

**MINUTES OF THE
JOINT SUBCOMMITTEE ON PUBLIC SAFETY/NATURAL
RESOURCES/TRANSPORTATION
OF THE SENATE COMMITTEE ON FINANCE
AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

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

The Joint Subcommittee on Public Safety/Natural Resources/Transportation of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order at 8:09 a.m. on Thursday, February 22, 2007. Chair David R. Parks presided in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chair
Senator Bob Beers
Senator Dina Titus

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Mr. David R. Parks, Chair
Mr. Tom Grady
Mr. Joseph Hogan
Mrs. Ellen Koivisto
Ms. Kathy McClain
Mrs. Debbie Smith
Ms. Valerie E. Weber

STAFF MEMBERS PRESENT:

Steven J. Abba, Principal Deputy Fiscal Analyst
Rick Combs, Program Analyst
Mark Krmpotic, Senior Program Analyst
Larry L. Peri, Principal Deputy Fiscal Analyst
Tracy Raxter, Senior Program Analyst
Michael Archer, Committee Secretary

OTHERS PRESENT:

Donald M. Mosley, District Judge, Department 14, Eighth Judicial District Court,
Howard Skolnik, Director, Department of Corrections
Darrell Rexwinkel, Deputy Director, Support Services, Department of
Corrections
James Austin, Ph.D., President, JFA Associates
Richard Stewart, Data Processing Manager, Management Information
System/Telecommunications, Department of Corrections
Traci Dory, Victim Services Officer, Victim Services Unit, Department of
Corrections
Charles H. Schardin, Medical Administrator, Department of Corrections
Dorothy Nash Holmes, Deputy Director, Correctional Programs, Department of
Corrections

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John Gonska, Chief, Division of Parole and Probation, Department of Public Safety
Mark Woods, Acting Major, Division of Parole and Probation, Department of Public Safety
Gary Wolff, Nevada State Law Enforcement Association

CHAIR PARKS:

We will first hear from Judge Donald M. Mosley speaking in support of the budget request made by the Department of Parole and Probation (P&P).

PUBLIC SAFETY

DPS - Parole and Probation – Budget Page PUBLIC SAFETY-120 (Volume III)
Budget Account 101-3740

DONALD M. MOSLEY, District Judge (Department 14, Eighth Judicial District Court, Clark County):

People want more police on the streets and, consequently, more convictions. These functions are most often financed by counties. More convictions overburden the Nevada Department of Corrections (DOC) and the P&P. These agencies are financed by the State of Nevada. Problems arise when the DOC and the P&P are not sufficiently financed to keep up with funding provided by the counties to their law enforcement entities. The P&P is the weakest link in the law-enforcement system. This is because they are understaffed and underpaid. A great percentage of their trainees move to better-paying jobs in law enforcement with other agencies. Currently, the P&P has been unable to keep up with the demand for presentencing investigation reports (PSI) required by the courts. Because of this, district court judges in southern Nevada have had to take the unprecedented step of foregoing PSIs when sentencing people for gross misdemeanors. When judges do not get these reports, we do not know about the convicted person's prior convictions or what restitution to order. We do not even have a synopsis of the offense. This is unfair to both defendants and victims. We sometimes sentence people to prison who should not be there. This contributes to the problem of overcrowding. Conversely, we may put the wrong people back into society where they commit additional crimes. The criminal-justice system is in an emergency situation. Please consider this funding request by the P&P a high priority.

ASSEMBLYWOMAN MCCLAIN:

If the P&P employees are not staying because of low pay, should the PSIs be produced by other jurisdictions within law enforcement?

DISTRICT JUDGE MOSLEY:

Changing the format of the PSIs, or giving this responsibility to another agency, would have to be approved by the Legislature and would be a lengthy process. We need a quick solution to this problem.

CHAIR RHOADS:

Please elaborate on your comments about incarcerating people who should not be in prison.

DISTRICT JUDGE MOSLEY:

I sentence approximately 15 people each morning. About one-third of them are for gross misdemeanors. Without a PSI, I am relegated to making a guess as to the appropriate sentence.

ASSEMBLYMAN HOGAN:

Are we putting more people than necessary into our penal system as a result of inflexible minimum-sentence requirements?

DISTRICT JUDGE MOSLEY:

The minimum-sentence guidelines are often a problem. Every case is different.

CHAIR PARKS:

We will now discuss the DOC director's office budget request.

CORRECTIONS

NDOC - Director's Office – Budget Page CORRECTIONS-1 (Volume III)
Budget Account 101-3710

HOWARD SKOLNIK (Director, Department of Corrections):

Our department is faced with a significant crisis caused by an increase in the inmate population and years of inadequate maintenance. We have expanded by adding housing units without adding core space to the older institutions. Our laundry, kitchen, educational and program spaces have not grown to meet the demand. Staffing levels are inadequate. We now have 1,000 more inmates than we had a year ago with the same number of staff. A tremendous amount of overtime is required by our employees to properly supervise the inmates. This puts a physical and emotional strain on the staff.

Individual cells are now housing more inmates than they were designed to accommodate. In the Ely prison, we now have over 500 cells originally designed for one person, yet now holding two. We are asking for funds in this budget to remedy these conditions.

CHAIR PARKS:

Did you expand the core facility when you undertook the prison expansion in 1989?

MR. SKOLNIK:

In Carson City, we added one unit and a regional medical facility at the Northern Nevada Correctional Center (NNCC) and additional units at the Nevada State Prison (NSP). The mattress factory at the NSP has been forced to load and unload material through a converted window on the second floor. This is dangerous, but we have no alternative. Such conditions take their toll on the facility and the staff.

ASSEMBLYWOMAN MCCLAIN:

I recently took a tour of five prisons and saw first hand the inadequate kitchen, laundry and medical facilities. The DOC is doing a good job under the circumstances.

CHAIR PARKS:

Please comment on the one-shot appropriation for the construction of four modular-housing units.

MR. SKOLNIK:

This is necessary to relieve overcrowding. We will be out of beds for these prisoners soon and anticipate having to put mattresses in the gymnasiums until these new units can be built. We may be able to do this without requiring legislation, provided it is designated as an emergency. The legal issues are currently being researched by the Governor's counsel. If we are approved for a sole-source bid to construct these modular units, we can have them built in five to seven months. This would meet our timetable.

CHAIR PARKS:

Please comment on the safety problems for both staff and inmates at such facilities.

MR. SKOLNIK:

Studies performed on the behavior of people in crowded conditions indicate they become more aggressive as the amount of space decreases. If we take away the gymnasiums to provide living space, and the inmates have no place to exercise, some serious safety issues may arise. The proposed modular units will only help improve safety if we are approved for additional staff to operate them.

SENATOR BEERS:

Have previous housing units been built in as little as five to seven months?

MR. SKOLNIK:

No; however, we are working with an architect and contractor who have assured us they can do it in five to seven months.

SENATOR BEERS:

How does federal intervention in the DOC facilities typically occur? Do they initiate surprise inspections?

MR. SKOLNIK:

It is usually as the result of a lawsuit. This provides us with adequate warning that a problem exists and often the time to resolve it. Once the federal government is involved, requirements are usually changed, which creates additional expenses for the State. It has been rumored that intervention of the federal government in the area of prison-medical services will ultimately cost California \$11 billion. A Superior Court in California this week ruled that the Governor could not send inmates out of state by declaring an emergency. This trend does not bode well for alternatives to fix Nevada's overcrowded prisons.

SENATOR BEERS:

Do we have any such lawsuit pending? If not, how quickly could something like that happen based on the experiences of other states?

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MR. SKOLNIK:

No, we do not have any such lawsuits at this time. I do not know how quickly something like that could occur. I will provide the Subcommittee with that information.

CHAIR PARKS:

Would you construct all four housing units at the same time?

MR. SKOLNIK:

We would request they all be done at once. This would be faster and more cost effective.

CHAIR RHOADS:

How can we spend money for these units without waiting for the Education First budgets to be decided?

MR. SKOLNIK:

That is one of the reasons we want to fund it through emergency measures, rather than the bill process.

ASSEMBLYWOMAN MCCLAIN:

In your request for these modular units, why have you requested double funding for mattresses but no funding for the cost of utilities?

DARRELL REXWINKEL (Deputy Director, Support Services, Department of Corrections):

The utility funding was not included in this budget due to an oversight. However, the utility funding we previously received, combined with the stabilization of utility costs, should be sufficient to cover those expense.

ASSEMBLYWOMAN MCCLAIN:

This is an example of the current problem we are facing. For many years, the projected number of inmates was low and we did nothing to keep up with inflation. As a result of this sudden increase in Nevada's prison population, we will be making up these shortfalls for the next five years. Can we save money by moving inmates to other states?

MR. SKOLNIK:

If we are required to house our inmates in the prisons of other states, we would be faced with a bidding war that could double the cost of keeping the prisoners in Nevada. We will revisit our utility-cost projections and provide that information to the Subcommittee.

ASSEMBLYWOMAN MCCLAIN:

Please let the Subcommittee know how many mattresses you will need.

MR. SKOLNIK:

I will do that.

CHAIR PARKS:

We will now hear Dr. James Austin present information about the impact of inmate-population growth in Nevada.

JAMES AUSTIN, Ph.D (President, JFA Associates):

I am here today under the auspices of the Council of State Governments' Justice Reinvestment Initiative which helps states save money and improve the performance of correctional systems.

Nevada's correctional system is becoming increasingly expensive. The majority of offenders coming into the correctional system come from certain communities in the State. The best way to solve prison problems is to correct the social problems which contribute to crime in these communities. Since 1995, the state of New York has reduced its prison population by 20 percent. The jail population in New York City has decreased from 21,000 to 14,000. There was a substantial decrease in the crime rate through better law-enforcement tactics and better allocation of correctional resources. This shows it is possible to reduce crime rates and prison populations.

Everyone who comes before the State Board of Parole Commissioners is assessed for risk. The Board uses that and other factors to make their decisions. As a result, the rate at which they grant paroles is 55 percent, one of the highest in the country. Eighty percent of those who are paroled successfully complete parole without being reincarcerated. This high-success rate came about because Nevada passed legislation allowing parolees to earn "good time" while under parole supervision. This is an incentive for the parolees not to violate the conditions of their parole.

Nevada also has a lower recidivism rate than the rest of the country.

Only 27 percent of prisoners released from the DOC return to prison within three years. The national average is about 40 percent. This tells us that Nevada has a significant low-risk prison population. We should study why such low-risk offenders were originally sent to prison.

This raises the question of how long we should keep people in prison. The rule should be based on the likelihood of their committing new crimes after reentering society. While high-risk inmates should remain incarcerated as long as possible, low-risk inmates should be released as soon as we can. Keeping them in prison longer than necessary is a waste of money. The Legislature should review sentencing laws and sentencing-range requirements.

We need to study the job being done by the P&P. While 80 percent of parolees are successful, only 55 percent of those on probation do not violate the provisions of their probation.

Other states with populations similar to Nevada's include their probation services as part of a single Department of Corrections and Rehabilitation. This allows better coordination of services and improved safety for the public. Nevada's probation services are under the Department of Public Safety. The State should consider reorganizing under an agency providing better coordination.

When the P&P recommends probation, the court agrees with them in about 95 percent of cases. However, in about 40 percent of the cases in which the P&P recommends a prison sentence, the courts disagree. We need further study

of why the courts so often reject the P&P's recommendation of a prison sentence. If the courts agreed more often with these P&P recommendations, the prison population would increase.

We need to focus on the mission of the P&P. The best scenario is a combination of law enforcement and social services provided to help keep these people out of prison.

We do not yet have a good assessment of the needs of the probationers. We are engaged in a study to determine their service and treatment needs. They may require a great deal of drug- and alcohol-detoxification treatment, but we do not have actual data to support such a claim.

We are working with several states on finding ways to reduce the amount of time served based on risk factors and the performance of the prisoner. The P&P gives "good time" credits which I would like to see increased, especially among low-risk people. The money we save will, in turn, feed these programs.

CHAIR PARKS:

Is there a greater risk of recidivism the longer a person stays in prison?

DR. AUSTIN:

No. The length of stay does not affect the percentage rate of recidivism. The crime rate in the state of Nevada has dropped significantly. State crime rates increase and decrease independently of how many people are incarcerated. Incarceration rates are not related to reducing crime rates. States that have the lowest crime rates in the country also have the lowest incarceration rates.

Only three to four percent of the crime in Nevada is committed by people released from the prison system in the last three years. This is an important statistic because it means we can shorten the length of stay and it will not have an impact on recidivism. However, it will have a positive effect on costs.

SENATOR BEERS:

Is this low-recidivism rate true for first-time inmates?

DR. AUSTIN:

Determining if a person is a good candidate to be released is not a matter of whether they have been incarcerated a second time, but what their risk factors are. One factor is age. It is sometimes not cost effective to keep inmates over 40 years of age because the likelihood of their committing crimes is low. The exception to this is sex offenders and white-collar criminals.

Ten to twenty percent of prisoners are high risk. Thirty percent are low risk. The remainder are moderate risk. There are programs to help these moderate risk inmates become low risk. This can result in significant cost savings.

Nevada is fortunate to have a system of indeterminate sentencing. This means it has a parole board with discretionary-release practices allowing risk factors to be weighed.

SENATOR BEERS:

How do you conclude Nevada has a higher percentage of low-risk prisoners than other states?

DR. AUSTIN:

Over 70 percent of inmates released or paroled from Nevada prisons do not commit another crime. The real problem is with the 30 to 40 percent of those entering Nevada prisons because they failed probation.

ASSEMBLYWOMAN WEBER:

How would you suggest our parole and probation system be organized?

DR. AUSTIN:

I suggest the P&P be made a part of a larger department of corrections and rehabilitation. This will improve the coordination of service and information. Probation officers should be trained as both law-enforcement officers and assisting offenders in finding social services that will help them.

ASSEMBLYWOMAN MCCLAIN:

How does Nevada's transient population affect this? Do many parolees leave the State? Is it a requirement to have a sworn officer writing the PSI, or could a management analyst prepare these reports?

DR. AUSTIN:

About 20 percent of Nevada's prison population is made up of California residents. There is also a large immigrant population in the prison system. Often parolees will return to California. If they are illegal immigrants, they often return to their country of origin, though I do not have data to support just how many.

It is not a requirement that a sworn officer prepare PSIs for the courts.

ASSEMBLYWOMAN MCCLAIN:

Are we assigning that duty to the wrong people?

DR. AUSTIN:

The entire parole and probation process needs to be reevaluated.

ASSEMBLYMAN GRADY:

How many recidivists from California are in Nevada prisons?

DR. AUSTIN:

I do not know how many of our inmates from California were on parole, or left the California prison system, before they were incarcerated in Nevada.

ASSEMBLYMAN HOGAN:

To what extent is gang activity impacting our prison system? There has been a suggestion that the Legislature fund a program to maintain information about the movement of gang members. Would this be a good investment?

DR. AUSTIN:

The street-gang situation in the Nevada prisons is posing security problems. The per capita level of staffing in the DOC facilities is one of the lowest in the

country. With so few staff to monitor activities inside the prisons, gangs soon take over control. Once control of a facility is lost to gangs, it is difficult to take it back.

Funding that will provide better information about these gangs and their activities would be helpful.

ASSEMBLYWOMAN MCCLAIN:

What percentage of Nevada's prisoner population is made up of gang members and what percentage are illegal immigrants?

DR. AUSTIN:

I would estimate 10 to 15 percent are illegal immigrants. I do not have a figure for the number of gang members; however, most inmates are not gang members.

CHAIR PARKS:

We will now resume discussion of the DOC director's budget.

MR. REXWINKEL:

M-200 Demographics/Caseload Changes – Page CORRECTIONS-3

M-204 Demographics/Caseload Changes – Page CORRECTIONS-3

Decision units M-200 and M-204 are based upon variable costs of \$1,050 an inmate for each year at a non-intake institution. The variable medical cost for an inmate is \$1,300.

M-201 Demographics/Caseload Changes – Page CORRECTIONS-3

Decision unit M-201 is specifically related to construction High Desert State Prison (HDSP).

M-202 Demographics/Caseload Changes – Page CORRECTIONS-4

Decision unit M-202 is for new construction at HDSP, the 400-bed expansion of Southern Nevada Women's Correctional Center (SNWCC) and expansion of the Indian Springs Conservation Camp. The total cost for all the maintenance decisions units we are requesting is \$12,687,000.

M-300 Fringe Benefit Rate Adjustment – Page CORRECTIONS-5

Decision unit M-300 is for medical costs and items associated with staff fringe benefits.

M-303 Occupational Studies – Page CORRECTIONS-5

The occupational group studies in decision unit M-303 would cost about \$20,000 over the upcoming biennium.

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CHAIR PARKS:

Please explain the high-turnover rate indicated in decision unit E-814.

M-814 Other Salary Adjustments – Page CORRECTIONS-9

MR. REXWINKEL:

Some of those positions are difficult to fill. This puts a burden on the existing staff because it requires the use of overtime.

MR. SKOLNIK:

Finding trained medical people for the DOC is difficult because the medical community throughout the State is understaffed.

SENATOR BEERS:

Many hospitals qualify for medical internships to help with their workloads. Is your medical facility considered a hospital?

MR. SKOLNIK:

I do not know if our medical facility qualifies as a hospital under their definition. I will look into the possibility of developing these internships.

CHAIR PARKS:

We will now discuss decision unit E-275. Why are you asking for two information technology managerial positions?

E-275 Maximize Internet and Technology – Page CORRECTIONS-7

MR. REXWINKEL:

The Nevada Offender Tracking Information System (NOTIS) was funded two years ago. We originally requested 24 positions which we cut to 12 positions to conserve funds. We were eventually granted six positions in the final budget. We are requesting enough positions to bring us back to 12 employees.

RICHARD STEWART (Data Processing Manager, Management Information System/Telecommunications, Department of Corrections):

The two information technology manager III positions would supervise application and infrastructure. In six years, we have gone from 40 personal computers (PC) to 1,500 PCs. We have gone from 5 to 19 IT staff positions and will support over 3,200 people by the end of the biennium. These two IT manager positions are necessary because we plan to expand the NOTIS to provide greater service across Nevada.

MR. REXWINKEL:

In addition to IT, Mr. Stewart's duties include managing all the telecommunication equipment.

CHAIR PARKS:

Do you have an executive summary describing all the things the NOTIS can accomplish?

MR. STEWART:

Yes. I will supply the Subcommittee with that document.

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SENATOR BEERS:

Is the NOTIS program being implemented on time and under budget?

MR. STEWART:

Yes, we are on time and under budget and will be completing implementation of the program in late May or early June 2007.

CHAIR PARKS:

We will now discuss the Prison Rape Elimination Act (PREA).

M-595 Prison Rape Act – Public Law 108-79 – Page CORRECTIONS-6

TRACI DORY (Victim Services Officer, Victim Services Unit, Department of Corrections):

The PREA was signed into law by President Bush in September 2003. The Legislation mandates the DOC provide the same services to a victim of sexual assault in prison as would be provided in the non-prison population. In Nevada, it is a felony for an inmate to have sex. All of these cases are referred to the Office of the Attorney General for prosecution.

We are asking for four investigators and another staff person to assist me. More of these sexual-assault cases are being reported and must be investigated. In 2006, we had 50 incidents of reported sexual exploitation within the prison system. This does not include the 11 reported staff sexual-misconduct cases we are investigating.

CHAIR PARKS:

How were you able to investigate these cases without the additional staff?

Ms. DORY:

The DOC Inspector General staff has been working on these cases.

MR. SKOLNIK:

We need these positions because the services and investigations are mandated by the federal government, and, if we do not comply, we may be inviting lawsuits and a federal investigation.

SENATOR BEERS:

Will there be federal money for this program once the guidelines are established?

Ms. DORY:

There are federal grants. We applied last year but were denied. We have reapplied but do not yet know if we will receive that funding.

SENATOR BEERS:

When will you know if you are approved?

Ms. DORY:

If approved, the grant funds would be available in September.

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SENATOR BEERS:
Do the investigators work in teams?

MR. SKOLNIK:
Most of the DOC Inspector General staff is located in a central office in Las Vegas. Some are assigned to institutions where a large number of these incidents occur.

SENATOR BEERS:
Will all states have a PREA audit?

MS. DORY:
Yes, all states will have a PREA review. It will consist of computer-assisted interviews with inmates at SNWCC and the Southern Desert Correctional Center. Audits of operations and staff will take place after these initial audits are completed. The national standards will be coming out in 2008. We anticipate more cases will come to light as a result of the audits.

SENATOR BEERS:
Why did the federal auditors select those two facilities?

MS. DORY:
I do not know.

CHAIR PARKS:
Why are you asking for an unclassified personnel division administrator position to be reclassified as a personnel officer III classified position?

E-805 Classified Position Reclassification – Page CORRECTIONS-8

MR. REXWINKEL:
Several positions changed last year from classified to unclassified. Because of this, the duties of the personnel division administrator dictate the position be changed to classified service.

ASSEMBLYWOMAN WEBER:
I would like more detail in your performance indicators. The way they are currently written, it is difficult to tell exactly what you are measuring and how many inmates are in treatment or training.

MR. SKOLNIK:
We have already asked the Department of Administration to help us adopt more realistic performance indicators.

CHAIR PARKS:
We will now discuss the Prison Medical Care budget.

NDOC - Prison Medical Care – Budget Page CORRECTIONS-12 (Volume III)
Budget Account 101-3706

M-101 Inflation - Agency Specific – Page CORRECTIONS-14

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Would the \$1,063 of medical inmate-driven costs per inmate for FY 2006-2007 include the increases for inflation? If so, will the amount you are requesting be sufficient?

MR. REXWINKEL:

Yes, they are included in that figure. It is sufficient.

CHAIR PARKS:

Why do you need the 15 new positions requested in decision units M-201 and M-202?

M-201 Demographic/Caseload Changes – Page CORRECTIONS-14

M-202 Demographic/Caseload Changes – Page CORRECTIONS-15

MR. REXWINKEL:

This is due to prison-population increases and the needs of the staff. We would like for 9.02 of those positions to start in October 2007. We have two additional housing units that will be completed at High Desert Prison in FY 2008-2009. Beginning December 2008, we are asking for six additional medical, dental and clerical positions.

E-813 Unclassified Step Adjustments – Page CORRECTIONS-17

Decision unit E-813 is needed because we have many medical professionals in unclassified positions.

E-814 Other Salary Adjustments – Page CORRECTIONS-17

The salary adjustments in decision unit E-814 are for nurses, psychologists, clinical-social workers and mental-health counselors.

E-900 Transfer 2 CSW's To B/A 3711 Correctional Programs – Page
CORRECTIONS-18

In decision unit E-900, we are transferring two clinical-social workers from these budgets over to the programs budget which is more appropriate for them.

CHAIR PARKS:

Please explain the medical-management component in this budget.

MR. SKOLNIK:

The telecommunications system is so old we cannot provide enough lines for our Fax machine to send our drug prescriptions. Our staff must telephone for verification of each Faxed prescription sent to ensure all the pages arrived. The NOTIS will provide instantaneous communication of that information.

CHAIR PARKS:

Please comment on the ratio of pharmacists to pharmacy technicians in your Department, as noted in a recent Legislative audit. Could two of those pharmacists be converted to pharmacy technicians?

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CHARLES H. SCHARDIN (Medical Administrator, Department of Corrections):
As attrition occurs, we will consider doing that.

ASSEMBLYWOMAN WEBER:

In decision unit E-327, will the mental-health nurses you are requesting be located at the Casa Grande Transitional Housing Facility?

MR. SKOLNIK:

We do not have any full-time medical staff assigned to the Casa Grande facility. The placement of two nurses will allow us to increase our pool of inmates eligible for that program.

ASSEMBLYWOMAN WEBER:

If that occurred, would the nursing coverage be 24 hours a day, 7 days a week?

MR. SKOLNIK:

No, that would require us to have five positions. However, it will allow us to dispense medication and treat minor illnesses and injuries.

ASSEMBLYWOMAN WEBER:

Is a medical person on call at night to assist the inmates?

MR. SCHARDIN:

No, but we do have a nurse there during the day.

ASSEMBLYWOMAN MCCLAIN:

If you received these two new positions, would this allow the part-time nurse currently at Casa Grande to return to the SNWCC as a full-time nurse? How many inmates are at Casa Grande?

MR. SKOLNICK:

Yes, that nurse would return to the SNWCC as a full-time nurse. There are about 200 inmates at Casa Grande. The reason the facility is not full is because the criteria for admission, particularly the five-year violence-free rule, substantially decreased the prisoner pool. Also, we could not take prisoners with medical issues since we had no on-site medical staff.

CHAIR PARKS:

We will now discuss the budget for correctional programs.

NDOC - Correctional Programs – Budget Page CORRECTIONS-20 (Volume III)
Budget Account 101-3711

E-375 Reduce Recidivism Rate and Juvenile Violence – Page CORRECTIONS-22

DOROTHY NASH HOLMES (Deputy Director, Correctional Programs, Department of Corrections):

The Going Home Prepared program was originally funded by a three-year federal grant as a demonstration project. As of June 30, 2006, federal funds are no longer available. Consequently, the Legislature moved funding for the four positions in that program to the General Fund. There are now nine people providing these reentry services to inmates. All are in southern Nevada.

Sixty-nine percent of the inmates who were in that program have not returned on a parole revocation or arrest. A high percentage earned their General Equivalency Diplomas and obtained employment. Many have successfully completed drug treatment. The results have been favorable.

Since those federal funds stopped, we have had to cut back on some services. We continue to apply for grants, yet have not been successful.

CHAIR PARKS:

I was generally impressed with the results of this program. Please describe the therapeutic programs.

MS. NASH HOLMES:

Our therapeutic program communities are Offenders Acting in Solidarity to Insure Sobriety (OASIS) in southern Nevada and Willing Inmates in Nevada Gaining Sobriety (WINGS) in northern Nevada. The WINGS program continues to have federal-grant funding because it was operated through a private vendor. Last month, we terminated our contract with that vendor because of management problems. We have staffed the program temporarily with the DOC staff. We would like to continue that program because it has been successful.

We have only 372 treatment beds for over 11,000 male prisoners. There are only 70 treatment beds for over 1,000 women inmates. We have serious methedrine, alcohol and cocaine problems in this State. Sixty percent of those we screen for this program are addicted. To continue to successfully operate the WINGS program, we require 7 positions at a cost of about \$450,000 for FY 2007-2008 and about \$500,000 in FY 2008-2009.

SENATOR TITUS:

Are we going to house sex offenders in halfway houses within residential areas? Were there public hearings on this issue?

MS. NASH HOLMES:

To regulate halfway houses, a bill was passed during the last Legislative Session. The Health Division's Bureau of Licensure and Certification held hearings to establish regulations. The regulations were enacted in the *Nevada Administrative Code*. A new fire marshal was subsequently appointed and insisted all the buildings be equipped with sprinklers. Until this issue is resolved, nothing further can be done.

In southern Nevada, there is one privately-run program which houses federal sex offenders. Other than that, there is no place to put sex offenders once they are released from prison. The P&P is responsible for placing them.

SENATOR TITUS:

This problem threatens the safety of children and lowers housing values in these neighborhoods. These offenders do not appear to be well supervised.

MR. SKOLNIK:

Nearly 20 percent of our prison population is serving time for some level of sex offense. Without a solution, these people will stay in prison and continue to

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overcrowd our facilities. After they fulfill their sentences, the DOC has no other alternative than to release them, unsupervised, into the community.

SENATOR TITUS:
We need to address this issue.

ASSEMBLYWOMAN WEBER:
Was a request made to replace the federal-grant funding for these therapeutic-community programs?

MR. REXWINKEL:
Once the maximum of the "Two-Times Rule" was reached, we put items in the budget for special consideration. One of those items is the continuation of the therapeutic-community program.

ASSEMBLYWOMAN WEBER:
Will such an effective program be completely discontinued?

MR. SKOLNIK:
Yes, it will probably be discontinued soon.

CHAIR PARKS:
We will now hear the budget for the Department of Parole and Probation.

PUBLIC SAFETY

DPS - Parole and Probation – Budget Page PUBLIC SAFETY-120 (Volume III)
Budget Account 101-3740

JOHN GONSKA (Chief, Division of Parole and Probation, Department of Public Safety):

Please refer to my handout entitled "Nevada Department of Public Safety, Division of Parole and Probation 2007-2009 Biennial Budget" ([Exhibit C](#), original is on file in the Research Library).

Our mission statement is described on page 1 of [Exhibit C](#). Page 4 shows our program descriptions. Page 5 contains a list of the population we supervise. We do a good job, despite the lack of social services. Page 7 includes our performance indicators. Pages 7 and 8 list our statewide organizational chart and funding sources. Page 10 contains a list of significant division events, including our efforts to address problems with sex offenders, methedrine users and street-gang members.

M-200 Demographics/Caseload Changes – Page PUBLIC SAFETY -122

M-201 Demographics/Caseload Changes – Page PUBLIC SAFETY -123

Pages 13 and 15 of [Exhibit C](#) describe our case-driven maintenance decision unit budget requests, M-200 and M-201. Page 15 also lists our budget enhancements in order of priority.

E-251 Working Environment and Wage – Page PUBLIC SAFETY-125

In decision unit E-251, we requested ten additional parole and probation specialists but subsequently withdrew the request.

Page 16 of [Exhibit C](#) contains a description of our new facility in Las Vegas.

Page 17 describes our goals.

Page 12 shows how the offender population is distributed throughout the State.

The P&P is often blamed for problems in the criminal justice system. When prisons are overcrowded, the P&P is expected to relieve that situation. After inmates are paroled from prison and commit crimes, the public then demands the P&P not parole so many prisoners. This cycle puts us in a difficult position.

There is a misconception the P&P has the power to arbitrarily make a sentencing or parole violation recommendation to a judge. Presentencing recommendations go through a matrix defined by statute and code. The district courts or parole board make recommendations regarding parole violations.

We have a problem in Las Vegas completing the PSI reports in timely manner. This is due to the fast pace at which we must produce these PSIs with our limited staff. The DOC, State Board of Parole Commissioners and the P&P work well together. Many of the problems ultimately lie with the offender making poor decisions.

The current system of having the P&P as a division within the Department of Public Safety is good for Nevada because we supply personnel for emergencies in, and out of, the State.

CHAIR PARKS:

Are the 40 new positions you are requesting in decision units M-200 and M-201 adequate to address the most-recent caseload projections?

MR. GONSKA:

We have asked for 24 additional personnel for southern Nevada and 16 positions in northern Nevada. I believe they will be sufficient for dealing with projected increases in the population.

CHAIR PARKS:

Please provide details of the time study you have proposed as part of decision unit E-251.

MR. GONSKA:

We require this study to determine the amount of time it takes to conduct a PSI. The current standard is about 8 hours, yet we have no data to support that. Information from the P&Ps in other states has not been helpful since the PSI processing times varied widely. The U.S. Probation Office has a standard of 19 hours; however, this includes their attendance at change-of-plea hearings which we are not required to attend.

CHAIR PARKS:

How much will this study cost?

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MARK WOODS (Acting Major, Division of Parole and Probation, Department of Public Safety):

We have received one estimate of \$60,000 and are waiting for other bids.

CHAIR PARKS:

In your request for 35 vehicles in decision unit E-727, is it necessary for officers and sergeants to have their own vehicles? Are these police or civilian-style vehicles?

E-727 New Equipment – Page PUBLIC SAFETY-126

MR. GONSKA:

We use the vehicles as a tool for assignments; some of these assignments go to sergeants and officers. Also, my staff works in the field evenings and weekends, and I want them to have proper supervision by sergeants and officers.

MAJOR WOODS:

These will all be civilian-style vehicles. We do not use them for "Code Three" driving with flashing lights and sirens.

ASSEMBLYWOMAN MCCLAIN:

In decision unit E-251, you are requesting three people to help with the PSIs? Will this be sufficient for the workload?

MAJOR WOODS:

Our budget needs are based on an average of how many PSIs we complete in a fiscal year. However, on a month-by-month basis, that number fluctuates. We are under a mandate to have PSIs completed in 45 days. In some months, there are fewer PSIs to write. We use these times for training and taking leave. When the busy months come, we need to use overtime and ask our officers to write PSIs. The three additional writers we have requested in this budget will allow us to once again provide district court judges in Las Vegas with PSIs for gross misdemeanor cases in a timely manner.

GARY WOLFF (Nevada State Law Enforcement Association):

We support the P&P's request for 35 vehicles in decision unit E-727.

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CHAIR PARKS:
We have received handouts regarding the DOC budget from Ms. Patricia A. Hines ([Exhibit D](#)) and Ms. Constance Kosuda ([Exhibit E](#)). These will be included in the record. There being no further business before this Subcommittee, this meeting is adjourned at 10:59 a.m.

RESPECTFULLY SUBMITTED:

Michael Archer,
Committee Secretary

APPROVED BY:

Assemblyman David R. Parks, Chair

DATE: _____

Senator Dean A. Rhoads, Chair

DATE: _____