

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY SELECT COMMITTEE ON CORRECTIONS, PAROLE, AND  
PROBATION**

**Seventy-Fourth Session  
February 22, 2007**

The Select Committee on Corrections, Parole, and Probation was called to order by Chair David R. Parks at 3:47 p.m., on Thursday, February 22, 2007, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/](http://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](mailto: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

**STAFF MEMBERS PRESENT:**

Craig V. Hoffecker, Committee Policy Analyst  
Risa Lang, Committee Counsel  
Mark Stevens, Assembly Fiscal Analyst, Legislative Counsel Bureau  
Gayle Miles, Committee Secretary  
Olivia Lloyd, Committee Assistant



**OTHERS PRESENT:**

James Austin, President, JFA Associates  
John A. Gonska, Chief, Department of Public Safety  
Mark Woods, Captain, General Services Bureau, Division of  
Parole and Probation, Department of Public Safety  
Sharon Samson, Private Citizen, Las Vegas, Nevada  
Patricia Hines, Private Citizen, Yerington, Nevada  
Tonja Brown, Private Citizen, Carson City, Nevada

**Chair Parks:**

[Roll called.] We will start the meeting this afternoon with a presentation from Dr. James Austin.

**James Austin, President, JFA Associates:**

I have provided you with a copy my presentation ([Exhibit C](#)). My goal today is to accomplish three things: provide an overview of the Council of State Governments' (CSG) Justice Reinvestment Initiative, provide an idea of what we plan to do with Nevada's policy leaders and corrections officials, and provide the direction we would like to move in based on reports of our preliminary findings.

The Council of State Governments (CSG) is a nonpartisan, nonprofit organization that provides support to the states throughout the country, specifically to the executive and legislative branches of their local governments. This support or initiative, "justice reinvestment," focuses on continually improving states' public safety by assisting them in accurately allocating their funds.

The coordinator of this initiative is the director of CSG, Mike Thompson. He and I have started analyzing Nevada's population, completing impact assessments, and compiling a list of the options available to Nevada, if our program is adopted. The states we have already worked with are proof that our efforts of such an initiative are successful.

Our main strategy, research, is data driven, and intended for policy makers to refer to in reducing the money spent on corrections and increasing the public safety and other conditions of the neighborhoods where those released from prison will reside. Focusing on these key communities will lead to less money spent on the correctional system.

Increasing costs of corrections is the main problem for Nevada. In 1982, Nevada was spending less than \$10 million a year on corrections, including

parole and probation, and most of that was going into the jails and prisons. In 2003, Nevada was spending over \$40 billion a year, and by 2008, Nevada is projected to spend \$60 billion. A national projection done by the Pew Charitable Trusts found that if the country, as a whole, keeps on the current path, an additional \$27 billion will be spent in the next five years for construction and operating costs to meet the demand of the increasing prison populations. Despite all the money we are putting into the system, we are not getting anything positive out of the system.

Between 1984 and 1994, the national recidivism rate was between 63 and 65 percent. We see this same high percentage rate in the unsuccessful completion of those in our parole and probation systems. The task at hand is figuring out what needs to be done differently to increase our success rate.

There are particular neighborhoods, in every state, that are seen as high stakes and tend to use up most of the available resources. A neighborhood in Wichita, Kansas, is a good example of this. Inmates from one neighborhood occupy 598 of the prison beds at a cost of \$11 million per year. This same neighborhood is spending \$1.1 million in food stamps, another \$7.2 million in unemployment insurance, and another \$500,000 for Temporary Assistance for Needy Families (TANF). In neighborhoods such as this, spending enough money is not the issue; we are spending more than enough. The issue is the states inappropriately and inaccurately spending their money.

Arizona is one of the eight states CSG has targeted. The mapping we have provided Arizona is the same we will provide for Nevada. The Nevada Division of Parole and Probation (NPP) will provide us with the addresses of those currently on parole or probation and the Nevada Department of Corrections (NDOC) will provide us with the addresses of those admitted to prison in the last 12 months. This will allow us to geographically map out where all these people are living, and pinpoint the high-stake neighborhoods.

**Assemblyman Horne:**

One issue, particularly in southern Nevada, is a high rate of transient offenders. These people do not live in Nevada, but commit crimes here and therefore occupy space in our correctional facilities. Is there a way to incorporate that number in your study, or is that number so small it is insignificant?

**James Austin:**

Nevada is definitely different from other states in that respect and that number is included in our findings. It is about 20 percent of the Nevada prison population, and is mostly California residents. Our studies greatly depend on the addresses these people put down for themselves, which is then used in the Presentence Investigation (PSI) report. If they were just passing through Nevada for example, and purchased drugs, I am not sure if they would put their California address or if they would report no address. This is a problem we face in our ability of mapping the offenders correctly.

**Assemblyman Horne:**

Would this create a void on our map? Would we be missing a large segment of where our dollars are being spent?

**James Austin:**

No, we know they are from California, we do not know from what city in California. Another group Nevada has is the illegal immigrants, which make up about eight percent of the current prison population. Upon completion of their sentence, they will be deported, but they will minutely affect our studies while incarcerated. The majority of the prison population and those on parole or probation though are Nevada residents.

**Assemblywoman McClain:**

If 20 percent are from California, are there large percentages from other states?

**James Austin:**

The largest contributor is California.

**Assemblywoman McClain:**

So other states are contributors, but just not large enough to count.

**James Austin:**

Yes. There are certain streets in the high-stake neighborhoods I mentioned earlier that greatly differ in terms of who is going to prison and who is not. In a neighborhood in Arizona, there are three individual blocks where they are spending over \$1 million a year on the incarceration of its residents. Our studies have shown there are individual blocks which seem to have high concentrations of people being incarcerated. These blocks, referred to as "feeder systems," need to be where our focus is directed to try to turn them around. This way of addressing the problem is completely different from how it has been looked at before. It includes visually showing corrections

officers and their staff how and where their services are being deployed and gives them a better understanding of the big picture.

We have proved there is a direct relationship between prison admissions and those who are on TANF or other welfare programs. In the neighborhoods seen as high-stake, the enrollment in such programs is prevalent. When the use of these welfare programs declines, crime rates decline as well. This proves that welfare reform, or helping people get off such programs, will result in reduced crime among these individuals and their neighborhoods. Welfare reform has many components such as affordable housing, community investment in privately owned companies, monitoring public safety, and deploying police officers become important issues in these areas. Being viewed as safe again is and will be imperative to residents reestablishing themselves in these neighborhoods.

Nevada, like Arizona, has a faster growing population and a higher crime rate than the rest of the country as a whole. Arizona's incarceration rate is much higher than Nevada's, mainly because of their passing the "truth-in-sentencing" law. This states that 85 percent of a sentence be served before an inmate is eligible for release. They now have major problems in terms of prison overcrowding. Both Nevada's and Arizona's state prison populations are projected to keep increasing faster than the national average and both states will continue to have a lower number of parolees and probationers, per capita.

In 1995, there was a period of legislative reform. The rate of incarceration did not go down, but Nevada's ranking among the other states did go down. Right now, Nevada is right above the national average. At the same time the crime rate declined in Nevada, the crime rate throughout the rest of the country declined as well.

We will provide a menu of options that will help Nevada save money. There are four basic thoughts we consider when making this menu:

- 1) Reducing recidivism rates among those on supervision.
- 2) Reducing the numbers sent back to prison for technical violations.
- 3) Reviewing the possibility of reducing lengths of prison sentences.
- 4) Reducing lengths of sentences for low-risk probationers who recidivate.

In Arizona, the use and application of these four items decreased the prison population by about 10 percent, constituting a savings of about \$90 million a year, \$300 million in construction costs alone. This is an example of how it would work for Nevada.

Nevada policymakers have already met with us and have shown their bipartisan support and interest in moving forward with this project. The NPP and the NDOC are already supplying us with information. This information will be tested, and we hope to be able to get some numbers back to you within the next 30 to 60 days.

**Assemblywoman McClain:**

Since we are on a short time frame, is there any chance we can get a report back in 30 days?

**James Austin:**

Yes, we can do that.

Developing policy options is another part of our initiative. Better integrating of needed services in the high-stake neighborhoods and the implementation of these services could begin as early as this summer. It does take time to get things going and measure the effects, but the sooner the better since it may take two or three years to notice the results.

In the last ten years, the nation's population has grown 11 percent while Nevada's population has grown 53 percent. This growth puts an enormous stress on Nevada's infrastructure, and yet it is predicted the growth will continue. Nevada's crime rates have always been well above the national average, but from 1994 to 2004 crime actually declined faster than the rest of the country.

Take a look at the prison population and the rate of incarceration, both of which are above the national averages by about 500 percent. Nevada used to be number one in the ratings, and now is 15 or 16 among the states. The rate of using parole or probation in Nevada, per capita, is well below the national average. Among adults, Nevada has 723 probationers per 100,000 residents. Comparatively, the national rate is 1,871 probationers, showing that Nevada does not use parole and probation as much as other states.

Population growth in Nevada is projected to increase 2.4 percent over the next ten years. That growth includes a large group of the at-risk population, those between the ages of 20 and 39 years old, and is going to be demanding regardless of what is done in terms of reform. The number of crimes committed in Nevada, specifically by the at-risk population, dropped, even bottomed out in the year 2000. It is now on the rise again.

One factor affecting our projections is the unexpected increase in the admission streams of both males and females into our prisons. There are about 12,000 males currently incarcerated, estimated to go up to 17,000 by the year 2016. If you look at the admissions stream per day, it is growing, but not nearly as fast as the entire population. This reflects what is referred to as a "stacking effect" which is usually male inmates, who receive long prison terms and continually occupy the majority of the bed space in the prisons. This effect is not seen as much with females because they do not usually receive the long sentences. They tend to have shorter sentences, but are the fastest growing portion of Nevada's prison system. The last revision of the growth projection from the Division shows males as right on track, but females rising faster than projected. This is very disturbing. Why are we locking up women at such a fast rate? They usually are less likely to recidivate, yet the courts are sending them to prison in record numbers.

Nevada's recidivism rate is 27 percent which is significantly lower than the rest of the country which is 40 percent. In talking with Mr. Skolnik, Director, NDOC, he is convinced that Nevada houses and continues to incarcerate large numbers of low-risk offenders. There are current restrictions in place that prevent just releasing these offenders. This is where we need to start working. Many questions arise and need to be answered: What are those restrictions, and why are we incarcerating people that we know are low-risk?

The problem with answering these questions is the variety of groups Nevada has incarcerated. Sex offenders are one group especially that no one wants to release; however, a large number of them are considered low-risk. There are transient groups also, who need to be released, and to their home-state prison system. Illegal immigrants are another group, which if seen as low-risk, and deported early, would reduce Nevada's population dramatically.

Statistics show that three out of four of those released do not come back into the system at least within three years. They might spend some time in a local jail, but they are not coming back to prison. That is a fairly low recidivism rate. Nevada's Parole Board has a parole grant rate of 60 percent, which is high and fairly healthy comparatively.

**Assemblyman Anderson:**

When determining that number and comparing us to other states, are you including the granting of parole on the first of multiple offenses, which is merely moving them to their next sentence and therefore leaving them in prison? If a prison bed does not become available, it should not be included.

The number of beds actually becoming available is what should be measured when calculating the grant rate of the Parole Board. This would also figure into calculating the rate of recidivism.

**James Austin:**

I think that fact is included; you would be more interested in knowing how many beds actually becoming available when looking at the grant rate of the Board. I will need to see how many of these multiple sentence offenders Nevada actually has and I will include that in my report when I return in March.

I have worked with many states who grant parole with a condition that the inmate not be released until completion of an in-house program. This is a waste of time and resources. Funding of treatment programs outside the prison walls and community-based seems to be a much better use of funds. There is a large group of low to moderate risk offenders, who if released to a well structured program, would be able to succeed. States are often forced to keep people in prison because there are not enough beds available in the treatment programs throughout the community. Beds in these programs are easier and less expensive to create than prisons, and would be a better use of funds with a benefit to all involved.

In Nevada, if you are on parole, you get time deducted from your parole for every day you complete successfully. People are getting off parole faster, and the parole population is slowly shrinking. This same type of incentive program needs to be applied to probation as well. There is proof its success in both parole and probation supervision. The probation success rate is much lower than parole because they are not given any incentive to do well and complete their probation successfully. Those that fail and are then sent back into the correction system, making up about one-third of prison admissions, and increasing the rate of recidivism.

The NPP makes recommendations to the courts on whether prison or probation would be better for a specific offender. It has been shown that when the Division recommends probation, the courts agree almost 90 percent of the time. Yet, when the Division recommends prison, the court only agrees about 60 percent of the time. The other 40 percent, the court sentenced to probation, despite the Division's recommendation for prison. This decision by the courts to not take the recommendation of the Division is not always a good thing. An individual's willingness and ability to succeed in programs like parole or probation without violating or committing another crime is critical, and some will not or can not succeed.



**Assemblyman Carpenter:**

I can see this leads to a high failure rate, but if we do not even let them try probation, and just put them in prison, we are actually contributing to the prison overcrowding epidemic.

**James Austin:**

Yes, you are right, and economically, Nevada could not handle the huge surge that would be caused if the courts did concur with the recommendations of the NPP 100 percent of the time. Because of this 40 percent disagreement, we need to look at where adjustments could be made between the courts and the NPP. Effective legislation needs to break down the barriers between the NDOC, the NPP, and the Parole Board. All three of their directors have expressed support and plan to meet to discuss and review different organizational issues. Nevada already has a workable program; but those barriers are keeping it from working and ultimately hurting public safety. The NPP should be removed from the Department of Public Safety (DPS) and placed into the NDOC. It makes more sense and other states have had nothing but success with it.

**Assemblywoman McClain:**

Has the NPP always been under the DPS?

**Mark Stevens, Assembly Fiscal Analyst, Legislative Counsel Bureau:**

The NPP, the Parole Board, and DPS used to all be under the NDOC's umbrella. When the department changed their name to Corrections, the NPP and the Parole Board fell under the DPS and did not follow the NDOC. In many other states, the NPP and the Parole Board are functions of the NDOC.

**Assemblywoman McClain:**

It has not been under the DPS that long then?

**Mark Stevens:**

The Department of Motor Vehicles (DMV) and the DPS used to be one department. They have since separated. We had the Department of Prisons up until a couple of sessions ago. Once it changed to the NDOC, the NPP and the Parole Board did not move with that change.

**James Austin:**

In Rhode Island, their Department of Corrections consists of their Parole Board, their Division of Parole and Probation, and the prisons themselves. Their Director of Corrections oversees everything and is in control of all those areas. Texas is like that also. They have the Department of Criminal Justice, consisting of the Parole Board, Parole Supervision, and the prison

institution divisions. In Texas though, probation is a function of each individual county. Larger states generally have county-based probation departments. Arizona, like Nevada, is not large but they have a single Department of Corrections consisting of the Parole Board, Parole Supervision, and the prison institutions. The function of Probation Supervision is county-based.

There definitely is a lack of services available for those placed on supervision when released from prison. More importantly we will try to determine exactly what those on supervision need in terms of substance treatment and mental health services. We also hope to be able to include this data in our report when we come back in March.

We already have provided the Parole Board with, and they are currently using, a new risk instrument. This will make available to us the numbers of low-, high-, and moderate-risk offenders who are appearing before the Board. The Board also is ready to implement new guidelines with regards to the revocation of an individual's parole. We are also doing a special study with Probation and Parole mainly on the probation population, looking at what the drug, alcohol, mental health, and other special services needs are in that group. We are constantly updating your prison, parole, and probation projections. We are able to provide impact statements on any ideas you have if asked to do so. We will be developing maps, specifically for Nevada, showing where the high concentrations are of prisoners, parolees, probationers, and impacted neighborhoods. We still need to look at the extent of the methamphetamine epidemic and address what needs to be done in terms of its growth and possible solutions to halt its spread.

There are bills being introduced that are designed not to reduce the prison population, but actually to increase it. I would advise you to watch those closely, and should they pass, determine the effect they will have on our current prison populations.

I have heard something about an addition of around 1,500 new police officers. That can work two ways. We could have a good result like in New York, where they used those law enforcement officers to get control of crime, and through deterrence and their presence, have kept it down. Or we could react to crime and make more arrests, more convictions, and in turn hindering the overcrowding of our prisons.

If Nevada could increase their use of awarding early release based on good time credits, there would be an immediate impact on our prison population. I will report back to you in March, very specifically proposing changes in the

way we allow prisoners to get time off, not only off their mandatory release dates, but also off their parole eligibility dates. Adding incentives to the probation system, similar to the parole system, will boost the success rate of probation almost instantly. Nevada also could consider setting up a contingency fund to implement model programs and policies in the targeted communities, and help Parole and Probation provide better services. There are also things we could do in partnership with local government. That will take some brainstorming, but if the money is available and we draw on good ideas and proposals and test them, as pilot projects, perhaps we can become a beacon for other failing programs.

**Assemblywoman Weber:**

I cannot wait for March so we can get our demographics and your ideas. You mentioned the New York model, specifically the decline in crime linked directly to the incline in community policing. Have there been any continued studies in that direction, and have they tried that in Arizona on those specific blocks that seem to have the highest level of incarceration?

**James Austin:**

Not yet, but we are looking at doing something similar in San Diego. California takes the same kind of approach in law enforcement as New York. They have reduced their prison admissions by 50 percent over the last eight years. They have made a remarkable turnaround; crime rates have dropped, and jail populations have decreased. The concept being if you deploy your police officers properly, not in cars, but literally walking the streets of the communities, their presence is well know and the residents feel safer. Securing and ensuring the safety of the neighborhoods is the first step. There will be conversations with the Las Vegas Police Department and the Reno Police Department to see where to deploy more officers in a way that will make a visible dent in the crime occurring in those areas.

**Assemblywoman Weber:**

The beginnings of that have already occurred in southern Nevada. The Southern Nevada Gang Task Force is currently working together with the City of Las Vegas to deploy outreach folks alongside the law enforcement, taking the neighborhoods back from the gangs. The residents will not speak out unless they feel safe.

**Assemblyman Horne:**

I would like to comment regarding incentives for probationers. I spoke earlier with Mr. Gonska and Mr. Woods of the DPS and was informed there are ways probationers can be released early; however, they are looking into

ways to improve their system. They both would like to comment on that topic.

**John Gonska, Chief, Department of Public Safety:**

We have discussed doing studies in Nevada with the University of California, Los Angeles (UCLA), specifically with Dr. David Theraby, of the Experimental Department. We want to design an early termination program for probationers. That program would copy the "behavior modification," meaning probationers will start their first day on supervision with no points, and as they complete certain activities or programs or other types of accomplishments, we would add points, or subtract points for misbehavior or failure to complete a given task or program. When they achieve the number of points needed, we put them in for early discharge from probation. We feel our resources would be better utilized if directed towards the high-risk offenders. Those who do not need our supervision, we do not want or feel the need to supervise. We want to release those deserving of an early discharge; however, some officers including myself, have the paranoia that the ones we release will go and commit another crime. The DPS and its officers will be criticized for their decision to let someone go that was a threat to public safety. Even with the slim chance of that happening, we still believe something needs to be done in that respect. Mr. Woods will talk about what we are currently doing for early discharges of probationers.

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

I have 20 years with the NPP. Historically, the officers would always make sure an offender completed all of their special conditions, whether that is restitution or counseling. You might have a person in drug abuse treatment and is doing fine in the program. The treatment provider concurs that they are doing very well, but that they need several years of treatment. In the old days, we would keep them on probation for that entire period. Another example, the person who owes \$100,000 or more in restitution and is paying \$100 per month, we would also keep on supervision until the restitution was paid in full. The attitude today is that an offender can reach a point where there is nothing else we have to offer them and we look for means of an early discharge. If a person needs to be in drug counseling for several years, and is doing fine, we will cut them loose, and it becomes their responsibility to continue with the drug counseling. Those who owe restitution, we now send to the State Controller's Office, who contracts out with collections agencies, who continue collecting that money, thus eliminating our department from the debt-collecting process.

**Chair Parks:**

Thank you both for your testimony. I have a question I would like to ask Dr. James Austin before he leaves. Do you have any thoughts or comments on the creation of a sentencing commission?

**James Austin:**

I have studied sentencing commissions. Some have been successful, but the downside is it takes time for them to reach a decision, and then even more time for those decisions to become law and then to be implemented. If people are open to it, I suggest you do it. I would support a sentencing commission, but they should have a specific mandate on what their obligations are. One thing they could address would be the issue of fines and the person's ability to pay those fines, possibly a sliding scale. A prime example of this would be Mel Gibson who was fined \$5,000 for drunk driving in Malibu. That amount was nothing to him, but for many, that would be an impossible amount.

We have gone overboard in terms of financial burdens placed on people, who absolutely cannot afford it. Repayment should be relative to an individual's capacity to repay. The sentencing commission could review the powers of the judges, the Parole Board, and the NDOC, as well as providing an opportunity to consolidate, review, and clean up legislation that is hurting our State. A specific set of guidelines as to what they are expect to accomplish needs to be given to the commission prior to the appointment of its members. This commission will have a great impact when looking long term; they should be active for at least a couple of years.

**Assemblyman Anderson:**

I thought that a sentencing commission would review decisions made by judges on whether or not they followed the laws mandating sentences.

**James Austin:**

The nature of these sentencing commissions is advisory. They have a specific review process and set guidelines. Judges can use their own discretion, but the commission will notice if they are using it too much or in the wrong way and will notify the judge of this. However, it would not have authority to overturn decisions made by the judges.

The members of the commission need to have a speaker or a chairperson, and should be someone respected by the judges. The judges love being able to use their discretion, and the commission's findings would have a greater impact if delivered to the judges by someone they respect. North Carolina has had tremendous success with its sentencing commission,

chaired by Tom Rock, one of their top judges. It took two years to see its affects, but did have a good effect on their quality of justice. On the other hand, South Carolina has had a sentencing commission, on paper, for 15 years. They have not accomplished anything because the judges do not see their value. Support of the judges is imperative or it will be hard to get a request for such a commission approved.

**Chair Parks:**

Thank you, Dr. Austin, we appreciate you coming and look forward to your return.

We have been given two bill draft requests (BDRs) which need to be submitted by tomorrow. I would like to open the discussion among the Committee on any particular areas you feel we should direct our efforts.

The NDOC has submitted proposed revisions to the *Nevada Revised Statutes* (NRS) Chapter 209.481. That statute pertains to realigning the duties of the Director with regards to the assignment of inmates.

ASSEMBLYMAN ANDERSON MOVED TO REQUEST A COMMITTEE BDR WITH THE REVISIONS OUTLINED BY THE NEVADA DEPARTMENT OF CORRECTIONS CONCERNING CHAPTER 209.481 OF THE *NEVADA REVISED STATUTES* AND RELATED STATUTORY PROVISIONS.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Assemblyman Anderson:**

I have some concerns with regards to inmates, for example, how long an inmate is in prison before eligible to go before the Parole Board, and the possibility of ever being granted parole. Another concern I have is regarding the enhancers and the number of them used by judges.

I do agree with Dr. James Austin and would like to see this Committee put forth the possibility of a sentencing commission which could review such things as the legislation of 1995, particularly the "truth-in-sentencing." They could also review the enhancers which judges utilize. I am not sure, but I would like to see our second BDR, if possible, be a placeholder that we could use to throw in things we want, instead of having to decide on one specific direction to go.

**Risa Lang, Committee Counsel:**

I can certainly work on the language for such a BDR, if the Committee wants to go that direction.

**Chair Parks:**

Yes, thank you.

**Assemblywoman McClain:**

I liked the suggestion regarding a contingency fund, the justice reinvestment, Dr. James Austin spoke about. I think that is an excellent idea. It is a great concept of having the money out there for those who need it. Another issue I would like to include in our BDR is the need to review the entire process of the PSI reports. Possibly that would be something the sentencing commission could take on in part or in whole. I would also like to see the addition of more programs focusing on the success of those released from prison and also the addition of incentives for probationers to complete their probation.

**Chair Parks:**

The budget approval should address our concerns regarding the PSI report writing process, as will allocation of the additional staff. Given the nature and assignments of our Committee, we will probably have the opportunity to ask for additional emergency BDRs at a later point, should something arise we would like to include.

**Assemblywoman Weber:**

I agree with Ms. McClain in support of justice reinvestment. We can review Nevada's targeted communities when Dr. Austin comes back in March, and be able to accurately apply funds exactly where needed.

**Chair Parks:**

Shall we ask for the second BDR to review the prospect of sentencing?

ASSEMBLYWOMAN MCCLAIN MOVED TO REQUEST A  
COMMITTEE BDR REGARDING THE PROSPECT OF  
SENTENCING.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Parks:**

That concludes the items on our agenda. If there are no further comments from the Committee, we will open public comment.

**Sharon Samson, Private Citizen, Las Vegas, Nevada:**

I would like to bring to your attention a document that was prepared by the Religious Alliance in Nevada (RAIN), which I am not affiliated with, but I read the document and feel it is important to be heard ([Exhibit D](#)). They are an advocacy coalition of regional judicatories consisting of the five main Christian denominations. There are over 500,000 people in these congregations who live, work, and worship in the communities across the state of Nevada. These judicatories and their local congregations reach beyond church walls to serve children and their families, whether poor or powerless, anyone who needs justice.

**Chair Parks:**

Thank you, Ms. Samson. We have all received a copy of your document. Did you have any other comments?

**Sharon Samson:**

I do have just one more thing. Within the document is mention of the Restorative Justice Program, which is the accountability of inmates for what has happened and possibly an interaction between them and the families of the victims, in order for all involved to understand what happened and hopefully bring some peace and closure.

The Eastern Mennonite University in Virginia has published a book, *The Little Book of Restorative Justice* ([Exhibit E](#)). It describes in detail a program they have utilized. I would be more than willing to donate copies of this book to the prisons so that the inmates could form a support group to look at these issues and to treat it the same as you would Narcotics Anonymous (NA) or Alcoholics Anonymous (AA). These inmates need a lot of help, and this book with the formation of an informal support group, could bring an understanding of why they did what they did. Hopefully this would lead to the formation of a formal program within this State. I know there have been a number of towns, such as Pittsburgh, Pennsylvania, who have had a huge success rate and a very low recidivism rate as a result of this program. I will send this book up to you in Carson City, so that it might be some food for thought, if not this session, perhaps for the 2009 Session.



**Patricia Hines, Private Citizen, Yerington, Nevada:**

With the selection of BDRs is this Committee looking into limiting the discretionary powers of the Parole Board? If not, is there another committee doing that, or can this issue be discussed further?

**Chair Parks:**

There is one bill introduced, Assembly Bill 62, which was authorized by the A.C.R. No. 17 of the 73rd Session Committee. I know the members of this Committee all share your concern in that area.

**Tonja Brown, Private Citizen, Carson City, Nevada:**

On the topic of overcrowding, I suggest that the Parole Board not be allowed to deny an inmate parole because they have appeals pending in state or federal court. The Board can take into account the nature of the appeal, if it directly relates to the inmate's time while in prison. But as far as the Board denying parole solely on the basis of an inmate having an appeal it should not be allowed to be used in the parole hearing. The Parole Board is in place to review an inmate's history and behavior while incarcerated, not to re-try them for issues which a judge and possibly a jury has already tried and sentenced them on. The Board must make their decisions based on the criteria they are required and expected to use.

**Chair Parks:**

I see there are no further questions or comments. This meeting is adjourned [at 5:23 p.m.].

RESPECTFULLY

SUBMITTED:

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Brooke Bishop  
Transcribing Secretary

APPROVED BY:

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Assemblyman David R. Parks, Chair

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

**EXHIBITS**

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

**Date:** February 22, 2007

**Time of Meeting:** 3:47 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
***	A	*****	Agenda
***	B	*****	Attendance Roster
***	C	James Austin, President, JFA Associates	Presentation - Justice Reinvestment: A Framework to Improve Effectiveness of Justice Policies in Nevada
***	D	Sharon Samson, Private Citizen, Las Vegas, Nevada	Information sheet on Religious Alliance in Nevada (RAIN) and document of testimony.
	E	Sharon Samson	<i>Little Book of Restorative Justice</i> , written by Howard Rehr