

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session
February 7, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 8:05 a.m. on Thursday, February 7, 2013, in Room 3138 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 nelis.leg.state.nv.us/77th2013. 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 Jason Frierson, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblywoman Olivia Diaz
Assemblywoman Marilyn Dondero Loop
Assemblyman Wesley Duncan
Assemblywoman Michele Fiore
Assemblyman Ira Hansen
Assemblyman Andrew Martin
Assemblywoman Ellen B. Spiegel
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Thelma Reindollar, Committee Secretary
Gariety Pruitt, Committee Assistant

OTHERS PRESENT:

James "Greg" Cox, Director, Department of Corrections
Quentin Byrne, Administrator, Offender Management Division,
Department of Corrections
Wesley Goetz, Private Citizen, Incline Village, Nevada
Florence Jones, Board Member, Nevada Cure, Las Vegas, Nevada
Connie S. Bisbee, Chairman, State Board of Parole Commissioners,
Department of Public Safety
David M. Smith, Parole Hearings Examiner II, State Board of Parole
Commissioners, Department of Public Safety
Paul Berkley, representing Nevada Network Against Domestic Violence
Tonja Brown, Private Citizen, Carson City, Nevada

Chairman Frierson:

[Roll was taken. Committee protocol and rules were explained.] We have two bills on the agenda today. First, we will hear from Greg Cox, Director, Department of Corrections (DOC). This will be a good introduction to DOC and the bills that we are going to hear today.

James "Greg" Cox, Director, Department of Corrections:

I am here in Las Vegas and Quentin Byrne, Offender Management Division Administrator, is in Carson City. I have provided a handout ([Exhibit C](#)) for all the members. On page C-2 ([Exhibit C](#)) is a map that shows the locations of our institutions, conservation camps, restitution centers, and transitional housing centers. This gives a graphic explanation of the work that we conduct throughout the state. [Mr. Cox continued to read page C-3 ([Exhibit C](#)).]

When I talk about corrections, it basically functions like a small city. This entails feeding and clothing our inmate population; managing their medical and mental health needs; and maintaining building systems and equipment. There is provision of employment and education; access to legal and religious materials and services; prison industries and institutional jobs; financial management of inmate funds; recreational activities; and transportation of inmates. All of these must be provided or completed with little outside assistance and there is very little margin for error when it comes to our security operations. We are a

general fund agency with little assistance from federal grants although we are working diligently in trying to obtain more federal grants.

Our major business activities include intake of inmates, incarceration of inmates, intermediate sanctions, and diversion programs. We have work assignments, rehabilitative functions, and education. [Mr. Cox continued to read page C-5 ([Exhibit C](#)).]

I am often asked what our current and projected population is. Basically, it is flat. We are tracking very closely with the data provided by JFA Institute. If you look at the percentage of change in the total population forecast, it was 0.8 percent in 2012 and 1.3 percent in 2013. I can report that it is tracking closely to these numbers.

Our female population is relatively small. Any fluctuation could be significant as in the 7.3 percent increase from 2011 to 2012. That was an increase of 71 female inmates from 2011 to 2012. We have an additional 200 empty beds at Florence McClure Women's Correctional Center in North Las Vegas. That gives us capacity in the event of a large increase in the female population without any future construction costs to the state. We have positioned ourselves very well for the future with regards to our female population. We do have Jean Conservation Camp that also has a large amount of beds that we could utilize with our minimum security inmates in our camp population. We have approximately 44 to 46 female inmates at Casa Grande Transitional Housing at any given time. Are there any questions on the population?

Chairman Frierson:

This chart predicts relatively steady growth over the next four to five years. Is that based on statistical analysis from previous years, or is it based on changes in the law that inevitably lead to more convictions?

Greg Cox:

We worked closely with the state in looking at population trends. Any changes in the statute could affect our population. That is a critical component of it. James Austin, President of JFA Institute, worked closely with our counties in predicting the population. They used various demographics throughout the state to look at this. Dr. Austin also took into account the parole and probation populations. In my estimation, he has drilled down to a very good projected population for the state. Obviously, statutes can affect our population to either increase it, or decrease it as Assembly Bill No. 510 of the 74th Session did.

Assemblywoman Diaz:

What specific information is used in this forecasting? What sources and data are you looking at in terms of making these predictions?

Greg Cox:

JFA Institute provides that detailed data and information. They are coming out with another report in March 2013. They are one of the leading groups in the country that does population projections. They look at crime and criminal activity with regards to violence, sentence structure, sentence time, and type of crimes. They look at various things across counties such as tracking mechanisms with regards to those crimes. It is a very intensive look at our state's prison population, parole population, and probation population. Dr. Austin is the expert when it comes to looking at that data. A number of your questions might be more geared for him to explain in detail. We can certainly get that information for you.

Assemblywoman Diaz:

I would appreciate that.

Assemblywoman Spiegel:

Do you know what the recidivism rate is, the people who are in the system who leave and then come back?

Greg Cox:

The national recidivism rate measured over a three-year period, is used as a best practice measure established by the National Institute of Corrections, an agency funded by the Department of Justice (DOJ). The national rate is 60 percent if you include California. It is 40 percent if you do not include California. Nevada's rate is 26.9 percent so we are below the national rate. I would use the 40 percent as a measure for us.

Assemblywoman Spiegel:

What percentage of the population of inmates have mental health issues?

Greg Cox:

When it comes to mental health disorders at the severe and chronic levels, it is probably 4 to 5 percent of our population. Overall, corrections departments are one of the biggest mental health arenas in every state. That has been the case since the mid-1980s. We are a reflection of a national trend. We do have psychiatrists, psychologists, and mental health professionals in our operation which is required by state and federal laws.

Assemblyman Carrillo:

What is the licensing requirement for psychologists or psychotherapists employed at DOC?

Greg Cox:

Our psychologists are not required to be licensed by state law. We do have licensed psychologists but it is not a requirement for employment in DOC.

Chairman Frierson:

Do you have information on what profit is derived from prison industries? How much are the inmates able to earn from prison industries?

Greg Cox:

Yes, I can provide that to the Committee. The inmates who work in our prison industry operations do contribute back to their cost of incarceration. They also contribute to the Victims Fund. It has been difficult for corrections throughout the country with regards to these prison industries and their impact on the economy. Prison industries are a critical component in providing a good vocation or trade for inmates to go back into the community. It is also a critical program for us in maintaining the operations of our facilities. I can provide the Committee with information on prison industries and its impact to the citizens and the state of Nevada.

Chairman Frierson:

Thank you. That would be beneficial. You had also mentioned diversion and reentry programs. Casa Grande happens to be in my district so I have visited there a couple of times. Those are some very important programs. Could you elaborate on the diversion and reentry options and also provide us with information afterwards?

Greg Cox:

I can provide information afterwards on Opportunity for Probation with Enforcement in Nevada (OPEN). Another program is Purpose, Respect, Integrity, Determination, and Excellence (PRIDE) which is conducted at Casa Grande and at our other major facilities. It is a program geared towards preparing the inmate for the return back to the community, and also to help them maintain a job once they get back into the community. It is a critical part of what we do in providing a mechanism to focus on employment activity such as resume writing and interview skills. Casa Grande has almost 400 beds that we utilize with regards to that population of males and females. We have been able to hold 70 to 75 percent employment for our inmates even during the recession and economic downturn. It is a very vital program to what we are doing.

Chairman Frierson:

Thank you, Director Cox.

Assemblywoman Fiore:

I would like clarification on the mental health inmates and how you determine that they are mentally ill. As I had toured a few of the prisons, some of the employees seemed to think that that number was a bit higher. You gave us the Nevada number. What are the national numbers and how do you determine how many inmates of yours fall under the status of mentally ill?

Greg Cox:

During the intake process, we specifically drill down to any mental health needs. The intake process is very labor intensive with regard to the questions we ask. We also communicate with the jails. Historically, the national number includes substance abuse, drug abuse, and any type of alcohol abuse. The number used nationally includes 68 to 82 percent of the population who had some type of substance abuse or mental health issue. When it comes to chronic mental health issues, we have an extended care unit for the severely mentally ill in our Northern Nevada Correctional Center. We also have another unit at our High Desert State Prison. Across corrections in the country, we have been one of the largest mental health providers.

I am often asked what information is provided upon an inmate's release. We provide a way for them to access that communication when they are released. We also provide at least two weeks of medication and that includes any type of medication, not just for mental health issues.

There are times when we use Legal 2000 in working with mental health groups in Southern Nevada Adult Mental Health Services. We work with Mike Willden, Director, Department of Health and Human Services (DHHS) and his group in having an offender or inmate go directly from our supervision to that arena, if it is necessary. So we do have mechanisms to do that.

One of the things we started doing in Washoe County is looking at the people that were serviced by the mental health services in our state by DHHS and how they come not only into jail, but also into our system. We really looked at that population by providing the names of our inmate population. We are looking at doing that also in Clark County.

Assemblywoman Fiore:

To simplify in layman's terms, would you basically agree that our prison system is now becoming a mental health institution and institutionalizing more of our

mental health patients that need to be more in a mental health type environment versus a prison?

Greg Cox:

In corrections, we have been doing that since the mid-1980s. I have some background in that because my mother worked for the mental health system for over 44 years. In the mid-1980s, there was a move across the country to decrease mental health beds as state beds. There was a move back to community beds and I think that move has continued throughout the years. There was then a shift in moving a large part of the mental health component to corrections. With the expansion of mental health courts as a result of the decision in the mid-1980s, we actually have taken over that part of housing people in order to move away from housing a large number of people in those types of institutions. As a corrections professional, I do not think it was well planned. I think that corrections across the country, including our state, filled a void with regard to that.

Assemblywoman Dondero Loop:

Why is it that the mental health providers or psychologists are not licensed by the state?

Greg Cox:

That has been our practice. When it comes to the employment of the state, that is not required. It is something that we look at. Of course, we do have psychiatrists that are licensed. We have psychiatrists, physicians, psychologists, and counselors in our operations. Our psychologists do not have to be licensed. It is just how it has historically been. We have some that are licensed but it is not required.

Assemblywoman Dondero Loop:

I am perplexed by that because psychologists have to be licensed to work in a school district. Everywhere else in public institutions, they have to be licensed. Is that something that if it was changed, it would be better?

Greg Cox:

Historically, that is not uncommon in the corrections arena across the country. However, there has been a move not only in looking at the licensure of psychologists, but also looking at questions with regards to litigation and with the services they provide. I have a very good team of psychologists and correctional mental health specialists. They are different than the psychologists by just the process and their mission. We are not different from any other state when it comes to employment of these people. The DOC staff in that arena are doing a very great job for us and for the citizens. Looking at the litigation

component, that is probably a reason to move towards this direction. It is not something that we, as correctional administrators, are not looking at.

Assemblywoman Dondero Loop:

Thank you. I am not questioning their qualifications. I was just curious why that was not in place.

Assemblyman Wheeler:

Is my assumption correct that the education and work experience standards that these psychologists must meet are fairly strict?

Greg Cox:

That is very true.

Assemblywoman Diaz:

I am going to refer to page C-6, "Historical and Projected Population" in [\(Exhibit C\)](#). The figures for male and female populations increased in 2006. Why do we see a 7.3 percent increase in 2012? Why is there a higher increase in the female population versus the male?

Greg Cox:

Yes. There are some initial snapshots when looking at that data. The increase in 2006 was a reflection of an increase in population. What you are looking at in the following years, is the impact of A.B. No. 510 of the 74th Session which effectively reduced our population to what we maintain today as basically flat. The 7.3 percent is a difference of 71 inmates between 2011 and 2012. It looks like a large increase simply based on the fact that our population of female offenders is not very large. What we are going to have to watch closely is the potential for female offenders to receive a lengthier sentence with regard to their crime. We are not really clear on the data regarding that. There are a lot of people that have taken some assumptions. I would not say that I clearly understand it except what I have provided you when it comes to A.B. No. 510 of the 74th Session and its impact. I think we clearly see that, and also what I call the pipeline of people coming into our system is basically the normal flow instead of a large amount of people leaving the system.

Chairman Frierson:

Programs like Casa Grande are great programs to reintegrate people into society and protect the public and give folks the tools they need. I wish we had more resources to put into programs like that. I would encourage folks on the Committee, if given an opportunity, to tour that facility. They are doing some great things there. This is the first time in two or three sessions that I have heard something positive about A.B. No. 510 of the 74th Session on the record.

I appreciate it and, hopefully, it has flattened out and we are able to continue to help folks reintegrate without endangering the public. Are there any other questions for Director Cox?

Greg Cox:

I appreciate the comments about Casa Grande. We are also in the process of beginning to construct a transitional housing center in the Reno-Sparks area in northern Nevada. We do have Northern Nevada Restitution Center. Working with the Paiute tribe, we are looking at the completion of this construction on tribal land in March 2015. This will increase our beds and our capacity in northern Nevada from 100 to 150 beds. We will be able to house our male and female populations in that building. It will be similar in operations to our Casa Grande building. I think it is another step in the right direction for our state, our communities, and for our public safety to have that type of operation in northern Nevada. In March 2015, we will have a new building there and we will be moving forward to enact the same type of programming services that we have in Casa Grande.

Chairman Frierson:

Does that conclude your portion of the presentation?

Greg Cox:

If there are no other questions, I will continue on page C-7, "Historical and Projected Custody Distribution," ([Exhibit C](#)). What custody means to us in corrections are these security levels: Max & Close; Medium; and Minimum. You can see our populations are constant. They do trend closely to national numbers. We do see a decrease in minimum custody beds but then we start increasing back. Basically, those things are based on our classification instrument and our placement of inmates in certain parts of our housing levels. Our maximum and close beds are more expensive to run than our medium or minimum beds. Our minimum beds are basically our camp population. Southern Desert Correctional Center is a medium custody facility with 2,100 inmates. We have about 3,400 inmates at High Desert State Prison which is a higher medium custody facility just in the plant size and its operation. Our maximum and close population is at Ely State Prison in Ely, Nevada where we have 1,050 offenders. Our minimum custody population is all of our conservation camps located throughout the state. As you can see on the map on page C-2 ([Exhibit C](#)), our population is distributed very closely to the national trend.

If there are no questions, I will move on to "Dangerous Offenders" on page C-8 ([Exhibit C](#)). In looking at "Offenders with Violence" across our female populations, the numbers are fairly consistent from 2007 through 2012. In the

male populations, it jumps from 51 to 53 percent between 2008 and 2010, but then it starts coming down. I think the information received, and the data provided by the FBI and others, is that violent crime is reduced and continues to be reduced across the country. That is evident in our numbers. Going to "Offenders with Sex Offenses," it is trending along the same lines. We see in 2010 an increase of 1 percent in females that were charged with sex offenses, and then it starts coming back down to our normal numbers. Those numbers are tracking pretty closely across the board so we do not see a huge increase in the intake of those types of offenders into our system.

The group "Offenders with Security Threat Group Affiliation" is referred to as gang members in our Department. There has been a decline in that population from 2010 to 2012. There are a couple reasons for that. First, security threat group members, or gang members, across the country have made it more difficult for us to identify them. If they were not identified by law enforcement in the community, or they became affiliated with the gang or a group in our Department, they have gone from using tattoos and, of course, do not use colors or any type of identifiers like that in our Department. I would attribute that decreasing number actually to a more sophisticated group and our ability to identify them not only upon intake but while they are in our operation. We have various measures and ways to look at that. There also has been a huge look at how we identify security threat group members across the country and when we identify them, basically that identification stays with them when they return to the community through law enforcement, information systems, and such as that. That security threat group affiliation thing is quite substantial to them. I would say they have become more sophisticated in hiding that affiliation. We have also become more sophisticated in identifying them as a result.

In looking at Priorities and Performance Based Budget, I know that members of the Assembly have heard a lot about this. Basically, what is DOC doing with the money and how are we spending it? As a General Fund Agency, 82 percent of our money goes to our core functions. [Mr. Cox continued to read page C-9 ([Exhibit C](#)).]

Every corrections department across the country is doing that and their core functions would be closely mirrored with ours. To give the Committee a look at what we are doing in corrections, \$48.5 billion was spent on corrections in 2010 and that is a decline of 5.6 percent from 2009. We have seen 44 states across the union decrease correctional spending. There are six states that have not. They are basically energy states and they have not had to do that. Almost every state corrections department across the country is going to decrease their expenditures over time. That is a national trend. We have spent billions and billions of dollars in incarceration and our focus now is reducing corrections

funding and taking that funding and putting it back in the community for our citizens. As a department, we have also reduced our operations with the closure of Nevada State Prison which was approved by the Legislature last session. Nineteen states now have closed some part or some facility with regards to their operations. What I am providing you is a number that almost every state is decreasing their correctional budget as a general fund budget and that seems to be a trend that will continue. We will be clearly looking at efficient and effective delivery of our services, not expanding our operations with additional beds, and looking at our other core functions that we have. [Mr. Cox continued to read page C-9 ([Exhibit C](#)).]

I would like to talk about the challenges that the DOC faces. The loss of key management personnel is a huge impact not only in DOC but across the country. It is becoming more difficult to bring people into this profession. We are looking at succession planning and how we are going to deal with this. I met with 40 other directors in Aurora, Colorado, about two and a half months ago. This is one of the things we are continuously talking about. Other states are actually trying to steal executives and people from agencies throughout the country to fill the need for experienced, knowledgeable staff. We have fared very well in being able to attract and keep our staff. Sheryl Foster, Deputy Director of Programs, came out of retirement to work for me. I have Warden Carolyn Miles at the Florence McClure Women's Correctional Center but Carolyn could retire any day. I am very concerned in the next three to four years about the impact of these retirements on our key management personnel and not just the executive staff but mid-level managers nearing retirement.

We are challenged with the difficulty of recruiting and retaining staff. That has historically been the problem not just in our state but also a national trend. This business and profession is a very difficult one and the salaries and benefits across time have allowed us to attract people to this profession. I do think the Governor's decision to reduce furloughs will help us. I certainly think that the merit step increases that will be brought back in fiscal year (FY) 2014, if they are approved by the Legislature and I would hope that you do that, will help us maintain our staff and continue to be able to employ them.

Historically, for our Department, we have had someone on staff who has left us for the cities, the counties, and the municipalities due to higher pay at the county and city level. With the recession, we have not had a difficult time recruiting staff. We are always looking at retention of staff and how we are going to keep them in our system and in our operations. We spend about \$6,000 per employee in training on the custody side. Correctional officers' training is a significant amount of investment from the taxpayers of the state.

Assemblywoman Fiore:

What is your opinion on the lack of communication between corrections, probation, and parole? What I have found after talking with some of your employees is that as you release an inmate, and let us say they are home for a day, they jaywalk, and they get pulled over. They are then sent back to the Clark County Detention Center because the communication is null between corrections, probation, and parole. How do you suggest we fix that? I know that in other surrounding states, probation and parole is under corrections. What is your opinion on that, and how can we help get that communication process to help lower our recidivism rate?

Greg Cox:

I do believe that Parole and Probation works very hard and they have very good people. Thirty-nine states currently have parole under the corrections department. The highest performing states, including Michigan, Missouri, and Oregon, have a component of parole with their state or with their county systems. In order to move the dial on prison population, prison expenditures, and general fund expenditures, it is very critical for parole and corrections to identify what we need to better communicate between these sections of the criminal justice system. That is accomplished by using our reentry staff, our release coordinators at each facility, and our parole agents. We are proposing to the Legislature to realign parole with corrections.

As directors and correctional professionals, we want to reduce not only our correctional budgets but also reduce recidivism. This is a critical component to not only enforcing communication but finding that continuing amount of care and services that we provide to our offenders in our operations. The reentry process starts not only when you hit our door, but it goes all the way to the community's supervision. It is very critical so we can identify specifically the inmates, what programs they need, and what is required for them.

I really think, as a corrections professional, our population is flat. That is not good enough. We ought to be bringing it down. There are only five other states that have a similar model to us. One of the states, and Nevada, is looking at moving parole to corrections. Almost every state is looking at the reentry component and looking at parole as a key part to reduce recidivism. With the National Institute of Corrections (NIC), an agency funded by the Department of Justice (DOJ), and three other experts of directors that have been sent to our state, we have been working on a plan on making that happen. We have worked very closely with Chris Perry, Director of the Department of Public Safety, and Bernie Curtis, Chief of the Division of Parole and Probation, on making this a reality.

Assemblyman Ohrenschall:

There has been some publicity with Alpine Steel and the arrears they are in with DOC. Since our last meeting, has Alpine Steel been able to make any further payments or are they still behind?

Greg Cox:

Yes, they have made payments. We have a forbearance agreement that they have signed that we went through our Attorney General's office to work with Alpine Steel on remaining current on their payments to us. They did sign a forbearance agreement. They have not been working in our High Desert State Prison since December 21. They decreased their operations there. We still have a large amount of their assets that we are keeping there, and they are paying us. We do have a legal agreement that they will continue to pay down their debt.

Assemblyman Ohrenschall:

That is good to hear.

Assemblyman Martin:

Going back to the challenges of management personnel and difficulty in recruiting, I am curious if your Department has developed a formal written strategy of the human capital plan to address these concerns. Could you elaborate on that?

Greg Cox:

We have developed a strategy for staff recruitment at a statewide effort. In working with Jeff Mohlenkamp, Director of the Department of Administration and his staff, we looked at how we can move our recruiting and employment efforts over to them. I applaud Lee-Ann Easton, Administrator of the Division of Human Resource Management (DHRM), Department of Administration, and her staff for working very closely with us to develop a good plan for that. It is critical, especially in today's workforce environment, that if there is a vacancy and we have a chance to employ a person, to do that immediately and bring them into the system. When we make a job offer, the person has to go through a background check, drug test, psych panel, and a physical to meet the requirements to be a correctional officer, for example. It is a laborious process, and reducing that window to employment has been a critical part of our plan.

We have also worked with the DHRM in the retention of staff. When someone leaves, we talk to them about why they are leaving and where they are going. Most staff will respond to that; some will not. Our plan for staff retention includes identifying why people leave. I will say that, in my career, corrections

is not for everyone but the focus, especially from the investment of taxpayers, is on staff retention. It is a critical focus of our plan.

A lot of our staff come from southern Nevada due to our large operations there. As part of our plan in hiring veterans, we look to Nellis, Creech Air Force Base in southern Nevada, and Naval Air Station Fallon in northern Nevada. In reaching out to Frank Woodbeck, Director of the Department of Employment, Training, and Rehabilitation (DETR) and to others, like Nevada JobConnect, we are getting the word out to prospective people that would like to come and work for DOC.

Page C-10 ([Exhibit C](#)) lists potential legal concerns. It is quite common in my field that we are always dealing with legal issues. I have outlined some that you will see with the Prison Rape Elimination Act (PREA). The initial act was passed in Congress in 2003. We currently have two investigators looking at the one position of legislation we have put forward. We are in 2013 and we have moved towards compliance of PREA. The penalty for noncompliance is 5 percent of any DOJ grant funds that the state would otherwise receive for corrections and public safety. The DOJ is very involved in providing training to the state in various correctional entities. It also includes county, city, and municipal jails. There is a fair amount of regulation and staffing that is required for juveniles. The federal government and Congress expect us to go towards compliance so we are working very diligently at meeting compliance standards. They are a little behind in audit instruments to measure how the states are moving towards compliance. I expect that we will get those probably by the first part of March.

There are a number of lawsuits concerning religion in corrections across the country and we are not exempt from that. We have constant legal issues associated with Religious Land Use and Institutionalized Person Act. There are a number of lawsuits regarding what is required by the *U.S. Constitution* and what the federal government is to provide for these types of services.

We recently, as of 2012, came to an agreement in resolving the litigation with the medical services in Ely. The Attorney General's Office worked very closely with us. The American Civil Liberties Union and others agreed that we were in compliance. I was in Ely when we had the meeting and everybody agreed that we met the standards required of us through that litigation. Medical is a huge part of litigation for DOC in our state and across the country.

These are some of the key legal concerns that we are currently dealing with. We work closely with the Attorney General's Office with regards to litigation

not only to reduce our liability but our risk. Quite frankly, we just do what is right for the inmate population according to the law.

With the aging of equipment and decrease in budgets, we are very focused on maintaining our vehicle fleet, culinary equipment, and information technology. We are not asking for enhancements. We are doing what is necessary to maintain the level of services we currently provide.

With regards to our culinary operation, a new culinary facility will be up and running April 1 at the Southern Desert Correctional Center. The construction of that was approved by the previous Legislature and has been ongoing for about 20 months. We expect to have our inmates in this new facility effective April 1. The state has clearly identified and worked with us to provide new areas of culinary for this operation.

If there are no further questions, I will continue with "Opportunities" on page C-11 ([Exhibit C](#)), one of which is transitioning parole to DOC as Assemblywoman Fiore brought up earlier. Additionally, we have intermediate sanction and diversion programs, such as Opportunity for Probation with Enforcement in Nevada (OPEN) and Purpose, Respect, Integrity, Determination, and Excellence (PRIDE).

We are also looking at improved use of technology not only for more efficient and effective operations, but also for security and safety such as video surveillance and video visitation. We have complete video surveillance at Northern Nevada Correctional Center. A capital improvement plan has been approved to have video surveillance at Ely State Prison, a maximum/close facility. We do have video surveillance in our newer "T" buildings at High Desert State Prison. Our state has identified video surveillance as a critical part of our security operations and we are moving in that direction with support of funding and approval by the Legislature.

Energy management efforts include the use of solar in facilities such as Jean Conservation Camp. We have solar panels at Northern Nevada Correctional Center. We acquired those within the last year through our efforts in working with Stacey Crowley, Director of the Office of Energy. Ms. Crowley and her group have used DOC to help them identify challenges in reducing energy consumption. For example, DOC uses high mass lighting which is similar to what you see on the highways. We are looking at that to see how we can decrease overall energy use. Managing our temperature controls helps reduce the use of propane, oil, and other fuels. At DOC, we are a little ahead of the game on that which is a good thing.

The goals of DOC include the settlement of the kosher common fare lawsuit, *Howard Ackerman v. State of Nevada Department of Corrections, et al.* [See page C-12 ([Exhibit C](#)).] We are awaiting a decision from the federal court in Las Vegas. I last testified on this October 11, 2012. I hoped that we would have received a decision by now from the court. With regards to this lawsuit, we are anticipating how we will manage an \$832,000 shortfall in our budget. There is a tremendous amount of litigation with regards to religious diets and religious meals for inmate population in prison systems across the country. We are currently under litigation. After it is settled, I can go into more detail about it.

This is a very costly part of corrections not only in our state but across the country. Many states are looking for the decision from our federal court in Las Vegas as a bellwether to determine how they will move forward. The impact for the California Department of Corrections and Rehabilitation (CDCR) is \$44 million.

The general description of kosher, or what we call meals ready to eat (MRE) is a little over \$15.50 a day. The common fare menu is what we are trying to move forward with the courts. We have worked closely with the Orthodox Union and different Jewish groups across the nation. We are working with the Attorney General's Office and finding experts to develop a menu that is kosher certified.

I am focused on our current budget and how we will deal with the shortfall without asking the Legislature for further money. The cost is a conservative estimate of \$3,000 per day for the failure to make a decision. This lawsuit has the impact of affecting almost every corrections department in the country. I have been contacted by Florida, Texas, California, Arizona, Ohio, and South Carolina. I did a declaration to our Attorney General's Office on the cost to taxpayers and the effect on DOC in not yet having a decision. We went to court on October 11, 2012. I hoped that we would have had a decision by now but we do not.

Assemblywoman Fiore:

I just want to be clear about the numbers that you gave for kosher versus regular meals. When you talk about \$15 a day, you are talking about a million dollars, or something close to that, a year. Please verify the funds. The second part of the question is when these inmates come into your prison, as you intake them, you check the religious category they fit in. A person comes in as a Catholic and they find that the kosher program is better; they switch their religion after they get into prison; now they are Jewish, and now they get a kosher meal at the cost of a million dollars a year. Am I correct in this?

Greg Cox:

When an inmate comes in, we do ask their religious preference. Historically, the inmates that declare Judaism have been around 40 or less. Part of the lawsuit is how we allow for the sincerity of the inmate and their ability to declare a religion. Part of the litigation in what we provided the court is an inmate's ability to change religious preference. Generally, corrections departments have allowed that to occur once a year, or every six months. Quite frankly, some inmates change their religious affiliation and the religious entity that they observe. This whole litigation is about that. A number of inmates in this class action suit have come in and said they are Catholic, then switched their religious affiliation to Buddhist, then to the Jewish faith, then turned around and switched to the Muslim faith. That is one of the critical components of the data and information we provided the court with regards to our inmate population, and the ability of the Department to have a process where an offender inmate is allowed to change his religious faith group. I think we have given the federal courts a good plan. This litigation took place in California where they were successful in defeating it, and it rolled over into our state. We have every faith group you can think of in our operation as do most corrections departments. Litigation from an inmate population is at a very high level in this area.

We have provided you with the bill draft requests that we are moving forward with. We will be talking about those bills when they come up.

We are very focused on educating the Legislature about our Community Services Division which is part of the parole realignment. The Community Services Division is a component of our operations, our community correctional centers, our reentry staff, our restitution center in Reno-Sparks, our transitional housing center in Casa Grande, our release coordinators in our facilities, and in working with parole. I want everyone to understand that it is simply not parole, but throughout our operations, it is helping us to reduce recidivism. That is what we are moving towards, hopefully, with the approval of the Legislature.

Many of you have been to Southern Nevada Correctional Center (SNCC), our 712-bed facility in Jean that is currently not occupied. I refer to that facility as our ace in the hole with the idea that we have it to fall back on, if needed. If the projections continue the way they are, holding true to the numbers that JFA Institute has provided, we should not have to build a prison in our state for almost ten years. We do have a staff person assigned there with maintenance for upkeep. We utilize inmates from nearby Jean Conservation Camp to maintain and keep it functional to the degree that you would for a facility that size, and to keep it as an asset to the state and the taxpayers in the event that we may need it.

When I was the deputy director, I was sent to California to talk about the usage of SNCC. I have also talked with private corporations about utilizing it. Private groups like GEO Group, Inc. and Corrections Corporations of America usually look for a facility with 1,200 to 1,500 beds. Being only 712 beds, SNCC does not meet their criteria for profitability in considering a correctional facility. We talk about it and have it out there for the Legislature to understand. We certainly have not forgotten about that facility.

[Assemblyman Ohrenschall assumed the Chair.]

Vice Chairman Ohrenschall:

I have one question regarding private correctional facilities. It seems as if we have not had a particularly positive experience when we had private corporations running these facilities. What is your view on that? I read that there is a proposal to reopen the Summit View Youth Correctional Center and have the private corporation open that. Where is DOC on that?

Greg Cox:

The DOC does not have a private entity or operation in our current Department. Mike Willden, DHHS, and his staff would be better in answering that question on the youth center. There is a private, federally run facility in Pahrump through the DOJ. We currently do not have any private prisons in our state.

Vice Chairman Ohrenschall:

Thank you. Are there any other questions? [There were none.] Please continue.

Greg Cox:

Looking at other issues that we have, the presentation we provided today delved into a lot of issues that are in corrections. I hope I provided you a detailed one about where DOC is and where we are going. I certainly hope to talk to many of you about the realignment of parole to corrections and why that is very important to us in our reentry services.

Assemblyman Martin:

I am not familiar with the Casa Grande project and what the significance of that is. If you would give us a brief overview, it would be greatly appreciated.

Greg Cox:

Casa Grande is one of our operations with regards to what the future holds for corrections in our state. The transitional housing center and community correction concept is one where you bring an inmate from one of our major facilities or our camps to Casa Grande in an effort to provide him with job skills;

for example, employment resumé writing. We also provide program functions for those inmates with a substance abuse problem. It is a step-down. Historically, in our state and across the country, we release people with \$25, say "good luck, we'll see you later," with no program or plan to reduce recidivism.

[Chairman Frierson reassumed the Chair.]

Greg Cox:

Across the country, correctional folks and legislatures said, "We have got to do a better job than that." We cannot step someone down from a facility that is very structured, then just take him out of prison, and put him back into the community. The concept of community corrections is that we will step you down into the community under supervision, enhance public safety by just not releasing you on parole, but as a step-down measure. We are looking intently at what is needed to be successful upon an inmate's return to the community. Community correctional centers, like Casa Grande, are still under our supervision and we are working with them to provide opportunities not to return to our operations, not to come back to jail, and not to come back to prison. The investment in those types of facilities is really critical to moving the dial on recidivism.

There are a number of states, unfortunately because of funding, that are looking to cut community correctional centers. I think that is a backward approach at what we ought to be doing in this profession to reduce the cost of corrections; some states are doing that. Casa Grande provides that step down through a good plan, assistance, and programming to reenter the community. Sometimes it even goes as far as providing clothing so they can go to a job interview. It is working with job developers to help place them into a job in the community. Casa Grande has the ability to grow and expand its population up to the 400-bed capacity if needed. I absolutely think it is a critical component of reducing correctional costs.

Assemblyman Ohrenschall:

In August 2012, we had an inmate at the maximum prison in Ely who I believe was murdered by another inmate. What statistics do we have for inmate-on-inmate violence and what kind of plans does DOC have to curtail it as much as possible?

Greg Cox:

The safety and security of our staff and inmate population is a major mission of DOC. Maximum security prisons, due to the nature of the type of offenders they house there, do have these issues. Having run a maximum security prison

in another state having these same issues, we certainly want to limit that. What the Legislature has done with regards to video surveillance gives us another key component in enhancing security there. We should have had that years ago. I am grateful that we are going to have it, and I am very thankful for that funding being approved.

The maximum security prison controls and measures were put in place to help restrict that type of attack or assault. We constantly drill down to why those things occur. In housing offenders as we do, some of the cells at Ely are what we call double-celling measures where we bring the offender in. We talk to them about how they are getting along with their cell mate; how is it living with the other offender; and do they want to live with certain offenders. We have learned that across the history of this business, we have to ask those types of questions to reduce violence. Maximum security prisons house our most violent offenders. I do not wish that anything of that nature would happen but it clearly identifies operational issues and the result and measures to reduce that.

Assemblywoman Cohen:

Getting back to Casa Grande. Is that a mixed level of offenders who are going into the program or are you focusing on lower level offenders?

Greg Cox:

It is a lower level offender. The classification for the placement of inmates at Casa Grande does not allow for violent inmates or any sex offenders to be placed there. Every state is dealing with the inability to place sex offenders in any part of the community. In every state, corrections and parole seriously look to where these individuals live and are placed, according to the law, in order to protect our children and the people in our community. It is a critical part and it has been difficult to utilize those placements.

Another thing that has impacted the ability to house individuals into community halfway houses and the Salvation Army has been limited funding. The economy has hurt the ability to get contributions for these different organizations. These community partners and religious groups are doing a great job helping us with the offender population. Central Christian Church does a good job. Ridge House in Reno has done a good job. It is critical that we continue to reach out to these partners in our community to help us help this inmate population return to society and the community.

Chairman Frierson:

There are no more questions for now.

Greg Cox:

Thank you for your time today. Please contact me if you would like to tour our facilities.

Chairman Frierson:

Mr. Byrne, do you have anything to add or are you just available for questions?

Quentin Byrne, Administrator, Offender Management Division, Department of Corrections:

I am here to answer any questions that come up.

Chairman Frierson:

Thank you. We do have a couple bills we want to get through. Let us be mindful of that and if there are no further questions for Director Cox, I will open up the hearing on Assembly Bill 43.

Assembly Bill 43: Clarifies provisions governing credits earned by an offender which reduce the offender's term of imprisonment. (BDR 16-318)

Quentin Byrne, Administrator, Offender Management Division, Department of Corrections:

I do not have a presentation but I can answer any questions. It is fairly simple.

Chairman Frierson:

Would you give some introductory statements to get us started?

Quentin Byrne:

Yes. My name is Quentin Byrne, Administrator in the Offender Management Division of the Department of Corrections. Let me start with an example. An inmate can earn merit time and it takes 30, 60, 90, or 120 days off of his sentence. An inmate earns merit time when he completes, for example, his high school diploma which earns him 90 credits. If he is only a week or two away from discharging his sentence and we apply those credits, it is going to appear that he was erroneously kept in prison a couple months beyond the time he needed to be there.

What this bill will allow us to do is apply the amount of credits up to the number required for him to expire his sentence without having it erroneously appear in our records that we kept him too long.

Chairman Frierson:

Thank you, Mr. Byrne. It is a fairly short bill. Inevitably, there will be some questions about specific language. You have given some general comments. Do you want to go through the express language? We are accustomed to having a presenter go through it and then we can ask questions.

Quentin Byrne:

Basically, the bill clarifies provisions governing credits earned by an offender which reduces the term of imprisonment of the offender; and providing other matters properly relating thereto.

What it says is that they may earn credits for these merit programs whether it is earning their General Educational Development (GED) diploma, college education, or working on fire crews. A lot of our drug programs, for example, Offenders Acting in Solidarity to Insure Sobriety (OASIS), is where they can earn extra merit time. It is then applied to their sentence and reduces the amount of time they have to stay in prison. What this clarifies is that they cannot earn more than what is required to expire their sentence in order to avoid that confusion I spoke of earlier. It also specifies that it cannot be construed to retroactively reduce the amount of credits earned by an offender if it would create a constitutional violation.

Assemblywoman Spiegel:

If an offender has extra credits, is that something that they can then use in the future?

Quentin Byrne:

No. The credits have to be earned on the term they are actually serving.

Chairman Frierson:

For clarification, Mr. Byrne, if they have consecutive sentences, would the credit roll over into the subsequent sentence?

Quentin Byrne:

Regarding my earlier example, if an offender has two weeks left on his sentence and has earned 90 credits, we would actually take the credits and move the sentence back and then insert the consecutive sentence earlier by applying all of those credits. The credits do have to be earned on the sentence that they are serving and applied to that sentence.

Chairman Frierson:

Do you have any other questions for Mr. Byrne? I have a few questions about credits and in particular, Assembly Bill No. 510 of the 74th Session, that we

talked about earlier. This is related to earning credits. I am curious about how it works with the earning of good time credit. I will try to set out a scenario so that you understand where I am going. What if you have two codefendants that are looking at sentencing and one is incarcerated pending sentencing, and the other is not incarcerated pending sentencing? We have two separate defendants; same case. The one who is incarcerated pending sentencing is incarcerated but not earning good time credit because the sentence has not been imposed yet. At sentencing, they both get two years. It seems the defendant who could afford to bail out would do less calendar time by virtue of him earning good time credit for the time he was in as opposed to the defendant who was incarcerated pending sentencing and does not get the benefit of that good time credit. Do you understand where I am going?

Quentin Byrne:

I believe so. Are you asking how the good time credits apply if one of them is sitting in jail and the other one has posted bond?

Chairman Frierson:

Correct.

Quentin Byrne:

Actually, if the guy who is doing the time is earning jail credits while he is sitting in jail, they will apply his good time credits based on the jail credits when he is brought into the prison system.

Chairman Frierson:

So they would retroactively apply the good time credit towards the time that that person had done prior to sentencing?

Quentin Byrne:

Yes, that is correct. If the judge were to give him 100 jail credits, we would also apply the appropriate number of statutory good time credits to that 100 days of jail credit.

Chairman Frierson:

Is that new? I think this issue has come up before and I think I was told that the good time credit would not be applied retroactively; it would start at the imposition of sentencing.

Quentin Byrne:

I could not tell you exactly when that change was made. It has been several years though.

Chairman Frierson:

Are you saying that the practice now is to retroactively apply to the time that they had been serving pending sentencing?

Quentin Byrne:

Correct.

Chairman Frierson:

Are there any other questions?

Assemblywoman Diaz:

I am not knowledgeable about how they earn their credits and how these credits are applied. If you could explain this to us, it would really help us understand how they earn these credits and then how they are applied.

Quentin Byrne:

While they are incarcerated, they earn flat time. Basically, that is the actual day for day they are serving. Every month they also earn statutory good time and, depending on when they were sentenced and the nature of their crime, it will be 10 or 20 credits per month for basically staying out of trouble. Those credits are subject to removal for violations of the code of penal discipline. If they get in trouble, they get a write-up. One of the sanctions can be the forfeiture of 30, 60, or 90 credits. If they are working or going to school full time, they also earn an additional 10 credits; 20 in a minimum custody center. If an inmate is doing all that he is supposed to and staying out of trouble, he is effectively earning two months' time for every month that he is incarcerated.

I hope that helped. I can prepare a written statement for you that might help you understand and have it sent over if you would like.

Assemblywoman Diaz:

Yes. That would really help.

Chairman Frierson:

Thank you, Mr. Byrne, and I apologize for speaking in terminology that we understand. Not everybody else does. Assembly Bill No. 510 of the 74th Session is not from this session. It is a bill in previous sessions that provided 20 days of credit to inmates for every 30 days of their sentence they complete. They can earn credits for taking classes and participating in programs; they also get 20 days for every 30 days that they do in actual time.

Quentin Byrne:

Starting with A.B. No. 510 of the 74th Session, it applied towards their minimum time they could do for their parole in some cases but not all.

Chairman Frierson:

Thank you. Whatever you provide to the Committee regarding the process of earning credits, please include the offenses that do not have access to that credit, and the whole concept of it being on the front or the back of the sentence range.

Quentin Byrne:

Absolutely.

Chairman Frierson:

Any other questions for Mr. Byrne? I see none. There are some folks here that are prepared to testify. The Assembly has adopted some standing rules to clarify testimony. We want to make it clear for the record if you are testifying in favor of a bill, in opposition, or neutral. We will first go to those who are prepared to testify in favor of the bill; in favor meaning supporting the bill as it is since the sponsors have offered no amendments.

Is there anyone in Las Vegas to testify in favor of A.B. 43? I see no one else here in Carson City to testify in favor of A.B. 43. We will move to those in opposition to A.B. 43 here in Carson City.

Wesley Goetz, Private Citizen, Incline Village, Nevada:

My name is Wesley Goetz. I am speaking for Tonja Brown, a private citizen from Carson City. She is in another meeting and she wanted me to read this in opposition to A.B. 43. [Mr. Goetz read from the handout ([Exhibit D](#)).]

Chairman Frierson:

Thank you, Mr. Goetz. I will point out that the bill does clarify in section 1, subsection 2, that nothing in the bill will be construed to reduce the credit earned by anyone that will be a violation of the *U.S. Constitution* or the *Nevada Constitution*. I think that we are all in receipt of an email ([Exhibit D](#)) from Ms. Brown about her concerns with respect to taking away credits. It seems to me that the bill is clarifying that if there is some overlap because an inmate is about to get out, they cannot come back and either bank those credits just in case they reoffend, or sue based on some extra credits that they earned pending their release. That is what it seems to me.

I do not want to put you on the spot. I realize that you were reading someone else's comments.

Wesley Goetz:

I am not going to talk about A.B. 43. Can I talk about what Greg Cox brought up with regard to psychologists?

Chairman Frierson:

We are in the hearing on A.B. 43 right now. There will be an opportunity for public comment at the end of the agenda.

Wesley Goetz:

Okay, thank you.

Chairman Frierson:

Is there anyone else here to testify in opposition to A.B. 43? Is there anyone in Las Vegas testifying in opposition?

Florence Jones, Board Member, Nevada Cure, Las Vegas, Nevada:

I want to thank you, Chairman, for giving me this opportunity to speak with regard to A.B. 43. I am concerned that it did not mention anything about the elder or older inmates. Due to the fact that they are the group that takes a great deal of our money, I would think those over 50 years of age who have spent a lengthy time in prison need to come under some kind of scrutiny or reevaluation in order to determine whether or not they possibly could function successfully on parole.

Chairman Frierson:

I am sorry, Ma'am, I just want to clarify. Can you connect that to the actual bill and good time credit?

Florence Jones:

To good time credit, I think that possibly the elder population right now is not necessarily a category being set aside or giving them specific credits for that. It would seem to me that we might want to take a look at that elder population. I am also concerned about the education issue that was brought up by Ms. Brown. It seems to me that on the risk assessment sheets, and I am not positive that will fit with this, being used by the Parole Board, they reduced the education to one credit no matter how many degrees, or high school education one has been able to obtain. I think for those who are spending long periods of time in prison, this is a reduction in their motivation to continue to get additional education. Thank you for your time.

Chairman Frierson:

Thank you. For the Committee's edification, I do not see anything in this bill that deals with taking away educational credit. If there is a practice within the

Department on how education credits are earned, that certainly does not appear to be before the Committee today in this bill anyway. I appreciate your comments and if there is a measure that specifically deals with the behavior or the activities that entitles someone to credits, we will certainly consider that. I do not think this bill specifically removes any particular kinds of credits an inmate can earn. I think it is simply talking about credits once the individual expires their sentence.

Florence Jones:

Thank you, Chairman. I think it just opens up the door to the discussion of credits and how they are being handled within DOC and the Parole Board. I am hoping there will be some additional discussion about it.

Chairman Frierson:

Thank you very much. Is there anyone else in Las Vegas in opposition to A.B. 43? I see none. Is there anyone in Carson City in opposition? [There was no one.] Is there anyone prepared to testify neutral for A.B. 43 either in Carson City or Las Vegas? [There was no one.] We will close the hearing on A.B. 43. I will now open the hearing on Assembly Bill 40.

Mr. Ziegler reminded me that Ms. Bisbee from the Parole Board has some material to present. We can go ahead and present that in conjunction with the introduction of A.B. 40. I will invite Ms. Bisbee to give some introductory remarks and then we will proceed with the bill.

Assembly Bill 40: Authorizes the State Board of Parole Commissioners to notify victims of crime of certain information through the use of an automated victim notification system. (BDR 16-346)

Connie S. Bisbee, Chairman, State Board of Parole Commissioners, Department of Public Safety:

I have provided a handout ([Exhibit E](#)) which explains the Board of Parole Commissioners and where we fit in the criminal justice system. The second handout ([Exhibit F](#)) includes the organizational charts of the Department of Public Safety and the State Board of Parole Commissioners.

With me is David Smith, Parole Hearings Examiner II with the State Board of Parole Commissioners. He has also been the Management Analyst III for the Board so he has a huge historical perspective on paroling in Nevada. He will be presenting A.B. 40 on the Board's behalf.

The organizational chart ([Exhibit F](#)) shows the Board of Parole Commissioners under the Department of Public Safety (DPS). The DPS provides administrative

support duties that a small agency such as ours could not possibly do. I would like to publicly thank Chris Perry, Director of the Department of Public Safety, and his staff for providing the support that enables us to do the things we need to do.

The blue chart shows what the actual Parole Board set-up is. We are appointed by the Governor and we serve four-year terms. The Legislature has very clearly set the education and experience standards that are necessary for the Governor to make an appointment to the Board. I am going to go over those folks that are on the Board.

Maurice Silva was appointed in 2005. He has a master's degree in community counseling from University of Nevada, Las Vegas, (UNLV) and a bachelor's degree in psychology from New Mexico Highlands University. He has worked as an associate licensed social worker in a mental health program, coordinator with Southern Nevada Mental Health Services, and has 25 years of experience including 12 years in forensic social work at Lake's Crossing Center. He fills one of the community mental health positions on the Board.

Appointed in 2006, Michael Keeler has master's and bachelor's degrees in social work from UNLV. He has been a licensed clinical social worker since 1994. He has 17 years of experience in direct mental health services and fills that second position of mental health services on the Board.

Appointed in 2007, Ed Gray has a bachelor's degree in postsecondary and adult education from UNLV. Prior to his appointment as a Board commissioner, he served as a parole hearing representative for 14 years. He is also a retired United States Air Force Chief Master Sergeant having served in Vietnam. He is retired from the United States Civil Service. Among his many assignments, he supervised federal prisoners assigned to military base federal prisons. He fills one of the parole and probation positions on the Board.

Appointed in 2008, Susan Jackson has a bachelor's degree in liberal arts and history from UNLV. She is a Federal Bureau of Investigation (FBI) National Academy graduate and brought 23 years of law enforcement experience to the Board. This included work as an investigator for the State Gaming Control Board, the Attorney General's Office, and the DPS Investigation Division. Commissioner Jackson fills the law enforcement position on the Board.

Appointed in 2009, Adam Endel has a bachelor's degree in criminal justice and a master's degree in organizational management. He came to the Board with over

18 years of experience with DOC as a correctional officer, caseworker, and associate warden. He fills one of the corrections positions on the Board.

Appointed in 2009, Tony Corda has a bachelor's degree in criminal justice from University of Nevada, Reno, (UNR). He came to the Board with over 22 years of experience in corrections. He began as an officer, became a caseworker, moved to offender management, and then came to us from Northern Nevada Correctional Center where he was an associate warden. He fills that second position of corrections on the Board.

I was originally appointed to the Board in 2002. I began to serve in 2003 and have served as the chairman since 2009. I have a bachelor's degree in criminal justice and a master's degree in counseling and human development from Troy State University. I am also a Nevada licensed alcohol drug counselor. I have over 27 years in criminal justice and have worked as a substance abuse educator and counselor, a judicial services director, a probation director, and come to the Board as an associate warden. I fill that other position representing parole and probation. Those are the folks who serve you on the State Board of Parole Commissioners.

Continuing with "What is Parole?" ([Exhibit E](#)), parole is the conditional release from prison. It is the early release and supervision of offenders who have served time in prison. Parole is different from probation in that an offender on probation has not served time in prison on that particular sentence.

Initial parole eligibility is based on the minimum sentence which is set by the court minus credits on certain offenses. Mr. Byrne spoke on that previously. The Nevada Legislature has declared that parole is not a right and no inmate should be expected to be released on parole.

The Parole Board is an independent body that thoroughly reviews eligible inmates for possible release prior to the end of a period of incarceration mandated by the court. The Board carefully plans a safe return to the community and returns offenders to prison whenever community safety is threatened.

Community parole is the control and supervision of offenders after they have earned an early release from prison, and while they demonstrate their worthiness to remain in the community. Supervision may include careful monitoring of the offender's home, job activities and associates, drug testing, electronic monitoring, treatment, no contact with victims, and the requirement for them to pay restitution. Parolees are supervised by officers employed by the Division of Parole and Probation.

Parole is the legal framework that empowers judges, prison officials, and parole boards to work together to administer a flexible system for punishing offenders and protecting the public.

There are two main types of parole hearings. There are discretionary release hearings and mandatory parole hearings (MPR). Mandatory parole consideration occurs when an inmate is nearing the end of their sentence and owes 365 days. Because of credits that reduce the sentence, the inmate is generally eligible for mandatory parole consideration about six months before they expire. Discretionary hearings are all other parole hearings which are based on initial parole eligibility, or rehearings when parole has been denied. Parole violation hearings occur when a parolee has been charged with violating the terms of parole and is returned to the Board to determine an appropriate sanction or punishment. Lifetime supervision hearings occur when certain sex offenders discharge a period of parole or probation, or discharge from prison. Persons sentenced to lifetime supervision continue to be supervised by parole and probation upon completing their actual sentence. The Board has the responsibility to set those conditions of supervision. Once the person has served ten years on supervision, they may petition the Board for termination from lifetime supervision. Reconsideration hearings are those hearings that are held to consider requests from a parolee or an inmate regarding conditions of parole, or to consider requests by the DOC or parole and probation to rescind a previously granted parole due to misconduct or other negative information. [Ms. Bisbee continued to read from [Exhibit E](#).]

During fiscal year (FY) 2008-2009, as a result of the new computer system, implementation of Assembly Bill No. 510 of the 74th Session and Senate Bill No. 471 of the 74th Session hearings were delayed. These cases were heard in FY 2009 and this period of parole cases is commonly referred to as "the bubble." The further we get away from it, the less common that term "the bubble" will be and is. In April 2012, JFA Institute updated its ten-year Nevada DOC prison population projection. The projected caseload is based strictly on a forecast of final parole actions. It does not include the hearings that will result in continuances, no action, or rehearing. We guess that the actual caseload will likely be about 5 percent higher than the forecast. [Ms. Bisbee continued to read page 10 [Exhibit E](#).] The parole grant rate is different than the parole release rate which is based on inmates leaving an institution on parole. Factors which impact the release rate include a parole to a consecutive sentence, and inmates who are granted, but never released on, parole and ultimately discharge their sentence. These percentages do not include parole violation actions. The trend in this chart shows an increase in the discretionary parole grant rate and a decrease in the mandatory parole grant rate which actually makes sense because this reflects the shortened sentences

because of A.B. No. 510 of the 74th Session. With the shortened sentence credits essentially reducing sentences in half, where a 2- to 10-year sentence used to be a 2 to 10, a 2 to 10 that did not get credits off the front end, is actually a 2 to 4.9297. What happens with the sentences on paper not being what as actually served, we frequently only see somebody for discretionary because the hearings come so quickly and so the discretionary rate is up. The mandatory rate is down because we see fewer people for mandatory. They are mostly paroled at the discretionary level. [Ms. Bisbee continued to read page 11 ([Exhibit E](#)).] For the comparison of parole cases by offense types, these numbers reflect the final discretionary and mandatory parole decisions. It does not include the parole violation hearings, continuances, or hearings that resulted in no action.

Page 12 ([Exhibit E](#)) shows comparison of parole hearings by offense type and the percentage of those that were granted. That also shows the last five fiscal years and reflect only the discretionary and mandatory decisions, not all the other types.

Assemblywoman Spiegel:

On page 12, the information shown for percent granted, is that relatively representative of nationwide trends?

Connie Bisbee:

I will ask Mr. Smith to answer that.

**David Smith, Parole Hearings Examiner II, State Board of Parole Commissioners,
Department of Public Safety:**

The percentages of the grant rates listed here are based on the offense group that DOC has spread out through their population. For example, the sex group, for clarification, are not necessarily those sexual offenses like sexual assault or lewdness. When you look at those offense groups, they are based on the classifications that DOC has applied. Nationally, they may be looked at differently in other states. However, because parole in other states is different with how parole is managed in this state, it is very difficult to compare program rates among other states. Trying to find something that is typical when it comes to this data is very difficult.

Connie Bisbee:

I want to point out some of the Board accomplishments in the last 12 months. Mr. Smith was selected and continues to participate as a member of the Association of Paroling Authorities International Professional Development Committee. [Ms. Bisbee continued to read from page 13 ([Exhibit E](#)).]

Chairman Frierson:

Thank you, Ms. Bisbee. You always bring a wealth of experience and knowledge. You are always prepared to answer questions and we certainly appreciate it.

Assemblyman Hansen:

A common perception is that in our prison systems, there are a lot of first-time drug users. Is that a misperception? What is the percentage of people incarcerated that are drug-related cases or actually very minor cases such as first-time pot smokers?

Connie Bisbee:

Historically, in 87 percent of all prison populations, their cases involve drugs at some point. To your question about the minor drug charges, no. Generally a drug charge is not a minor one and there is a history of one before they come to prison. Nationwide, in terms of placing people on probation versus imprisoning them, the only state that imprisons more, rather than probation, is the state of Texas. We are number 49 on using prison versus probation. Do we have a lot of inmates that are drug charges? Absolutely. When they come to the Board, and if they sought treatment, generally those people are paroled out at that first opportunity.

Assemblyman Hansen:

I am confused by the stats on Texas and Nevada. You said number one is Texas at 50th?

Connie Bisbee:

On the bad side. Of all the states that have the opportunity of probation and prison, most states use probation at the front end at a much higher rate than we do. The only state that uses probation at the front end at a lesser rate than we do is the state of Texas.

Assemblyman Ohrenschall:

One question I have is what success or failure rate do parolees have? Do you have any statistics as to how many parolees end up back in prison having to expire their sentence versus how many succeed under the supervised release?

Connie Bisbee:

They actually have a very high success rate of parole. Nevada Parole and Probation right now is quoting an 85 to 87 percent success rate. We are very successful with parole. Of those who violate during their parole process, 13 percent of them violate with technicals. With technicals we have a great

opportunity to do intermediate sanctions or to reinstate them. Fourteen percent of them will come back with new charges.

Assemblyman Ohrenschall:

How does that compare with persons convicted of felonies who are supervised under probation?

Connie Bisbee:

Right now the probation success rate is about 65 percent. Considering that there are around 19,000 people being supervised in Nevada, less than 25 percent of them are on parole. That 68 percent success rate for probation is pretty darn good.

Assemblywoman Fiore:

How can we expedite integrating parole with corrections?

Connie Bisbee:

I appreciate that question. One of the reasons that I am really happy to have been invited here is to explain that the Parole Board is completely separate from that. We are a completely different entity. In some states, the parole agents or officers are under the immediate direction of the Parole Board and are supervised through them. What they are proposing here is to put parole under corrections. The Board, on the whole, is neutral to it because it will not have an impact on us. The statutes are set that we will continue to set conditions. We will continue to determine whether or not somebody is revoked. The practical impact is nothing as far as the Board is concerned.

The more we are one criminal justice agency in the state of Nevada is a good thing. The more the communication is such that we are all on the same page, that we are all working in the same system, is a good thing. Do I think this is going to be painful and difficult? Absolutely. Change is painful and difficult. Is it a good idea? Absolutely.

Assemblywoman Fiore:

For the record, you are for integrating parole with corrections?

Connie Bisbee:

For the record, yes.

Chairman Frierson:

Do you have any other questions? I see none. We can proceed, Mr. Smith, if you want to go ahead and introduce A.B. 40.

David Smith:

Good morning, sir. I am David Smith. I am the Hearing Examiner II with the Board of Parole Commissioners. You should have a handout ([Exhibit G](#)) which highlights some of the bullets which I will go ahead and read. [Mr. Smith continued to read handout ([Exhibit G](#).)]

The Department of Corrections has created a computer interface with VINE and currently provides notices on offender status changes to registered persons. [Mr. Smith continued to read handout ([Exhibit G](#).)] We did not specify Victim Information and Notification Everyday (VINE) in the bill because VINE may change their name, or they might be replaced with another system. I also included a brochure that VINE has on their website for your review. I am happy to answer any questions, or I can go through the specific components of the bill.

Assemblyman Wheeler:

Is this automated system a robocall?

David Smith:

The VINE system can be set up to do notifications in a number of ways. In our discussions with them, they can provide an initial phone call that notifies a status change. If the registrant has provided their email address, we could format the letter that they actually receive via email. We have discussed how we could deal with the notifications to people who do not have phones or access to email. Basically, the primary standard of VINE is to provide a phone call.

Assemblyman Wheeler:

Is the phone call itself a live person calling the victim or is that a robocall?

David Smith:

It is a robocall.

Connie Bisbee:

On that robocall, if you have a huge family and you would not necessarily want them to be getting this information on a robocall, when the robocall comes in, it requires a pin number before it says anything. If you are the victim and you want that to be your business only in your household, you are the only one that has access to it.

Assemblyman Wheeler:

With a robocall, the victim cannot ask a question. Why would we not use a live person on this?

David Smith:

The way we have envisioned working is that they would receive a call saying that a hearing has been scheduled. They are receiving notification via email or in writing. Often we have victims who do not live in the area. They want to make travel plans so they want to prepare. We provide them information on what their rights are. We tell them the date, time, and location of the hearing. They can call us. We have a staff member who is dedicated to handle that. All of those things are available. Because the VINE system provides more than just parole notification, for example, the inmate moves to another location or if he escapes, it can provide timely information, particularly if a person feels threatened. They can get immediate notification as soon as that event is triggered and sent to VINE.

Assemblywoman Diaz:

Currently we are looking to eliminate the need to manually notify. What does that mean to manually notify?

David Smith:

Two issues surround this request. For years we have had many issues when a victim is not notified of a parole hearing. They get upset and they call us. They say, "I told the DA. I gave them my name and number. You have a parole hearing and did not tell us." The VINE program is being implemented in the counties as well. As the person is transferred from the county level to the state level, when that event happens, they are going to get notice for that. They can continue those notifications throughout the system. What we hope to do is to have one system that victims can rely on.

Currently we provide a written notification based on the database we maintain with the DOC. We share the victim notification database and there are two reasons for this. We are generating letters ensuring that this hearing is actually going to take place, mailing those notices out, and inviting the victims to call. That will still continue. This is all a manual process to make sure that the letter is going to the right person. We are having to assemble everything.

The concern is that as we are implementing VINE and we are still maintaining the separate system, now we have two different systems again. We do not want to have victims signing up for VINE and thinking they are getting all of those notices, or signing up with us and thinking they are getting these other notices. That is another reason we believe it is more beneficial to have a single system. As we trigger these events for scheduling, releases, or just parole hearings themselves, we are passing the information on after we verify it to VINE. They are triggering those notifications.

The VINE system can also be anonymous. The victim does not have to give VINE their address but they have to give us their address. Some victims are concerned that the inmates are going to get hold of their address and so they do not do that. They will go through another party to do that. In this case, the most a victim has to give is just a phone number to get notification. In those cases, they can feel more secure in knowing that they are not compromising their personal information such as their address. We will continue to have that person to speak to, if they have any questions.

Assemblywoman Diaz:

My understanding of the purpose of using VINE is to expedite the dissemination of information the victims might want. We know that phone calls and emails are faster than mail. I would imagine we would be reducing a little bit of the expenses by not having to mail as much depending on the preference of what the victim wants. What I do want to set clear on the record is the victim still has the ability to choose the mechanism by which they receive these communications. For example, I am thinking about my constituents and a lot of them do not have email. Many of them might have to cut their phone service off because times are tight. I want to make sure that we are not shutting anybody out and, that if we move forward with VINE, it is an all-encompassing type of system.

David Smith:

That was one of the discussions we had with VINE and that one of our concerns initially was that anybody can sign up. If everybody signs up and wants to get this notice, we have to be able to distinguish between who is a genuine victim and who is just an interested person or family member. We do not want to send information to a family member and tell them they have certain rights thinking that they are a victim. That is the first thing. We did not want to be sending notices, thereby doubling or tripling the cost to send these notices out. We really do hope that we would see a reduction in our mailing costs because people would receive them by email. The way we determined that we would resolve the issue of those who do not have email is that when they register with VINE or they sign up for their options, if they provide an email address, they are going to accept the PDF document that would be generating a letter by email. If they want it written, they certify they are a victim but they will not receive it by email. They will receive it through the mail. This way, we are not duplicating that when it is not necessary.

Chairman Frierson:

Are there any other questions?

Assemblywoman Cohen:

I believe the company's name that does VINE is Aprise.

David Smith:

Appriss.

Assemblywoman Cohen:

Is that the only company that is doing this service in the country?

David Smith:

For years I have known about VINE. It is the only system for victim notification that I am aware of. There may be others.

Assemblywoman Diaz:

I want to be clear and that I was not misinterpreting anything. Are you saying the general public cannot have access to information if they ask to receive it? I just want to make sure. There are privacy issues and we do not want someone's information given to somebody who is not entitled to that information. Could you explain how we are safeguarding and ensuring the victims are truly victims; the general public is really general public; family is family, and how you scaffold that information to those sources?

David Smith:

In response to making sure somebody is a victim, I believe it is California that actually passed a law requiring a victim to certify that they are a victim. They have their statutory requirements when they sign up for their notification. I do not believe they allow anybody but a victim to sign up there.

The way we looked at the process of registering through VINE is, we would provide the statutory definition of a victim so the person could select that, and ask that they affirm that they are a victim but then allow them to select the other categories. The reason is to make sure they get the right information based on their situation. What they have are these categories when somebody registers, they can put down who they are. For example, we have media requests for parole hearings. The information they would be interested in is if they want to take the camera to the institution, they need to contact the institution and make sure they can. That would be providing information to the media as to what the requirements would be relative to them. Anybody who goes to an institution for a parole hearing, you do not want them wearing blue jeans because that is what the inmates wear and they are not going to let them in. Depending on who you are, certain information needs to be passed on. That is how we originally sat down with VINE to establish those categories as far as providing or determining who is a victim or who is not at registration.

As far as the privacy issue or securing the information, it is my understanding that all of that information is protected by VINE. The victim generally does not provide physical addresses to VINE because the notices are by email or telephone. The potential exposure is much less than it is now, although all of this information is secure in our system as well. In our agency, only our victim's coordinator in the back has had access to that information. At corrections, only their victim's people have access to that in the computer system.

Chairman Frierson:

I would like some clarification as we talk about victims. The letter mentions that it is not limited to victims. So that we are clear, is it that certain information is only available to people designated as victims, but the general public would have access to use VINE for general information? I am assuming that that general information is information that is already available to the public now.

David Smith:

The reason why I included that is that the statute requires us to tell the victims of their rights. The primary purpose for VINE is for victims. The VINE system does not restrict other people from registering to get information. The information is basically public information; it is offender status changes or scheduled parole hearings.

We see it as a benefit that inmate families can register and, when there is a change, they can be notified as well. They will call us asking when their loved one is having their parole hearing. They are not getting the same information that a victim is because victims have certain rights and tied with that, the inmate families do not have that. For clarification, inmates do have certain rights at parole hearings and we notify them directly of their rights. Their families can use VINE to find out if their inmates are being moved, if the inmate has been released, or if they have a parole hearing coming up. We see that as a benefit because it will reduce phone calls coming into our agency.

Assemblywoman Fiore:

How do we make sure that the victim has received the notification? A lot of emails that I receive go to my spam. How do we actually ensure that the victim has been notified with this new system?

David Smith:

The first section of my response is related to how we notify now. We provide first class mailing of a notice. We are not getting a delivery confirmation or a return receipt to know that the person who it was addressed to actually

received it. The only time we know if they do not receive it is if it is sent back by the post office. We then attempt to contact them another way if they have not maintained their address. If those come back, then we take them out of the system because we do not have the current address. Today we cannot verify affirmatively that any notice that we sent out has been received. However, we have a substantial number of victims who attend the hearings so we know that they are receiving them.

That said, with the VINE system, I am not an expert on VINE. Actually in the Attorney General's office, they are administering the program with VINE. I do not know if anybody is here that could answer that. The typical process to avoid an email going into a spam box is to place that email address into their friendly list of contacts. I do not know exactly all the ins and outs of VINE; I cannot give you a very confident answer.

Assemblyman Duncan:

The Attorney General has a bill, which is Senate Bill 26. How does this bill differ from that bill and should they be combined?

David Smith:

I reviewed their bill which I believe has to do with consolidating a certain number of victim services in this state. They are aware of this bill and we spoke of the two. I do not know if it would be more appropriate to consolidate them or not. Because we initiated them independently, we just left them as such. As far as the impact of their bill, it depends on how they decide they want to manage that system.

Chairman Frierson:

Are there any other questions for Mr. Smith? I see none. There are several people here prepared to testify so if you could remain available. We generally do not go back and forth in hearings here, but if there is a need for clarification, I appreciate your being available. At this time, is there anyone prepared to testify in favor of A.B. 40 in Carson City?

Paula Berkley, representing Nevada Network Against Domestic Violence:

We support the concept of this bill. This is another step into the electronic age; to manage information, being transparent, and improve it over time. We are in support of that. We did have a concern until Assemblywoman Diaz asked her question, and so I am happy not to have a specific amendment to this but legislative intent is probably just as good in this case. It is important for some victims to be able to choose the type of notification they get because they do not have a phone or they have unstable finances. The option to get a letter and have something in their hand with the exact information is beneficial. As long

as that was an option that would still be available to victims, we would be totally in support of this bill.

Chairman Frierson:

Is there anyone else here to testify in support of A.B. 40? [There were none.] Is there anyone in Las Vegas to testify in favor of A.B. 40? I see none. Would those in opposition to A.B. 40 come forward now?

Tonja Brown, Private Citizen, Carson City, Nevada:

We are in opposition to this for several reasons, one of which is spam or viruses that could affect it. Also what I have concerns about is what the notification to the victims is going to say. For example, under the Open Meeting Law in the quasi-judicial, I have been asked to go in and speak on behalf of them at the Parole Board or attend the meeting. What I found interesting were two letters that they had received and had provided me from the Parole Board in which they actually direct the victims a certain way with their information. For example, they say that if you submit anything in writing to us, it is to remain confidential. In the same letter, they state that if you testify before the Parole Board, it becomes a public record. In another letter that I had received, it states, if you testify before the Parole Board and speak, this falls under the quasi-judicial and they have the right to cross-examine you. According to the first original letter, they are basically directing them to submit anything in confidentiality. You can say whatever you want and it is not provided to the inmate, and the inmate is not allowed to defend himself if he does not see confidential records. I showed this letter to Assemblyman John Ellison just the other day; he was concerned.

I do not know if you are familiar with the computer glitch and what has happened. My brother spent 21 years in prison for a crime he did not commit. Just prior to his death, while he was incarcerated at Northern Nevada Correctional Center (NNCC), the evidence was found hiding in a Washoe County District Attorney's file. As his attorneys were getting ready to file motions for a new trial, he died. He never made it out of prison. We filed a wrongful death suit and we settled. During the discovery process, evidence came out of a deposition and out of his records. These records are actually submitted to the Parole Board as well.

Chairman Frierson:

I am sorry to interrupt you, Ms. Brown. It does not sound yet that you are addressing the bill itself.

Ms. Brown:

I am. This computer glitch could put false felony charges in an inmate's file. How are we to know if there is not another computer glitch and how that would happen. Some of these issues that came up with a computer glitch brought up charges they had never been convicted of. It is being snapped up. It is taking other people's information from other parts of the country and putting them in someone else's records. If the victim has a similar name, how do you know that they are not going to be provided this information if they are tied in. My concern is this computer glitch. How could it affect that in the future? I have been reading online that there was a computer glitch with the notification of the Boy Scouts, paroles, and DOCs in California. Do we really want to take that chance, and why do we want to spend the money right now? Our budget is just limited. Why do we want to spend more money to hire an outside company to electronically notify victims? Let the staff do it and, besides, we are opening this up to a possible computer glitch again by having more software problems.

We oppose it. I think it is fine the way it is. Some people do not have access to the Internet. They get their phone numbers changed. The mail is better. I do not think we should be spending the money. There was an audit conducted on DOC and the Assembly Judiciary will be receiving the audits showing it could have affected thousands of inmates who have false felony charges placed in their files. Thank you.

Chairman Frierson:

I want to point out that this is a policy committee. While your concerns regarding a budget are valid, we do not necessarily address the budget aspect of it here. I will note that the bill itself has a zero fiscal that I can see. I appreciate your sentiments and your concerns. Are there any questions for Ms. Brown? [There were none.] Is there anyone else in Carson City prepared to testify in opposition? Is there anyone in Las Vegas in opposition? I see one in Las Vegas.

Florence Jones, Board Member, Nevada Cure, Las Vegas, Nevada

We do stand in opposition. It is more complex. The U.S. mail is still a priority and if it is not broken, let us not try to fix it. Thank you.

Chairman Frierson:

I see no one else in Las Vegas. Is there anyone prepared to testify neutral to A.B. 40? I see none. Anyone in Las Vegas? Carson City? As is typical, we also have public comments. I am going to close the hearing on A.B. 40.

I have another housekeeping note while we are here. We do not typically vote on bills the same day. As will be the practice, we will try to give bills some

time for us to ask some questions and do some follow-up. Towards the end of a deadline time, it may need to be amended but that this is the policy for now. That being the case, I am going to open it up for public comment.

Wesley Goetz, Private Citizen, Incline Village, Nevada:

My name is Wesley Goetz. During the presentation of the DOC, they were talking about psychologists not having to be licensed per NRS 641.390. [Mr. Goetz continued to read from handout ([Exhibit H](#)).]

Chairman Frierson:

Mr. Goetz, if I could just briefly interrupt. If you have testimony that you can provide in writing, we would be glad to receive it in writing. There is no need for you to read it to us verbatim.

Wesley Goetz:

That is just one section that I wanted to read. What I am trying to state is that we need to change it so that psychologists are licensed as a requirement of employment at DOC.

I was in prison from 1999 to 2009. When I first went in, Robert Schofield, Psychologist, DOC, took me in. [See ([Exhibit I](#)).] I was given a psychological evaluation and also tested for my educational level which showed that I had a sixth or eighth grade education level. [Mr. Goetz continued to read from handout ([Exhibit J](#)).] To me, psychologists who are unlicensed and are leading sex offender treatment programs can modify the program and do not follow the proper guidelines of the treatment program.

When I was in prison, I wrote to Dorothy Nash Holmes, Deputy Director, Correctional Programs Division, asking questions about the Special Treatment of Offenders Program (STOP) treatment program and how the psychologists were not licensed. [Mr. Goetz continued to read from handout ([Exhibit K](#)).]

Chairman Frierson:

Mr. Goetz, I will again ask you not to necessarily read verbatim. If you could summarize, I would be glad to have you submit anything in writing.

Wesley Goetz:

I can provide copies but I am reading only the highlights. I also wrote to the Association for the Treatment of Sexual Abusers (ATSA). [Mr. Goetz continued to read from handout ([Exhibit L](#)).]

I also got information on the STOP program from a study prepared by James Austin, Ph.D., JFA Institute, ([Exhibit M](#)). I have also provided another

document ([Exhibit N](#)) prepared by Mary Perrien, Ph.D., which is a study on the psych panel and tier level. It basically states how professionals can be biased. It does not say that they are biased at our institutions. However, when I was in your prison system, I felt that they were quite biased.

Chairman Frierson:

Mr. Goetz, I appreciate your comments. I know that you have made your rounds with some members of the Committee. Is there anyone else here for public comment? Is there anyone in Las Vegas? I see none.

We do have BDR 14-124 to be introduced.

BDR 14-124—Requires certain district courts to establish an appropriate program for the treatment of certain offenders who are veterans or members of the military. (Later introduced as [Assembly Bill 84](#).)

ASSEMBLYMAN OHRENSCHALL MOVED TO INTRODUCE
BDR 14-124.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chairman Frierson:

I thank you all for your patience. This meeting is adjourned [at 10:58 a.m.].

RESPECTFULLY SUBMITTED:

Thelma Reindollar
Committee Secretary

APPROVED BY:

Assemblyman Jason Frierson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: February 7, 2013

Time of Meeting: 8:05 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Greg Cox, DOC	DOC Overview
A.B. 43	D	Wesley Goetz, Private Citizen	Tonja Brown letter
A.B. 40	E	Connie Bisbee, Board of Parole Commissioners	Presentation of the Board of Parole Commissioners
A.B. 40	F	Connie Bisbee, Board of Parole Commissioners	DPS and Board of Parole Commissioners Org Chart
A.B. 40	G	David Smith, Board of Parole Commissioners	VINE letter to Committee
	H	Wesley Goetz, Private Citizen	NRS 641.390
	I	Wesley Goetz, Private Citizen	Assembly Minutes May 4, 2011
	J	Wesley Goetz, Private Citizen	Letter from Board of Parole Commissioners
	K	Wesley Goetz, Private Citizen	Letter from DOC
	L	Wesley Goetz, Private Citizen	Letter from ATSA
	M	Wesley Goetz, Private Citizen	Draft Revalidation of Risk Assessment
	N	Wesley Goetz, Private Citizen	USDOJ NIC Risk Assessment