

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

**Seventy-Fourth Session
March 15, 2007**

The Select Committee on Corrections, Parole, and Probation was called to order by Chair David R. Parks at 3:52 p.m., on Thursday, March 15, 2007, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/. 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

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

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

Philip K. (P. K.) O'Neill, Captain, Records and Technology Division, Department of Public Safety

Ron Titus, Director and State Court Administrator, Administrative Office of the Courts

Mark Gibbons, Vice-Chief Justice, Supreme Court

Jackie Glass, District Judge, Eighth Judicial District Court

Andrew J. Puccinelli, Judge, Fourth Judicial District Court

John Tatro, Justice of the Peace, Carson City Municipal Court

Diane Crow, Chief Deputy, State Public Defenders Office

Vicki Elefante, Court Services Analyst, Administrative Office of the Courts

Bill Gates, Officer, Las Vegas Metropolitan Police Department

Chair Parks:

[Roll called] We will receive comments and recommendations related to drug and mental health courts this afternoon.

Philip K. O'Neill, Captain, Records and Technology Division, Department of Public Safety:

The Department of Corrections (NDOC) provides the Information Technology (IT) support for the Division of Parole and Probation (NPP). Am I correct in saying that the question posed was regarding the interfacing and communications between the various agencies of the criminal justice system?

Assemblyman Anderson:

Yes, the question was directed to Parole and Probation pertaining to the sharing of information, specifically the information used in completing Presentence Investigation (PSI) reports for the court. We, the Committee, were reviewing what was available, what the needs were, and what interfacing was provided by your agency. We wanted to know how the system operates and how the information gathered is accessed.

P.K. O'Neill:

We provide criminal history information to Parole and Probation and support their Offender Tracking Information System (OTIS). Other databases are also used to obtain information to complete the PSI reports, but they are not automated systems. The information contained within the Records Bureau, in our Division, is criminal history information and dispositions.

Assemblyman Anderson:

What we were trying to get from Parole and Probation was a timeframe for completing PSI reports for use in sentencing and what reasonable amount of time is to prepare a good quality report. Another question we wanted answered was how Parole and Probation was using your agency to gather the information they need. I was trying to make sure they were using the criminal history repository and any other information that was available through your office.

P.K. O'Neill:

We have the arrest records and disposition of the arrests. The information held by the NDOC is their information. They own it and possess it. We do not have that in our office at the Records Bureau. For court proceeding records, we only get the disposition of convictions, pleas, verdicts of innocence, or sentencing. Those documents are held within the court system within database. There are District Attorney Offices that house information relevant to the PSI reports, which we do not have access to. We are currently discussing what is needed that will allow the different systems to interact between the various agencies. It is a future project we are working on but is not currently deployed.

Assemblyman Anderson:

How can we get information into the system faster so judges do not have to wait for long periods of time for sentencing? After a sentence is completed and the individual comes out onto the street, how does Parole and Probation track the individual? How are you utilizing the information from the prison system? Someone has to be getting their information.

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

The Division is capable of getting the information from the prison. We do that in a timely fashion. Once the PSI is completed, it exists only in Parole and Probation's system. We do not have any way to electronically move the information and speed up the time in getting the report to the court.

Assemblyman Anderson:

Is there a plan to accomplish that in the near future? Is it a question of economics, or personnel? Is it a machinery problem or a personnel problem?

Ron Titus, Director and State Court Administrator, Administrative Office of the Courts:

We are working closely with Captain O'Neill's office and the courts with the Multi-County Innovative Justice Information System (MCIJIS). The system is

designed to share documents and information between systems and is funded through administrative assessments and grants such as the Criminal History Grant. We have been successful in transferring information from Sheriff's Departments to the District Attorney (DA), from the DA to the courts, and from Sheriff's offices to the courts. We have discussed how to transfer documents from Parole and Probation to the courts. It is a workable process, but we do not know how long it would take. The system is designed to take Global ExaMail documents following a national standard which would allow for the transfer of documents nationally. We have not had a chance to discuss Parole and Probation documents. We have discussed transfer of dispositions and any simple documents which would be a straight-forward process.

Assemblyman Anderson:

I can understand that. You may want to be careful when talking about the needs of the Department since there are three members on Ways and Means that sit on this Committee. One of the major complaints we want to deal with is how rapidly we can speed up the process in getting adequate information to the courts and Parole and Probation. I hope there will be integration of the process if we can fix this. There is equipment that should have been purchased two or three years ago. If now is the time to get the equipment, we need to do that as quickly as possible. I want to make sure I clearly understand where the problem is and I am trying to figure out how we can fix it. Do you see a way?

Ron Titus:

One way to start is to begin talking. There are some things already in place, but we need to understand the problem and how to transmit this particular document. I had a meeting with Assemblywoman McClain when she brought up this issue. When P. K. called Mark and me, we agreed we needed to get our technical staff involved and begin looking at this to develop a plan and determine the cost and timeframe. Last session we started doing electronic dispositions and I thought we could do them within three to six months, but it took 18 months.

Assemblyman Anderson:

It seems to me that Information Technology and the Criminal History Depository have been under-funded. I see the Depository as the hub and if we do not work together, we will stay where we are and that will not work in the twenty-first century.

P.K. O'Neill:

Next week I will testify to introduce our budget for the Records Division, Criminal History Depository and the Records Bureau. We have a complicated system with the technology for cost allocating budgets. We have programming hours available to work with Parole and Probation and their OTIS system, with the courts and the MCIJIS system, and with DOC.

We have hours budgeted to address the issues. I am currently working on a flow chart for Ms. McClain to explain the whole process starting with law enforcement's first contact with an individual through the criminal justice system until the person is released. It will show what is involved and what interfacing is needed. The chart will also show what data systems the individual is in and what interfacing we have with him.

I would request questions from the Committee, and particularly from the three members of the Ways and Means Committee. If we can get full support from the money committees to proceed with our budget, we will see more issues resolved during the next biennium.

Assemblywoman McClain:

That has been my premise all along. I have been listening to the budget requests for many years now and part of the problem is there are many systems that have been set up. They all do a wonderful job on their own, but do not talk to each other. Mr. O'Neill and his organization have been trying to band-aid things far too long and with technology at the point it is now, we might actually be able to accomplish something. I agree that from the minute a person is arrested, there needs to be a record of what they were arrested for; when their case got to the DA; what the person was arrested for; did he plea bargain down; did he get probation; did he get a prison sentence and for how long?

The other piece is the Department of Corrections has a system to track the individual in prison and when they are up for parole. There needs to be a consistent system that tracks all of this information. Everyone needs to contribute to the system as it happens so you have a track record of that individual. When they are finally out on the street, that information is in the system and it is up-to-date. If, in two years, the person is arrested again, the system will reflect all this information. That is where we are heading and I appreciate P. K. putting together the flow chart. In talking to him, he informed me that as information comes in, it has to be transferred to a scan sheet and fed into the system. The original system providing the information has the ability to scan the information, but they may have a different type of scanner

and scan sheets so the systems cannot talk to each other. There is a lot of redundancy with all the reporting agencies.

Ron Titus:

Criminal justice integration has been a priority of mine since I came to Nevada. You have our commitment from the Administrative Office of the Courts to keep that as a priority.

Chair Parks:

Do you have any idea as to when you will have the flow chart available?

P.K. O'Neill:

I met with my technology personnel this week and hope to have a rough draft by tomorrow for Ms. McClain to review. I may be able to finalize it by next week so I can ensure it addresses her concerns.

Assemblywoman McClain:

Along with that commitment is a personal commitment from you to not retire in the meantime.

P.K. O'Neill:

I have a daughter in her second year of college who wants to go to dental school at the University of Las Vegas and a son who is a junior at Carson High School, so you will see me for several years to come.

Chair Parks:

Do you have a draft stamp that you can put on the document to indicate it is a work in progress?

P.K. O'Neill:

Yes.

Chair Parks:

I would like to move forward to receive comments relative to health courts and mental health courts and would like to start with Justice Gibbons.

Mark Gibbons, Vice-Chief Justice, Supreme Court:

We have a number of individuals here today who would like to address the Committee. We have Judge Jackie Glass from the Eighth Judicial District Court on behalf of the mental health courts; Judge Andrew J. Puccinelli from the Fourth Judicial District on behalf of the rural specialty courts; Judge John Tatro from the Carson City Justice Court on behalf of limited jurisdiction mental health courts; Diane Crow from the Public Defenders Office on behalf

of the Western Regional Adult Drug Court, the Carson Mental Health Court, and the Juvenile Drug Court in Las Vegas; Officer Gibbs from the Las Vegas Metropolitan Police Department on behalf of Judge Cedric Kerns' HOPE Program; Greg Walls from the Transitional Living Center on behalf of Judge Kern's Habitual Offender Prevention Education (HOPE) Program; and Paula Ruden from Westcare on behalf of Judge Kern's HOPE Program.

Currently, we have 30 operational specialty court programs that have received funding and assistance through *Nevada Revised Statutes* (NRS) 176.0613. In addition to these funds, the programs also receive funding from cities, counties, and grant funds. None of the programs are fully funded from NRS 176.0613 funds. In addition to these programs, courts may offer specialty court programs for which they do not receive funding. Since the Legislature enacted the statute, Nevada now has a specialty court program in every county. All of our programs offer the same services no matter which county the defendant resides in. In fact, all of our programs have a cooperative agreement that allows a defendant the opportunity to transfer to another jurisdiction. The ability to transfer and accept defendants from other jurisdictions demonstrates the commitment of our specialty court programs to see the defendant through to success.

The specialty funding committee formed under the cooperative agreement was tasked with developing a formula and process for distributing funds and to establishing a committee composition to ensure all programs were represented. The committee is equally represented by general jurisdiction judges, district court judges, and limited jurisdiction judges, meaning justices of the peace and municipal court judges.

In a collaborative effort, the committee reviews the application process and establishes minimum criteria for the components of the specialty court program. The funding priority is how funds will be allocated to a program, for example: treatment services, supplies, equipment, education, and staff. In addition, the funding committee recommends the allocation of funds to the Judicial Council of the State of Nevada for final approval. We project 3,865 participants for 2008 and 4,407 for 2009.

Jackie Glass, District Judge, Eighth Judicial District Court, Las Vegas, Nevada:

I am here on behalf of the Eighth Judicial District Court Mental Health Court. We have submitted a packet of materials that tells the story of our program through various newspaper articles. Also in the packet are our program statistics ([Exhibit C](#)).

In 2002, Judge John McGroarty started working on forming a mental health court in Las Vegas. In 2003, I joined the bench and started working with him on the project. We put together a community-based organization which included the District Attorney, Public Defender, police, Attorney General, jail, psychiatric community, municipal and justice courts and Parole and Probation. We worked together to form our mental health court because we saw so many people coming through the system with mental health issues. It was a revolving door through the criminal justice system. Our philosophy was based on the fact that many of these people were committing crimes not because they are criminals, but because they are mentally ill. If it was not for mental illness or untreated mental illness, they would not be committing crimes. That is the primary reason why we need the mental health court.

We have a jail population of approximately 3,000 people in Clark County. It is overcrowded and we estimate 20 percent of those people are on psychotropic medication. Not all of them would be eligible for mental health court, but a significant number would be. Our hospitals are overcrowded with people who need mental health assistance. These are the same people who are going through our jails.

As a mental health court, we offer people an opportunity to receive medication, counseling, and therapy, and to ultimately become employed and get structure back in their lives.

Do specialty courts work? Yes, they do. I was in mental health court last week for Judge McGroarty and I look forward to future visits. I am rejuvenated by seeing people making improvements in their lives and getting their lives straightened out, and who are happy to be drug and alcohol free. It is not a punitive court, it is a supportive court.

If you look through the articles provided, you will find an article from the Las Vegas Sun that profiled the mental health court. It talked about a woman named Teresa whose life was spiraling out of control. She got in trouble and ended up in the court system and we took her into the mental health court. One of the things she said in the article was, "in this program, they will walk you through life just to help you be a part of society again. They had faith in me that I could get better." That is our philosophy with these people. We make sure they are medication compliant and we give them the support they need.

In the traditional probation mode, which many of these people are on, they have a probation officer and a case service coordinator through the Southern Nevada Adult Mental Health Services. Many on traditional probation would

have that probation revoked and end up going to prison. It does not take much in the regular probation system to end up being in violation and sent to prison. These people have trouble complying and our mental health court is more forgiving about what they do. We anticipate the things they are going to do and we help keep them out of Nevada's prison system.

Eligible individuals include those who meet the provisions under the statute. They are people who have committed a non-violent crime, although we have taken some that have violence in their background, and they have to have a diagnosis of mental illness such as schizophrenia, schizo-effective disorder, being bipolar. These are the people who go through the revolving door and who we want to help.

Sometimes we get them before they enter the probation mode. I will open a PSI that shows the person has a mental illness. This person could be considered for the mental health court program. There are many others that we catch in the beginning stages of the criminal justice system in justice court who enter a plea and have the benefit of having their case dismissed if they finish the program.

It is a two year program and depending on negotiations, their case can be dismissed, but only by successfully completing the program. We give them incentives to help build their self-esteem. For sanctions, we take away weekend passes, do not let them go on visits, and at the last resort, we will put them back in jail to make sure they know they have to comply with the program.

One of the strongest points I can make here today is that mental health and specialty courts save money. There is talk about spending money to build a new prison and I have some figures to illustrate how specialty courts can save you money. Right now there are 569 inmates in our adult drug court, 75 in our mental health court, and if Senate Bill 277 passes, we will have a Driving Under the Influence (DUI) court with 100 people. We would like to see the Clark County Mental Health Court increase to 500 people. We would like to add another 500 people to our Adult Drug Court and would like our DUI Court to increase to 200. That would be an additional 1,200 people in the specialty courts. Adding that to the people we already have in the program, it would be 1,944 people. With that number, we estimate that 920 people will stay out of prison and be successful.

The cost to treat all of these people would be \$8.5 million. When you include the cost of facilities, court rooms and operating expenses, we estimate a cost of \$12.5 million to keep close to 1,000 people out of prison. That is a

tremendous savings considering the cost of housing a person in prison costs from \$15,000 to \$22,000 per year. If you kept that many out, it would be a \$27 million savings. The specialty courts might seem to cost a lot because of the treatment needed, particularly in the mental health court, but it is a significant cost savings when you look at the numbers and hard dollars. In Clark County, we would like to have additional funds so we can increase the number of people in our mental health court.

Carson City has 35 participants in their mental health court. Las Vegas has 75 participants. We could go to 500 but we need money for beds. Through Southern Nevada Adult Mental Health Services (SNAMHS), we can provide treatment and case service coordinators. We can use officers from Parole and Probation. Right now our people are in Pathways provided by the Salvation Army. We have a partnership with them and SNAMHS. We have a great team that serves our mental health court which is why we are successful.

Assemblyman Carpenter:

What is the source of your funding and what percentage do you look to the State to provide?

Jackie Glass:

Our funding comes from the specialty courts funding and SNAMHS. Funds come from the general fund budget. The percentage of money we get from the specialty courts is not nearly as significant as what we get through the SNAMHS' budget.

Assemblyman Carpenter:

Do you have an idea of what that percentage is?

Jackie Glass:

I do not have the number for you, but can provide it at a later time.

Assemblyman Carpenter:

The Governor is asking for more money for the fight against meth and it seems to me that could be an additional funding source.

Jackie Glass:

Our statistics show that eight out of ten people in our mental health court have a co-occurring disorder, meaning they are drug or alcohol addicted and mentally ill, and half of them are using methamphetamine. I agree with you that funding could come to us for their treatment, and it can go through the drug and mental health courts to help with the methamphetamine problem in the State.

Chair Parks:

You said you could have up to 1,200 individuals, but needed beds. How would we make that many beds available and would we have the support staff to provide the oversight treatment for these individuals?

Jackie Glass:

It is not 1,200 beds. The beds are for the mental health court people only. We are looking to have 500 additional slots. The way we find beds is through the Southern Nevada Adult Mental Health Services (SNAMHS). They place our people. We would like to see a partnership with the city and county to find a building to house these people. The Salvation Army is also looking for ways to get more beds or build a facility. I do know the bulk of our money pays for housing. Once we have the beds, we would be able to accommodate the rest of the program.

Chair Parks:

I know there is resistance in the communities in having large numbers of individuals placed in halfway houses. As this Session goes on, we will probably see legislation relative to zoning and placement of halfway houses. One possibility is to have a facility in the north created by converting a motel. Another possibility is to take a facility that is zoned commercial or industrial and get a variance to use it as a facility for housing.

Jackie Glass:

The SNAMHS does a good job at finding places for our people and if the Salvation Army can build an annex to house people, it would be helpful, but it will remain a challenge in our community.

Assemblyman Anderson:

The assessments and formula used to generate additional dollars for the programs were based on a smaller number of courts. We had sufficient funding to carry the program as it was originally designed. Are the mental health courts facing a similar problem in terms of its original design and underestimating the need for the program or its effectiveness?

Jackie Glass:

When we started the program in Clark County, we started with a grant for \$150,000 and 30 clients. We knew it would grow larger and our biggest challenge would be housing. We have had to move slower than a drug court, which does not have the housing problem. At the time, we recognized the problem in Clark County with the availability of services for the mentally ill; we were also experiencing our hospital crisis. Emergency rooms were full of

people who were mentally ill and had nowhere to go. A hospital just opened up in the south and it has helped. As far as funding and the assessments, Mr. Titus is here and can speak on the amount of money through the assessments. We get what we can and share with our fellow courts in the State, but have to find other ways to get funding for our courts.

Mark Gibbons:

I would ask that Judge Glass be excused to catch a flight to Las Vegas. I would like to introduce Judge Andrew Puccinelli from the Fourth Judicial District Court in Elko County.

Andrew Puccinelli, Judge, Fourth Judicial District Court:

I represent the eastern Nevada drug court program consisting of four counties: Elko, Lincoln, White Pine, and Eureka. I have provided you with a copy of the handbook ([Exhibit D](#)) I give to the participants. It includes the things they have to do and what we do with them, and is written at a sixth grade level.

With regard to mental health courts, we collaborate a lot. In the rural areas, we do not have a mental health court nor do we have the capability to have one. When we start to treat someone in drug court and find out they have a co-occurring disorder, it is more of a mental health problem than an addiction problem and we refer them out. Three years ago in the rural areas, we had no drug courts and no participants. Since that time, we have grown to 220 with 50 in Elko, and 20 in White Pine, Eureka, and Lincoln counties. In Pershing County, we have 32, 46 in Humboldt County, 18 in Lander County, and 45 in Nye and Pahrump. We are capped out at 250 and are running out of room. We are now developing a waiting list program. In talking with all the rural court judges, we anticipate adding seven to ten new participants per month. If we receive appropriate funding, we would grow to well over 350. It is a function of getting more treatment and mental health components.

The specialty courts work. I have seen a revolving door for the drug addicts. You see them every two years and they go off to prison, come back and then they go back again. Their addiction is stronger than the fear of prison. The retention rate in the rural drug courts is about 70 percent with the graduation rates at 70 to 75 percent. In Elko, we graduated 12 and have no recidivism. It is not just the judge; you have to have a team. We include the DA, Public Defender, probation, community supervision, drug treatment, mental health counselor, and a licensed social worker. We also have an alumnus on our team who graduated from our program. She can provide us insights that we may not see. She has been clean for over two years.

We have five phases with the fifth phase being an Alumni phase. This phase allows the graduates and phase four people to get together and talk about the obstacles they are facing and what is happening with them. We also have an incentive and sanction program.

The total cost per person in the rural programs is about \$3,000 for the entire 18-month drug court program. Participants also contribute to the program as part of their treatment. In eastern Nevada we are operating on a grant, but it will expire and if we do not get additional funding we will have to retract the program. Without exception, I have seen everyone from the smaller communities buy into the programs. They understand that they work. I get a phone call every month from a parent of an 18- or 19-year-old that is using drugs asking how they can get their child into our drug court program. If they have not committed a crime, I cannot get them in. The incentive is when we move them from phase three to phase four and we give them a gift certificate for a Basque dinner. Our goal is to get people who are eligible for our program out of the county jails and into the drug court program within 30 days of arrest.

Assemblyman Carpenter:

I had a little trouble with Beverly, one of my employees. My wife and daughter would get upset with her because she could not count the money and at times her drawer was short. I told my wife and daughter to help these kinds of people grow up and get their life back together. Now my daughter tells me Beverly can count the money and things are good. Even though a judge is running the court program, I hope people in the community will understand that you have to help these people.

Andrew Puccinelli:

We have had a lot of support from employers who say they will take graduates from our drug courts because they are good employees.

Assemblyman Anderson:

One of the critical elements Judge Lehman and I talked about in 1995 when we tried to set this up was to include a treatment provider. Are you getting the treatment providers you need in the rural court?

Andrew Puccinelli:

That is our primary concern. Our treatment provider is New Frontier in Fallon. We have one and a half counselors treating 50 people which is more than what the Bureau of Alcohol and Drug Abuse (BADA) says we should have. It is a matter of money. If we could get more treatment providers we would.

Treatment is the key. In the rural areas, with methamphetamine, when you get participants clean, they go into a depression because of what the drug has done to their brain. We struggle for mental health treatment, not because the individual is mentally ill, but because they need mental health counseling to get them from the fourth month of the program through the tenth month. Depression sets in as a result of coming off methamphetamine.

Assemblyman Anderson:

It seems to me that the off-set between the DA and the Public Defender, at least in the model programs we looked at, is that the DA was always trying to get more people into the program to see it fail and the Public Defender was trying to make sure screening was accurate so the program could remain in place and be provided. They did not want to take in high risk clients. With the growing meth epidemic, is 18 months a sufficient time?

Andrew Puccinelli:

That is the minimum for methamphetamine users.

Assemblyman Anderson:

Are we statutorily limiting you and can you keep them there long enough?

Andrew Puccinelli:

I have treated a couple of methamphetamine people and got them through graduation in 15 months, which was early. More often, we see that it is taking 18 to 20 months to get them through. When I put people on probation and they are in the drug court program, I give them probation for four or five years so I can keep track of them for a while. We have one participant who will graduate soon, but it has taken him three years to get through the program. We can extend their probation.

Assemblyman Anderson:

Do you have an opinion on how to deal with drug trafficking? We are told the amount of grams is too low and some say it is too high.

Andrew Puccinelli:

You have three kinds of traffickers. You have the true trafficker, the purveyor of making money from selling drugs. They are the ones you want to get. I am not certain that they are going to be holding four to seven grams. They are not going to make any money off that. The second type of trafficker is the true addict who is going to buy in volume and the last group is the co-ops. These are people who pool their money for drugs. The one who has the pool of drugs in his or her possession is the one usually caught. They are addicts. The decision we made as a drug court team is to not treat them as traffickers,

but treat them as possession for purpose of sale and plea bargain the charges down so we can get them into the drug court program. My view is the four grams may be too low and seven grams would be a better amount. That is my own opinion as an attorney and citizen of the State.

Chair Parks:

In previous testimony there was comment on working with the Department of Corrections to get releases and there were some difficulties.

Andrew Puccinelli:

I had one of my participants in a re-entry program. We took her out of prison and put her in a re-entry program. We developed a special program for her within our drug court. She has been in the program for three months and is doing well, but we had a difficult time getting her out of the prison system. Her case worker at the prison said she was eligible and would be a good choice, but it took us six months to do it. We were ready to take her much earlier than that. She is on house arrest wearing an ankle monitor. She is living with a family member and is required to have a job. We got her out under a 184 Program and would be willing to take more out on that basis. She was in prison for two years and had two years left on her sentence. Her offense was drug related so we wanted to give her an opportunity.

Mark Gibbons:

Our next witness will be John Tatro from the Carson City Justice Court.

John Tatro, Judge, Carson City Justice Court:

We started as a team for a mental health court in Carson City in March 2005. I heard misdemeanor cases as a Justice and Municipal Court Judge. I have also been appointed as a Master, so I can have felony cases come into our Mental Health Court and I facilitate those. We have felons coming from the Carson District Court, Douglas County District Court, Lyon and Washoe County District Courts. There is a broad range of participants. Our mental health court helps people diagnosed with mental health illnesses such as bipolar disorder, schizophrenia, and severe depression. Usually these people are addicted to drugs, typically methamphetamine. We use the team approach which includes me, the Deputy DA, Public Defender, and Carson Mental Health Center. Two years ago the Legislature appropriated \$100,000 to Carson Mental Health Center to use for our Mental Health Court. The funding provides for a psychologist and a service coordinator who comes to the Mental Health Court every week. The funding has been provided for two years in a row and is now being put in the budget.

The team approach is all encompassing. We have everyone there discussing the situation. We can hear first hand during our meetings if someone recommends that a person to go to jail. We have incentives like other programs, but our sanctions are community service and making them write essays and standing up to their peers to apologize to them. The other day we had a man come in with his 30-day clean pin from Alcoholics Anonymous (AA) and the whole class erupted in applause. Everyone was extremely supportive. People in our court for a misdemeanor receive one to two years maximum sentence, and felony convictions receive as many years as necessary. It is definitely a viable alternative to jail.

I do this every Wednesday at two o'clock at the Courthouse. We had a woman who was about 24 years old and had been in court a dozen times for various offenses. She sat there after being in Mental Health Court for a while with tears running down her face, she said it was the first time in a long time that she was not hearing voices. She thanked us. That is the most rewarding thing you can hear. It is not dramatic, but we hear those kinds of stories over and over. At first I was skeptical, but now I look forward to Mental Health Court every week. I invite you to come to the program on Wednesdays so we can give you a firsthand look into the program.

Assemblywoman McClain:

I appreciate the invitation and would like to see the program in progress.

John Tatro:

You do not need to let me know ahead time. We thought the whole Committee was coming and we wanted to make sure we had room, but any of you can come anytime.

Mark Gibbons:

We have Diane Crow from the Public Defenders Office for the Western Regional Adult Drug Court.

Diane Crow, Chief Deputy, State Public Defenders Office:

I am a team member for the Western Regional Adult Drug Court, the Carson City Mental Health Court, and the Carson City Juvenile Drug Court. When we started our drug court program in Carson City, we started with a one year program and quickly learned it was not long enough. We added a phase four and it is now 18 months to two years. We will keep participants longer than two years if needed.

We started out with testing that was not random. We had the clients on a schedule with counselors to do their drug testing on Monday, Tuesday, or

Thursday. All the participants ended up choosing Thursday night so we developed a color coded system. The participants have to call a phone number every morning. If their color is called, they have 12 hours to get in to test. If they miss a test they go to jail. Honesty is the biggest part of our program. If they are still in denial they are not going to be honest and are not going to graduate.

I have the same talking points as everyone else. One young man that I particularly remember started using drugs at 15. He was 34 when he came into the Carson City Drug Court Program. He had been to prison six times on separate felony cases. He was in the system again for three new felonies. The DA and I agreed that this was a young man we needed to work with. He never held a job in his 34 years and struggled in the drug court program. It was difficult for him. His father disowned him. We ultimately sent him to a long-term program in Las Vegas, which he completed. He came back to the drug court program and we saw him every other week with his payment for his counseling services. He was employed, clean cut, got a raise and promotion at work and his father came to his graduation ceremony. That was in 2003 and he has not been back in the system.

I provided the Committee with three handouts. One is the client handbook which everyone receives ([Exhibit E](#)). It is a guideline book and we can change the program anytime.

We do not accept sex offenders or traffickers who are going to prison. We do not allow any felony violence pursuant to federal grant guidelines.

In the Drug Court Team and Organization handout you will see that between September 2001 and April 2006, there were six counties that delivered 31 drug-free babies ([Exhibit F](#)). The mothers were not in prison when they delivered and were out working and supporting their families and having clean babies who do not need mental health care or social services. The children will grow up to go to school and become successful members of the committee.

We have reduced recidivism to 20 percent. Post recidivism is 17.6 percent which is very low. Our Carson City Drug Court Program is 16 percent above the national average for drug court success. Our court program provided 788 hours of community service to the community which is about \$6,100 in savings and our clients contribute to their own treatment program. Our retention rate is 76.1 percent compared to 28 percent for people who are in treatment but not in a drug court program. Between September 2001 and April 2006, the Western Regional Drug Court's six counties saved the counties and the State \$6,736,707 in detention costs. We need additional funding.

Assemblyman Anderson:

I want to make sure I understood the figure. Is the \$6 million including the savings to the State for incarceration? Would this include not having to incarcerate for any length of time or the cost for other family members who would have to go on welfare?

Diane Crow:

It is only for detention costs.

Assemblyman Anderson:

Just detention costs?

Diane Crow:

These numbers are in the handouts and are in the Executive Summary commissioned by the Administrative Office of the Courts (AOC) for an independent evaluation of our drug court ([Exhibit G](#)). Those are the numbers they provided.

There is a lot of funding being talked about for treatment and we need to continue educating our team members. There are conferences every year that are valuable to drug and mental health courts. There are frequent changes in the team. I am the only continuing member of the team with Judge Blake on our Western Regional Drug Court here in Carson City. We need continuing training for new members. In reference to the Mental Health Court with Judge Tatro, we have had two people in drug court who we realized had mental health problems. Drug court was not enough, so we moved them to Mental Health Court and they are doing extremely well. The programs do work and I urge you to continue them.

Mark Gibbons:

We did have three additional witnesses, but there is not time for them all. In Las Vegas we have Officer Gibbs on a telephone conference call on behalf of the Habitual Offender Prevention Education (HOPE) Program.

Assemblyman Anderson:

Has the executive summary that is part of the presentation for the Western Regional Drug Court been distributed yet?

Mark Gibbons:

I think it has but I will make sure.

Assemblyman Anderson:

Is it for each of the regions?

Mark Gibbons:

Our staff says it was distributed in the Legislative Report that had to be provided by January 1, 2007.

Assemblyman Anderson:

So it is in the larger document that was glossy?

Vicki Elefante, Court Services Analyst, Administrative Office of the Courts:

It was the Legislative Report we have to provide to you every other year regarding specialty courts.

Mark Gibbons:

For the record, that was Vicki Elefante, from the Administrative Office of the Courts.

Bill Gates, Officer, Las Vegas Metropolitan Police Department:

I am here on behalf of Judge Kern's Habitual Offender Prevention Education (HOPE) Program. In 2002, the Metropolitan Police Department identified 25 individuals that had been arrested 814 times in their lifetime. The Police Department saw a need for a change in the recidivism in these individuals.

My Sergeant, Eric Ficker, approached Judge Kerns and asked the judge would head up the program for us. It is run similar to the drug programs described earlier. The initial 25 individuals were put into an intensive 24-month program. They were held accountable for their actions and had to seek treatment, find employment and become productive members of the community. They also paid for their rehabilitation and housing at the transitional living center. Many of these defendants would never have gotten out of the cycle of going through the court system, if it had not been for the HOPE Program. We have several success stories that are similar to those you have already heard.

The team consists of the transitional living communities and Westcare, which is a detoxification facility that does our screening, evaluations, and mental health referrals. We also include the city attorney, Public Defender, police department, and Judge Kern.

Because they are habitual offenders, many of the individuals have been arrested more than 20 times. Prior to joining HOPE, the average number of yearly arrests was 33. After joining HOPE, the participants average three arrests per year which is a vast improvement. They are tested for drugs and

participate in community clean-up and are involved in the 12-step program. Their incentive is to stay out of jail and become productive citizens. We have 15 successful graduates which is phenomenal since we are dealing with habitual offenders. These are the worst of the worst and are expected to fail. To have one succeed is well worth the program and we have had 15 graduates.

Chair Parks:

We will conclude all testimony today and continue next Tuesday, March 20, 2007. Our meeting is adjourned [at 5:30 p.m.].

RESPECTFULLY SUBMITTED:

Brooke Bishop
Transcribing Secretary

APPROVED BY:

Assemblyman David R. Parks, Chair

DATE: _____

EXHIBITS

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

Date: March 15, 2007

Time of Meeting: 3:52 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Jackie Glass, District Judge, Eighth Judicial District Court, Las Vegas, Nevada	Clark County Courts and Mental Health Court, March 7, 2007
	D	Andrew J. Puccinelli, Judge, fourth Judicial District Court, Elko County, Nevada	Fourth Judicial District Adult Drug Court, Participant Handbook
	E	Diane Crow, Chief Deputy, State Public Defenders Office, Nevada	Western Nevada Regional Drug Court – Client Handbook
	F	Diane Crow, Chief Deputy, State Public Defenders Office, Nevada	Western Regional Drug Court Team and Organization
	G	Diane Crow, Chief Deputy, State Public Defenders Office, Nevada	Western Regional Drug Court – Executive Summary