

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

**Seventy-Ninth Session  
February 23, 2017**

The Committee on Corrections, Parole, and Probation was called to order by Chairman James Ohrenschall at 8:02 a.m. on Thursday, February 23, 2017, 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 [www.leg.state.nv.us/App/NELIS/REL/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman James Ohrenschall, Chairman  
Assemblyman Steve Yeager, Vice Chairman  
Assemblyman Elliot T. Anderson  
Assemblywoman Lesley E. Cohen  
Assemblyman Ozzie Fumo  
Assemblyman Ira Hansen  
Assemblywoman Sandra Jauregui  
Assemblywoman Lisa Krasner  
Assemblywoman Brittney Miller  
Assemblyman Keith Pickard  
Assemblyman Tyrone Thompson  
Assemblywoman Jill Tolles  
Assemblyman Justin Watkins  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Brad Wilkinson, Committee Counsel  
Devon Isbell, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Natalie Wood, Chief, Division of Parole and Probation, Department of Public Safety  
Shawn Arruti, Captain, Division of Parole and Probation, Department of Public Safety  
Stephanie O'Rourke, Deputy Chief, Division of Parole and Probation, Department of Public Safety  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office  
John J. Piro, Deputy Public Defender, Clark County Public Defender's Office  
David Helgerman, Captain, Division of Parole and Probation, Department of Public Safety  
Connie S. Bisbee, Chairman, State Board of Parole Commissioners  
David M. Smith, Parole Hearings Examiner II, State Board of Parole Commissioners, Department of Public Safety

**Chairman Ohrenschall:**

[Roll was called and protocol was explained.] Today we have two bills that we are considering. We are going to start with Assembly Bill 23, which authorizes the Division of Parole and Probation of the Department of Public Safety to establish and operate independent reporting facilities.

**Assembly Bill 23: Authorizes the Division of Parole and Probation of the Department of Public Safety to establish and operate independent reporting facilities. (BDR 16-170)**

**Natalie Wood, Chief, Division of Parole and Probation, Department of Public Safety:**

I would like to introduce two colleagues who will be assisting me today: to my left I have Captain Shawn Arruti, and to my right I have Deputy Chief Stephanie O'Rourke. They will both be presenting some slides today. I will let Mr. Arruti present Assembly Bill 23, which concerns independent reporting facilities, or day reporting centers.

**Shawn Arruti, Captain, Division of Parole and Probation, Department of Public Safety:**

Today I am here to discuss A.B. 23, which is a bill that concerns independent reporting facilities, also known as day reporting centers (DRC) ([Exhibit C](#)).

The bill is but one part of a progressive, proactive change in how the Division of Parole and Probation of the Department of Public Safety (DPS) will operate in the years to come and

adopts the evidence-based practice of DRCs. Day reporting centers will provide officers with an additional tool to address offender noncompliance through the use of intermediate sanctions.

Existing law creates the Division of Parole and Probation (P&P) within the Department of Public Safety, which is generally responsible for the supervision of parolees and probationers. The Chief of Parole and Probation is the chief parole and probation officer and is required to administer all activities and services of P&P. What we seek with A.B. 23 is, specifically, to authorize Parole and Probation to establish and operate one or more independent reporting facilities for the purpose of providing daily services to any parolee or probationer who has been referred to attend such an independent reporting center [slide 2, ([Exhibit C](#))] as an intermediate sanction. It authorizes the chief to contract for any services necessary to operate such an independent reporting facility. This means that Parole and Probation will retain autonomy and authority to supervise offenders, but would simply contract with a provider or vendor for services. It also authorizes Parole and Probation to adopt any regulations necessary to establish and operate these independent reporting facilities.

What, exactly, is an independent reporting facility or a day reporting center [slide 3, ([Exhibit C](#))]? It is a nonresidential facility that provides at-risk offenders with varying forms of rehabilitative services as an alternative to incarceration. When we talk about "at risk," we are talking about offenders whose noncompliance with the terms and conditions of their supervision has not risen to a level that would require a parole officer, for public safety reasons, to place the offender into custody and return them for revocation proceedings. These offenders' actions are typically nonviolent and nonpredatory in nature; they are more self-sabotaging or lacking in basic skills that may be addressed in a more structured setting. Assembly Bill 23 is about providing officers with an alternative to incarceration.

**Chairman Ohrenschall:**

Could you give the Committee some examples of situations when an offender might be considered at risk yet not offending to a level where a parole officer would want to seek revocation?

**Shawn Arruti:**

Yes. The at-risk offender would be somebody who, perhaps, is not programming. This is a person who could be using illegal substances, is not working, and is not taking advantage of his or her release. The at-risk offender may not be working with, or may have problems with, their support systems. An at-risk offender is someone who is basically not engaging in his or her rehabilitation in the community. We are not talking about the offender who is out in the community, violating and putting public safety at risk; our officers always have the ability to take offenders into custody when the need arises. This is the offender who just simply is not engaging in their rehabilitation. The DRC is a way to redirect them and give them another opportunity in a structured setting without having to take them back into custody before revocation.

**Chairman Ohrenschall:**

Thank you very much for explaining that.

**Shawn Arruti:**

On slide 4 ([Exhibit C](#)), we see the costs associated with the day reporting centers. What this will allow us to do, again, is to address those noncompliant offenders in a manner that we do not currently have available. As you can see, the costs are roughly \$1.3 million for both of the fiscal years ending in 2018 and 2019. This would fund a Sergeant, five DPS Officer IIs, and two Specialist III positions that would work with offenders in the day reporting center. This money funds services at the day reporting center from assessment services, individual plan development, job search assistance, General Educational Development Test (GED) preparation, and cognitive skills programming including courses in substance abuse prevention, anger management, parenting, employment preparation, and domestic violence. This means that we will provide offenders with services that will give them the life skills and training to address the issues that may be causing their noncompliance; the opportunity, in a structured setting, to correct their noncompliance; and the opportunity to learn skills that they may not have been previously afforded.

On slide 5 ([Exhibit C](#)), you can see the cost of incarceration versus the cost of a day reporting center. The Department of Corrections (NDOC) reports that the daily cost to institutionalize someone ranges from \$58.15 in fiscal year 2018 to \$58.46 in fiscal year 2019. The day reporting center, which will provide an intermediate sanction for what we estimate to be 250 offenders every month, equates to a daily cost of \$15.34 in fiscal year 2018 and \$14.67 in fiscal year 2019. It is a cost-effective solution to incarceration.

While the projected cost of the day reporting center is approximately one-third the cost of incarceration in NDOC, the savings to incarceration in county facilities would be even greater, where cost estimates range anywhere from \$100 to \$120 per day. Therefore, the day reporting center is approximately one-sixth to one-eighth of the cost of incarceration in local detention facilities. I want to emphasize that this is an alternative to incarceration for those offenders who are not yet to the point where revocation is the only answer for them. Our officers always have the ability to take an offender into custody; this program is about exhausting all avenues prior to doing that. The DRC is about creating an intermediate sanction that, as you can see from the cost savings, would save the state a significant amount of money and still allow our officers to address noncompliance with offenders.

At the end of the day, these at-risk offenders are our parents, our children, our grandparents, our neighbors. These offenders are people that we want to see return to society in a productive manner, and that is the goal of the Division of Parole and Probation. The goal is to right an offender, to give them every opportunity to correct and become the productive member of society that we all want them to become. With DRCs, we can do this at a significant cost savings to incarceration.

On slide 6 ([Exhibit C](#)), we have some statistics concerning day reporting centers. This statistic shows two-thirds of all subjects in Utah remain free of criminal charges for a year

subsequent to receiving services through the day reporting center. In Kern County, California, day reporting center graduates have a 30 percent recidivism rate as compared to 53 percent of nongraduates. In Yolo County, California, day reporting center recidivism rates for all day reporting center clients is approximately one-third. More than 1,000 participants have graduated since 2006 in Franklin County, Pennsylvania, and the program recidivism rate sits at just under 20 percent.

Additional statistics show that Springfield, Massachusetts, in Hampden County, reported 253 day reporting center participants. Of the participants 19 percent—or only 41 offenders—were reincarcerated within 3 years of being released from the program. Since 2009, 7,404 people have gone through the day reporting center in Pittsburgh, Pennsylvania, since 2009. The twelve-month rebooking rate—meaning the percentage of offenders returning to the county jail either for a revoked probation sentence or a new arrest—was 34 percent for people going through the day reporting center.

As long as the day reporting center is properly implemented, and we identify the correct offenders to receive those services, there is a significant reduction in recidivism. At the end of the day, a reduction in recidivism is a reduction in victimization. For every offender that we can change, for every offender who we can put on the right path to becoming a productive citizen, that is one less future victim out there. Day reporting centers are about engaging offenders and showing them the way to become the productive member of society that we want them to be.

Several day reporting centers have social media websites. Slide 7 ([Exhibit C](#)) shows the human element behind day reporting centers. This first example is from Yolo County, which is close to Sacramento, California. Several of the people who participated in the program posted what the day reporting center and its services meant to them. These are examples of the people—the brothers and sisters, the parents and grandparents, our neighbors—who have been affected in a positive way by the addition of the day reporting center. These are people who have corrected their life path, and hopefully, that means we are affecting not only that person but also generations to come.

**Assemblywoman Cohen:**

Your presentation depicts a program designed for 250 offenders. How many inmates who are currently in the system do you think would actually benefit from the day reporting centers?

**Natalie Wood:**

Right now, this is obviously a pilot program and something that we are hoping to get off the ground. We anticipated starting with a population of 250 for budgetary purposes. As the years progress, that number will probably increase. We focused on individuals who had less violent violations for their probation or parole—those who had more technical, self-sabotaging violations. That is how we came up with the 250.

**Assemblywoman Cohen:**

Are there only 250 individuals in the system right now who you would say are self-sabotaging and have these technical violations? I assumed you could only accommodate 250 but that there were more individuals who would fit this category. How many total offenders fit in this category?

**Natalie Wood:**

We are not saying that we simply have 250 offenders that would fit this category. We took a sample across the state and came up with 250 offenders who would qualify for the program at a point in time. There will be more participants in the future. We have not said that this is a finite population and this is how many people can participate—we supervise more than 20,000 offenders in Nevada.

**Assemblywoman Cohen:**

Can you give me a general percentage? When you look at the population of Nevadans on parole and probation, what percentage of offenders generally fall into this category? What percentage of offenders are not an issue for their parole officers because they are violent, but they are an issue because they are having some problems with alcohol or drugs or not going to work?

**Natalie Wood:**

We do not necessarily track that particular statistic, but it may help you to know that the combined success rates between probation and parole run about 71 percent. This number includes everybody that violates, and there are, obviously, some violations that are more egregious. You could make a guess, but I do not know how valid that guess would be. Out of the 29 percent who do not complete parole or probation, you are probably looking at about 10 or 15 percent that would be eligible for a program like ours. However, that is like throwing a dart at a dartboard because we do not keep those statistics.

**Chairman Ohrenschall:**

If this bill is enacted, what kind of data will be collected from these reporting centers? I am interested in knowing that, but I will wait until the end.

**Assemblywoman Jauregui:**

Have you looked at the benefit of implementing this program after incarceration instead of during incarceration? This will cost almost \$2.7 million over the course of the two fiscal years, and it will also require eight new positions. Why not use that money to fund these programs while offenders are still incarcerated so that the entire \$2.7 million goes to GED preparation and job search assistance instead of funding eight positions?

**Natalie Wood:**

The Division of Parole and Probation's population is probationers and parolees, so while they are incarcerated, P&P would have no control over them. Inmates are NDOC's responsibility, and I know that they are actively working with their population on structuring some positive programs for the inmates, prepping them for street readiness. Parolees become our

population when they complete their incarceration and get out, and this is the population that will make up the day reporting center.

**Assemblywoman Miller:**

Can you describe for us what the program design looks like? What does a day at a reporting center look like? How many hours does one spend at the center in a day? How many weeks would someone be in the program? What services are provided during the day?

**Shawn Arruti:**

There is a lot of information about day reporting centers available. Several different agencies created videos that show what a typical day looks like, and they include interviews with their clients as well.

When offenders first start the program, there is an assessment where an employee determines what level of services the offender needs. Do they need life skills classes? Do they need substance abuse counseling? Do they need cognitive behavioral counseling? The day reporting center is geared towards the specific individual, where they are at and what their circumstances are. The beauty of the day reporting center—I realized this as I was looking at all these different programs—is that for offenders who are not engaging in their rehabilitation, this is a structured setting where they have counselors, case managers, and their parole officers all involved and actively engaging them. These people are forcing the offenders to take a look at what brought them there and what they are lacking, and helping the offender correct these issues. The staff at the day reporting center can assist participants with their GED, job skills training, and putting together a resumé.

Many of our offenders lack basic skills that would make them employable. A person's ability to be employed and to earn a living plays a big part in their rehabilitation. This program is about providing those services that offenders were missing on the front end for whatever reason. This program is about bringing offenders up to speed and getting them life skills so they can become employed.

The length of time in the day reporting center also depends on the individual. They could spend anywhere from three months to six months or longer at the center, depending on what an offender's specific needs are. Again, this program is about the active engagement of the offender. It is about getting them back on the right track and how much time that takes is individualized to that person.

**Assemblywoman Miller:**

You are saying that you are trying to pool resources together so that you can provide services based on individual needs. Will there be outside service providers for this?

**Shawn Arruti:**

Yes, that is correct.

**Assemblywoman Miller:**

When someone comes into the center, are they there for five minutes, or are they there for four or five hours?

**Shawn Arruti:**

It depends on which programs an offender is going into. There is a private contractor or vendor who will be contracted to provide the assessments and services. Vendors will assess the offender and will provide appropriate services. The length of time that an offender has to be there depends on the amount of services that are being provided to that person and to get them enrolled and involved in those services.

**Natalie Wood:**

I would like to clarify something and hone in on a particular point. The day reporting center is meant to be the least disruptive to the offender as possible. An individual who is progressing through the program may simply come in and have face time with the counselor, check in with their parole officer, make sure they are doing what they need to do, and then they are off to their job. The amount of time spent in the center is meant to decrease over time, not necessarily increase.

**Assemblywoman Miller:**

I appreciate that we are doing this instead of sending people back to prison for some of the minor offenses and nonviolent, nonaggressive violations. How is this different from what should already be happening in the parole and probation offices?

**Natalie Wood:**

Resources—we simply do not have the resources. Parole and Probation cannot continue to do more and more and more with less and less and less. This is something for which we have appropriately budgeted. We have researched it and there is a lot of statistical information out there that shows the success of these programs. I know it begs the question, but we are bringing this bill forward because we feel it is important for the Division of Parole and Probation to participate.

**Assemblywoman Miller:**

Okay, thank you.

**Assemblyman Thompson:**

I am trying to understand the need for day centers because there are already a plethora of resources in the community. You said that you would hire a private contractor. Personally and professionally, I do not feel like it is necessary to do this because we should be developing strong relationships with the community. I think it is best not to house everybody near a targeted day center because I think it is important for us to integrate former inmates into the community.

Section 8 [the federal Housing Choice Voucher Program] is a resource that assists low-income people with being able to rent housing wherever they want in their community,



which helps these people avoid certain social stigmas. People can argue about the merits of that, but it truly does allow people to live in their area of choice and we are trying to reintegrate them into the community. I believe the term for this is "scattered housing." There are workforce development agencies in every community that help people in the rural and urban communities; they get substantial funding for this targeted population. Why would we not look at a similar model with the day reporting centers? It would be my hope that we could build community relationships and properly place people where they need to be so they are not warehoused coming in and out of a labeled facility. You said that you are trying to move ahead with this program, but have you attempted to reach out to the organizations that are already in the community?

**Natalie Wood:**

That is an excellent question but I will tell you why it does not work. The population we deal with has extra needs. They are offenders who are violating their supervision, and they are going to be incarcerated if we do not introduce some intermediate sanctions. We typically deal with probationers or parolees who are dealing with problems like domestic violence or drug addiction. A lot of the time, when they show up, they are under the influence. When I tell that person, as an officer, "You have to get a substance abuse evaluation within 30 days, along with an anger management evaluation," they are not thinking about self-improvement. They hit the steps and they are gone. Even though that evaluation is set up with providers in the community—which historically P&P does and continues to do with our main population—there is a disconnect from our door to the service provider's door. The service providers will tell you the same. It is a struggle to physically get offenders to show up. The day reporting centers will act as wraparound services, keeping offenders in a place where they have community supervision and oversight. The community can give offenders the services that they need, but we are losing them between our office and the substance abuse counselors.

**Assemblyman Thompson:**

Are you saying that you need to strong-arm them? Why could we not integrate into these one-stop shops that are already established in our communities? That is what I really want you to consider. There are already models that offer all these services. Maybe we need to sit down at the table with them instead of trying to reestablish and reinvent something that already exists. Let us be an asset to the various other workforce communities that already exist. I strongly feel that this is the route we need to take. We need to reintegrate. If you need to strong-arm a person and force them to get the care they need, we need to utilize existing service providers instead of setting up new ones. This plan is too much work, takes too many resources, and has too much overhead. I really wish you would reconsider.

**Shawn Arruti:**

We already engage the community service providers that you are talking about. Our offices are aware of those services and we refer offenders to those services. We have offenders that are regularly, on a daily basis, taking advantage of the services that you are talking about. This particular program is specifically an intermediate sanction for those offenders that will not engage in those services for whatever reason. This is kind of a stopgap between the

services you are discussing and incarceration. This is an intermediate sanction, a last-ditch effort to try to capture that offender and get him on the right path in a more structured setting than what those community services typically provide.

Existing community providers offer great services, and we have offenders who take advantage of them. The offenders who are in compliance and are actively engaged in their rehabilitation are already taking advantage of those services. You are absolutely right. Those services provide life-changing opportunities for offenders. The day reporting center is specific to addressing those offenders who will not engage in their rehabilitation. It gives them a more structured setting so that we can focus their attention, for the time needed, to give them that opportunity to engage. Our goal is for the offender to be a productive member of society without needing the structure of the day reporting center in the end. As long as they have taken advantage of the community services available to them, offenders will go back into regular supervision, and they will not necessarily need to continue to go to the day reporting center. The day reporting center is strictly designed to be an intermediate sanction to grab those offenders who are not engaging in their rehabilitation.

**Assemblyman Pickard:**

Intermediate sanctions, particularly those that focus on rehabilitation instead of warehousing people, are a great idea and can save taxpayers a lot of money. I want to know two things. Is this program included in the Governor's Executive Budget or are we looking at a separate appropriation for the \$2.7 million? How is the day reporting center set up? Is it a short-term residential program, or does it operate on a daily check-in, check-out basis?

**Natalie Wood:**

We do not present our budget until March 14, so I would like to refrain from going into too much detail. Yes, the day reporting center is definitely a part of our budget and it will be state-funded. The benefits as well as the cost savings are huge, not only from the recidivism standpoint, but from the victimization standpoint as well.

The day reporting center is not a residential facility. It is designed this way because we still want to engage these offenders in the community. I am not saying that we cannot expand to a residential program further down the road if we discover that offenders benefit by offering them a residential housing facility. At this time, however, that is not part of the budget.

**Assemblyman Pickard:**

With that being the case, it sounds like these offenders are already out and integrated in the community. At this point, we are looking to give them the skills they need so they can find legitimate, long-term employment and can be productive members of society. As I understand it, this program is the last safety net that is designed to capture the small population of offenders who will not rehabilitate on their own and need a little more guidance. Is it correct that this is a stopgap before the offenders end up in prison again or in a warehouse?

**Natalie Wood:**

That is exactly right.

**Assemblywoman Tolles:**

I spent about half the day on Saturday at the Northern Nevada Correctional Center and ended up having a spontaneous hearing with a small group of the inmates there. Much of the conversation was in regard to this bill as well as the transition from the institution into society and the workforce and the struggles therein. I appreciate the intention of this program. I do want to make sure I understand, however, that this is not an additional \$2.7 million ask but a restructuring of your existing budget. Is my assumption correct?

**Natalie Wood:**

That is not quite accurate. We requested an enhancement to our budget to fund the day reporting center.

**Assemblywoman Tolles:**

Will there be more details to follow when your budget is officially discussed? Where are you proposing these locations will be, and how might that tie into Assemblyman Thompson's questions about scattered housing? Geographically, how accessible are these going to be?

**Shawn Arruti:**

The idea for these two day reporting centers is that one will be located in Las Vegas and the other in Reno. We want to start with those areas. Once we have a vendor to contract with, we can decide on a location.

**Assemblyman Fumo:**

Captain Arruti, I cannot tell you how encouraged I was to hear you talk about life skills training, GED classes, and drug rehabilitation for these offenders. I encourage you to send an email to your officers because, in my experience in the last 20 years, this message does not trickle down to those in the trenches. It seems like the first option parole officers always seek is incarceration rather than rehabilitation. I hope that you can advise all the other officers in your group to say this as well and make this a part of the focus of their programming.

As for the physical location in Las Vegas, where exactly would you propose to put the location? You are located downtown near Bonanza Road and Main Street, is that correct?

**Shawn Arruti:**

We do not have a specific location yet. The idea is that it would be somewhere centrally accessible and could service our clients. That is something that we will need to look at with the contractor.

**Assemblyman Fumo:**

Is it only going to be designated for those who P&P says can check in to these physical locations, or can other people who move check in to them as well?

**Shawn Arruti:**

The day reporting center is designed specifically as an intermediate sanction. There are other services that we refer offenders to so they can get the same services, but this program is designed to provide the more structured setting specifically for those offenders who are not engaging, so they have an opportunity to correct.

**Assemblyman Fumo:**

As it expands, would you consider extending the hours of operation? Las Vegas is a 24-hour town and Nevada is a 24-hour state. Many of the people who are on probation have jobs that keep them working at odd hours. My clients tell me things like, "I could get a job at a hotel working 4 p.m. to midnight, but my probation officer says I have to check in with him every Thursday at 5 p.m. Now I cannot get this job." It seems a little inflexible if you are trying to work with these people. Do you plan to extend the hours?

**Natalie Wood:**

I would like to clarify that there is a culture change taking place at the Division of Parole and Probation, but it is going to take time. Have we explained that to our officers? Yes. We have had detailed conversations. We have been working on this program for over two years, so this is not something we just put in the budget and rolled out. We have actually been working on culture change.

In regard to operating hours, we recognize that this was, historically, an issue with some of our officers. They were very much stuck and regimented in their ways. That is no longer the case. Culture change is taking place and we are moving forward. The situation you mentioned with your clients may happen to 5 or 10 people out of 20,000. It is correctable and we will work on it. The day reporting center will have structured hours but we want it to be flexible enough that it does not interfere with an offender's job. If it interferes with his or her job, we have undermined everything we are trying to accomplish—we recognize that.

**Assemblyman Fumo:**

When you said, "I tell people they have 30 days to get this evaluation done," you caught my attention. Whether it is drug, alcohol, or some other kind of evaluation, these people sometimes have to make a choice between getting it done in 30 days or feeding their children. These evaluations that you mandate cost them money. Many of these people have just gotten out of custody: they have lost their jobs and they are trying to rebuild. They are trying to get their family together, they are trying to get a first and last on an apartment or a room at Budget Suites, and that choice is critical. You know what they are going to do when the choice is either "feed my children" or "get this evaluation?" They are going to feed their children. I am, however, glad to hear you say that the culture is changing. Thank you so much.

**Assemblyman Elliot T. Anderson:**

I want to praise the Division of Parole and Probation for thinking outside of the box. I believe the Department of Corrections testified that a number of the inmates in the system are status violators, and that costs us money. We have to start thinking about whether the

status quo is necessary. I believe that the more we think outside of the box, the better. The more options we have besides putting people away for a status violation the better, whether it is an intermediate center, a requirement to attend services, or a day in county jail as a shock to the system to get offenders back on track. I support an all-of-the-above approach to think differently about these situations. It is about being smart and targeted; sometimes that can mean punishment for serious violations, or it can be a helping hand with an appropriate service when it is necessary.

**Assemblyman Yeager:**

Section 1 of the bill indicates that the offender needs to be ordered to go to these reporting centers. Would the court make such an order, or would that be something in-house that happens at the Division of Parole and Probation?

**Shawn Arruti:**

The order would come from the parole officer. The officer would be imposing this as an intermediate sanction for the offender. Remember, this is an offender whose noncompliance has not yet risen to the level where an officer would look to take the offender into custody, provided that we have this tool and provided that the offender is willing to participate. That is the idea behind intermediate sanction.

**Assemblyman Yeager:**

That is helpful. I am concerned that if we are using a vendor that is not already established in our community or does not have a presence outside of the reporting center, that we are setting people up once they graduate or are released from probation or parole to not have continuity in their care. Are there going to be providers that operate within the reporting center but also have a presence in the community—whether it be in Washoe County or in Clark County—so that individuals who need aftercare would not have to find a new provider when they finish their parole or probation? Have you put any thought into that, in terms of selecting who might operate the classes and courses?

**Natalie Wood:**

This is something that would have to go out to bid because of the size of the contract. We have gone across state lines and looked at different programs and how successful they have been. What typically happens is that the vendor, whoever that is, will bring in experts from the local community. They will hire individuals who are professionals in a specific practice, and bring them in to the day reporting center. Our goal as an intermediate sanction is to work with offenders through that phase. Once offenders have completed that phase, our goal is to transition them to a care provider, if they still require it, within the community. I guess the continuum of care is something we could look at with the vendor, but it has not been part of the discussions at this point.

**Assemblyman Yeager:**

Thank you for that. I think that the continuum of care is helpful and, to piggyback off Assemblyman Thompson's questions, we have great providers in the community already. Certainly, to the extent possible, we would like to see them integrated into the reporting center. I think it makes sense for Nevada to have our people, versus someone out of state, coming in to do programming.

Finally, I know this program is included in the Governor's Budget and we talked about the eight positions, but I want clarification. If these eight positions are approved, are they a net addition of eight positions over what you have now, or are the number of positions within the Division of Parole and Probation going to stay the same? Will you be essentially taking eight positions and moving them to the reporting centers?

**Natalie Wood:**

They are additional positions. They are enhancement requests that the Division of Parole and Probation will have in our budget. The supervision ratio of the officers involved with participants in the day reporting center will be reduced. The ratio will not be the size of a general supervision caseload because the participants need additional oversight and care: we consider these offenders to be more at risk than some of the others. We needed to budget and fund appropriately, and we believe the program will be more successful if we actually ask for the positions we need rather than trying to do more with less. That does not work very well in the long run.

**Assemblyman Yeager:**

I know that the decision as to where to locate the reporting centers has not been made yet. I would ask that P&P consider access to transportation, particularly in Las Vegas. Many of the clients who go to Parole and Probation do not have their own transportation, and sometimes taking public transportation can be a challenge. Please take that into account so that people who frequent the reporting centers can get there easily. I know you cannot fix the transportation system in southern Nevada, but hopefully we can locate it close to something that currently exists.

**Natalie Wood:**

You are exactly right. The majority of the time, day reporting centers are located in areas that are central to the majority of their clients. We are not going to put the center on the Strip or somewhere similar. We want our clients to have easy access to the center.

**Assemblyman Thompson:**

I know that we have a statewide reentry task force. Has this plan been vetted through the task force so we are aligned?

**Natalie Wood:**

The task force is well aware of what Parole and Probation has been working on. As I said, this has been a work in progress for almost two years now. The communication has been taking place although the reentry task force has a somewhat different focus than day reporting centers. The task force is focused on a much larger picture.

**Assemblyman Thompson:**

Talking about the statewide reentry task force, you said that your focus is a little bit different from theirs. Why would you not be aligned under the statewide reentry task force? If that were the case, we would all be speaking the same language, all going in the same direction, and all be aligned, putting all of our resources together. A big part of the reentry task force—which I am really glad that I will be a part of—is using evidence-based practices for programs. We need to look seriously at the kinds of evidence-based programs that are significantly moving our people and reintegrating them into our communities, rather than just picking a vendor for the entire state for the sake of picking a vendor.

**Natalie Wood:**

The Division of Parole and Probation is a member of that task force. I believe the task force that you are referring to is looking at evidence-based practices such as risk assessment tools and programs such as Empowering People, Illuminating Change (EPIC). We are actively engaged with the task force in that area, but the reentry task force is not actually focused on day reporting centers, per se. They focus on larger issues. The task force is actively engaged in, and working on rolling out, a strategic plan with regard to the Second Chance Act. They are also working with other agencies such as the Department of Health and Human Services (DHHS) and the Department of Employment, Training and Rehabilitation (DETR).

**Assemblyman Thompson:**

Again, working together and aligning our plans is what will make this work for our state. We need to work together and put our resources together because resources are tight. Perhaps most importantly, we need to remember that we are working with the same person or persons to try to make them whole.

**Chairman Ohrenschall:**

How much direct control do you envision your agency having over the day reporting centers? Do you envision having an officer there every day to check on things or just to get reports?

**Natalie Wood:**

The officers will be fully engaged, but as far as case management—the supervision side—that is where our vendor will have the more specialized, professional training that the clients will need. Yes, the officers will be physically there but the idea is to allow them to become more engaged in the field aspect as well. When offenders show up to the day reporting center, they are doing what we are asking them to do. Our officers are ensuring that there is oversight, because the balance between service and oversight is important. There is a time to arrest and there is a time not to. We have to really balance that and work with individuals.

**Chairman Ohrenschall:**

I think Assemblyman Yeager hit upon an important point about access to transportation. There are a lot of rudimentary things that someone might need to try to land on their feet once they get out of prison—a bus pass, a rent voucher, help to get a birth certificate in terms of trying to get valid identification (ID)—are these the sort of things that you think day reporting centers will be able to help these offenders with?

**Stephanie O'Rourke, Deputy Chief, Division of Parole and Probation, Department of Public Safety:**

This is a twofold answer. I know that the Department of Corrections is working on having DHHS individuals located in the prisons. Part of what they are working on is making sure that by the time offenders are ready to release on parole they have medical services all ready and their eligibility paperwork has already been worked on. The Department of Corrections is also working with the Department of Motor Vehicles to try to make sure the offenders have, if they are eligible, either a driver's license or a state ID. I hope that answers your question.

**Chairman Ohrenschall:**

It does and that is helpful, but what about things like helping offenders get bus passes so they can try to get to job interviews, helping with rent vouchers, or getting them to the agencies that might help? Is that something that you think the day reporting center will try to assist with as well?

**Natalie Wood:**

Yes, that is exactly it. Even if the officer needs to drive the individual—for expeditious reasons—to a job interview, the idea is to fully engage with the offenders in the program and work with them. We are not going to be providing private transportation, but we can obviously solicit individuals in the community, and in different divisions, to say, "Can we get a certain quota of bus passes?" We can also work with offenders on getting their social security cards. You cannot just send an individual that is struggling with sobriety across town on a bus that they are unfamiliar with and probably have never ridden. Some of our offenders have literacy issues. We want them to be successful.

**Chairman Ohrenschall:**

If I understand this bill correctly, I envision these day reporting centers as a social work arm, rather than an enforcement arm, to try to help people land on their feet. Would that be correct? Is that how you envision them?

**Natalie Wood:**

It is both. As I said, this is an intermediate sanction. This is the last stop. They are not predatory and they are not necessarily violent, but they need some help, oversight, and accountability rather than sitting in the county jail for a couple weeks at a time. I think this will help the offender, but Parole and Probation's role in the reporting center will be follow-up accountability.



**Chairman Ohrenschall:**

We are lucky in our state. While there are many employers that will not consider an ex-convict, we have some that are willing to give a person a chance when they have just been released from prison. What I hear sometimes from some of the offenders who have been given that chance and are working is that they sometimes receive visits from their parole officer at their employment, and that is frowned upon. If an offender is participating in the day reporting center, will there be less frequency and intensity of these kinds of visits at an offender's job?

**Natalie Wood:**

I cannot give you a cut-and-dried answer to that. I cannot say, "No, we are not going to do that." Sometimes we are required to do those types of visits. If you have a "no alcohol" clause and you have an offender who has a problem with alcohol, the perfect time to drink would be at work—so there are times when it is important to do those visits. What is of equally, if not greater, importance is for offenders to sustain their jobs. You have to balance compliance with assistance and we are the agency that does that. I have to balance community safety with health and human services. I think it would be wrong for me to commit either way on that because work visits are necessary at times.

**Chairman Ohrenschall:**

Thank you very much. If there is anyone else here in Carson City or in Las Vegas who would like to speak in favor of A.B. 23, now is your opportunity to come forward. [There was no one.] Is there anyone who is neutral on A.B. 23?

**Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:**

I am the Policy Director for the American Civil Liberties Union (ACLU) of Nevada. We are supportive of the spirit of A.B. 23. We support any program that is designed to meet the individualized needs of the offender and that directly addresses the reasons for reincarceration of that particular individual. Programs that focus on rehabilitation rather than punishment and incarceration significantly benefit an individual's liberty interests, the interests of the safety of the community, and they, of course, save exponential taxpayer dollars.

Our concerns arise around the liberty interests that are intruded upon when an offender participates in these particular programs. Of course, we would like to see a program that is set up so that once an offender is complying with the program, there is less governmental intrusion into their lives. One example of this could be fewer stops at work. That is one way we can have oversight that ensures that, as that person is progressing, there is less intrusion.

Finally, we have concerns about cost when contracting with for-profit organizations. Many offenders get to a point where they are not able to afford the costs that accrue with these programs. Even though some offenders might be able to get a higher-scale job and make a good living, others are only able to get employment where they are living below the poverty line—even when working 40 hours a week—and they are not able to pay the fees that accrue over time. Will a person who is unable to pay those fees have their parole

or probation revoked? Those are the concerns that arise with these types of programs, but we, like Assemblyman Anderson, are supportive of this effort and would like to work with the Division of Parole and Probation on creating these programs.

**Assemblyman Pickard:**

I do not practice criminal law, but it is my understanding that once a person is convicted of a crime, particularly a felony, they have surrendered some of their liberty interests for the purposes of public safety. Are you suggesting that the Division of Parole and Probation is going beyond their legal rights when they insist that offenders check in with their parole officers, or are you looking to restore those rights to them before they are done with probation? I do not understand the issue. Offenders have liberty interests, certainly, but they have surrendered some of those. How does that balance out?

**Holly Welborn:**

You are certainly correct. We view it as a sort of continuum. Of course, we are going to favor community-based programs over incarceration. What we would like to see, and what we prefer, is that as offenders become successful in those programs and move through the process, they receive more of their rights back.

**Assemblyman Pickard:**

I am still a little confused. Are you suggesting offenders get those rights back during probation? As I understand this, we are talking about people who are extremely close to being thrown back into prison because they are not doing what they are supposed to be doing. At what point are you suggesting offenders should receive those liberty interests back, before probation or after they complete it successfully?

**Holly Welborn:**

I think that offenders should receive their liberty interests back as they progress through the program. I think members of the Committee gave a few examples of what I mean earlier today. If a person has a job and is maintaining that job, they have had a probation officer stop into their place of work and they are consistently showing that they are sober, maybe there can be a decrease in the number of times that a probation officer intrudes upon them as they are fulfilling their job obligations. In this way, they earn liberty interests incrementally as they move through a program.

**Assemblyman Pickard:**

That is what I heard the proponents of this bill describe. What I heard was that, as offenders successfully progress through their probationary status, they earn those liberties. This program is a sanction; once offenders are out of the sanction, they get those increases. I do not understand what you are talking about as far as liberty interests. Can you dive a little deeper into this so I can understand what you are talking about?

**Chairman Ohrenschall:**

We are a little pressed for time today. Can you two follow up on that after the meeting?

**Assemblyman Pickard:**

That is fine.

**Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:**

I want to be very clear and on the record that I wholeheartedly respect the spirit and intent of what this bill is trying to accomplish. I certainly agree with all of the comments that were made today about getting our clients into the proper treatment providers and getting them the help they need. Having consistency and continuity is also key. When my clients are released from jail, I often find that they had been receiving services through American Comprehensive Counseling Services (ACCS) or another program. These programs are also available within the community and provide a constant source of alcohol, drug, anger management, and domestic violence counseling. My clients seek these services on the outside and it is a huge help to our clients to have that consistency and continuity of service to keep them on the straight and narrow.

My concern has already been highlighted: I definitely agree with Chairman Ohrenschall. What kind of direct control and oversight are these private companies going to have over the reporting centers? I would certainly hate to see the private sector take advantage of our poor clients. I have done some cursory research; there may be issues in other states where clients who simply cannot pay the fees at these reporting centers are preyed upon and threatened with going back to jail. Direct control and oversight by the state is something that I am certainly, and chiefly, interested in.

Section 1 states that this law will apply ". . . to any parolee or probationer who is ordered . . . ." My concern is if the program is working and probationers and parolees are going to the centers and benefitting from them, will we then have some sort of disparate treatment against other offenders, like sex offenders? Sex offenders are my clients who really need the most help: They need counseling, services, and treatment. That is the area in the community which is most lagging in services. I would hate to see a disparity in treatment where those offenders who are put into day reporting centers are doing great and succeeding—expiring Parole and Probation—and the ones who are not, a different set of clients, cannot really gain any sort of benefit or access to these reporting centers. I would hate to see that. Other than that, I certainly appreciate what this bill is trying to accomplish.

**Chairman Ohrenschall:**

In other states that have these day reporting centers, has lack of payment of the fees led to revocation? Do you have any information about that?

**Sean Sullivan:**

I think Mr. Piro is going to make some comments about that. I just want to say that there is a disconnect. We regularly receive incident reports—not violation reports—for offenders, and it becomes incumbent upon Mr. Piro and me to call the clients or to get involved and talk to their probation or parole officers and say, "What is the problem? I notice in your incident report that you are addressing these concerns, but how can we make—or help—this offender get the treatment he needs?" Often these situations arise because the offender is testing dirty

for substances or other similar things. Again, while I see this disconnect, I do appreciate what this bill is trying to accomplish.

**John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:**

There have been some issues with the privatization of probation in states like Alabama, Georgia, and Mississippi, where it has become a vicious debtor's cycle for some clients. That is why we are neutral on A.B. 23 as opposed to supporting the bill. We are interested in seeing how this plays out. We hope that it works out well.

As you know, probation fees run about \$30 a month just for the standard probation fee. The increased services at day reporting centers result in extra fees that some people may be unable to afford, and then they wind up in a vicious cycle of debt and debt collection. We do not feel that these concerns were addressed during the presentation. We are concerned about handing off or delegating some of these duties to the vendors.

**Chairman Ohrenschall:**

You mentioned Alabama, Georgia, and Mississippi. In those states, do you know if offenders make their payments directly to the day reporting centers?

**John Piro:**

Generally, they make their payments directly to the vendors and the vendors become a form of debt collector. That is why we are concerned.

**Chairman Ohrenschall:**

Are the payments that you just mentioned in addition to restitution?

**John Piro:**

That is correct.

**Assemblyman Fumo:**

Mr. Piro, you bring up a great point that the Corrections Corporation of America (CCA) prison system has been nothing short of a disaster in this country. Now, I am concerned about the privatization of parole and probation being a disaster for Nevada as well. I was wondering if you and Mr. Sullivan, because you are in the trenches, would get together with Ms. Wood and the sponsors of the bill to see if there is something more that you could put into the bill to avoid the same disaster happening in Nevada.

**Sean Sullivan:**

I would be honored to work with Mr. Piro and Ms. Wood to address these concerns.

**Chairman Ohrenschall:**

Is there anyone else who is neutral on A.B. 23, here in Carson City or in Las Vegas? [There was no one.] Is there anyone who is opposed to A.B. 23, here in Carson City or at the Grant Sawyer Building in Las Vegas? [There was no one.]

Captain Arruti, I would appreciate it if you could come back up to address these concerns.

**Shawn Arruti:**

I apologize that I did not make this clear during the presentation. There is no cost to the offender with regard to the day reporting center. The day reporting center is an intermediate sanction. It is a state-funded intermediate sanction, so there is no cost to the offender. There should be no concern, if offenders are ordered into this program by their parole officers, that a lack of payment will result in their being taken into custody. There is no cost to the offender other than investing their time and engaging in the program. This is truly a state-funded program.

**Chairman Ohrenschall:**

Thank you very much for clarifying that and for putting that on the record. If an employee of the vendor feels that an offender is not following through on their end of the bargain—failing to go to substance abuse counseling or mental health counseling, or not looking for employment—would the vendor have the power to put the offender in custody, or would they have to forward this negative report to the officer at the Division of Parole and Probation? How would that work?

**Shawn Arruti:**

The vendor is the provider of services. The Division of Parole and Probation is the enforcement if an offender is not being compliant with the requirements of the program. We do not need to know what an offender is doing at counseling or what they are discussing with the counselor. If they are not engaged, not complying with the requirements, not showing up, then the counselor reports that to the Division of Parole and Probation and the officer makes a determination of whether to take the person into custody or if another enforcement action needs to be taken. I want to be clear that the vendor will not have any authority over the enforcement of the terms and conditions of supervision. That is strictly within the purview of the Division of Parole and Probation.

**Natalie Wood:**

I would like to echo what Captain Arruti said: This bill will not privatize probation and parole. I would not be a proponent of that. I think the statistics speak for themselves. This bill will bring in a vendor that is qualified—more so than the officer—in anger management, domestic violence, substance abuse, and mental health counseling. This bill is not about privatization. The Division of Parole and Probation will maintain supervision of the offender. If the offender were not participating in the program, however, they would be incarcerated.

**Chairman Ohrenschall:**

Thank you very much for clarifying those points. Are there any other questions? [There were none.] We will now close the hearing on A.B. 23.

We will now open the hearing on Assembly Bill 25, which revises provisions relating to certain allowable deductions from the period of probation or sentence of a person. There is an amendment that has been proposed, and it is available on the Nevada Electronic Legislative Information System (NELIS).

**Assembly Bill 25: Revises provisions relating to certain allowable deductions from the period of probation or sentence of a person. (BDR 14-171)**

**David Helgerman, Captain, Division of Parole and Probation, Department of Public Safety:**

I am here to talk about earned compliance credits [slide 1, ([Exhibit D](#))]. An earned compliance credit is the industry name for what is commonly known as "good time credits." Credits have been shown to be an effective incentive for offenders to pay restitution and supervision fees. Assembly Bill 25 is a housekeeping bill that will clarify when an offender receives credit and who is responsible for setting the payment amounts. I would like to emphasize that this bill does not remove the ability for offenders to earn credits. The Division of Parole and Probation (P&P) of the Department of Public Safety (DPS) believes credits are a positive incentive for offenders to work and pay their fiscal obligations.

The first change that this bill proposes defines what it means for an offender to be current with their payments [slide 2, ([Exhibit D](#))]. Currently, *Nevada Revised Statutes* (NRS) allows a probationer to earn up to 20 days of credit, and a parolee may earn up to 30 days of credit if they are current with their restitution and supervision fee payments and working or in an approved program. However, the law does not define what "current" means. This has created problems in determining what an offender owes each month or if they can still receive credit if they miss a month in payments without catching up on that payment. This bill clarifies that a minimum monthly amount may be set by the court. If the court does not set that amount, the Division of Parole and Probation will set a minimum monthly amount, and the offender will receive credit if they pay that monthly amount. The State Board of Parole Commissioners will continue to set restitution amounts for parolees.

The second change under this bill clarifies when an offender may receive credits [slide 2, ([Exhibit D](#))]. Different district courts view the application of credits differently. Many courts believe an offender can receive partial credit if they comply with one requirement but not the other. For example, if they are paying their fiscal obligation but they are not working, they would receive 10 days of credit for the fiscal obligation but not their 10 days of credit for working. However, some courts have interpreted the statute to mean credit is all or nothing, meaning that they have to pay their fiscal obligations and they have to be working in order to receive any credit. This bill clarifies that an offender may receive partial credit if they are fulfilling one obligation but not the other.

The third part of this bill removes compliance as a factor in determining credits [slide 3, ([Exhibit D](#))]. The current law requires a probationer to be in compliance in order to receive credit; however, it does not define what compliance means and leaves that interpretation up to the Division of Parole and Probation. This requirement for compliance is only for probationers. Parolees are not required by statute to be in compliance to earn credit for working or paying their fiscal obligations. This bill removes the language regarding compliance for probationers in order to more closely match the NRS for parolees.

Finally, the bill will remove court fines and fees as a factor in determining probation credits. I would like to emphasize that this bill does nothing to reduce the amount of fees or fines owed to the court: P&P will continue to enforce collection of fees and fines that are owed to the court. The reason why this bill removes court fines and fees as a factor in determining credit is twofold. First, the Division of Parole and Probation cannot automatically calculate the amount of fees and fines owed to the court on a monthly basis without calling the court regarding every probationer and then manually adjusting the credits in their case management system. The second reason is that a probationer has the entire term of probation to pay the court-ordered fees and fines, requiring a monthly payment. A part of credit calculation requires every fee and fine to be divided by the number of months of probation, and then adjusted every month that it is paid, to reduce the amount of time a person is on probation. For example, with a \$250 court fee and a five-year probation, a probationer would either have to pay all of those fees up front, or we would divide it by the number of months they are on probation, and they would have to come to the court every month and pay \$4.16 until that was paid in full.

**Chairman Ohrenschall:**

I was struggling with the formula and trying to understand it, and it made me think about Justice Hardesty's testimony earlier this session about the three people in this state who can actually understand the formula. I know we have one of those three people here in the room today. Are there any questions on A.B. 25?

**Assemblyman Watkins:**

When there is an assessment or when we are looking at whether an offender has paid their fees and that credit be given, is this a monthly true-up? If they miss one month, does it carry over to a bigger payment the next month in order to determine whether they will get a credit for that new month?

**David Helgerman:**

That is correct, and that is what we are trying to clarify with this bill. There has been the interpretation that the word "current" means that offenders have to pay the previous months' fees that they missed in addition to the current month. We are trying to define current as meaning the current month's payment.

**Assemblyman Pickard:**

I am struggling with the notion that we are removing the expectation that a probationer must be compliant. How does this balance with the expectation that probationers are supposed to be in compliance with the conditions of their probation?

**David Helgerman:**

I fully understand the irony in removing the word "compliance" from "earned compliance credits." On its face, it does not make sense. The law currently allows the Division of Parole and Probation to define what compliance means. The Division of Parole and Probation currently defines "compliance" as when the offender is not in custody with a pending violation report. In that scenario, the offender would not be working or earning those credits. They would not be paying their fees and restitution so they would not be earning those credits either. It ends up being a moot word. If somebody else is paying those fees of restitution on behalf of the offender, we do not want to discourage collection of restitution for a victim. In addition, since the word "compliance" is not applicable for parolees for these particular credits, we wanted the language to match with the parolee side as well.

**Assemblyman Pickard:**

Thank you.

**Assemblyman Yeager:**

I think you said earlier that P&P is supervising 20,000 offenders—that might be an inaccurate number. Could you tell me approximately what percentage of them, under the current definition, are not in compliance? As I understand the current definition, it would mean the offender is in custody with a revocation pending. Do you have those numbers?

**David Helgerman:**

I do not have that with me but I can certainly get you the number of people who are in custody right now.

**Chairman Ohrenschall:**

If this bill passes into law, how do you envision it affecting the people who are subject to it? Do you see more people being in compliance due to this change?

**David Helgerman:**

I believe that some offenders get discouraged when they owe, for example, \$1,000 over the course of their probation, and their officer has determined that they can pay \$100 per month. Then they lose their job and have to make those payments up. By defining "current" as the current month, I think it ends up being more of an incentive for the offender to slowly make up the payment as they can, rather than saying, "Well, I missed a month. I am never going to earn credit again because I am not going to be able to make this up for another three or four months, so why try?" We anticipate that this will have a positive effect.



**Chairman Ohrenschall:**

Thank you very much. Would anyone like to make any further comments in support of the bill?

**Natalie Wood, Chief, Division of Parole and Probation, Department of Public Safety:**  
Assemblyman Yeager, we have 19,591 offenders that P&P is supervising.

**Chairman Ohrenschall:**

That is the number of people in compliance?

**Natalie Wood:**

No. That is the total population P&P serves.

**Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:**

Mr. John Piro, from the Clark County Public Defender's Office, had to step out of the room but we are both in support of this bill. We think it is a very important piece of legislation and we certainly support it. We have one concern, however, that we do not feel was addressed. We are under the assumption that as long as a person is in compliance and they are doing their best to pay whatever fines and fees they have, if they were not paying certain fines and fees but they were still earning their probation credits, they would not end up with a dishonorable discharge from probation. As the law stands now, somebody who is not paying their fines and fees can still be discharged from probation, but they will have a dishonorable discharge on their record. This would be a black mark on their record if they were ever to get involved in the criminal justice system again. Our reading of this bill would cause us to believe that if a probationer is receiving their probation credits, then they are in compliance, and at the end of the term of probation, they would receive an honorable discharge as opposed to a dishonorable discharge.

Other than that, we are in full support of this bill. I always tell my clients that they hold the keys to their success as long as they work with the Division of Parole and Probation and do everything that they can. I fully respect the comments that were made about offenders paying what they can for fines, fees and restitution; being engaged and involved and doing everything to work with the probation officer is important so an offender can get off early.

**Assemblyman Fumo:**

Thank you for your support of this bill. Can you explain to the Committee what it means to a person who, because he could not pay his fines and fees, is dishonorably discharged? What does that mean for him and his future, if he not only gets in trouble again, but wants to seal his record? What are the consequences of a dishonorable discharge?

**Sean Sullivan:**

It is a big issue for sealing of records. I can speak from my own personal experience: If somebody has a dishonorable discharge on their record and they get even a minor offense such as a misdemeanor or a gross misdemeanor, a lot of times the district attorneys will bring that up; they use it as a litmus test to the judge to say, look at the offender's prior

track record. A dishonorable discharge will tell the court that they might not be a candidate for receiving probation the next time around. The State Board of Parole Commissioners of the Department of Public Safety may look at it in the presentence investigation report; they may feel that the offender might not be a good candidate as they had a dishonorable discharge in the past. It is a negative mark on the record.

As far as the sealing of records, a dishonorable discharge makes it more difficult. The state can weigh in on the sealing of records. There is a whole process where the offender has to file a petition with the court. The court can look at the offender's criminal record to see if the offender has an honorable discharge or a dishonorable discharge. They look to see what criminal history the offender had in the past—misdemeanors, gross misdemeanors, felonies; how did the offender perform in the system? Again, that could hinder things with a dishonorable discharge. Unless I am misreading this, I assume that the intent of this bill is that as long as an offender is in compliance and they are earning their credits when they complete and are discharged early from parole or probation, they will receive an honorable and not a dishonorable discharge.

**Chairman Ohrenschall:**

Mr. Sullivan, in your opinion, if someone has a dishonorable discharge, are they eligible to have their records sealed?

**Sean Sullivan:**

I cannot say that they would not be eligible; I just think that when somebody petitions to have their records sealed, the court system, looking at that petition, can look at their entire criminal history. We do not seal records at the Washoe County Public Defender's Office but I know that Mr. Piro has experience in this area. All I do know is that once a person files the petition to have their records sealed—I do not know if it is an automatic bar or not—I know that the court (the judge and district attorney), when looking at a person's record, will know whether they have an honorable or dishonorable discharge, and it may be a factor in the calculus for making the decision to seal the record. I cannot answer if it is an automatic bar per statute or not.

**Chairman Ohrenschall:**

Mr. Piro just walked into the room. Mr. Piro, we have a question for you about dishonorable discharges and sealing of records, and what kind of an impediment that can be to an individual trying to get a record sealed.

**John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:**

To answer your question, it is a bar, per statute. I hope that we can get that fixed this legislative session. I believe Assemblyman McCurdy is going to bring a bill forward that is going to change that. Right now, a dishonorable discharge is a bar. Even if it happened ten years ago and the offender is a totally different person, they would be unable to seal their records if they got a dishonorable discharge from probation. This includes something as small as paying your fees.

**Chairman Ohrenschall:**

That would be solely for not paying their fees?

**John Piro:**

Yes.

**Chairman Ohrenschall:**

A dishonorable discharge for that could preclude an offender from getting his or her record sealed and being able to move on with life, find better jobs, and have better opportunities?

**Assemblyman Yeager:**

I wanted to clarify that I thought that was the law and I knew Mr. Piro would know. It is a bit unusual because you can get probation, be dishonorably discharged, and be precluded from sealing your record, but your offense can be so great that you can go to prison, never get probation, be released, and then you can seal your record. It seems to be a bit of an anomaly in terms of how it is applied. I think Mr. Piro is correct that we will have one, if not two, pieces of legislation trying to address that issue at some point this session.

**Chairman Ohrenschall:**

I hope that we will hear them in this Committee.

**Connie S. Bisbee, Chairman, State Board of Parole Commissioners:**

On my left is David Smith, our Senior Hearings Examiner. We have a proposed amendment for A.B. 25 ([Exhibit E](#)). The reason we attached this amendment to A.B. 25 is that we wanted a friendly bill that is a no-brainer, or at least we hope it is a no-brainer. As you know, the prisons are overcrowded right now, and the Governor has been very proactive on asking his departments to come up with some good ideas as to how we can keep public safety in mind while avoiding building new prisons. This amendment is the result of a meeting that included representatives from the Office of the Governor; the Budget Division, Office of Finance; the Division of Parole and Probation, Department of Public Safety; the Department of Corrections; and the Parole Board getting together in a think tank. This amendment could allow us to safely ease some of the overcrowding in the prisons. We have been asked to be the agency sponsor of the amendment. Mr. Smith is the contact person for this amendment. There is a good reason for this; Mr. Smith was the one who, as the result of this meeting said, "Well how about . . . ." And the group wanted to move forward with the amendment. I will turn the actual amendment over to Mr. Smith at this time.

**Chairman Ohrenschall:**

I mentioned earlier, but I wanted to reiterate, that the amendment is on NELIS for anyone who is interested.

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

The requested amendment to A.B. 25 is intended to ease prison overcrowding and facilitate the transition of certain parole-granted inmates into the community. This amendment would allow parole-granted inmates to be housed in residential confinement during the transitional period that occurs between the issuance of the order granting parole and the eligible date for release to parole. The State Board of Parole Commissioners conducts hearings on parole-eligible inmates approximately three months prior to an inmate's eligibility date. At any given time, there are hundreds of inmates who have been granted parole but are not yet eligible.

As of yesterday, there were 548 inmates listed in this status. When we pulled the same statistics in December there were about 530 inmates, so we know that this is an ongoing number of about 500 inmates every month. This amendment contemplates the state paying for the cost of residential confinement, which is less expensive than the cost of incarceration. The language has been drafted similarly to existing statutory residential confinement programs. Inmates with consecutive sentences or who have holds do not qualify.

The amendment allows the Department of Corrections, with the approval of the State Board of Prison Commissioners, to create a program that would allow for the transition of these types of offenders, during that transitional period, into residential confinement. Once they hit their parole date, they would continue on in parole and off of residential confinement.

**Assemblyman Yeager:**

I have a procedural question. I understand the amendment and what it seeks to do. Previously we had some discussion about inmates being eligible for parole, or being paroled, but then not having a release plan and a place to go. These 548 inmates that you are talking about, are they people who have an approved residence and place to go as part of their parole, or have some of them been granted parole but are stuck in the middle ground of not having a place they can actually parole to?

**David Smith:**

We are looking at two groups. There are inmates who have been granted parole but are not yet eligible—that is the 548 that I referred to. There is another group that the Department of Corrections has talked about, and those are inmates who have been granted parole and are eligible, but there is no place for them to go. That number fluctuates depending on when their residences become available. This amendment focuses strictly on those inmates who have been determined to be qualified for release on parole. Once we order that they be released on parole, the Division of Parole and Probation could immediately begin looking at their release plans and the inmate can move into residential confinement once they have a qualified location.

**Assemblywoman Jauregui:**

Once they are released to house arrest, are they still under the supervision of the Department of Corrections?

**David Smith:**

They would still be an inmate in the Department of Corrections, and would still be supervised by the Division of Parole and Probation in the community. They would not be on parole until they actually met their parole date.

**Assemblywoman Jauregui:**

Thank you.

**Chairman Ohrenschall:**

I should have asked this question earlier. I assume that this is a friendly amendment and you have checked with the Department of Public Safety (DPS)?

**Connie Bisbee:**

Yes, sir. This is a friendly amendment.

**Chairman Ohrenschall:**

Thank you.

**Assemblywoman Krasner:**

For clarification, this amendment that you are proposing is exclusively for those inmates who have been granted and are eligible for parole. Is that correct?

**Connie Bisbee:**

Yes. We see inmates approximately three months before their parole eligibility date in order to make a determination as to whether to grant parole. Let us say that we saw somebody today and they are eligible in May, and the Parole Board made the decision to grant parole. Between now and the minimum eligibility or set eligibility date in May, the inmate is still in prison, but we know that they are appropriate to be released to the community. What this amendment does is allow the Department of Corrections (NDOC) to release them to an appropriate residential confinement situation until the date in May when they become regular parolees.

You brought up the three-month date. If this amendment passes we may very well move the date that we hear cases up to four months early, in which case you will have a greater number of people you could put out safely into the residential confinement arena and we could empty that many more beds. These are people who have been determined appropriate to be released to the community.

**Assemblywoman Jauregui:**

What are the projected savings by moving these 548 people into house arrest three months early?

**Connie Bisbee:**

The rate for prisons, as the Division of Parole and Probation showed in their projection, is about \$58 per day. House arrest, the last time I checked, can be as low as \$7.50 per day. You are talking about at least a \$50-per-day savings, based over three or four months, and based on however many inmates we have.

**David Smith:**

We do not see this as being a reduction in cost to NDOC as much as it is saving them from having to get more funding in the future. As they have testified, the prison population is over their projection and they are close to bursting at the seams. If their numbers continue to increase, this amendment is a way to relieve that.

**Connie Bisbee:**

May I please follow up to that?

**Chairman Ohrenschall:**

Please do, and if I might interject, hearing that this may be your last session is one of the saddest things I have heard all morning. You have done a tremendous job for the state, Chairman Bisbee. I am sorry we are going to lose you.

**Connie Bisbee:**

Thank you.

**Assemblyman Fumo:**

When these offenders are placed on house arrest, is the Department of Corrections paying the cost of house arrest or is the burden shifted to the persons on house arrest?

**Connie Bisbee:**

No. The cost does not go to the person on house arrest. The cost of the program is just absorbed by the Department of Corrections' budget, because now you are talking about 500 people who are not occupying beds. The big cost savings is that if you can empty out 500 beds, you are not having to build an additional 200-bed, \$30-million unit. That is really the huge cost savings to the state. The Department of Corrections will not have to come to the Legislature and ask for \$30 million.

**Assemblyman Yeager:**

I commend you for thinking outside the box. I think this is a real commonsense approach to being fiscally responsible while ensuring the community's safety, which is important. Can you walk me through the actual process of how this would work? If somebody were approved for parole, how would the process go for him or her to actually get on to house arrest or residential confinement? Would that be the Parole Board, or the Division of Parole and Probation? Can you walk me through the actual nuts and bolts of how you envision it functioning?

**David Smith:**

We see this functioning more or less the same way as now. The Division of Parole and Probation is requesting funding so they can actually enhance their release processes with staffing in the Department of Corrections to coordinate these releases. As soon as we issue an order granting parole, the order will go to the inmate, to Parole and Probation, and to NDOC. As soon as the order is received, P&P can immediately start looking at what the plan is. If the person is going to go back and live with their spouse, their parents, or whoever it is, P&P can immediately go out and verify if the residence is suitable. Once the residence is approved, P&P would immediately contact the vendor who would be contacted to install the house arrest equipment, and the offender could be transitioned to that location immediately. One of the nice things about this program is that they are still an inmate, but this allows us to step them down from custody to a restricted community setting. We can still measure their behavior without having to go through an entire violation process if they do something that they are not supposed to do.

**Assemblywoman Cohen:**

There are important programs in the prisons that the inmates frequently receive such as education and drug programs. Are there any concerns about people going into this program and missing out on opportunities, or leaving prison too early and missing out at the end, or not getting the end of a program that they should be getting?

**Connie Bisbee:**

We do not deny an inmate parole because they have not been able to participate in a program, or because a program was not available. A few of the long-term programs have been shown to greatly reduce recidivism. Let us say that your parole eligibility is May 1 and April 30 you are going to graduate from the Team Recovery Under Structured Treatment (TRUST) program, one of the excellent substance abuse programs. One of your parole conditions would be that you complete that TRUST program prior to being released. That only affects a few people. The plus side for those who will be in the community under house arrest supervision prior to actually starting their parole is that they can now make themselves available to the programs that are offered in the community. The Division of Parole and Probation does an excellent job of finding those resources. It can be a really good thing, and it would not hurt anybody's programming. We keep that in mind. These really are individual decisions made for each of these inmates.

**Chairman Ohrenschall:**

What is the definition of "residential confinement" in subsection 3 of the amendment? Would that also include halfway houses, inpatient substance abuse facilities, and inpatient mental health facilities, or would it strictly be a residence?

**David Smith:**

It does not preclude a residential halfway house if the halfway house would permit it.

**David Helgerman:**

Assemblyman Yeager asked how many offenders we have in custody that did not receive credit. For the month of January, 889 parolees and probationers did not receive credit because they were in custody and therefore not in compliance.

**Chairman Ohrenschall:**

Is that figure typical of most months?

**David Helgerman:**

We can take a look at some previous months to see whether it is an average.

**Assemblyman Elliot T. Anderson:**

I appreciate that you are thinking outside of the box and thinking smartly on criminal justice matters rather than just having a traditional idea of punishment. Creativity in problem solving is really important when we look towards an individualized model of criminal justice. I think we need to go after the weeds that create criminal justice problems, and by taking an individualized approach and looking at the offender, we do a better service to both public safety as well as the problems in our community.

**Chairman Ohrenschall:**

Thank you very much for your comments. I think most of us share that same sentiment. Is there anyone else who would like to speak in favor of A.B. 25, here in Carson City or down in Las Vegas? [There was no one.] Is there anyone who is opposed to A.B. 25 in Carson City or in Las Vegas? [There was no one.] Is there anyone who is neutral on A.B. 25? [There was no one.]



[A letter in support of A.B. 25 was submitted by Nevada Attorneys for Criminal Justice ([Exhibit F](#)).]

I will close the hearing on A.B. 25 and open the meeting up to public comment. Is there anyone who wishes to make public comment, here in Carson City or in Las Vegas? [There was no one.] This meeting is adjourned [at 9:52 a.m.].

RESPECTFULLY SUBMITTED:

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Devon Isbell  
Committee Secretary

APPROVED BY:

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Assemblyman James Ohrenschall, Chairman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "[Assembly Bill 23](#): Independent Reporting Facilities (Day Reporting Centers (DRC))," dated February 21, 2017, presented by Shawn Arruti, Captain, Division of Parole and Probation, Department of Public Safety

[Exhibit D](#) is a copy of a PowerPoint presentation titled "[Assembly Bill 25](#): Earned Compliance Credits," presented by David Helgerman, Captain, Division of Parole and Probation, Department of Public Safety

[Exhibit E](#) is material consisting of the following: (1) A letter to members of the Assembly Committee on Corrections, Parole and Probation, in support of a proposed amendment to [Assembly Bill 25](#); and (2) a proposed amendment to Assembly Bill 25 presented by Connie S. Bisbee, Chairman, State Board of Parole Commissioners, Department of Public Safety; and David M. Smith, Parole Hearings Examiner II, State Board of Parole Commissioners, Department of Public Safety.

[Exhibit F](#) is a letter dated February 22, 2017, in support of [Assembly Bill 25](#) to members of the Assembly Committee on Corrections, Parole, and Probation, authored and submitted by Lisa Rasmussen, Legislative Committee Co-Chair, Nevada Attorneys for Criminal Justice.