

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

**Seventy-Seventh Session  
March 4, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 9:06 a.m. on Monday, March 4, 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](http://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](mailto: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 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:**

Assemblywoman Lesley E. Cohen (excused)

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Dave Ziegler, Committee Policy Analyst  
Linda Whimple, Committee Secretary  
Gariety Pruitt, Committee Assistant

**OTHERS PRESENT:**

Bernard W. Curtis, Chief, Division of Parole and Probation, Department of Public Safety  
Tony DeCrona, Deputy Chief, Division of Parole and Probation, Department of Public Safety  
Kim Madris, Deputy Chief, Division of Parole and Probation, Department of Public Safety  
Tami Berg, Vice President of Advocacy, Nevada Parent Teacher Association  
Priscilla Maloney, representing the American Federation of State, County and Municipal Employees, Local 4041  
Claudia Stieber, Private Citizen  
Natalie Wood, Private Citizen  
Stephanie O'Rourke, Private Citizen  
Richard Linnenbrink, Private Citizen  
Nancy Tiffany, Private Citizen  
Mark Smith, Private Citizen  
Ron Cuzze, President, Nevada State Law Enforcement Officers Association  
Adam Page, Private Citizen

**Chairman Frierson:**

[Roll was taken.] We have two bills scheduled on the agenda today, and a presentation by the Division of Parole and Probation. I want to announce that we are not hearing Assembly Bill 105 today. As of late Friday, we were in communication with the sponsor of the bill, and that bill will not be heard. I apologize for those who are here regarding that bill; it was originally scheduled and was on the agenda through last week, but was pulled as of late Friday. I am also going slightly out of order. At this time I am seeking introduction of Bill Draft Request (BDR) 5-64.

**BDR 5-64**—Revises various provisions relating to juveniles charged as adults for committing certain crimes. (Later introduced as [Assembly Bill 202](#).)

ASSEMBLYMAN OHRENSCHALL MOVED TO INTRODUCE  
BDR 5-64.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN COHEN WAS  
ABSENT FOR THE VOTE.)

**Chairman Frierson:**

We are going to start with the presentation from the Division of Parole and Probation.

**Bernard W. Curtis, Chief, Division of Parole and Probation, Department of Public Safety:**

[Mr. Curtis read from a PowerPoint presentation ([Exhibit C](#)).] The mission of the Division is to ensure public safety, offender accountability, and victims' rights through effective community corrections. We operate under the authority of *Nevada Revised Statutes* (NRS) Chapters 176, 176A, 209, and 213. The Division of Parole and Probation is accountable for the community supervision of probationers, parolees, and conditionally released inmates, which entails both law enforcement and case management duties. The Division also makes sentencing recommendations to all of the district courts in the state. We conduct pre-sentence investigations and make sentencing recommendations to the district courts; we conduct pardons investigations and make recommendations to the Pardons Board; we conduct pre-parole, conditional release, incoming and outgoing interstate compact investigations to ensure appropriate community placement and supervision for offenders; and we monitor and enforce offender compliance with conditions of their community supervision while on parole, probation, or as an inmate on residential confinement. We report behavior misconduct and supervision violations to the district courts of the state and to the Parole Board. We assist offenders in successfully reintegrating into society, we collect restitution payments and disburse those payments to the victims of crime, and we collect court and board-ordered financial obligations.

Slides 5 through 7 show the Division of Parole and Probation's involvement in the criminal justice system from arrest through discharge. You can see from the flowchart how the cases proceed along to eventual discharge or return to prison. Slide 8 shows that we have a statewide caseload total of 19,636 offenders. Clark County and Pahrump is Southern Command, which is

where the majority of the work is in the Division. Northern Command is essentially everything else.

Slide 9 shows staffing ratios. Intensive supervision and residential confinement caseload supervision is a ratio of 30:1 for a Department of Public Safety (DPS) officer; sex offender caseload supervision is a ratio of 45:1; general caseload supervision is a ratio of 80:1; and the administrative caseload in the south is 1,066, which is a caseload used to maintain legislatively approved supervision ratios as we do not have the employees to do that at this point. We are still working on recruitment. If we did that every day to fully implement an 80:1 ratio caseload statewide, we would have another 16 officers hired. We have numerous offers of employment, and those will be filled. We have interstate compact, parole pre-release, and fugitive apprehension caseload monitoring at a ratio of 250:1, which is civilian-staff budgeted.

Slide 10 has our office locations and staffing. Slide 11 shows that the Governor's *Executive Budget* transfers the parole function to the Nevada Department of Corrections (NDOC), which will transfer 105 positions and related operating costs to the new Division of Parole Services in NDOC. There will be 71 sworn officers and 34 civilians. Slide 12 is a glossary of terms, because we have numerous terms that we utilize every day. This completes the presentation, and we can explain anything that relates to Parole and Probation.

**Assemblyman Wheeler:**

When you were on slide 11, you said the Parole Department only was going over in the budget to the Department of Corrections. Would not Probation be going with it also?

**Bernard Curtis:**

As contemplated today, it is just the parole function, and then what remains of the Division will become the Division of Adult Probation.

**Assemblyman Wheeler:**

Would that not be a division of your forces right now? You are in control of both. By separating that, does that not give you two completely different forces where you cannot coordinate anymore and use the same officers for different things?

**Bernard Curtis:**

I would work for the Department of Public Safety and the probation side of the functions, including pre-sentence and pardons, would be under the Department

of Public Safety. The parole function of 105 employees would be transferred under the direction of Director Cox of NDOC.

**Assemblyman Wheeler:**

Right now you have parole and probation together, so obviously you are able to coordinate your efforts between parole and probation, and hopefully the probationers do not become parolees someday. If this split happens that you are talking about, would that not actually be in contravention of that? By putting two administrations in charge of a department that now has one, would that not be a little top heavy?

**Bernard Curtis:**

The Division now carries blended caseloads, which means that officers in the Division handle both parolees and probationers as it currently exists. The supervision throughout the state is based on risks and needs. We may have an officer in Winnemucca that has 16 parolees and 70 probationers, and that is how it is accomplished at this particular point.

**Assemblyman Wheeler:**

We obviously need to have a little more discussion.

**Chairman Frierson:**

I think the concern is, as far as whether it is top heavy or not, the number of administrators is going to remain the same; it is just moving people around. I think the question that many of us have received is, would splitting parole and probation adversely affect the ability of all of those departments to communicate with each other and operate as efficiently?

**Bernard Curtis:**

We will support the Governor's *Executive Budget*. I have good people; some of the best I have seen in my 40 years of law enforcement. I have been the chief for five years; I have ultimate faith that the members of the Division who would be responding over to the Department of Corrections would do an excellent job for the people of Nevada. These 105 employees from Parole and Probation are a gift to whoever gets them. These are highly-motivated, well-educated, loyal, disciplined, right-minded individuals who act and are indeed professionals. They work for the safety of the public and they work to repay victims of crime. They transition offenders back into the communities and to their families. This is community-oriented policing at its best. I am very, very proud of them. The transition from the Department of Public Safety and Division of Parole and Probation to the Department of Corrections is change, and I am sure that change is difficult for many.

**Chairman Frierson:**

I would like to back up a little bit. When you talked about the mission of the Department of Public Safety offender accountability and victims' rights, and also in the checklist of obligations and duties, it was assisting offenders through reintegration. I am curious about how those things go hand in hand. Years ago, I remember seeing officers come in at sentencing in court, and they were wearing a T-shirt that said something along the lines of, "fighting evil and protecting the community," or something like that. It was very law-enforcement oriented and questioned at the time. For a person who is about to be put on probation and assigned to an officer whose duty it is to effectively help with reintegration, how does that affect their confidence that the person they are aligned up with is going to help reintegrate them? Sometimes it seems like the reintegration and public safety do not necessarily go hand in hand. I empathize with the officers about having to do both. I am wondering—maybe it is a cultural thing within the Department—how those two things can go together. In talking with some people, I think that might have been part of it, at least the reason why there was a discussion about a shift from the Department of Motor Vehicles (DMV).

**Bernard Curtis:**

We are not at DMV anymore. The DMV Public Safety split occurred in 2001. I was in the Director's office at that point. Hopefully, we do not have those T-shirts out there again. We present a softer side of law enforcement and public safety, but it is also community-oriented policing. If you will notice, the people who do community-oriented policing are more local law enforcement agencies, such as sheriffs and police officers. They try to fix problems as well. That is what I think we pride ourselves in. It is probably 85 or 90 percent social work, in some respects, trying to make things better and trying to help people, and 10 percent law enforcement. There are some people who you just cannot help. We try our best.

**Chairman Frierson:**

Regarding the mission statement, is that statutory, or is it an administrative description?

**Bernard Curtis:**

That is internal.

**Chairman Frierson:**

I am wondering, if assisting offender reintegration is part of the goal, what type of message it would send if that were part of the mission statement?

**Tony DeCrona, Deputy Chief, Division of Parole and Probation, Department of Public Safety:**

That would be something to review for an update of our mission statement. When we get into reintegration of an offender, going back to when someone is placed on probation, and the court issues certain special conditions of mental health counseling, substance abuse counseling, and things of that nature, our officers take concerted effort to make referrals to them and ensure that they attend their counseling, and to follow-up. If it is sex offender counselors, our officers are oftentimes attending those sessions to make sure they are going to counseling. Obviously, if they fail to, or refuse to, or they continue to provide positive drug samples, then we are going to take in the public safety factor and return them before the appropriate body, such as the parole board or the court.

**Bernard Curtis:**

For the record, that disturbs me about the T-shirts, and I have just learned from my deputy chief that that was quite a long time ago and the people that were involved in it are not there anymore.

**Chairman Frierson:**

It was quite a while ago. It has been some time since I have been practicing criminal law, but it was disturbing to several people in the courtroom that day. I do not think it was consistent with any of the officers that, to their credit, would go above and beyond. Oftentimes our involvement with offenders was at the beginning, where they were set up with an officer and many times the officer would call and say, "I cannot get ahold of him. Can you help me get ahold of him?" That would dictate the start of their supervision. So there were officers that did an exemplary job. I remember that vision of me thinking, if I were starting out, what message that would send to me. That was quite a while ago and I appreciate that those are gone.

**Bernard Curtis:**

That was very inappropriate and I apologize. I do not think I was there at the time, and many of the other folks that do this assorted shades of gray job that we do would not buy into it.

**Chairman Frierson:**

Are you aware of any other states that have split parole and probation, or the scheme which they exist under which administrative agency in other states?

**Bernard Curtis:**

We have not done a lot of research on this. As indicated by Director Cox from NDOC, there are 40 states that would handle parole under the Department of Corrections versus another 10-plus territories that do it some other way.

Nevada has its Parole and Probation. It used to be a stand-alone agency; a cabinet position with the Director. It has gone through many changes—under DMV and Public Safety at one point, now under Public Safety. I am very proud of this agency and my people do very good work.

**Chairman Frierson:**

I did speak with Director Cox about that issue, and I remember there being 40 states. I do not know if I asked him about whether or not those 40 states separated parole and probation, or simply moved them out from under the department they were existing in. I am just curious about it. I know that some states have them under the courts. I need to follow up with Director Cox about that to get some specifics.

**Bernard Curtis:**

Some of the states have it under the courts, and some split parole to work for a much more operational parole board entity. Probation is handled in some states, such as the one to the west, which I am not going to tell you is a great example. Our state is set up so that we have the ability, especially in the rural areas, to utilize peace officer powers, which we have as Category 1 peace officers throughout the state. It is more for convenience of the court system and us so we can take immediate action if need be. We work well with local law enforcement, the sheriffs and chiefs out in the rural areas, plus Las Vegas. I do not think you are going to find anyone talking bad about us down there.

**Chairman Frierson:**

I know that oftentimes there are some creative options for offenders on technical violations, and I believe there may be a bill on technical violations. I think that with parole and probation together, it allows for creative ways to deal with some of those violations. I am curious, with separating them, does it get in the way of being able to have some creative solutions to some technical violations like that?

**Kim Madris, Deputy Chief, Division of Parole and Probation, Department of Public Safety:**

We currently have a program which we have modeled after Hawaii's Opportunity Probation with Enforcement program. Opportunity Probation with Enforcement (OPEN) is an immediate sanction for a bad act. It is a program that we are, on a very limited basis, working with the Casa Grande Transitional Center in the Las Vegas area only, where we have a group of approximately 35 offenders with one officer, who are supervised at an intense level. If, for whatever reason, they failed to report that they have moved residence, they are immediately arrested, they are placed in the Casa Grande, and within two days they are back in front of a judge, and at this time it is Judge Bell. She makes



the recommendation as to what type of sanction there will be. It is just that day-old belief that if there is a bad act, the more immediate the punishment, the better the results, and not short-term, for it not to reoccur. We have been fairly successful with the OPEN program, but once again, it is an unfunded program for us. I am pulling an officer from a ratio of 80:1 caseload to a ratio of 30:1 caseload, but we see that it is worth the sacrifice of doing it.

We also had a program with NDOC for parolees called the Purpose, Respect, Integrity, Determination, and Excellence program, and it was modeled after a program in San Diego. That was an all-inclusive type thing. We allowed parolees to reside in the Casa Grande where they would be eligible for any type of program they needed, whether it be substance abuse, employment counseling—it was an all-in-one type shop. We lost the grant funding for that program and it was not continued. Overall, yes, we have tried some different creative things versus just putting people in custody. I will also say that when you speak about technical violators, they are also those individuals who have absconded supervision, where they have moved, where they have left their employment, or they failed to report to the division, so we really have no choice but to issue a warrant for them. I think a lot of people feel that a technical violation is just a dirty drug test and we arrest the offender and lock them up. We do not do that. We work with the offender to get them into counseling, or whatever type of treatment they might need.

**Chairman Frierson:**

I think we have struggled over the years to come up with a definition of technical violation, and it is probably one of those that it is better not to find, because there are always different circumstances. Someone showing up 20 minutes late from the time they are supposed to check in is different from someone who has been spending the weekend in town, figuring they will just do it until they get caught, or a dirty urinalysis versus someone trafficking with drugs on their person. There is a variety. I, for one, appreciate the ability to be flexible and come up with some creative solutions. It sounds like having the ability to come up with those creative solutions seems to have been an effective way to get the attention of at least some offenders. Has that been your experience?

**Kim Madris:**

The OPEN program could be a highly successful program if funded properly and if manned properly. It also seems to me the Southern Command, which is the Las Vegas area, is where we get to try out these programs. I find it a necessity that, if we are going to expand these programs, it needs to be expanded to northern Nevada and to the rural areas. Once we are able to do that, I think that we could see a great deal of success statewide.

**Chairman Frierson:**

As tempted as I am to go down the fiscal road, I will fight the urge and stick to policy.

**Bernard Curtis:**

Kim talked about technical violations. Failure to pay your supervision fees is a technical violation. No one is going back because of that. A sex offender with a child in his company is also a technical violation. You have to be very careful. It has been characterized in past years that a technical violation surely was not something we should take someone back for. Well, yes, in many cases, it is.

**Chairman Frierson:**

I think there is a misconception that a technical violation is committing a new felony offense, and there are so many other violations that are considered technical.

**Assemblyman Wheeler:**

You said there are 40 other states that are doing it under the Department of Corrections. I am wondering what the return is—I think you called it a recidivism rate. What is yours versus those that have split and gone over to the Department of Corrections?

**Bernard Curtis:**

I cannot speak about the 40 others that are out there. I can tell you that the recidivism rate for Nevada has been characterized as 26.9 percent throughout the state, which is very low. Our success rates are a different story. Nevada does not have a centralized ability to pull data that would indicate recidivism, and people usually define that in three increments. Throughout the state, probably 26 percent means that those people come back into custody somewhere—in their local sheriff's department, police department, or into the state facilities. Our success rate getting people through the parole system is close to 90 percent. For the prior five years we have been averaging 85 percent of success in parole. Probation, which are those people who generally have not been in the system before, is in the mid to high 60 percent range. I can get the exact figures.

**Assemblyman Wheeler:**

Thank you, I would love to have those. That is awesome; if it is not broke, do not fix it. I am wondering why we are doing this if we have these kinds of rates.

**Assemblyman Martin:**

I am interested in hearing about the experiences in Nevada. In some states, if a person finishes one-third of their sentence, they go before the parole board. What constitutes a parole board? Usually the first time through the parole board, the answer is a categorical "No", and then they come up before the Board every two or three years. What have generally been the conditions of parole? Is it two to three times to the Board? How does that compare to other states?

**Tony DeCrona:**

The Parole Board makes the decisions as to parole. That is a separate entity from the Division of Parole and Probation. Once they are released to parole, we get them. They become clients of ours and part of our offender caseload. Nevada has a very high parole grant rate comparable probably with some of the states. I have heard it compared to Vermont and New Hampshire.

**Assemblyman Ohrenschall:**

What kind of statistics do you have for probation? Do you have any data about how many honorable discharges versus revocations? Is there another kind of discharge besides an honorable discharge? I am wondering what kind of success and failure rates we have with the people you are supervising under the probation side of it.

**Tony DeCrona:**

The prior five-year success rate on probation is 65 percent. For the first six months of fiscal year 2013 it is 64 percent. We have honorable discharges and dishonorable discharges. Honorable discharge is obviously when they have done what they are supposed to do, or in the event that they have restitution and were unable to make full restitution due to verified economic hardship, then they could be granted an honorable discharge. Dishonorable discharge has come up when there has been a pattern of failure to comply; they have picked up new crimes; they just have not done what they are supposed to do; or have flat out refused to make the restitution payments. I can get you the figures for revocations and discharges over that time frame. I do not have them handy with me, but I can get them to you as soon as possible.

**Assemblyman Ohrenschall:**

I would be interested in those. So the 65 percent success rate are honorable discharges, or do they include dishonorable discharges?

**Tony DeCrona:**

That includes honorable. The success rate is anything other than revocations.

**Chairman Frierson:**

Would you describe the training that the officers receive, both law enforcement related and the counseling services that they may need to provide?

**Kim Madris:**

Once our new officers complete the DPS Academy, they come into the Division and they are given a two-week specifics class. At that time we give them what a parole and probation officer's responsibilities truly are. First is to ensure that the offender is reintegrated into society. That is our number one goal. The second is that the rehabilitation of the offender is stressed, and that is the number one goal. The arrest of the offender is secondary. We have an intermediate sanction chart, which is part of our policy, and we stress that during the training. During the two-week specifics is where we give all of the parole and probation training to a new officer.

**Chairman Frierson:**

Is that an annual thing? Are there any annual classes offered or required for officers along those same lines?

**Kim Madris:**

Yes, we are required to have 24 hours of training every year.

**Chairman Frierson:**

That is good to know. Is the annual training similar to the two-week training you mentioned for new officers?

**Kim Madris:**

It is what we are required to do for Peace Officers' Standards and Training (POST). It is cultural diversity.

**Tony DeCrona:**

There are also classes on blood-borne pathogens, workplace health and safety, and things of that nature to enhance wellness in the workplace. Those are classes that we are mandated by POST to maintain certification.

**Bernard Curtis:**

This is after five months in a law enforcement academy as well.

**Kim Madris:**

In the Las Vegas area—and I am sure it is true for the staff in the Northern Command—Las Vegas Metropolitan Police Department and the City of Henderson Police Department put on a wide variety of different types of

training, including how to deal with difficult people, and they offer that training to us free of charge. We encourage our staff to attend as time permits.

**Chairman Frierson:**

Are there any other questions? [There were none.] I am still fighting the urge to go down the fiscal road, but I think that this is one of those areas where investment is probably almost certainly worth it on the front end to save and protect the community on the back end. I hope we are able to continue to explore some of these issues surrounding those individuals who are coming back into society and the tools they have and the ability they have to succeed. As a community, it is going to cost us if we continue to neglect that aspect of our criminal justice system.

If there are folks that are interested in providing public comment, we will have public comment at the end of today's hearing, so please do not be discouraged. I am going to go to the bill that we have scheduled for today, and open the hearing on Assembly Bill 134.

**Assembly Bill 134:   Revises provisions governing nonprofit corporations.  
(BDR 7-223)**

**Assemblywoman Marilyn Dondero Loop, Clark County Assembly District No. 5:**

The purpose of this bill is for a young person between the ages of 12 to 17 years old, who has a commitment to a particular nonprofit, be added as a member of that particular board. Nevada is one of seven states that do not allow teens to serve on nonprofit boards, along with Colorado, Florida, Georgia, New Jersey, Pennsylvania, and Utah. Three states—Michigan, Minnesota, and New York—have specific laws providing for young board members on nonprofits.

For example, New York allows nonprofit corporations to have a director who is at least 16 years old if the nonprofit is organized primarily for developmental, educational, or recreational programs for the benefit of persons under the age of 18. [Continued to read from prepared text ([Exhibit D](#)).]

**Tami Berg, Vice President of Advocacy, Nevada Parent Teacher Association:**

I am the mother of a seventh grader and a ninth grader in the Washoe County School District. My daughter has volunteered many hours at our local church, just as I volunteer my time and talents to the Nevada Parent Teacher Association (PTA). Our youth represent a growing volunteer population, and nonprofit organizations like Nevada PTA—which represents children—would like to be able to have a youth voting board member.

A youth board member can bring potential benefits to an organization such as reinforcing the mission and values of the organization, bringing a fresh perspective and developing the next generation of organizational leaders. [Continued to read from prepared text ([Exhibit E](#)).]

**Assemblywoman Spiegel:**

Knowing that youth who are under the age of 18, as being minors, are not allowed to enter into contracts, would they be specifically exempt from having fiduciary responsibility for these corporations? Is there some sort of provision that would grant them an exception on the other way so they would have the legal ability to be casting votes that are related to financial matters?

**Assemblywoman Dondero Loop:**

No, unless they are 16 years of age and have been declared emancipated by a court, they cannot sign a contract. For this reason, a nonprofit would not want to have a person under the age of 18 serving in that position and responsible for financial matters signing contracts. This could also be a voting or nonvoting member. The PTA has chosen to ask for a voting member, but other boards already have some nonvoting members.

**Assemblywoman Fiore:**

I am not really clear the way I am looking at this amendment. It would basically allow a 6-year-old to vote. Is that correct?

**Assemblywoman Dondero Loop:**

No. The ages are between 12 and 17. Once again, each board could make that decision as to whether this would be voting or nonvoting, but the PTA directly and respectfully would like to have a voting member.

**Chairman Frierson:**

I did not see that limit, either. Is that the intention of the PTA to make it between 12 and 17, or is that the intention of the amendment to the bill?

**Assemblywoman Dondero Loop:**

The intention of the bill is between the ages of 12 and 17. That may need to be clarified, but for all intents and purposes, most board members are kids in late junior high and high school where their volunteer services begin.

**Chairman Frierson:**

Some of us have looked into this, and I believe our researchers looked into it as well. We found only one state, New York, that had an age limit of 16, and the other states did not. That was a question that a few of us had about what the minimum age would be.

**Assemblywoman Dondero Loop:**

The other piece that might be important is insurance carriers. Each board would have to make sure that their policy covers those members under the age of 18.

**Chairman Frierson:**

A few of us have discussed whether or not there was an issue if a majority of members ended up being underage. I think that the goal is to allow boards to operate the way they see fit for their particular organization. Were you aware of any other states that may be limited on the number of minors that could be on a board?

**Assemblywoman Dondero Loop:**

I am not aware of a limit, but I do believe—and it may need to be clarified by Legal—that the intention is to have at least one sitting member be a youth so they can have that perspective on the board that serves mostly youth. The Boy Scouts and Girl Scouts come to mind, for example.

**Chairman Frierson:**

I think the boards can certainly operate and conduct the elections to deal with what they think is best for their board.

**Assemblyman Ohrenschall:**

I harken back to the days of high school and I remember organizations like Key Club and others that tried to do good. Could one of those groups of kids try to form a nonprofit that would have all members be under 18, or would they need an adult member? Could they try to form their own nonprofit in high school?

**Assemblywoman Dondero Loop:**

I am not an attorney, but my sense would be no, because you cannot sign contracts if you are under 18. So my sense would be that they could not. That would not be an available option for them.

**Assemblywoman Spiegel:**

Do you know if there have been discussions about allowing boards to have ex officio members who are under 18, so that they would not necessarily be voting members but could still give their input?

**Assemblywoman Dondero Loop:**

The school board has asked for a youth member. I know that the Nevada Board of Regents has had that discussion. This is a discussion with many boards asking that the clientele they serve be represented within their boards.

**Assemblywoman Spiegel:**

Just to clarify, an ex officio board member is someone who sits on a board and is able to participate, but they are not able to vote on matters. They can still give all their input and they can still be part of the process. I was just wondering if there had been any discussion about allowing youth to be ex officio board members which would then absolve them, and they would not have the fiduciary responsibility question because they would not be voting board members.

**Assemblywoman Dondero Loop:**

That sort of already exists. The school boards have done that. The Nevada PTA would specifically like a youth to be a voting member, and that is what spurred this bill.

**Chairman Frierson:**

Are there any other questions? [There were none.] I certainly value the opportunity for youth to get this type of experience as a general matter, because these are the people who are going to be running corporations in the future. This is a great way for them to be able to get that experience in a meaningful way if they are actually able to be a member. I appreciate you bringing this bill forward.

I will now open it up for those here to testify in support of A.B. 134. [There was no one.] Is there anyone in Las Vegas in support of A.B. 134? [There was no one.] Is there anyone in Carson City or Las Vegas in opposition of A.B. 134? [There was no one.] Is there anyone in a neutral position on A.B. 134 either in Carson City or Las Vegas? [There was no one.] Ms. Dondero Loop, would you like to make closing remarks?

**Assemblywoman Dondero Loop:**

I just want to clarify that the ex officio member does not vote, and this would allow for boards to make that decision if they wanted a voting member.

**Chairman Frierson:**

Thank you, and with that, I will close the hearing on A.B. 134. I will now open it up for anyone who would like to provide public comment, either in Carson City or Las Vegas.

**Priscilla Maloney, representing the American Federation of State, County and Municipal Employees, Local 4041:**

The move of taking the Department of Public Safety parole function and moving it into Corrections is strongly opposed by the American Federation of State, County and Municipal Employees (AFSCME). We have put it on the record in



prior budget hearings that I believe were scheduled in the last two weeks and, if any members of the Committee wish, I can certainly send you the hyperlinks to those minutes when they become available.

We are strongly opposed to this because we believe the Department of Corrections (NDOC) has serious systemic problems right now. The AFSCME has made a four-year request on staffing issues and workers' safety, injuries, and deaths in the facilities under the Freedom of Information Act (FOIA), a request which was issued on February 1, and is currently an exhibit in NELIS in other hearings. I would be happy to provide the link so you can have the FOIA information to look at. That FOIA request is still unanswered. We have been in dialogues with the Attorney General's (AG) office, and the deputy AGs that are representing NDOC. We have strong concerns that this move is being driven by NDOC because they will control the population, and there is inherent conflict of interest coming up in that scenario because there are staffing issues. There are just ongoing and repeated staffing issues at NDOC.

The line staff is here. They are on-the-ground foot soldiers and they will be able to tell you their real-world experience in their current jurisdiction and why they do not want to move over to NDOC. We want to make it clear that AFSCME is strongly opposed to this. We will continue to appear at any hearing where this comes up. I want to make sure that it is clear on the record that AFSCME opposes this and can certainly submit to this Committee, if required, a more detailed statement as to some of the long-term problems we see in NDOC. Why move a department that is working over to NDOC? It makes no sense and gives rise to a conflict of interest.

**Chairman Frierson:**

Would you elaborate on what your perception of a conflict of interest is other than the staffing problems you referenced?

**Priscilla Maloney:**

The conflict is about staffing problems. There are other states that have experimented with this idea of having parole inside of corrections, and I know that Captain Stieber with Parole and Probation may be able to speak to that a little bit more learnedly; I have done some online research myself. If NDOC is not adequately addressing its staffing issues, this gives that department a backdoor way of controlling population.

**Chairman Frierson:**

Is the opposition to the move because of the staffing problems, or for any other reason? If they do address their staffing issues, would there still be an opposition to the move? If you could also comment on the notion of both

parole and probation moving together, whether it be under Corrections or under the courts?

**Priscilla Maloney:**

Specifically, probation is not on the table at this time. That is my understanding from looking at their budget documents they submitted. I do not want to take too much time to go off in that direction because I do not think that is a real concern right now. There are all sorts of criminal justice reasons why that would be an odd move. The things I have looked at with online research is moving parole into corrections. Again, it is that tension of now you are controlling who is leading the institution. If there is a staffing crisis already, it basically gives rise to the appearance of impropriety. There was something else you mentioned and that was, would there be other situations? Everything right now currently in NDOC seems to be tied to staffing issues and staffing problems.

I first began to be aware of this move when we were attending budget hearings from Corrections. Captain Stieber and others informed me of what the plan was, and that is when I, pardon the expression, started to dig into the weeds. I put an email out to our correctional officers and NDOC. "What do you think about the issue that has come up with this move about training, that there would be a need for further training?" The anecdotal evidence in emails we got back from our line staff correctional officers was staffing was at such a critical level in NDOC that at a couple of institutions they were reporting to me anecdotal evidence that Corrections was putting officers that were not POST-certified in posts that they should not be in.

**Assemblywoman Fiore:**

I am under the impression that your opposition to couple corrections and parole is more about authority. Would you agree that it would be good to couple this, too? As a hypothetical, what if corrections were under parole? Would you be open to that?

**Priscilla Maloney:**

The only online research I did was specifically on this narrow question: In any state, what are the problems, if any, with parole being specifically under the authority of corrections? That was my narrow focus. The problems, as I have already stated, are on the record. Those noted were conflict of interest; you are not addressing your staffing issues; you are just manipulating your inmate population through the parole process. The way it exists now, that conflict does not exist. The Department of Public Safety (DPS) does not have a dog in the fight when their parole officers are making their assessments.

**Assemblywoman Fiore:**

Do you see a benefit in combining parole and corrections for communication purposes? Whoever is the big dog in the fight?

**Priscilla Maloney:**

I think that the ability to share information probably already exists. Again, that is why the technical experts on how parole currently works are sitting right next to me, and they could answer that. When I have talked with them informally about this move and why they are opposed to it, apparently that is not really a problem now. In any communication, or lack of communication, or sharing of programs for offenders once they go out, that infrastructure is already in place in DPS. We see this move as unwise public policy and being driven more about staffing issues. Rather than dealing with staffing issues, we are dealing with, "Okay, now we will have control over the gates."

**Chairman Frierson:**

Obviously, there are a lot of things that are beyond the purview of this Committee with respect to the move that are within the Governor's *Executive Budget*, and I think that the Ways and Means Committee is well aware of those issues and prepared to deal with those. I appreciate you addressing it in public comment.

**Claudia Stieber, Private Citizen:**

I am here today on my own time, expressing my own opinions, and not representing the Division. I have great concerns regarding the proposal to transfer supervision of parolees to the Nevada Department of Corrections (NDOC) from the Nevada Division of Parole and Probation. Since 1945, parole officers in the state have been tasked with supervising parolees in our communities in Nevada. Since 1951, the same agency has been supervising both probationers and parolees. The Division of Parole and Probation was created by the Legislature in 1969.

Since the session began a few weeks ago, I have watched Director Cox from NDOC and Chairwoman Bisbee from the Parole Board testify about the very low recidivism rate we enjoy in Nevada. Additionally, they have both testified about the high rate of parolees successfully completing their parole. [Continued to read from prepared text ([Exhibit F](#)).]

The officers of the Division of Parole and Probation are among the most highly trained Category 1 peace officers in the state. I would point out that many of them are in this room with me today, and some are also in Las Vegas. Despite pay cuts, furloughs, and no pay increases for five years, they are still performing their duties in an exemplary fashion and working diligently to protect

our communities. The Division of Parole and Probation has nearly 70 years of proven success in keeping our communities safe by supervising the state's most dangerous offenders, the parolees, who live in the community among us. [Continued to read from prepared text ([Exhibit F](#)).]

**Chairman Frierson:**

Are there any questions? [There were none.]

**Natalie Wood, Private Citizen:**

I am here to testify this morning on my own time, and my views and opinions in no way represent the Department or Division. On January 28, 2013, it was mentioned that any Division employee forced to transfer over to NDOC would not be adversely affected in pay. This is incorrect. According to the NDOC budget, it appears they intend to downgrade new and open parole officer positions effective July 2013.

Furthermore, it appears NDOC intends to downgrade existing officer positions within the next four years as a cost savings on salaries. This will cause a huge disparity in pay for employees who, as parole officers, will still perform essentially the same duties and functions as they did as DPS officers working for Parole and Probation. This disparate treatment in pay would result in complaints and grievances, and the implementation of a salary study by the state. [Continued to read from prepared text ([Exhibit G](#)).]

**Assemblyman Ohrenschall:**

If the move were to go forward as the Governor has proposed, do you think that the officers at Parole and Probation would have as much time to devote to try to help reintegrate those being supervised? Besides the cost factor, I think that is an issue that is very near and dear to the Chairman and the members of this Committee, in terms of trying to make sure that people are not being revoked for technical violations, and that every effort is being made to try to lead those being supervised to success, so they will not be back at an NDOC facility. Do you think this proposal might hamper that effort in trying to help those under supervision?

**Natalie Wood:**

My colleagues are going to go into this in more detail than I can, but in a nutshell, we very rarely take people back on technical violations. We simply would not have a caseload if we did that. A huge part of our job is to work with the defendants and to reintegrate them back into society. It is not of benefit to us to revoke them. They are part of the community. It is our job to make sure that transition is smooth. If Parole were to be placed under NDOC, I believe you are dividing the functions of what one officer is doing now to two.

You are going to increase a lack of communication. We have great communication right now with the prison system, and my colleagues will talk about that in more detail. If you are having two people now perform separate duties, I see no cost benefit to that. I see a greater lack in communication, and ultimately the offender is going to suffer. The offender will be reporting to the Division of Parole and Probation. If you have one offender that has two cases, a parole case and a probation case, they are going to be reporting to two separate officers, paying two separate sets of fees, and reporting twice a month. I do not see practicality in that.

**Assemblyman Ohrenschall:**

From my experience practicing in this arena, that worries me. I think the more hurdles someone has to jump through when they are also trying to find work, trying to go back to school, or trying to see if they can put their family back together, the greater chance they are going to mess up reporting to the one officer or the other officer. The next thing you know, they are up in front of a judge or parole board on a revocation. It does concern me.

**Natalie Wood:**

You are absolutely right. I think if you were to poll our defendants, probationers and parolees, I think they would tell you that they have built up rapport with their officers and they do not like changing officers. They do not like being reassigned to other officers. It is a huge part of the communication they have one-on-one with their officers that make them successful.

**Stephanie O'Rourke, Private Citizen:**

I would like to express my opposition and concern with the realignment of the parole function to NDOC. I will be testifying regarding my personal feelings on my personal time regarding the realignment, not on behalf of the Division of Parole and Probation.

The current structure allows for an appropriate check and balance system; no one entity is solely in charge of an offender. This balanced system begins at the PSI level. Our state specialists write unbiased PSI reports for county judges. County judges sentence an offender to community supervision, prison, jail, or a fine. If an offender fails to abide by the supervision agreement, after appropriate intermediate sanctions such as house arrest, increased reporting, increased counseling, referral to half-way houses, community service work, et cetera, the offender is returned to the county judge for revocation proceedings. The county judge can reinstate, discharge, or revoke the offender. [Continued to read from prepared text ([Exhibit H](#)).]

**Chairman Frierson:**

I want to give a reminder of a couple of things. If you have written testimony, it is really difficult for us to stay on track, and I would welcome you to submit those for the Committee's review. We also do not have a bill on this, so I would ask that people adjust whatever prepared comments they have based on what has already been presented, so we do not have people repeating the same point. We do not have a bill here today, and I think we talked about the realignment very briefly. I understand Parole and Probation wanting to address this, but there is no bill before this Committee. I would ask that you summarize your comments rather than read them to us, and that you not address a bill that is not before us. We are not able to consider what is not before us anyway.

**Richard Linnenbrink, Private Citizen:**

I am an officer with the Division of Parole and Probation; however, I am here today as a private citizen to state my opposition to the NDOC plan for realignment. In high school, I was required to read the tale of Homer's *Odyssey*, about the fall of the city of Troy after it accepted the gift of a Trojan Horse. The horse was a subversive offering that was filled with devastating consequences.

The State of Nevada now finds itself being offered a similar Trojan Horse in the plan to turn control of Parole over to the Department of Corrections. This plan will likewise result in devastating consequences for Nevada in the form of hidden financial obligations and decreased safety for our citizens. [Continued to read from prepared text ([Exhibit I](#)).]

**Chairman Frierson:**

Sir, would you like to submit that in writing?

**Richard Linnenbrink:**

I could, yes.

**Chairman Frierson:**

If you could summarize rather than read it to us, we can certainly have it submitted.

**Richard Linnenbrink:**

The other responsibilities we have to look at are mandatory furloughs, extraditions and transports, attempts to locate absconders, report writings, and numerous training courses to either maintain our proficiency or enhance our skills. The remaining time that we have left really needs to be focused on supervising felons who are out within the community, not ones who are still

currently incarcerated. By putting these parole officers basically inside the prisons instead of on the streets, we are placing our citizens at risk.

The NDOC has also failed to explain how these trips are going to be financed. The Nevada prisons are currently situated in approximately five general areas: Las Vegas, Ely, Elko, Lovelock, and Carson City. In many cases, the felons do not parole out to the same area they are necessarily living in. They may parole out from Las Vegas up to the Reno area. If we are having these bonding sessions where the parole officers are expected to go to the prisons and meet with these offenders prior to their release, where is the plan on who is going to pay for these trips? We are talking about incurring airfares, possibly hotel and lodging costs, food, et cetera, all for the purpose of basically having a sit-down bonding session with them prior to their release. I just do not see the purpose for it. I have not heard a plan on how this is going to be paid for.

**Chairman Frierson:**

We are not a money committee, so we are not in a position to address how it is going to be paid for, or even consider it. I am a little concerned about your characterization of sitting down for a bonding conversation. I think there was testimony that it is quite a bit more than that, and that part of the obligation is reintegrating back into society. It just seems to me that might be an oversimplification of an effort to sit down with an offender to prepare them to reenter society.

**Richard Linnenbrink:**

As officers, we do have the sit-downs where we basically do the communication to reintegrate them during our intake with them originally when they come to our office after they have been released.

**Chairman Frierson:**

I am responding to your comment about it being a bonding conversation. What were you referring to, about going through all this trouble just for a bonding conversation?

**Richard Linnenbrink:**

The NDOC seems to present the image that by going and meeting the felons in prison prior to their release, that they have a better chance of success. I do not see where meeting them within prison, instead of after they are released when they come and see us, would make any difference.

**Chairman Frierson:**

I am sorry; I did not get that distinction. You are not saying that meeting with them is a waste. You are saying you could meet with them afterwards as opposed to in prison?

**Richard Linnenbrink:**

Correct. I am still fully in favor; absolutely. There has to be communication in everything like this so we can get them reintegrated back into society. In regards to what we were talking about earlier, our main objective is not to get them back into prison. There are definitely steps that we can take to prevent their revocation through intermediate sanctions and so forth. I do not think any felon has that much benefit by going back to prison. I would rather see them in counseling or something like that where we can actually make these adjustments. By putting them back into prison, basically we are stalling it for them to come back again. If we do not help them make those corrections, then we are stalling our own caseload.

**Chairman Frierson:**

Are there any questions? [There were none.]

**Nancy Tiffany, Private Citizen:**

I have worked for the Division of Parole and Probation for 28-plus years. I want to speak from my heart. I have submitted my testimony ([Exhibit J](#)). When I started with Parole and Probation in 1984, we did the kinds of things that I hear you asking about. I remember picking up inmates and taking them out to look for jobs. I made the appointments for them, I drove them to job interviews, I coached them on how to get a job, and I drove them back out to the institute in hopes that they would have a job when they were released from prison. In Las Vegas, where I started, we offered classes at our office on General Educational Development (GED). You could come to our office and report and stay and take GED classes and try to pass your GED there. We had teachers from the local school district that worked with us to do that. We had partnerships. For people on my caseload who were mentally ill, there was housing for them, and I worked with their caseworker at Mental Health. Sadly, those things have changed because the funding has gone away.

I understand you are not a money committee; you are a policy committee. Having the tools to do what I believe we would like to do, and that you would like to see done, so that people have the greatest opportunity of success costs time, and so that you have lower caseloads, costs money. There was a pilot project in Reno called the Community Resource Center which was a one-stop shop for people on supervision where they could get bus passes; they could arrange day care; they could join and try to get job referrals and job training



again. After one session, it was no longer funded. You heard that the program in Las Vegas is not funded, so it only reaches a few people.

The bottom line for me is whether Parole is under Corrections or it is under Parole and Probation, or Corrections is part of Parole and Probation, or you make up a new agency. The policy things that we all like to see happen, happen when you have lower caseloads and you have money to fund those things as opposed to what you call the agency that does that.

My last concern, which you will find in my testimony, is that there will probably not be money in the budget to be able to handle the Dangerous Offender Notification System (DONS) reporting to two agencies instead of one. In my written testimony, I explain what the DONS system is. It allows local law enforcement to know when someone is on parole or probation. It is a public safety feature. It was created after a Sparks police officer was murdered by a parolee in May 1995. That concludes my testimony. Thank you for this opportunity.

**Chairman Frierson:**

Thank you for your perspective. I wholeheartedly agree with everything you said.

**Mark Smith, Private Citizen:**

I am a retired captain for Parole and Probation. I just recently retired and have 25 years of experience in the parole and probation field. I would like to support the comments made here in opposition to transferring the parole function away from Parole and Probation. The officers and citizens that have spoken to you today I consider experts in their field. They not only have an excess of 20 years of experience, they also have bachelors' degrees in criminal justice and community supervision, psychology, sociology, and some of them have masters' degrees in their field. These people are truly experts in how to supervise offenders in Nevada. No one knows how to do this job better than they do.

I would also like to state that what I am going to speak about today is the DONS system. I worked extensively with the DONS system when I was at headquarters with records and technology. I taught it and I know how it works and functions. There are some grave concerns in moving Parole to the Department of Corrections when it comes to facilitating the DONS system, which has protected citizens in Nevada. In the first four years that DONS was instituted, there were 17,000 law enforcement contacts utilizing that system, letting officers on the street know that the people they were working with and making contact with, were under the supervision of the Division of Parole and

Probation. That resulted in approximately 7,000 people detained and approximately 3,000 to 4,000 arrests of offenders because of that system alone. That system saves lives. If California had that system, the two detectives that were murdered yesterday may not have been murdered because they did not know this person's criminal history. Nevada is one of only two states in this nation that has a system like DONS. Florida is the other one, and Nevada was the first. I have grave concerns that if Parole moves over, this function will be effectively nullified or sabotaged through the inefficiencies of technology and duplication of computer effort.

The DONS is an NCJIS-based system, which is the Nevada Criminal Justice Information System. The Division's Offender Tracking Information System (OTIS), is also an NCJIS-based system so they can talk to each other. If you have NCJIS raw criminal history sent to your agency, you must be a federally certified user, an entrusted user, by the Federal Bureau of Investigation. Parole and Probation is a certified user and does the required background checks on all of their employees so that we can access this system and the information. They are also required to do updated training at least once every one or two years, plus initial security system information training to be able to access this data. The prison does not do this. You have to keep meticulous records for the feds on everyone who has had their backgrounds and had their training. You have to be able to provide that to the federal authorities when they come and do their audits every one to two years, or you lose your NCJIS access.

My information is that the prison is not a trusted federal user. They have one NCJIS terminal that is kept behind locked doors and accessed by one person. The Division has DONS terminals, which are NCJIS terminals, in every office they have that are manned during all business hours, and DONS hits are printed as they come in. Those hits are picked up every morning and responded to by officers at a moment's notice. They also have on-call officers that man this. If the prison is not a trusted user, they will not be able to use this system without massive training or some type of substantial structural redefinition of how they do business to be able to support Parole and the DONS system. In addition, I do not believe the Nevada Offender Tracking Information System (NOTIS), which is the Nevada prisons information system, is an NCJIS-based system. When you are talking about trying to get DONS to communicate with NOTIS, you are talking about a substantial reprogramming effort. Anyone who has dealt with programs, and trying to get programs to talk to other programs, and you start inserting code into a system that was not originally designed for that, knows you get bugs and glitches. This may not happen right away, maybe over time, but that causes files to disappear and causes corruption in data, and that is what is going to happen.

When you talk about the money it is going to cost to get DONS to speak to NOTIS, and to bifurcate that system to be able to differentiate between parolees and probationers, for example, the Washoe County Jail once asked us to change a line of text on the printed DONS hit to clarify a warrant status. Because DONS is a proprietary system not owned by the Division of Parole and Probation, we would have had to contract out to change what a line of text said. The quote for that was \$10,000.

**Chairman Frierson:**

I am going to redirect you a little bit, and I am doing this for your benefit as well. You are going to lose members by going into some technical stuff about an issue that is not before the Committee.

**Mark Smith:**

In summation, there are a lot of things about moving Parole to the Department of Corrections, and I am speaking specifically on the technology issue, that create some significant public safety issues. This is not a good idea, and I support that the Division of Parole and Probation be left alone, and that Parole remain with the Department of Public Safety.

**Assemblyman Ohrenschall:**

You brought up one point that I had not heard before. You are alleging that if this move were to go forward, the safety of the officers who are out on the street could be compromised?

**Mark Smith:**

Absolutely. When I retired, I was the captain in charge of the rural areas of Nevada. Basically, if they did not work in Las Vegas or Reno, they worked for me. There are not enough parolees to justify a parole agent in every city in Nevada. Currently in every significant population—Tonopah, Elko, Ely, and Winnemucca—we have officers there to respond immediately to issues and have offenders report to them. If Parole goes to the Department of Corrections, there are not enough parolees in these areas to justify a parole agent in every community. There will not be an immediate response. There will not be a parole agent there to work with the local sheriffs and police and to have them work with them. It just will not be there. You are going to have a parole agent that is going to have to drive four or five hours to get to an offender's house that he may see once a year, if that. There are going to be some significant public safety issues if Parole goes to the Department of Corrections just based on caseload size and where those officers can be located, if they are located anywhere remotely near where their offenders are residing.

**Chairman Frierson:**

Are there any other questions? [There were none.]

**Ron Cuzze, President, Nevada State Law Enforcement Officers Association:**

This morning you have heard several of our members giving testimony to what was said previously. One thing that I would like you to note is that although they are high ranking, they are not appointed. They are still classified employees and allowed to speak.

I realize that this is not a money committee and I realize that there is no bill before your Committee presently; however, coming down the pike is BDR 16-1144 [Assembly Bill 497], which one day will be a bill. This is going to affect all 63 legislators one way or the other, regardless of which committee you are in, when it comes before you. We have been saying this, not just in the 77th Legislative Session, but for the last seven legislative sessions. Parole and Probation is not broken. Please stop trying to fix it. Nevada has, as has been testified to, probably the best success rate and the best system in the United States. I, for one, am getting tired of high-paid consultants and other people trying to say anything but that. Again, it is not broken. Please do not fix it. Please take into consideration public safety, officer safety, and when it comes to the budget committee, the money. It is going to cost Nevada a heck of a lot more than what they are currently saying for this session, and it is going to quadruple in sessions to come.

**Chairman Frierson:**

Are there any questions? [There were none.]

**Adam Page, Private Citizen:**

I am present today on my personal time. I have submitted a written statement that I will paraphrase ([Exhibit K](#)). I am a 15-year employee and a lieutenant of the Nevada Division of Parole and Probation. I want to clarify that these are my personal views and opinions and do not represent the official opinions of the Division of Parole and Probation. I am in strong opposition of the proposal to move Parole supervision to NDOC as it has a direct adverse effect on public safety, will negatively impact recidivism rates, and minimize the effectiveness of probation supervision.

In December 2012, the Division's command staff in southern Nevada has already started to move forward with this split. A total of 12 officers and 1 specialist were assigned to supervise a caseload of strictly parole offenders effective January 2, 2013. The redistribution of staff and cases created probation caseloads that were in excess of 100 cases for general supervision probation officers, while parole officers had less than 80 parole cases to

supervise. I made a request through command staff to please delay the implementation of this process, and I was denied my request.

My second concern is something that is actually supported by Director Cox in his budget plan. On page 14 of his budget plan, he talks about the negative impact that it is going to have on court time for probation officers. As you may or may not know, probation officers routinely go to court. Personally, I am in court every day this week. Parole officers rarely go to a parole revocation hearing. They have a sworn officer assigned just to hear those revocation hearings. In essence, up to 25 percent of a probation officer's day can be spent in court.

We were experimenting in southern Nevada with having one specialist, a non-sworn personnel member, supervise low-risk cases. We moved forward with a project that we were attempting to implement, and had a specialist supervise low-risk offenders. When they implemented the Parole unit, they took her caseload, moved her over to Parole where she does not supervise anyone anymore, and now provides administrative support.

In summary, within the first month of this parole shift, the impact on probation cases has been immediate and detrimental to the effectiveness of supervision.

**Chairman Frierson:**

Are there any questions? [There were none.] I do not believe we have any other business from previous hearings. Today's meeting on Assembly Judiciary is adjourned [at 10:48 a.m.].

RESPECTFULLY SUBMITTED:

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Linda Whimple  
Committee Secretary

APPROVED BY:

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Assemblyman Jason Frierson, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** March 4, 2013

**Time of Meeting:** 9:06 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
	C	Bernard W. Curtis	Presentation
A.B. 134	D	Assemblywoman Dondero Loop	Presentation
A.B. 134	E	Tami Berg	Testimony
	F	Claudia Stieber	Testimony
	G	Natalie Wood	Testimony
	H	Stephanie O'Rourke	Testimony
	I	Richard Linnenbrink	Testimony
	J	Nancy Tiffany	Testimony
	K	Adam Page	Testimony