety, the Division of Parole and Probation, the Department of Corrections, and the Nevada Board of Parole Commissioners. We would like to limit the presentations to one-half hour each so we might finish at approximately 5:30 p.m. I realize we have a certain number of individuals who have expressed interest in speaking. We will accommodate those individuals at the end of the presentations under the public comment portion. We will now ask the Division of Parole and Probation to come forward.

John Gonska, Chief, Division of Parole and Probation, Department of Public Safety:

Thank you for inviting us here. It is always appropriate to come and talk about our division in respect to those items we feel are important. If you will follow along with our handout ([Exhibit C](#)), you can see the highlights of our presentation; then we will take questions. To my right is Captain Mark Woods, the Acting Deputy Chief of our General Services Bureau. To my left is the Deputy Chief of our southern command, Kevin Tice. He will talk about our Capital Improvement Program (CIP) campus building if there are questions. Page 1 shows our Division of Parole and Probation. You should be aware of the fact that we have new command staff. We are also in critical review of all our policies, procedures, and practices. We have looked to other states thinking there may be other entities whose policies are

better. We are looking at practices in other states after which we could pattern our own existing policies. We found North Carolina to have state-of-the-art organization policies. I have been Chief now for 14 months. Using the analogy of repairing an old engine during the Indianapolis 500 race, our engine needs a complete overhaul. Since we are working "on the fly," it is an extremely difficult task. Our division is working on putting the best practices into effect in Nevada. Page 2 is our mission statement. Every organization has a mission statement. The difference is that we believe in it. The first question we ask in our meetings is, "Are we complying with our mission statement and are we following it through to completion?" If you will look at the bottom of page 2, we have Core Instructions to Our Officers. Those instructions teach the officer how to interact with an offender once he is released and back in his community; the officer contacts the offender's employer, the treatment vendors, and the family members in the offender's neighborhood. This is more crucial than any numerical score we assigned to offenders in terms of risk and need. This is where important preventative measures are put in place to counteract recurrence of negative behavior. Page 3 is the Statute of Mandate, which you can review at your leisure. Page 4 goes over some of our programs.

Whenever we have an employee from another division, department, and/or state, we are told they are overwhelmed and amazed at the sheer complexity of the procedures we follow to get things done. Those procedures are outlined on page 4. An important issue is the Parole and Probation specialist that the court utilizes. The Services Specialist prepares presentence reports. I would like to have Captain Mark Woods speak to us about what a specialist does.

Mark Woods, Captain, Nevada Department of Public Safety, General Services Bureau, Division of Parole and Probation:

The Pre-sentencing Investigation (PSI) is a document used by more than the court in sentencing. It is used by law enforcement agencies, the Parole Board, the Department of Corrections, and the supervising officer, who uses it as a cornerstone of how to deal with offenders from the beginning. This is why we put so much emphasis on trying to make this as accurate as possible. The PSI writer will receive the District Attorney's file after the person is arraigned. Next, they review the person's file/case to determine the charges and who the victims are. They run a rap sheet to find and interpret previous criminal history, which is often not contained in the District Attorney's file. This is the most important and time-consuming part, depending on the age and history of the perpetrator and whether he is a resident of another state. This process is necessary when making recommendations to the judge to aid how he might perceive the crime and

the individual. They then set up an interview with the offender to determine their social history, including their associates, family, employment, criminal history, and present crime. This helps to uncover the offender's point of view and perhaps the cause. We look for any remorse during that process and whether there are victims. The PSI writer will interview the victims, if he can find them. The judge wants to know what compensation the victims need and how they were affected emotionally, physically, and financially. Getting the victim to relive and/or speak openly about the crime is much more difficult than what is perceived by the public. Once the data is collected, the PSI writer makes a report. We then use what is called a "selection scale," which acts as a tool to make recommendations to the judge. There are three situations that come into play. If there is denial by the offender, we would recommend prison or jail, probation or borderline. The writer must justify whether to deviate from or use the "selection scale." If the choice is deviation, there must be solid evidence to validate that choice. This will be put in the report when making the final recommendation. The PSI writer will have to testify in court, if asked. The defense counsel will often dispute the recommendations, which could be the final determinant as to what the judge decides. It is here the specialist is seen as the perfect target for the defense counsel to counter recommendations made by the PSI writer, which can be unnerving. The specialist's recommendation comes from experience and working with other veteran writers in the department.

Chair Parks:

Mr. Anderson has a question.

Assemblyman Anderson:

Mr. Chair, do you want us to wait until the end of their presentation to ask a question, or can we ask our questions now?

Chair Parks:

Have you completed your comments, Mr. Woods?

Mark Woods:

Yes.

Chair Parks:

Okay. We will take questions or comments at this point for Captain Woods.

Assemblyman Anderson:

Captain Woods, in looking at the total number of officers being assigned to do the PSI in your command in the north or in the south, how many of them

end up doing the Pre-sentencing Investigation Report, in comparison to what clerical or support staff might do? I served on the Criminal History Repository, so I am familiar with how some of that is trying to get cleaned up. The big question is how many people are out there doing various jobs?

Mark Woods:

Presently, it is rare that an officer would do a pre-sentencing investigation. The specialists are non-sworn positions. In our Central Command, which is the Elko and Ely area, depending on the workload, any officer may help the specialist.

Assemblyman Anderson:

Is it the judge who determines if he wants a pre-sentencing report, or do you assign them if you are working with a specific judge?

Mark Woods:

In the larger districts, the Commands are basically the Las Vegas area and Washoe County, we have a number of specialists assigned to a court at any given time. However, workloads demand that a specialist be assigned to different courts, depending on the work flow. We do not control the number of PSIs that come from arraignments. The cases for Washoe County are assigned by computer. Every criminal court, there are eight, gets every eighth case, unless it is a previous case. They will assign them to the district. Usually, they have anywhere from three to four writers assigned to two or three courts, and cases are assigned on a rotating basis.

Chair Parks:

Thank you, Mr. Anderson. Approximately, how many pages would a typical pre-sentencing report have?

Mark Woods:

It can be anywhere from 8 to 14 or 15 pages, depending on the case.

Chair Parks:

Yes. Mr. Horne?

Assemblyman Horne:

Thank you, Mr. Chairman. I apologize for my tardiness. I missed your presentation, Chief Gonska. In Clark County, they have almost stopped writing PSI reports for gross misdemeanors. Is that true in Washoe County?

Mark Woods:

No, Washoe County continues with that.

Assemblyman Horne:

As a practicing attorney, I have worked on pre-sentencing reports and gross misdemeanors, in the past. What kind of reduction was that in the pre-sentencing reports? How many were you doing for gross misdemeanors initially?

Mark Woods:

Statewide, on the average, 20 percent are gross misdemeanors. The Southern Command continues to do gross misdemeanors if they are for a charge of violence or a sex offense.

Assemblyman Horne:

With the pre-sentence reports, what is the time lapse when you use the last pre-sentence report you have done for a repeat offender? For example, if one was done for an earlier gross misdemeanor, and then six months later the offender picks up a new crime? Would you not do a pre-sentence report at that time?

Mark Woods:

The law allows for the judge to waive the PSI, if the offense has been within the last five years.

John Gonska:

On page 5, the Division of Parole and Probation is responsible for supervision of the majority of the known, dangerous, and violent offenders residing in the State of Nevada. In the presentation, we have listed our offender population. Part of our mission statement, which we endeavor to have others follow, is not to place responsibility for supervising our offenders with the various Nevada police entities, such as the Las Vegas Metropolitan Police Department, North Las Vegas Police Department, Henderson Police Department, Washoe County Sheriffs, Reno Police Department, et cetera. It is our goal to protect Nevada's citizens and tourists and we believe we have done a good job. Even with budget constraints, we use our resources and manpower to focus on high-risk offenders, such as the methamphetamine users, hard-core street gangs, and sex offenders. We have special operations in place that target that aspect of law enforcement. On page 6, there is a summary of our offender population. The next item on page 7 is, "How the vision carries out its Mission," or how do we protect the public? This is the one factor that causes the greatest misunderstanding and resentment.

Chair Parks:

I believe we have a question from Mr. Carpenter?

Assemblyman Carpenter:

Is not your Central Command in Elko and not Eureka?

John Gonska:

Yes, that is correct. Our Central Command is made up of all the counties in highlighted color. Thank you for pointing that out.

Chair Parks:

Ms. McClain, do you have a question?

Assemblywoman McClain:

Please explain what ISC and FAU represent?

John Gonska:

The ISC stands for Inter-State Compact, and FAU is Fugitive Apprehension Unit. Both use non-sworn individuals who monitor the caseloads from headquarters. These people do not work the caseloads as an officer would.

Chair Parks:

Thank you. Please proceed.

John Gonska:

On page 7, I will explain our strategies. The first is traditional law enforcement practices where we admonish offenders and employ immediate sanctions, which may include being put under surveillance, being drug tested, or being arrested. We may also file new charges. We also work with law enforcement for intelligence reasons to target offenders. Secondly, we manage Community Correction Services, which is part of Social Services. This includes treatment intervention, treatment counseling, employment counseling, and placement. The type of offender determines what program strategy is used—what enforcement practices and what corrections services. We measure success using both programs. The determinant of success is whether or not that program prevents the offender from returning to prison. Although our method might be viewed somewhat differently, I consider incarceration a means of prevention, especially in cases where the offender is a possible repeat child sex offender, or where we have had to remove a weapon from a gang member. We are asked, "Where is it we fail? How do we judge our failures?" We know we have failed when we have not made it a part of an officer's duty to get to know those persons returning to life outside of prison. We have failed when an officer uses inappropriate management procedures, enforcement strategy, or treatment intervention, in dealing with an offender. In Nevada, we are struggling with how to capture and measure "knowing your offender." We see that philosophical concept

as real, and working well. The problem is that Community Correction Services lacks enough proper treatment services in the State of Nevada. We wish there were more programs and we would certainly utilize them. We are doing our best with what we have to protect Nevada's citizens, either by turning the offender's life around, or removing them from the community. Ultimately, it is the offender's choice.

Assemblyman Carpenter:

What is your role in the drug court? Do you use regular officers through drug court, or how does that work?

Mark Woods:

Yes, we put our regular sworn officers in drug court; the difference is they have a much higher caseload. In the drug court, the sworn officers confer with the judges at least once a week, if not every other week, at a minimum. Our role there is enforcement. When the offender fails to show, the judge depends on the officer to find them and bring them to court.

Assemblyman Anderson:

In Reno, Sparks, and the rest of Washoe County, the local law enforcement agencies have programs for the release of offenders. They handle high-risk offenders separately. Are there similar programs in southern Nevada?

John Gonska:

I will speak to Clark County. We have worked closely with law enforcement, primarily with the gang units. The sex offender's unit includes law enforcement, the treatment vendors, and the Las Vegas Metropolitan Police Department. They track the early release of high-risk offenders, and get the information from us via our cooperation with law enforcement, which is the only way we do this job, and that is to work hand-in-hand. Sharing information is how both departments keep tabs on high-risk offenders.

Assemblyman Anderson:

Are you participating directly with their program by doing "ride-alongs," and do you have assigned personnel who are out there with them?

Mark Woods:

In the Washoe County area, for the Repeat Offender Program (ROP) team and the Sex Offender Registry (SOR) team, we have officers who monitor sex offenders. Under the ROP team, most of the people are in intensive supervision, and we have officers who meet with these people on a weekly basis. Both teams work with them when they are released. I understand it is very similar in the Las Vegas area.

Assemblyman Anderson:

Can we assume that in major-populated areas, there is a cross-utilization which ensures the repeat, sex, and gang offenders are being monitored more than a person who is just released and is not anticipated to be a repeat offender and who does not fall into the high-risk categories?

John Gonska:

Mr. Anderson, you are absolutely right. There is a much greater emphasis on monitoring those offenders, and the teams mentioned pull in the resources to target high-risk offenders in the State.

Assemblyman Anderson:

Does that place part of the population at a higher risk because it becomes part of the Central Command responsibility? Does it become a problem that is different in nature?

Mark Woods:

Because of a lack of officers in Central Command and the Sheriff's Office, they work hand-in-hand. They are already doing so and the degree of supervision is just as great, if not higher. The sex offender and other high-risk offenders require a much higher rate of supervision in the rural areas as well.

Assemblyman Anderson:

We should not make the assumption that because they are in a rural area, there is a different standard of management. There is not.

Mark Woods:

The rural area agencies work much more closely with each other than the larger urban areas of Nevada. Their safety and lives depend upon it, and there is tremendous cooperation between, for example, Parole and Probation and the Highway Patrol. They back each other up on investigations. The local police and sheriff departments back each other up. When there are problems, we also respond. We also participate in school activities where we monitor school dances. Our inclusion helps the community make sure people and children are safe. This program brings about a cohesiveness beneficial to all concerned.

Chair Parks:

Thank you. Please proceed, Chief Gonska.

John Gonska:

We had to deal with our first fatal shooting with one of our officers by a repeat offender who early on began getting high on gas fumes and later moved on to methamphetamines. That individual failed to observe restraining orders for domestic violence, ran, savagely resisted arrest several times, and was implicated and arrested again for carrying a firearm. He was later placed on probation for failure to appear. These types of occurrences dramatize the state of affairs of what the prisons and Parole Board have to deal with on a daily basis. Page 9 of our report outlines our anti-methamphetamine initiative, which complements the Governor's plan. Our Supervision Report details the resulting effects of methamphetamine use, and how to successfully complete our parole and probation programs. As a condition for release, parolees are given a list of expectations if they test positive for methamphetamine; and if they do, what they can expect if they have children. By law, Child Protective Services and law enforcement are mandated to get involved; and if not sentenced, there is mandatory attendance in drug treatment programs for parolees. Statistics indicate 10 to 11 percent of methamphetamine users revert back to drug use. Communities and law enforcement agencies are facing a very seductive and powerful drug of Herculean proportions never before seen.

Chair Parks:

Ms. McClain?

Assemblywoman McClain:

The Joint Committee for Health and Human Services said it takes a year or longer to actually get someone off methamphetamine. What treatment is available to these people? How many programs are available for people on parole and probation?

John Gonska:

We are terribly lacking in beds. Statistics indicate we probably need a minimum of 100 residential drug beds in Las Vegas, and perhaps 150 mental health beds. Research has not shown what works for methamphetamine users. The difficulties and the duration increase the likelihood of failure. We do not have the proper services to address this problem the way we should. There are several good programs; however, there are not enough of them. Some views are quite pessimistic as to the success rate.

Assemblywoman McClain:

If you have 783 people who tested positive for methamphetamine, do you try to refer all of them to some kind of program? What happens to the ones who do not go to a program? Do they go back to prison?

John Gonska:

For about 484 of those, we had some sort of immediate sanction. Either we admonished them, referred them to a treatment program, or did something other than arresting them. We often employ our law-enforcement strategy and arrest them and initiate the revocation process. More times than not, we intervene in a social service manner. We cannot allow them to continue to test positive every day. A lot depends on their background and their prior history of drug rehabilitation efforts. When they get into the system, it is the District Attorney who prosecutes them. They have a defense attorney, and the judge makes the final decision, so there is a check-and-balance there. Most people have the illusion that because we arrest someone, we actually have that plenary power to put someone in prison. We do not. We make recommendations to either the district courts or the Parole Board, based on the offender's conduct.

Assemblywoman McClain:

This is like a nightmare. What we heard yesterday was quite the eye-opener.

John Gonska:

I belong to an organization called the Executive Parole and Probation Agency. Because of its success, other states have initiated this, which is where we learned of it. We were perplexed at the poor results. We will tackle this proactively, putting them on notice that drug use will not be allowed. They have choices which will determine the ramifications they will face. Our department dishes out the ultimate "tough love."

Chair Parks:

Please keep your questions short.

Assemblyman Anderson:

Methamphetamine is a huge issue. In Washoe County, Assemblywoman Leslie and I have worked on this issue for two years, and we have had great support from the Reno Police Department. Carson City has been working on it much longer. I am concerned about your response to questions relative to drug treatment. I found a diversion program of not putting offenders back into the prison system, and taking into consideration that we were not going to do that quickly, to be open-ended. We were not anticipating what happens with the plethora of related problems of those alluring drugs which causes the recidivism. Has Parole and Probation given you any kind of additional insight? Have you been able to convey that to the officers on the street? Have you been able to convey the need for programs, when program dollars are disappearing so rapidly?

John Gonska:

Any positive test evokes a reaction for some immediate sanctions. We have excluded drug court from our anti-methamphetamine theme initiative—we continue to supervise those offenders, but we do not drug test them. The drug courts do the testing. Clark County drug courts have a lower positive methamphetamine rate in comparison to us. They have increased the frequency of their drug tests, which seems to be the reason for their success.

Chair Parks:

Thank you. Ms. Weber?

Assemblywoman Weber:

Page 8 shows the global positioning satellite (GPS) sex offender study. I would like a copy. The criteria are defined as a success, but it is unclear how that was measured.

John Gonska:

Yes, that issue is complex and has both positive and negative components, and would require more discussion than allowable for today's discussion.

Assemblywoman Weber:

Thank you. In those criteria, what tiers were you using?

John Gonska:

Tiers two and three were used.

Chair Parks:

Thank you. We have plans to go over that issue in a future meeting.

John Gonska:

Page 10 shows Casa Grande, which is a program that has worked intensively in collaboration with the Parole Board, prisons and the Division of Parole and Probation. That program is an immediate sanction for offenders in lieu of arrest. It starts the revocation process to incarcerate the prisoner. Beginning on Monday, and for the first six months, we are planning to put parolees in that program and we will, if successful, later include probationers.

Chair Parks:

Mr. Horne has a question.

Assemblyman Horne:

Thank you, Mr. Chairman. My comment is more a request or a criticism. The burden your division has will likely impose a need for increased resources. Alternatives are obligatory for offenders using methamphetamine. I have not seen the vociferous imperative needed from your division. You have been great at sending these people to programs, if available. On more than one occasion, I have observed offenders being turned away and having their freedom revoked because of a lack of space. Federal dollars are desperately needed for your treatment facility to succeed in accommodating necessary expansion, and freeing up bed space, et cetera.

John Gonska:

You are right. We would be delighted if you could find a way to make that happen. Overcrowding in prisons is an unhappy fact of life.

Page 11 is our flow chart. Page 12 addresses our Capital Improvement Program (CIP) requests for approval for our new campus building. Major Tice can answer questions about that and is in place to see to its completion. Page 13 reflects factors over which we have no control, and which negatively affect our work. Our conclusion and goal of being the "premier" agency are on page 14. We find ourselves to be the "ultimate tough-love practitioners." Thank you.

Chair Parks:

Thank you. Questions? Mr. Anderson.

Assemblyman Anderson:

One of the problems in the past is officer safety. All of the people you are dealing with are there because the courts have found them guilty. Has the problem of inferior radio equipment in the rural areas been fixed? Have your officers received at least a modicum of the proper weapons, flack vests, or other items which protect them?

Kevin Tice, Deputy Chief, Southern Command for Parole and Probation:

Those questions are important—officer, employee and facility safety. Our radio system—managed by the Department of Transportation—is not perfect, but usable. The Homeland Security Commission is concerned about poor mobile radios and/or inoperable communication equipment. I look for possible changes for the better sometime in the near future. Our department uses motor-pool cars, unlike the Highway Patrol Division (HPD) or the Division of Public Safety, so repairs take days instead of hours. We do not have authority to have emergency equipment on our vehicles. However, there is a bill draft request (BDR) which addresses emergency equipment,

and we hope to resolve that with a clean-up bill this session. Tasers and less-than-deadly force options for apprehending uncooperative suspects were purchased for our officers through "seizure funds." These items should reduce our exposure to high-risk incidents. We have been given a budget for protective ballistic vests with a replacement schedule. That was done last session, and we are thankful that we are making progress. However, the Division of Parole and Probation needs to be brought up to the standards of other law enforcement agencies.

Chair Parks:

Thank you, gentlemen, for your presentation. Both the Ways and Means and the Committee on Judiciary had presentations in recent days regarding the Department of Corrections. We look forward to more comments and issues that you see us facing and where you would like to see us take your department, perhaps focusing on priority issues.

Glen Whorton, Director, State of Nevada, Department of Corrections:

Our main concern is the inmate population of the Department of Corrections, which has grown dramatically in both male and female population, the projections of which have been exceeded. We lack both housing and staff to manage that situation, and it is a troubling circumstance. Planning for the future would be conservative based on that recent past. Projections for the male population mirror what we have experienced over the last ten years. The female population has been significantly lower than what we have experienced in the last 10 to 15 years. Male populations have been confounded by increased members of security-threat groups—that is, gang members. Managing groups of differing offenses also presents safety issues for staff and inmate population. We have used unconventional housing within the department, by converting space, and we have increased the density of the Ely State Maximum Security Prison by adding double bunks. We are operating at 168 percent of our design capacity. That projected figure will increase before possible new construction. Female population is operating at 206 percent of its designed capacity and is essentially a jail that is used as a prison. Eighty women are presently incarcerated at Unit 7—a housing unit which is separated from the general population area—of the Southern Nevada Correctional Center, which is a male facility. Long-term offenders are not jail inmates; they require treatment, education, jobs, and exercise. Tents are not conducive to a correctional agency such as ours because of the security and safety concerns for both the staff and the inmates. That situation magnifies our concerns about visitation, coercion, or property of the inmate. Our inmate-to-staff ratio is ominous and unsavory and makes us the top of the worst 11 prisons in the U.S. Without

appropriate facilities, programs, and personnel, improvements are unlikely to take place.

Chair Parks:

Ms. Weber has a question.

Assemblywoman Weber:

In 2000, our State built High Desert. At that time, little attention was given to the thought that we were moving from prison to corrections. In looking at the capital improvement project list, the indications talk about space, housing, employment, treatment, and vocation. Is there a design that is conducive to moving inmates through the process toward re-entry?

Glen Whorton:

I agree, the High Desert facility, which is a maximum security prison, not a correctional institution, has hardened cells and control areas, lethal fences and towers with separations for managing the different populations. We have constructed the Casa Grande facility for re-entry. You are correct in terms of institutional construction, as well as characterization of that facility being something other than an advanced correctional design. Our designs for the four additional units at that facility are for a medium security institution that is designed to provide program space within the facility which will allow for mobility. It is a softened design to help manage that population appropriately. Howard Skolnik, my successor, is here. They will have an opportunity to use what we have and decide whether or not to leave it as a medium security prison, or convert those beds to maximum security and then build more appropriate medium security beds instead of building the more expensive hard beds.

Chair Parks:

Thank you. Ms. Weber and Mr. Hoffecker took the last tour. Any further questions?

Assemblyman Anderson:

The question of prison population and the appropriate placement of beds is core to solving what is needed from this Committee. Life skill programs are essential if we are going to change behavior, which is the intent of Corrections. Then, the inmate has the skills that are going to be helpful when they are released. Are these programs successful in your opinion, or have we lost ground?

Glen Whorton:

They are holding their own at best. Our inmate-to-staff ratio has worsened since 1986 when there was no real consideration for programs. The thinking then was that rehabilitation does not work, and Ellis McDougal said that "rehabilitation has not been tried. . . ." To some degree, that is the Nevada experience. We are committed to significant programming in DOC. Mr. Horne has asked for the audit of those programs. My hope and expectation is that that audit will draw a legitimate and unbiased comparison with other modern correctional agencies to show what the resources and expectations can be. If the intent is to reduce the inmate population, then you must look at the criminal justice system to keep people from coming through the front door, whether it is resources and programs for the Division of Parole and Probation or whether it is the sentencing decision made by the courts. The courts are the people in the criminal justice system with the greatest degree of discretion as to what happens to the offenders. It is time for this Committee and the State to begin looking in that direction, as well as looking at the Parole Board. If you are going to look at the Parole Board, then you need to look at the courts, as well, because they have a larger influence on who comes through the front door. Legislators are going to have to commit to improving Nevada and moving us from where we rank so low in those national measures of social well-being, whether it is teen pregnancy or high school drop out rates. Those are the things that lead people to our institutions and are paramount. It is better than worrying about it after the fact. The fact that you, Mr. Anderson, visited our prison and saw several of your former students is indicative of the need to incorporate our schools early and ward off possible offenders. There would be less need for the Department of Corrections.

Assemblyman Anderson:

In relation to the national standards for prisons and in terms of meeting a national goal in certification, how realistic are those goals? Do you think the Department of Corrections has articulated them clearly enough to legislators in this combined committee?

Glen Whorton:

I do not know that the Department has articulated a commitment to the Corrections Association Standards for adult institutions. We have modified our policy since Director Crawford was with us. There was a commitment to modify our policy to the degree practical to conform to requirements of those standards. To accomplish accreditation, deal with issues that exist physically and programmatically, and from a staffing standpoint, that would cost money. I would suggest Mr. Skolnik, who has had experience with accreditation, might be the better person to answer that question.

Chair Parks:

Mr. Skolnik, congratulations on your promotion to Director. We wish you all the best.

**Howard Skolnik, Deputy Director for Industrial Programs, State of Nevada
Department of Corrections:**

Thank you, Mr. Chairman. Prison industries went through the accreditation process six years ago. The cost to get accredited is minimal; however, the cost to comply with the process can be greater depending on the state of the facilities. Older institutions have successfully completed the accreditation process. It is a matter of money and a matter of desire. Teamwork is necessary not only with the staff, but with the inmates.

Chair Parks:

Ms. Weber has a question.

Assemblywoman Weber:

The goal for all for us should be to make our communities safer when released individuals get out of prison. I cannot say we have answered the question of lowering the recidivism rate. Twelve thousand people are in prison, there are 19,000 on parole and probation, placing the figure at 31,000, plus those whose sentences have expired. Possibly 50,000 children are at risk. Do you see anything instrumental in assisting their future?

Glen Whorton:

Your question mirrors my comment earlier—the need to deal with the community firsthand. It is possible to look at correctional organization and determine if it encompasses the entire correction spectrum. You may see that in California, although probation is not a function of their correctional system. However, the juvenile is a subset of the California Department of Corrections. There are many mixes throughout the U.S. You can look at those models and determine if there are any that would work in Nevada. There was a lot of effort put into the A.C.R. 17 Subcommittee. The concerns you mentioned need to go beyond four or five hearings—a huge undertaking at best—and perhaps can be led by your research staff.

Chair Parks:

Thank you, Ms. Weber, and Director Whorton. We will ask Dorothy Nash Holmes if she could come back next Tuesday to resume testimony. We will also have former Supreme Court Justice Robert Rose join us.

Glen Whorton:

Our staff will be happy to participate.

Chair Parks:

We will invite the Board of Parole Commissioners to speak now. There was a handout provided that came out of Public Works Board Capital Improvement Program ([Exhibit D](#)) and reflects the construction projects that are on the drawing board and were recommended by the Governor for the current biennium. The maintenance project is another item that needs addressing; also, those that are "one-shot" appropriations for major maintenance repairs.

Dorla Salling, Chairman of the Nevada Board of Parole Commissioners:

Thank you for inviting us. In Las Vegas, via video conference, are Commissioners Tami Bass, Maurice Silva, and Michael Keeler, our newest Commissioner. From Carson City are Commissioner Thomas Goodson, and our newest Commissioner in Carson, Mary Bea. We understand the time constraints, so we will focus on important portions of our presentation. [The Board of Parole Commissioner's presentation was distributed ([Exhibit E](#)).]

Chair Parks:

Yes, please do so.

Dorla Salling:

David Smith, our Management Analyst, is here to add anything we may have missed. Page 9 will give you an overview of the workload of the Board. In fiscal year 2006, the Board made 8,427 decisions, which include discretionary and mandatory parole releases and parole violation hearings, the impact of which is greater than it appears. Each decision requires four votes. These hearings equated to over 33,000 votes cast to deny or grant parole and breaks down to an average for each commissioner reviewing and considering over 4,800 cases. What is not reflected in the statistics is the additional workload, such as the letter response to inmates, conferences with victims and other interested persons regarding parole, sex offender tier-panel reconsideration hearings, and regular board administrative matters. On the next page, is a typical parole hearing calendar that exemplifies the role of our commissioners. Page 11 represents the Parole Board caseload history for fiscal years 2004 through 2006. We can go back further if you would like, but it seemed relevant to go back two years. The red bar indicates the number of decisions made by the Parole Board; the yellow bar shows the number of favorable decisions granted and reinstated; the blue bar is the number of those released from the Nevada Department of Corrections on parole. The difference between the number of favorable decisions and those released from prison is the result of paroles granted to inmates with consecutive sentences. That is why you will see a difference, because we do grant paroles to consecutive sentence inmates. Page 12 is a comparison

of releases from prison on parole versus those discharged. The numbers reveal inmates who were released on parole in the average prison population for calendar years 2002 through 2006, which indicate growth in prison population, as well as growth in the number of discharges from prison. That red line at the top is where Director Whorton's numbers are proliferating. Page 13 shows the change in the class of offenders appearing before the Board between fiscal year 2002 and fiscal year 2006, which may be of interest to the Committee because of methamphetamine use. Those figures are broken down by offense. Property theft has risen dramatically, which presumably is associated with pandemic methamphetamine use. The diversion and drug courts are peeling off numerous drug offenders, and the indications show these offenses are actually linked to those property crimes. Page 14 breaks down the changes and type of offenders during fiscal years 2005 and 2006. Page 15 indicates present and future projections of Parole Board caseload for fiscal years 2005, 2007, and 2009. We have a grant rate for how many hearings and revocations processed. Dr. James Austin makes the prison population projection for Nevada Department of Corrections, Parole Board, et cetera, which has one of the highest grants rates in the nation. The average is 35 percent and Nevada averages 48 to 49 percent. It has been a struggle to maintain that grant rate, because the cases were easier ten years ago. We did not have mandatory probation for drug offenders, making parole easier. Director Whorton indicates that the prison population is changing—hardening. Years back, the percentages of weapons possession was miniscule by comparison, which reflect Mr. Gonska's earlier remarks with regards to Parole and Probation having the needed resources. It is a different world out there from 20 years ago; it is a dangerous business being a parole officer. It has been a struggle to validate grant dollars. We, however, have become a model for the nation and have received inquiries from places as far away as Australia. The State of Texas's grant rate is 28 percent. They are struggling with our same issues and have called asking us what the parameters were—what information did we provide to get those grants?

Page 16 shows the projected growth from 1997 to 2009. Belatedly, we received Dr. Austin's projection in November 2006, so our budget does not include our request to expand the Parole Board or ask for significant dollars for Hearing Representatives to assist with our caseload. Because we were unsure of the changes in recent laws, we were conservative in our request for State dollars. If these projections hold true, then in the second year of this biennium, we will have to return asking for dollars to expand our support staff. Our department struggles to stay on top of the deluge of caseloads that are tied to the prison population. Page 17 is the Board's accomplishments. We have received technical assistance from the National

Institute of Corrections, and you have previously heard testimony regarding A.C.R. No. 17 of the 73rd Session. We were baffled by testimony that criticized our guidelines and risk instruments; but, the Nevada Legislature was the entity that established the guidelines created in 1995. We received a \$50,000 grant from the National Institute of Corrections which validated that guideline, and we created a second risk instrument that we considered a best practice, a model for every parole board in the world. We are in the process of submitting a second grant next month to develop a "guideline matrix revocation hearing." Dr. Austin, who is finishing the violation matrix, testified before the Legislature and said we have one of the lowest technical violation rates in the nation. We want to make sure our decision making is fair. If another panel hears the same set of circumstances using our guidelines, it is our hope that document sets a standard. Because this is a complex issue, we are sometimes criticized by individuals who spoke to guidelines and risk instrument people. We will be happy to go over that with anyone, and we know you understand, since it was the Legislature that set forth the elements in that guideline. We initiated with Dr. Austin, and Parole and Probation Chief Amy Wright, to apply for this technical assistance grant to develop intermediate sanctions for that type of matrix (a back-on-track program), and it is nearly finished. Director Whorton is working with us on that, and Parole and Probation will be using Casa Grande to divert offenders from the prison system. We believe in the power of rehabilitation — that people can change. Conversely, we must keep public safety in focus. We can give further testimony or answer questions now or later.

Chair Parks:

Would you comment on the applicability of the open meeting law?

Dorla Salling:

The Board for years has operated and is considered to be an arm of the court. Our former Chairman and I have asked the Attorney General's Office for an official ruling on that. Although our meetings are open to the public, we are not subject to the nuances of the Nevada open meeting law. In two prior sessions, seeing a possibility for litigation, we submitted bills to clarify that. Our division will face fiscal consequences should we be made subject to the open meeting law. Projected workloads will create an impossible backlog. If we are required to adhere to all the nuances just mentioned, the enormity of that will then incur millions of dollars. We are developing the fiscal game plan for that and will be happy to work with your staff. Each inmate would have to be personally noticed by registered mail, and that certainly opens us up to litigation. Anything that is perceived wrong will impact the Attorney General's Office. The offenders would be able to bring counsel.

As the statute exists now, parole is a privilege, not a right. We allow anyone to attend. The only thing that does not happen in the open meeting law is the number of public speakers allowed. They can give us documentation. When an offender's family is present, they may introduce themselves, and are acknowledged. On a normal day, we do 25 hearings by two separate panels around the State. If each person brings at least one visitor and that person speaks five minutes, then what will happen is similar to a train wreck. Our parole meetings will slow down to half, which delays the process even further. The other time-consuming elements are the minutes and staff necessary to record them. We do not have the office space. Those items, staff, equipment, and office space, would entail more cost to the prisons, the Attorney General's Office, and the Public Defender's Office. The Governor's Audit Committee recommends we see some offenders in absentia. We could not do that if we were subject to the open meeting law. We have offenders who are housed around the country. We would have to transport them. The NDOC has said that transporting them to us would be costly. We will have to fly to other states, with staff. Those dollars could be better spent on programming to help inmates with substance abuse and other issues. The Parole Board does nothing in secret. Private deliberation is the only thing allowed, and that is the main component that has kept our grant rate up. If, on the other hand, we were subject to the open meeting law, we would have to render a decision immediately. It is easier to say, "No," particularly when you see the kind of offenders we are seeing. The victims are on one side of the room and the family members are on the other. The pandemonium that would cause is troubling. We are able to deliberate in private and give the decision after the fact. The beauty of the Parole Board is that each member is from a different discipline. That is how we have kept the grant rate up. We will do whatever you ask. We have a bill asking that the open meeting law be clarified. We have been exempt, being a part of the judiciary. There is an opposing bill that says we should be subject to that law, but it takes the meaning even further. As the Committee represents the public, we will abide by whatever you want us to do. We see it as a mammoth task. We are not sure what they are trying to achieve by doing that, because the meetings are open.

Chair Parks:

Thank you. Mr. Carpenter?

Assemblyman Carpenter:

We have heard a lot of criticism that the Board does not give reasons why parole is denied, and so the prisoners do not know what else they should do to try to satisfy the requirements. Do you have any comment on that?

Dorla Salling:

We are also asked why parole was denied. We respond to every letter. The problem of responding is that there are seven of us. I can only speak to my feelings. There are a lot of reasons to incarcerate someone, and it is often impossible to articulate in every response. Sometimes it is to incapacitate them, punish them, or rehabilitate them. When the crimes are so shocking, no answer I give will satisfy some inmates. Sometimes they are serving seven consecutive sentences for a violent crime. The community expects that the offender is going to pay. We let out nearly 50 percent. We give answers, but it is often not the answer they want to hear. We question our own thinking—have we made the correct decision?

Assemblyman Carpenter:

Can you give us samples of those letters or responses that you have given to inmates? I personally would like to see them. It seems to me if someone has not committed an absolutely heinous, violent crime and they have done everything that the system offered, and they do not get released, we should have some way to tell them what needs to be done to help the situation.

Dorla Salling:

We would be glad to. One of the problems is that the Board changes. I could tell the inmate why I did not vote for his release, but that may not be the reason someone else had, or may not be the reason someone four years ago did not vote for their release—we all have different opinions. Because Parole Boards change, the promises of a previous Commissioner may change. We cannot promise a person's release. I may not be here in four years. That is what they are looking for. We understand when sisters and mothers come. We understand what they want. Each staff member responds personally, answering every inmate letter.

Chair Parks:

Mr. Anderson?

Assemblyman Anderson:

The initial presentation needs clarification on slides 11 and 12 on page 6 of the hand-out, where it says, "caseload and comparison of release from prison and discharge calendar years; the change and demographics of the prison population, and the change in status." Is that one of the ideas

Dr. Austin is planning to present? We heard Dr. Austin's most recent presentation, but do not have that in front of us. In that, there was "before" session data having to do with money. What is the net effect of the "three strikes bill?" What is the past history, relative to the 1995 change, and as far back as 1990? We need to see where the flow was and whether that had a long-term effect, correlated to the change in the prison population. Methamphetamine abuse has caused a spike in current prison populations. It could put the drug court Diversion Program in place at the same time. The tragic death of Officer Johnson in my community was again given to your department where it did not belong. I would like to make sure the record reflects that, because it did not. We need a longer history if we are to make the correct decisions, so we presume we will see that from you at some point. The implications of moving the Department of Parole to the Justice part of the discussion is offensive to the teacher in me—in the effect of executive authority versus that of judicial authority versus that of legislative authority. One of the criticisms, which come from portions of a study presented by Mr. Horne, was the implication that the Parole Board was "re-judging" the elements of the inmate's initial charge, almost rethinking judicial intent. Over and above the question of the open meeting law, does that not open questions to greater criticism, if you move yourselves into the judicial department? We can, perhaps, craft a better solution.

Dorla Salling:

That is exactly what parole boards were designed to do. Historically, that is the beauty of parole. When an offender is sentenced, there is a set of facts: a sentence and a range. The legislation that was done in 1995 came up with the truth-in-sentencing instead. You will know from the bottom number what a person is going to do. It was your intention then, that there would be variables. Sometimes that time is long, 10 or 20 years. That is the intent of Parole and then the parolee comes back 20 years later, and unlike a judge who can only hear certain facts, or sometimes the cases are plea bargained down and other cases are thrown out, the victims do not get to have their say. Ten or 20 years later, that is exactly what the Parole Board does. We look at the whole picture; we look at the elements of a case; it could be the accused was convicted of burglary, but rape was involved. It is important to know that. What is their prior criminal history? How have they done in prison? You as legislators told us to consider all those things. This is an opportunity for the victims to be heard. I would disagree with the recommendations of mandatory parole. The Parole Board is left out of that decision-making process with that case. The absence of a parole board decision takes the incentive to do well in prison away from the inmate. The inducement to rehabilitate has been lost. This gives the victims an opportunity to come back 10 to 20 years later and let us know the inmate is

continually sending them threatening letters. Justice and public safety give the Parole Board a foothold in the check-and-balance system. If taken at what the inmate was 20 years ago, most of you would never let them out, even when they say, "I am not the same person I was 20 years ago." We are allowed to see prior and present criminal history, which is the basis of our parole decisions.

Assemblyman Anderson:

How do we motivate inmates if participation is not an incentive? If the State does not have programs for drug and alcohol abuse, anger management, et cetera, in place prior to an inmate's release, we will be facing greater budgeting and operational problems while the inmate is institutionalized. It is unlikely inmates will participate if the incentive is not in place when they go to their parole hearing.

Dorla Salling:

Participation is taken into consideration. We are mandated by legislation where it is calculated. In the formula, they get numerical credit for General Education Development certificates, high school diplomas, and long-term and short-term programs such as Alcoholics Anonymous.

Assemblyman Anderson:

We are asked if parole and probation is playing judge. If this is the sentencing guideline established in 1995, and judges complain they need more discretion, they would never give the length of time that you were anticipating based upon the original factual events provided, because it had been plea bargained to another number. Are you reconsidering those factors that were plea bargained as extenuating circumstances?

Dorla Salling:

If everything that you hear and read were true, we would not have the nearly 50 percent grant rate we presently have. The law allows us to consider everything. We have been told by the Legislature, "Parole Board, we do not want you to be limited to this. We want you to take a look at all the factors." It is a best practice. It is almost an insurmountable job to have a 50 percent grant rate; to sign our good names to people, and right now with the methamphetamine problem, it is a stretch. I sign nearly 25 to 50 warrants. We have never experienced those numbers before. Signing my name to allow a prisoner's release is a gamble. We were authorized by the Legislature to look at all the factors when making decisions regarding an inmate's release. We use our best educated guess as to whether the offender is rehabilitated or is a possible public safety menace. If we did what we are so often accused of doing, we would not have a 50 percent

grant rate, and yes, our department becomes the target of blame. However, in our best collective wisdom, we cannot let the other percentages out. When states go to a determinant type of mandatory parole, California for example, bad things occur. They have overcrowding and high violation rates. For example: the offender in the Polly Klaas case in California was turned down six times for parole, and in their wisdom, they said not to let him out. Because of California doing similar legislation to what has been brought before you, a felony, Category D and E, mandatory parole, requires they turn that inmate out. Mandatory parole takes away the victim's opportunity to be heard. If release is the goal, another way might be to lower the parole eligibility. I would caution you not to follow the path of automatic parole.

Assemblyman Anderson:

Enlarging the Board, allowing them to hear in panel, and travel to the institutions, we have experienced that and modified it for greater flexibility. Because of the workload, we were hopeful that was going to solve part of your department's problem. The criticism we have heard was that after people appear in front of one group and have a positive from that group, they do not hear from the entire Parole Board that was not there to hear the entire thing. You are requesting, due to prison population growth, an enlargement of the Board, to take care of the population numbers, even though they are declining in some areas, such as the women's population. This does not make sense. We get turned down because we are not having a single board that hears everything. We have allowed you greater flexibility, and that has meant that people who are not at the hearings get to make the decision. How do you set that straight?

Dorla Salling:

It is always difficult, when you have seven people. A panel meets and they hear the testimony. It requires the majority of the Board to ratify the decision and sometimes other people do not view it that way. In the past, Board members would call each other with questions; this is where it is important to be able to deliberate. To ensure that we are fair, we meet once a week. When there is a split decision, we thoroughly go case-by-case, discussing reasons to grant a release. If we did everything we have been accused of, we would not have the 50 percent grant rate—the highest grant rate in the nation. The testimony of Dr. James Austin was, "You cannot squeeze anything else out of the Parole Board." The Parole Board is doing all it can do. You need to address it on the front end with the courts, using the probation system. We are doing all that we can do. As far as expanding the Parole Board, we did not put that in our budget nor are we asking for that. That was in response to the question of whether the prison population

continues to grow. If we are going to be subject to the open meeting law, there is no way we could get the job done. That is the scenario if those laws pass.

Chair Parks:

Thank you. Mr. Horne?

Assemblyman Horne:

I disagree with you on one point, your role as a judicial oversight. I believe your ultimate role is the protection of the community at large. I believe you have a heavy caseload. But I believe that we have a judiciary that sets a sentence, and there is a range. I think the policy is when a judge gives a defendant a sentence that says, "You are going to do 10 to 20" that is saying that the minimum you are going to get is ten years, and you will be eligible for parole. During that first 10 years, if you have done everything that is available to you while incarcerated, such as classes, substance abuse treatment, mental health, or whatever—then the defendant who meets those criteria is eligible for parole. When that occurs, your role is not to retry the facts. You mentioned the Parole Board gets to hear things that were not brought out in trial, et cetera. That is true, the jury did not get to hear a lot of stuff, but the judge does. The judge rules on many of those things that can or cannot be brought up at trial, but knows about them. In the pre-sentencing report, we are told they are allowed to use hearsay information, et cetera, in making their recommendations to the judge. So the judge is not making these sentences blind. The Parole Board in some cases has overstepped its bounds by saying, "Yes, we understand that after we have applied all the different points that you get for taking your classes or the negative points for discipline, even though it shows that you are a good candidate for release, the severity of your crime does not give us comfort to release you." When that is one of the categories that you give a score to, you are scoring them twice. You are taking it out of the purview of the judge. When you do that, you are saying, "I do not care what the judge sentenced you to. I do not think it was the correct sentence, so we are going to keep you in." That is when the Parole Board oversteps its bounds. It creates a dangerous environment when that happens to an inmate who no longer has confidence in coming before a parole board, and in getting a fair hearing and a possible release. What that does is give the inmate an "I don't care" attitude. It does not matter any more. That creates a dangerous environment, not only for the other inmates, but for the prison staff who have to work there. That is my concern. I would like to see, as stated in the A.C.R. 17 hearings, something that is more akin to the Parole Board doing objective assessments of the inmate who comes to parole, and I understand that there has to be a subjective element to that. I consider the

source on the letters and phone calls I get as a criminal defense attorney. I speak to my clients all the time very candidly, "You and I both know you are going to prison, and we both know you deserve to be in prison." That is not uncommon. I would like to see hearings where behavior while doing time is weighed objectively in the determination in granting parole, because that checklist you do, and giving them points becomes meaningless. An example was a case where the inmate ended up with a negative three score and was denied, and when asked why, the response was, "Even though your score is this, it did not adequately reflect the severity of your crime," when that is already a category in there, and parole is, "an act of grace." They told that inmate, "This did not matter, and what the Parole Board says, goes." How many inmates get something like that, and get denied. What does that say here? What kind of climate does that create in our prison system?

Chair Parks:

Thank you.

Dorla Salling:

I cannot respond to those accusations. I have never received a call from you about any of those things. I would be happy to look at that for you. We would not have the 50 percent grant rate. I take great exception to the idea that we have created some type of dangerous climate in prisons. I do not believe Director Whorton will second that. If you have a quota in mind, and if you will let me know what that is, I will be glad to see if we can increase it. We have two objective scales we use. Most states do not use anything. We have gone far beyond what is considered "best practice" by the Association of Parole Authority International (APAI) and the National Institute of Corrections (NIC). If we simply go by the numbers, as it is now, we are doing exactly what previous legislation allows. If you would like us, when discussing numbers or points not to use our collective wisdom, not to listen to victims, not to consider all things, we are not a judicial oversp...

Assemblyman Horne:

Mr. Chairman, I wish to interrupt. You have insulted me three times in a matter of 30 seconds.

Dorla Salling:

What, I am not allowed to respond because you insulted me and the Board?

Assemblyman Horne:

Not through insults. I did not insult you.

Dorla Salling:

Well, I felt insulted.

Assemblyman Horne:

I do not know what hearings you conducted or. . .

Dorla Salling:

Have you ever been to a parole hearing, Mr. Horne?

Assemblyman Horne:

Yes, I have been to a parole hearing. I know this is only my third term. I do not believe anyone has recommended any type of quota. I listen to victims all the time, so it is incorrect for you to sit there and say that I am inexperienced, that I have never been to a parole hearing, and I do not care about the victim.

Dorla Salling:

I did not say that. I asked you if you have been to one.

Assemblyman Horne:

I find that insulting. The only thing I and the Committee are looking for is efficiency.

Dorla Salling:

More than 50 percent, Mr. Horne?

Assemblyman Horne:

I am allowed to question data in front of me, and to pose questions to you as the Chairman of the Parole Board.

Dorla Salling:

Absolutely.

Assemblyman Horne:

And I may give you my opinion on my objections. My office door is always open.

Dorla Salling:

As is mine.

Assemblyman Horne:

I have never turned anyone away. If you have concerns about the direction in which I may take something, you may talk to me about that. However, I

was respectful the entire time I was speaking about how I felt about what I saw. Speaking for myself personally, when I saw how the parole hearings were being conducted, I have concerns about them. Thank you, Mr. Chairman.

Chair Parks:

I will close this portion of our meeting. Ms. Salling, thank you and the other members of the Parole Commission for your work and presentation. We would like to have you come back and speak in greater detail.

Dorla Salling:

It would be our pleasure.

Chair Parks:

We will move into public comment. We have four people who have signed in from Las Vegas. Constance Kosuda and Sharon Samson, please come forward and identify yourselves for the record.

Constance Kosuda, Private Citizen:

I am a retired trial lawyer and now an inmate advocate. A three-page document was faxed up there for the Committee's review ([Exhibit F](#)). I disagree with the statement that people in prison are bad people. I do not believe that, and I do not believe that all of them are guilty. Some people are addicts, others are alcoholics. We heard testimony at the Grant Sawyer Building in Las Vegas that 80 percent of inmates in some facilities, including juvenile detention facilities, are mentally ill and have never received treatment. Rather than spend \$20,000 or \$25,000 per year to incarcerate someone, \$3,500 could be spent per person for community-based treatment. That is the sensible approach and a much more palatable approach to the taxpayer. We need to open up meaningful dialogue regarding the impact of racism and sexism on our incarceration statistics, as well as the failure of our schools to prepare all children without regard to their ethnic or economic status. We all know people in public life, celebrities, and wealthy people who are alcoholics, who abuse drugs, and who have committed various criminal offenses, and are never prosecuted. The police never profile them. If they do end up in court, people with resources pay a fine while poorer individuals are sent to jail. Jail often leads to prison. I would like us to reframe many of these discussions. I wish to see inmates treated with more compassion. Director Whorton has stated the Department of Corrections in the State of Nevada uses compassion as one of its background considerations. I have never noticed that. The inmates and inmate advocates, with whom I have spoken, never witnessed that.

Chair Parks:

We have not received your document. Could you submit that?

Constance Kosuda:

We will fax it again.

Chair Parks:

Sharon Samson?

Sharon Samson, Private Citizen, wife of an inmate:

I have done a study, but I am somewhat confused about it. The Department of Corrections posts online what is called, "the inmate search." I took that search as well as the September 2006 Parole Agenda. I have the agenda on each prison, and directly behind it is the inmate record of each inmate after the parole hearing. My findings were different from what has been discussed with a "50 percent" rate. This is just for the month of September. I spoke to people in the prisons, and my findings were different. There were 483 people who were posted to go before the Parole Board in September 2006. I have papers for all 483, but I could only compile the figures on 408, because some of the Nevada Department of Correction's information was not complete. There were line strikeouts in them and some were obviously incorrect. From the records made available, I divided them into five different sentence categories. The categories are: one- to three-year sentences; two- to five-year sentences; five- to ten-year sentences; ten-plus and life sentences. Of the 130 inmates tallied for the one- to three-year sentences, 95 were paroled. The majority were Mandatory Parole Release (MPR). From the two- to five-year sentences, of 104 inmates, 40 were paroled, and the majority of those were MPR. Of the five- to ten-year sentences, 17 out of 95 were paroled. Of the ten-plus sentences, 4 of 42 inmates were paroled. Of the life with parole sentences, none of the 37 were paroled and some of these people had been in prison for as long as 30-plus years.

I looked at their disciplinary records, but it appears the majority of parolees coming out of Nevada Corrections are the mandatory parole releases. I will send the books to you. I am a former employee of the Federal Public Defender's office. Between 2000 and 2004, in that professional capacity, I noted that the inmates were treated with respect; the questions were reasonable; and the inmates' responses were heard. In 2004, at my husband's parole hearing, it was a "dog and pony" show, and I cannot describe it as anything else. What I experienced was theatrical. I spoke before the A.C.R. 17 Committee. Again this January, Mr. Silva and Mr. Keeler were there, and conducted themselves in a professional manner. They asked pertinent questions and listened to the inmates' responses. I am

hoping this change within the Parole Board will continue. I do not believe the Committee is getting the full story. I hope you will consider the witnesses' testimony. There are two sides to every story; it would help if you made a personal visit to the parole hearings. I am not speaking from the side of the inmate. I also speak for the victim. The parole rates mentioned for the month of September are not fair to victim's or inmate's families; nor is it fair to the taxpayers of Nevada who carry the burden.

Chair Parks:

Is that material all for us? Support staff in Las Vegas will see to our getting it. Flo Jones and Juli Star Alexander?

Flo Jones, Private Citizen:

[Spoke from prepared testimony ([Exhibit G](#)).] I will speak about *Nevada Revised Statutes* (NRS) 213.1215 regarding mandatory parole release. It is being called by the prison and the Parole Board, Mandatory Parole Review (MPR). Twelve months before an individual's sentence expires, the MPR hearing is to be held. I am the mother of two inmates who are serving life sentences. As a taxpayer, I am concerned about the use of the mandatory parole review. The expense should be examined since the burden is on the taxpayers. Those inmates deserving release should be given an opportunity to re-enter society. I am asking you to put some teeth in that particular NRS statute and force the Parole Board and prisons to not only look at 12 months, but to have more like 18 months on that mandatory parole release to the Parole and Probation Department, so the paperwork can be done and to give inmates time to find living arrangements and work. In many cases, they are eligible for parole, but are not able to get out because they do not have living arrangements or work in place. If the Legislature could add to this particular law similar languages as in NRS 213.10885, (5) and (6), that would put some regulation on the Parole Board to respond every two years to remind you whether or not they are following it, and if not, why? At this point, there really is no control on the MPR. It is whatever the Parole Board chooses to do. I ask that you mandate, in this 2007 Legislative Session, a prison and parole oversight committee, making it a binding part of that system. This would give families, victims, and their families a place to grieve other than our Legislature, which only meets every other year and is already inundated with other pressing issues. That question has come up on numerous occasions. The oversight committee should have the right to make regular unannounced visits to those Parole Board hearings. The Parole Board says they actually review the entire file of offenders. Since visitors are not allowed to speak at the hearings, recommendations and/or supplication must be submitted in writing prior to any hearing. We were told in one hearing, "We want to assure all of the

family that we have reviewed all of their letters, and we have read everything in the file." That particular year we sent nothing. An oversight committee should be able to validate any action touted by the Parole Board. We should be able to depend on those in authority. A person's civil rights are at issue. No department of our government should have that much authority. We want to believe in and be proud of our country and want it to be the best. I will email the suggested ideas I have. Thank you again.

Chair Parks:

We do have those, and we will make it a part of the record. Is Juli Star Alexander present?

Flo Jones:

She left the room.

Chair Parks:

For the record, Assemblyman Munford is here and Assemblyman Marvel was here earlier. We have a letter ([Exhibit H](#)) which was directed to our Committee from the State of Nevada Employees Association, signed by Kevin Ranft, NDOC Correctional Officer, who is here. We will make that a part of the record.

Kevin Ranft, Nevada Department of Corrections, Correctional Officer, also Delegate, State of Nevada Employees Association; American Federation of State, County and Municipal Employees:

In addition to being a correctional officer, I have been a member of the State of Nevada Employees Association for the past six years, and have advocated on behalf of safety and security issues. As you mentioned, you have a letter regarding the NDOC request for new, temporary, and long-term correctional facilities. They are asking for approximately 337 new correctional employees. In that letter, I respectfully requested that you review and consider the hiring standards for the protection, safety, and security of future and current correctional officers. There are some serious concerns. As a correctional officer, my letter is not meant to reflect negatively on the Department of Corrections. I want to improve what already exists. We completely support all of NDOC's requests during this legislative session. When you look at the present hiring and training standards, I request you look at the security issues I mentioned in my letter. Thank you.

Chair Parks:

Are there any questions? We will make your letter a part of the record.
There being no further business, we are adjourned at 6:36 p.m.

RESPECTFULLY

SUBMITTED:

Patricia Blackburn
Transcribing Secretary

APPROVED BY:

Assemblyman David R. Parks, Chairman

DATE: _____

EXHIBITS

Committee Name: Select Committee on Corrections, Parole, and Probation

Date: February 8, 2007

Time of Meeting: 3:48 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Sign in Sheets
	C	Division of Parole and Probation	Presentation on the Division.
	D	Kevin Tice, Deputy Chief, Southern Command for Parole and Probation	Governor's Recommended 2007 Capital Improvement Program
	E	Board of Parole Commissioners	Presentation on the Board
	F	Constance Kosuda, Private Citizen, Las Vegas, Nevada	3-page fax for the record
	G	Florence Jones, Private Citizen, Las Vegas, Nevada	Prepared testimony
	H	Kevin Ranft, State of Nevada Employees Association	3-page letter for the record.