

**MINUTES OF THE
ADVISORY COMMISSION ON
THE ADMINISTRATION OF JUSTICE**

JANUARY 24, 2012

The meeting of the Advisory Commission on the Administration of Justice was called to order by Assemblyman William C. Horne, Chair, on January 24, 2012, at 9:46 a.m., at the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and at the Legislative Building, Room 3137, 401 South Carson Street, Carson City, Nevada via simultaneous videoconference. The Agenda is included as [Exhibit A](#) and the Attendance Roster is included as [Exhibit B](#). All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMISSION MEMBERS PRESENT (LAS VEGAS):

Assemblyman William C. Horne, Chair, Assembly District No. 34
Senator Greg Brower, Senate District No. 3
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
Sheryl Foster, Deputy Director, Nevada Department of Corrections
Phil Kohn, Clark County Public Defender
Catherine Cortez Masto, Attorney General
Assemblyman Richard McArthur, Assembly District No. 4
Senator David R. Parks, Clark County Senatorial District No. 7

COMMISSION MEMBERS PRESENT (CARSON CITY):

Connie Bisbee, State Board of Parole Commissioners
Larry Digesti, Representative, State Bar of Nevada
Honorable James W. Hardesty, Justice, Nevada Supreme Court, Vice Chair
Mark Jackson, Douglas County District Attorney
Jorge Pierrott, Sergeant, Department of Public Safety, Division of Parole and Probation
Richard Siegel, President, American Civil Liberties Union of Nevada
Todd Vinger, Undersheriff, Washoe County Sheriff's Office

COMMISSION MEMBERS ABSENT:

Judge David Barker
Gail W. Farley, Victims' Rights Advocate

STAFF MEMBERS PRESENT:

Nicolas C. Anthony, Senior Principal Deputy Legislative Counsel
Angela Hartzler, Deputy Administrator, Legal Division, Legislative Counsel Bureau
Olivia Lodato, Interim Secretary, Legal Division, Legislative Counsel Bureau

OTHERS PRESENT:

Tonja Brown, Advocate for the Innocent
Wes Goetz
Michelle Ravell, NV CURE
Claudia Stieber, Division of Parole and Probation
Kim Madris, Division of Parole and Probation
Tom Ely, Captain, Division of Parole and Probation

Chair Horne opened the meeting of the Advisory Commission on the Administration of Justice at 9:46 a.m. He requested a roll call of members present at the meeting.

Mrs. Angela Hartzler called roll. A quorum was present.

Chair Horne requested that members arriving at a later date be added as present. He gave a brief overview of the Commission's responsibilities. He said it was a diverse commission that took possible laws to the Legislature for consideration. The Commission did not have the ability to have Bill Draft Requests (BDRs) but sought Legislators who presented the ideas as BDRs. He said Legal Counsel would give a more detailed explanation of the actions that occurred during the last session. Chair Horne opened the meeting for Agenda Item III, Public Comment.

Senator Parks said NV CURE had a presence in Northern Nevada, and he asked Ms. Ravell if it was still available there.

She replied NV CURE was still in Northern Nevada.

Ms. Michelle Ravell said NV CURE had organized in Nevada and was interested in serving on the Commission as a prisoner rights representative. Ms. Ravell had a list of questions for several groups represented on the Commission. She submitted a two-page letter outlining her questions for the record, [Exhibit C](#).

Wes Goetz said he was a former inmate and he had suggestions for improving the prison programs. He suggested the programs be run by the University of Nevada, Reno, as the videoconferencing was already set up in the prisons. He said when a prisoner appeared before the Parole Board, a teacher from the school could send a letter to the Board stating how a prisoner had done in the class. He said many of the programs provided by the prison system did not have "real" teachers or the certificates given for courses taken were

not considered by the Parole Board. He said inmates needed a community resource network when they were released on parole. He was also concerned about the cost of the telephone system in the prisons. He said the telephone program was not efficient and was very expensive. Mr. Goetz was also concerned about the lack of licensed psychologists. He said inmates should be rehabilitated while in prison and have a lower tier rating upon their release. He said it was very difficult to get a job with a high offender tier rating.

Ms. Tonja Brown, Advocate for the Innocent, provided a copy of a deposition for the Commission to study, [Exhibit D](#). She had comments and suggestions on Agenda Items V, VIII, IX, X and XI. She said the Attorney General's office had withheld information regarding her brother, Nolan Klein's case. She said from Don Helling's testimony in [Exhibit D](#), it was evident the Nevada Department of Corrections had submitted false documents. Ms. Brown read sections of Mr. Helling's testimony from [Exhibit D](#).

Chair Horne opened Agenda Item IV, the Selection of the Chair. He requested nominations for Chair of the Commission.

Senator Parks nominated Mr. Horne as Chair of the Commission.

Mr. Siegel said he seconded the motion and he also wanted to nominate Justice Hardesty as the Vice Chair of the Commission. He wanted a strong cooperative relationship between the Chair and the Vice Chair.

SENATOR PARKS AMENDED HIS MOTION TO INCLUDE MR. HORNE AS THE CHAIR AND JUSTICE HARDESTY AS VICE CHAIR OF THE COMMISSION.

MR. MCARTHUR SECONDED THE MOTION.

THE MOTION CARRIED.

Chair Horne opened Agenda Item V, Approval of the Minutes from the meeting held on September 24, 2010.

MR. SIEGEL MOVED TO APPROVE THE MINUTES OF SEPTEMBER 24, 2010.

MR. DIGESTI SECONDED THE MOTION.

THE MOTION CARRIED.

Chair Horne made some housekeeping remarks. He said alternates serving for members appointed to the Commission were welcomed, but he would appreciate a 48-hour notice of an alternate on the Commission. He also requested that the alternate serve during the entire meeting rather than interchanging throughout one meeting. He said all the members received telephone calls and emails polling them on dates for the hearings and other important matters. He requested that they respond as quickly as possible. He said he was going to try to be finished with the work of the Commission by September 1, 2012, and have a report created and ready before the next legislative session. He said the Commission would have three or possibly four meetings and a work session to determine the BDRs they were going to request. He said once the agenda was set, he preferred no changes be made to the agenda. He said once it was posted, it was important to keep it as written. He added that due to changes in the Open Meeting Law, public comment would be at the beginning of the hearing and again at the end of the hearing.

Chair Horne opened Agenda Item VI; Review and Discussion of Legislation Creating and Revising the Responsibilities and Authority of the Advisory Commission. He said Mr. Anthony would present the items.

Nicolas Anthony, Senior Principal Deputy Legislative Counsel, said the mission and scope of the Commission grew out of the former Sentencing Commission. In 2007 the Commission was created by statute and consisted of seventeen members representing the Legislative, Judicial, and Executive Branches, and members of the public, victims and advocates alike. It was a broad commission. The duties of the Commission were to study the elements of the Nevada criminal justice system. He said it included sentencing, the Nevada Department of Corrections (NDOC), Parole and Probation (P&P), the Parole Board, review of specialty courts, review of the use of presentence investigations, juvenile justice, the Open Meeting Law, the operation of the NDOC, and looking at the use of civil commitment for sex offenders. He said there were two statutory subcommittees: the first was Juvenile Justice, and the second was a statutory Subcommittee on the Victims of Crime. He said the deadline for the Commission to submit its final report to the Director of the Legislative Counsel Bureau was September 1. The report included all the recommendations of the Commission. He added that the Commission did not have Bill Draft Requests, but recommended the drafting of legislation for an individual Legislator or committee to promote. He said the staff for the Commission was nonpartisan and there was no formal budget for the Commission.

Mr. Siegel said he was aware of other committees and commissions that were developed since 2007. He said there was apparent overlap with the State Crime Commission, a Supreme Court body relating to juvenile justice, and perhaps two or three other committees. He felt it was important to be aware of how the Commission interacted with the others. He requested that the Chair have something prepared so members of the Commission were aware of the other bodies.

Chair Horne said some type of report could be prepared.

Mr. Siegel said staff could summarize the overlap with the other committees. He said he would cooperate with a staff member to prepare a brief report.

Mr. Anthony said he would make a matrix showing all the different bodies currently functioning in the criminal justice system.

Mr. Siegel said the documents which referred to the bills proposed by the Commission to the various Legislators did not reveal the final outcome of the bills. He requested Mr. Anthony summarize the final outcome of the bills proposed to the Legislature.

Chair Horne said the information was sent to members via email.

Mr. Siegel said he had missed the information.

Chair Horne closed Agenda Item VI and opened Agenda Item VII.

Mr. Anthony covered the full work of the Commission under Agenda Item VII. He mentioned that the members had a copy of the report and a summary of each legislative measure recommended by the Commission with the final status indicated for each measure, [Exhibit E](#). He said the final report from the Commission was a summary of the Commission's full body of work. They held four full committee hearings and two detailed work sessions. The Commission voted to offer nine recommendations for the approval of drafting legislation, the drafting of one letter, and two recommendations to include a statement in the final report. The Commission advanced nine bills to the 2011 Legislature. He said four of the bills passed, one passed and was vetoed by the Governor, and four measures did not pass, [Exhibit E](#).

Mr. Anthony reviewed all the measures for the Commission, [Exhibit F](#). He said A.B. 142 passed. The bill raised the monetary levels of the theft thresholds for misdemeanor and felony offenses. He said A.B. 196 passed and it was related to the collections of fines, assessments, fees, and restitution. It authorized the collection to be handled at the local county level. If the county did not do the collections, then the Office of the State Controller would make the collections. Mr. Anthony said A.B. 355 passed and it related to the reversion of any remaining funds in the Fund for the Compensation of Victims of Crime at the end of each fiscal year. The bill said funds did not revert to the State General Fund and must be carried over to the next fiscal year, [Exhibit F](#). He mentioned S.B. 187, which revised certain provisions relating to sex offender parole and the "psych panel" evaluations before the Parole Board.

Mr. Anthony said A.B. 136 passed, but was vetoed by the Governor. He said the bill would have given good time credits to certain category B felons. They were felons not convicted of a threat or use of force crime, a sexual offense, or a DUI offense. They would have been allotted extra additional good time credit off the front and back of their sentence, [Exhibit G](#).

Mr. Anthony said there were four measures that did not pass; [A.B. 92](#), [A.B. 96](#), [A.B. 123](#), and [A.B. 265](#). He said [A.B. 92](#) would have given a waiver of driver's license fees to any person recently released from prison. [A.B. 96](#) prohibited the use of certain psychological testing of a victim or witness to an alleged sexual offense. [S.B. 123](#) would have moved the Office of the State Public Defender from the Department of Health and Human Resources to the Office of the Governor. Finally, [S.B. 265](#) pertained to the aggregation of certain sentences. Mr. Anthony concluded his presentation with the mention of [SJR 1](#). He said it was a Constitutional Amendment to replace the Pardons Board with a Board of Clemency. He said the bill advanced out of the 2007-2008 Advisory Commission. He said it was passed by the 2009 Legislature. It needed to be passed twice by the Legislature, as it was a Constitutional Amendment, and then voted on by the people. It did not pass in the 2011 Legislature.

Chair Horne asked if there were any further questions. He closed Agenda Item VII and opened Agenda Item VIII. He said it was a presentation by the Nevada Department of Corrections.

Sheryl Foster, Deputy Director, Nevada Department of Corrections, (NDOC), said she had been with the NDOC since 1988. She was making the presentation today on behalf of Greg Cox, Director, NDOC. She gave an overview of the NDOC based upon the listed agenda items. She said handouts were available for the members, [Exhibit H](#). She said there were eighteen adult institutions in Nevada. The Southern Nevada Correctional Center was still closed and the Silver Springs Conservation Camp was closed. She added that the Nevada State Prison was officially closing in April 2012. The in-house population in the prisons was 12,517. She said the highest majority of the prisoners, which was 60.29%, were housed in medium custody facilities, [Exhibit H](#). Ms. Foster said male offenders made up 92.38% of the population and females made up 7.6% of the population. She listed the race and ethnicity of the prison population. The average current age of the male inmates was 37.9 and the female average age was 36.9. She said the majority of the inmates were sentenced to 2-5 years and the second highest was the inmates sentenced to indeterminate life sentences.

Chair Horne asked Ms. Foster if the numbers in [Exhibit H](#) were aggregates for those serving the 2-5 year sentence. He asked if some of the inmates were serving consecutive sentences.

Ms. Foster said she believed it was the underlying sentence, but she would check to see if it included any consecutive sentences.

Chair Horne said some consecutive sentences dealt with separate sentences for a separate offense and some with additional time due to a weapons use.

Ms. Foster continued her presentation. She mentioned graphs available in [Exhibit H](#). The graphs indicated projected population versus actual population. The projections went out

as far as 2017. She said the first graph was the total male population and did not indicate a huge increase. The second one was for the female inmates. The projection showed a significant increase in the female population.

Senator Brower asked about the lower-than-projected male population.

Ms. Foster said she did not know the answer to the question.

Senator Brower asked if the intake number had been declining over the past several years, or was it a steady number with inmates being released increasing in number.

Ms. Foster said the numbers over the last several years had been flat and had not been rising for the male population. Ms. Foster addressed legislative impact on the NDOC. She said A.B. 93 established intermediate sanction facilities to provide treatment and the inmates were housed in the Casa Grande Transitional Center. A.B. 134 prohibited the imposition of a sentence of life imprisonment without the possibility of parole upon a juvenile offender convicted of a non-homicide crime. It impacted only one offender in the Department. Ms. Foster said A.B. 408 restricted the use of restraints on pregnant females in confinement. The NDOC had revised their procedures and have provided appropriate training to staff in regard to the use of restraints for pregnant offenders. The procedure no longer used leg restraints, only wrist restraints.

Chair Horne asked Ms. Foster if the restraint prohibition was only while the inmate was in labor.

Ms. Foster replied while they were in labor, there were no restraints. However, there were some restraints during transportation, but they would not have any leg restraints.

Senator Brower asked if the law posed operational difficulties for the NDOC.

Ms. Foster said the only operational difficulty was training staff to do things differently than what they were used to doing.

Senator Brower asked if the legal requirements posed any safety issues for the staff.

Ms. Foster replied that it had not. She said S.B. 159 required the Director of NDOC to provide certain information to an offender upon release. She said they had two documents that were resource guides for the inmates. She said it created a small fiscal issue to print the documents. S.B. 201 authorized the Attorney General to establish a program to mediate complaints by offenders. The program was being developed. S.B. 179 revised provisions relating to disciplinary actions against a public employee. The Inspector General's office was involved in these changes and had made changes to the administrative regulations regarding investigative process and disciplinary process. She said the remaining bills impacted the NDOC staff. A.B. 489 affected the Nevada

Department of Correction's rule allowing differential pay. It was pay for employees who drove 25 miles or more to work. It was eliminated for people hired after July 1, 2011. It was a morale issue for staff. A.B. 553 revised provisions governing subsidies for the coverage of certain persons under the PERS program. It was a retention issue for some people. A.B. 560 related to various changes regarding compensation and benefits of state employees. It was an issue in regard to staff morale. A.B. 563 related to programs for public personnel having to do with premium costs for insurance. The last bill, S.B. 505, reduced the amount of compensation in their pay.

Mr. Siegel said he had information from the ACLU staff which was different from some of the information presented. He said the driver's license bill was incorporated into another bill. He said Mr. Anthony indicated certain category B felons would receive certain credits. He said they never asked if B, C, or D felons would be eligible for good time credits according to A.B. 510. He said the difference was they were eligible, not that they necessarily received them. He said there was no data on the number of inmates who were on administrative or disciplinary segregation. He requested that the information be presented to the Commission.

Ms. Foster said she would provide the information requested to the group.

Ms. Foster provided an overview of the facilities. Ely State Prison was the only maximum prison. It had capacity for 1,150 inmates, and the current population was 1,064. She said there were 406 employee positions for the prison, but there were numerous vacancies. There were 39 officer positions available at this time. However, a new training class was starting at the end of February with up to 20 new recruits. There were also vacancies for mental health and medical positions. She said some programming was provided for the inmates through in-cell programming through the TV system.

Senator Parks asked Ms. Foster about the vacancies in staff. He asked if they were screened and offered concessions to work at Ely.

Ms. Foster said the recruitment was actually for Ely State Prison, so people who applied for the job knew it was for the Ely prison. The training for the positions would take place in Ely.

Mr. Siegel said he was concerned about the vacancies in medical and mental health staff. He said Nevada had committed itself to a court order that mental health and medical services at Ely would be brought up to an agreed level. He was concerned about the existing federal court order. The other issue for Mr. Siegel concerned the shackles on prisoners who were in labor. He said the ACLU was reviewing a complaint by a prisoner who had shackles on when she was in labor after the law went into effect. He said it was being reviewed for possible litigation.

Chair Horne said he knew the NDOC was very active in the hearing concerning restraints. He added he did not know much about the settlement on mental and medical care at the Ely facility. He asked the Attorney General for information regarding the matter.

Attorney General Masto said it was a settlement agreement, not a court-ordered forced agreement. She said they agreed to monitor the issue. She said there was not a breach based on today's information. She would provide a presentation on the specifics of the settlement if the Commission wanted it.

Justice Hardesty asked if Ms. Foster could identify the vacant positions and how they related to medical and mental health of the total allotted positions.

Ms. Foster said currently they had an opening for a mental health counselor in Ely, but they may have it filled in the next 30 to 60 days. A psychologist in Ely was possibly resigning which would open up another position. There was also a vacancy for a psychiatric nurse position.

Justice Hardesty asked if the remaining vacant positions did not relate directly to mental health support services or medical services.

Ms. Foster said most of the positions available were correctional officer positions. She said she would get the exact number of vacancies in the health area for Justice Hardesty.

Justice Hardesty asked if she could include the number of allotted positions for each of the different institutions.

Ms. Foster said through the ACLU settlement, six new positions were allotted for Ely State Prison.

Justice Hardesty said he needed the number of positions and the number of vacancies for the institutions allotted for mental and medical health. Justice Hardesty asked for the demographics of the inmate population by category of offense.

Ms. Foster said she could provide that information.

Justice Hardesty asked if they could determine the inflow into the prison. He said he was informed that there was a significant decline in the number of criminal cases filed in all of the districts. He was interested in the status of filed cases which would show a decline in the number of inmates. He also wanted to know what percentages were placed on probation and what percentage was sentenced to prison.

Ms. Foster said the Florence McClure Women's Correctional Center was the female institution. It was different than other institutions because it held all custody levels. It was

also the intake facility for females in the State. There was a capacity for 950 inmates and the current population was 729 inmates. There were 171 staff positions and they currently had 9 vacancies. She said multiple programs were available at the institution. They had some unusual vocational training for women, including flagging and fork lift operation training. They also had a floral design vocation for the females.

Ms. Foster continued her presentation. She said High Desert State Prison was the largest facility and also the intake facility for the southern part of the State. She said 70 to 80 inmates were processed every week at the facility. The current population was 3,000 inmates. 1,344 beds had been added to the facility, but 336 beds had not yet been opened. The facility had 470 staff positions and there were 53 new recruits in a pre-service training program. She said the prison also had vocational education and treatment programs. A youthful offender program was also at the prison for inmates age 20 and below. The program was education, vocational training, and anger management skills.

Justice Hardesty asked Ms. Foster for a breakdown of the number of inmates in the system under the age of 18 and the category of their offenses.

Ms. Foster said the Lovelock Correctional Center was opened in 1985 and was a medium custody facility. The capacity of the prison was 1,680 inmates, and the current number was 1,628 people. The prison had 213 staff positions available and currently had 39 correctional officer vacancies. She said 22 were in a new academy starting on January 3, 2012. There were multiple programs offered at the facility.

Ms. Foster said the Northern Nevada Correctional Center was in Carson City. It was opened in 1964 and was the intake facility for northern Nevada. She said it was the regional medical facility, the acute mental health unit, a medical intermediate care unit, and a structured care unit. The capacity of the facility was 1,619 and the current population was 1,484 inmates. She said there were 373 staff positions and no current correctional officer vacancies because they absorbed staff from the closure of NSP. She said there were 4 maintenance staff vacancies. They had difficulty recruiting maintenance people because of the pay. She said there were multiple programs available at the facility, including a program for inmates considered geriatric.

Ms. Foster said Southern Desert Correctional Center was in Indian Springs and it opened in 1982. It was considered a medium custody yard. The capacity of the facility was 2,108 and the current population was 2,037. It had 265 staff positions with 8 correctional officer vacancies and 4 vacancies in the administrative staff. Vocational educational treatment was part of the wide variety of programs available to inmates at the facility. Nevada State Prison was the oldest facility and was officially closing in April. The last inmates were moved several weeks ago and placed in vacancies in facilities throughout the State. It will remain operational for the license plate plant, and the inmates will come from Stewart Conservation Camp on a daily basis. A maintenance staff worker will also be assigned to the facility with a minimum custody inmate crew assigned to the staff worker.

Ms. Foster said there were 10 minimum custody camps throughout the State. She said there were approximately 250 empty beds in the camps.

Mr. McArthur asked if there was only one female facility.

Ms. Foster said there were one female facility and one female minimum custody camp.

Mr. McArthur said projections for female inmates were going up and it may exceed the capacity for the one facility.

Ms. Foster said additions had been added to the women's facility. She said they added two dormitory style buildings for 240 inmates and also 300 medium custody cells. She said 200 cells were empty and there were also 68 to 70 beds available at the camp.

Mr. Vinger asked Ms. Foster if the bed capacity was a basic total bed capacity or was it a functional capacity.

Ms. Foster said capacity was determined by several things. If the goal was to fill every single bed in the institution, a much larger number would appear as the capacity of the facility. She said the actual operating capacity would be lower. Some parts of the prison were single-celled, but may have two cells built in it. Certain cells used for mental health purposes or medical purposes would be single-celled. She said the institutions complete capacity would also include infirmary beds which would not be used for regular functions.

Mr. Vinger asked about furlough days for the personnel. He said most of the posts were fixed posts and there were a lot of vacancies, and he wondered how it affected staffing levels and if overtime had increased.

Ms. Foster said furloughs for correctional officers who had 24-hour positions were affected by the requirement. She did not have the numbers concerning overtime, but she was sure they were available. Each institution had to rearrange their staffing patterns in order to incorporate the furloughs so it would have the least effect on overtime.

Mr. Vinger asked about the population growth. He asked if the population numbers were based on historic trends or based on current and projected crime rate.

Ms. Foster stated the projections were done by an outside consultant and she was unable to respond as to how they made the calculations.

Mr. Siegel was interested in the projection on the significant increase of numbers of women in the prison system while the males were a flat projection. He wanted further study of the matter and believed it was of great importance to the Commission. He said the Commission discovered a number of people granted parole had not been released on

parole due to conditions not being in place for their release. He requested that the NDOC tell the group the present status of people granted parole and awaiting release. He said they needed to know the trend. Mr. Siegel said that at the end of the last session, there was hope for funding by the Pew Foundation for research or other activities helpful to the Commission. He asked if there was further information considering that issue.

Mr. Anthony said he spoke with Dr. Austin, and he had held some meetings last session looking at category B felons and how it related in terms of sentencing. Dr. Austin said he was available to address the Commission at a future meeting.

Mr. Siegel asked if Dr. Austin was funded by the Pew Foundation.

Mr. Anthony said Dr. Austin was funded through the Pew.

Mr. Siegel asked Chair Horne if he accepted his recommendation about including the number of people awaiting release from prison after being granted parole.

Chair Horne agreed to the suggestion.

Phil Kohn asked Ms. Foster how many inmates were involved in the regimental discipline program.

Ms. Foster said there were approximately 60 to 62 people in the program. She said the number used to be higher. The number was reduced because of the staffing available for the boot camp. She said if they had additional staff appropriated for the boot camp, then they could increase the number of participants.

Mr. Kohn said the boot camps were incredibly effective and reduced recidivism. He hoped the numbers would increase and perhaps widen the scope of who was available to attend the camps. He said other members of the district court were concerned with the reduction of the program.

Ms. Foster said the total full-time staff for the Department was 2,431, and part-time staff was 46 employees. She said there were approximately 200 vacancies throughout the Department. They had several training programs going on to fill some of the vacancies. She said there were some recruitment and retention problems, especially in the professional staff in rural areas. She added that there were problems competing with the mines because they had higher pay. She said retention issues were usually related to low pay. She said everyone had to come to the prison system at the same lower rate of pay, and it made it more difficult to recruit people with professional licenses. Clark County had a problem retaining correctional staff when opportunities came up in the county or city due to the higher pay and benefits. She said they projected 30 staff members would receive layoff notices due to closing NSP. However, all those people had the opportunity to go to vacant positions if they chose to do so.

Ms. Foster opened discussion on general budget issues. She said the total budget for the Department for fiscal year 2012 was two hundred eighty one million one hundred thirty seven thousand dollars. She said the numbers were based on the inmate projection population of 12,568 inmates. The budgeted cost per inmate per year for fiscal year 2012 was \$20,381.00, and for fiscal year 2013 was \$20,172.00. She said inmate-driven costs including food, clothing, bakery operating and inmate labor, were \$1,123.25 per inmate per year. She said it did not include medical costs. The medical inmate driven cost was \$1,315.47 and for fiscal year 2013 was \$1,370.99. She said closing Nevada State Prison was projected to save approximately fifteen million dollars over the biennium. She said elimination of shift and differential pay was projected to save five hundred thousand dollars each year of the biennium. Elimination of the senior correctional officer classification was projected to be fifty-five thousand dollars each year of the biennium. A reduction in non-nutritional food items for inmates was an estimated savings of two hundred ten thousand dollars per year.

Ms. Foster said the Department was approved for an energy management program. The program was tasked with reducing energy waste in the Department. They were also approved to transfer a CIP for camera surveillance equipment to Ely State Prison. The Department received replacement radios, so they were in compliance with FCC requirements. Six new positions were given for medical care as a result of the ACLU lawsuit. Medical equipment was also obtained. Correctional programs were authorized grant funding for the Second Chance Grant for Re-entry. Each institution received some type of appropriation for equipment replacement or repair, and for deferred maintenance costs.

Ms. Foster said with the closure of Nevada State Prison, 107 full-time positions were eliminated and 86 positions were being transferred to other prisons. She said most of the equipment they were approved for was culinary equipment. They also received funds for some laundry equipment and needed deferred maintenance funds for maintenance and also for security upgrades.

Ms. Foster discussed some program highlights for the NDOC. She said they emphasized secondary education and they worked with local school districts in order to have adult education programs. She said in 2010, there were 4,754 inmates enrolled in basic education programs. 142 inmates received a GED and 445 received a high school diploma. The substance abuse programs had 2,516 inmates enrolled and 759 completed all phases of the programs. The life skill courses had 17,000 inmates registered throughout the year. She said most completed courses were in the areas of commitment to change and victim empathy programs. Vocation classes were offered in AutoCAD, automotive repair, Braille, business computers, construction, culinary, horticulture and HVAC. She said they also encouraged post-secondary education where it can occur. Inmates attended college either through self-pay or through grant programming. She said 165 people were enrolled in college courses and 15 inmates received an associate's degree.

Mr. Digesti asked Ms. Foster if the boot camp facility was at Lovelock.

She replied that the boot camp was at the Twin Lakes Valley Camp in Indian Springs. She said Lovelock had a program called the Structured Living Program. It was a program an inmate could attend but not something the courts sent them to attend.

Mr. Digesti asked what criteria distinguished the boot camp program from the youthful offender placement at High Desert Prison.

Ms. Foster said the youthful offender placement was for inmates convicted and sentenced to prison terms. The boot camp program was a diversion program.

Mr. Digesti said the only way to get into a boot camp program was by a court order through a district court. It was not determined during the intake program. He asked if it had been considered for youthful offenders to put them in some type of structured boot camp facility.

Ms. Foster said the subject had arisen many times over the past years. She said she was not involved in the discussions concerning the boot camp program.

Mr. Digesti asked if the boot camp program was a productive and positive program for young offenders.

Ms. Foster said yes, the program had been successful and it was a good program. She worked at the boot camp for one and a half years and was able to see how it worked. She saw significant changes in the participants of the program. She said the only problem she saw with the program was the lack of transition for them back into the community. She said one of the main things they needed to do was create a viable transition program and support system for the offenders when they were released.

Mr. Digesti agreed with Ms. Foster's assessment. He said if the program was a positive program, it should work for several groups, including the youthful offenders.

Ms. Foster said the current youthful offender program maintained structure for them in that they were involved in education and programming suitable for the youthful offender. The boot camp worked because they were not spending lengthy periods of time in prison. The program was 190 days, and after that time they did not stay in prison. The inmates in the youthful offender program sentenced to prison did not have the ability after the 190 days to be released from prison.

Mr. Digesti said they might have the opportunity to earn some additional good time credits.

Ms. Foster said they could earn the additional credits through the completion of education programs and some of the other programs in the youthful offender program.

Mr. Digesti said boot camp was a bit more severe than the youthful offender program.

Mr. Jackson requested that Ms. Foster provide copies of documents given to inmates released from prison to the members of the Commission. He said on March 1st all the district attorneys throughout the State were required to file an annual summary of prosecutions with the Legislative Commission. There were certain limitations on the information that was released. He said reviewing the documents for past years would indicate the trends in the number of cases where charges were filed. He said it was broken down by all levels of crime.

Mr. Jackson asked Ms. Foster about the statistics she had presented earlier. He asked about the percentages associated with the statistics offered to the group. He asked her to discuss the minimum and maximum terms. He said it appeared it was minimum terms as opposed to the maximum term.

Ms. Foster said the chart showed different sentence lengths, and one of them was someone sentenced to a sentence of 2 to 5 years and included both the minimum and the maximum.

Mr. Jackson said he had never seen someone sentenced to less than one year in prison. He asked if time served was used in the calculations she presented.

Ms. Foster said she would check with the statistical department and get the information back to Mr. Jackson.

Mr. Jackson asked about the second category of 1 to 2 years where the sentencing judge's minimum sentence cannot exceed forty percent of the maximum sentence. He said it was not legal to have a sentence of 1 to 2 years. He referred to the in-house population of 12,517 inmates which appeared to be 298 less than the total population. He asked where the other inmates were located.

Ms. Foster said there were both an in-house population and a total population. There were 29 inmates still on escape status. There were 173 inmates on out-of-state count, which could be people in federal or state court or in another state serving concurrent time. Ms. Foster said 6 people were in the drug court residential confinement program, 47 people in the 305 program for DUI offenders, and 14 people in residential confinement. The numbers with the in-house numbers equaled the total numbers.

Mr. Jackson asked about the average cost of housing an inmate, \$20,381.00 for fiscal year 2012. He said Mr. Getz testified earlier in public comment that the average cost of

housing an inmate was \$20,000.00 to \$40,000.00 per year. He asked if she knew where the average cost of housing an inmate was \$40,000.00.

Ms. Foster said she was unaware of where that cost was located.

Chair Horne commented on the 29 inmates categorized as escape status. He wondered what their status was and hoped they were minimum security risks.

Ms. Foster said the number included people who could have escaped 20 years ago and were never found. She said there were no escapes from any facilities in recent years.

Mr. Siegel asked about prisoners who were in out-of-state facilities and prisoners who were from out-of-state facilities. He said Nevada used to do trades or “rent” prison cells.

Ms. Foster said they were involved in an interstate corrections compact. It was a program where inmates from Nevada served their time in another state for various reasons, and that state would send an inmate to Nevada.

Mr. Siegel asked if a significant number of prisoners were involved.

Ms. Foster said there were 173 people considered out-of-state count. Some of the people included those people who were interstate corrections compact and others included people in state or federal custody in another location.

Mr. Siegel said at one time there were a significant number of people coming into Nevada or being sent to other states. He asked if that no longer was a consideration.

Justice Hardesty asked Ms. Foster how many inmates were in the OPEN program.

Ms. Foster replied there were 50 people in the OPEN program, and 36 of those people were in Casa Grande at some time. She said only one offender from the OPEN program was currently at Casa Grande.

Senator Parks asked about inmates scheduled for release or granted parole, but not yet placed in the community. He asked Ms. Foster to include the number of persons who might be HIV positive or with AIDS in a report. He also asked for the status in the prison population as well as the other numbers. Secondly, he asked about a discussion concerning A.B. 92, a bill that was not passed. He said Amendment 661 was made to S.B. 159, and A.B. 92 was incorporated into the Senate bill. He said some funds were placed in the budget to perform the request of A.B. 92.

Chair Horne said the Commission received a fax concerning medical evaluation of inmates with HIV or AIDS. The fax concerned medical care of the inmates, [Exhibit I](#). Chair Horne asked Ms. Foster if there were specific protocols for caring for inmates with HIV or AIDS in the facilities.

Ms. Foster said there were specific programs related to those inmates who were diagnosed with HIV or AIDS.

Chair Horne asked if the procedures were extended to the inmates paroling into the community. Were they given information on how to proceed with their treatment of care once they left the facility?

Ms. Foster said they were provided with information and medication upon their release.

Chair Horne asked for further information on the topic for the Commission.

Ms. Foster said she would supply the protocols for the group.

Chair Horne closed Agenda Item VIII and opened Agenda Item IX, the State Board of Parole Commissioners.

Ms. Connie Bisbee gave a report on the questions asked in response to a request for information on the operation of the Board of Parole Commissioners, [Exhibit J](#). She reviewed the information provided to the Commission. The primary statutory duties were to review the eligible inmates for release on parole or to a consecutive sentence and to grant or deny parole. She said hearings were generally heard three months before parole eligibility, which gave Parole and Probation time to form a release plan for the inmate, [Exhibit J](#). Ms. Bisbee said agendas were prepared noting the time, date, and location of each hearing. The agenda was provided to the inmate and any victims who requested notification. She said the meetings were public and conducted by three Commissioners, two Commissioners, or a Commissioner assigned with a case hearing representative. She said inmates were permitted representatives at their own expense. Once a final action occurred, a final order was prepared, and the Board provided the results in writing within 10 working days of the action.

Ms. Bisbee said the Parole Board was responsible for conducting due process hearings on parolees accused of violating parole conditions. She said they were public hearings conducted in-person at the location where the inmate was housed. The accused parole violator was entitled to confront and cross-examine any evidence presented. The Board sets the conditions of lifetime supervision for certain sex offenders expiring a term of prison, parole, or probation. Hearings are heard in absentia after receiving input from the Division of Parole and Probation. In-person hearings are scheduled for the lifetime supervision clients who requested a modification or change to their conditions set by the Board, [Exhibit J](#).

Ms. Bisbee said the Board was responsible for participating in the Sex Offender Tier Panel Reconsideration hearing. She said the Board Chairman and a psychologist from Lakes Crossing heard and acted on the appeals related to sex offender community tier ratings, [Exhibit J](#). Ms. Bisbee referred to the charts in the exhibit showing statistics

related to the caseload of the Board for fiscal years 2010 and 2011. She said under the sex categories, it also included prostitution with AIDS, pandering, failure to register, and indecent exposure. She said the total hearings in fiscal year 2010 were 8,750, and in 2011 the total number was 8,577 hearings.

Ms. Bisbee next addressed the impact of Legislation enacted by the 2011 Legislature on the Parole Board and the Pardons Board. She said A.B. 18 made significant changes in the way parole hearings were conducted. She said it was attached as an amendment having to do with sex offenders in S.B. 471. She said A.B. 18 pulled the entire section concerning the parole board out of the original bill and made it its own bill. She said it made no actual changes to the way anything was conducted at the Parole Board. It confirmed the Board was complying with Legislative intent of 2007.

Ms. Bisbee said A.B. 59 amended Nevada's Open Meeting Law and required that meetings deemed quasi-judicial were required to comply with NRS 241. She said A.B. 59 exempted the Parole Board from having to comply with portions of NRS 241 when acting to grant, deny, continue or revoke parole, or when establishing or modifying parole for prisoners.

She said A.B. 12 eliminated the parolees revolving load account. She said a fund had been set up with an initial amount of \$4,500.00 to help some parolees in buying equipment to help them get employed. She said loans were made and never repaid. A.B. 12 eliminated the revolving account and returned the money to the General Fund, [Exhibit J](#).

Ms. Bisbee said the Pardons Board's bill was A.B. 66. The bill required that people who had their records sealed be advised that it did not restore their right to bear arms. It also allowed the Pardons Board's staff or agents to see the sealed records if the person had requested a pardon, [Exhibit J](#).

Ms. Bisbee said three staff positions were eliminated during the budget downsizing. She said there were only 24 people working for the Board now. They had a vacancy unfilled. The major impact was decreasing the ability to coordinate Pardons Board functions, and the slowdown in response to non-hearing related activities. She said the lifetime supervision caseload continued to grow and required more attention by the Board and staff.

Ms. Bisbee lastly addressed budgetary issues, [Exhibit J](#). She said the primary issue pertained to funds for contracted case hearing representatives. There has been a 50 percent increase in the number of cases resulting in no action being taken. She said parole violations were the largest number of cases. She said, as an example, a parole violator coming back before the Board with a pending felony offense was continued until they had further information, and it resulted in a no-action case. She said the primary reason pertained to the waiving of the Pre-Sentence Investigations (PSIs). The PSI was the

document the Parole Board relied on during hearings. She suspected there was an increase in the number of cases because the counties must now pay for a portion of the cost to prepare the PSIs. She said another reason for an increase in no-action cases included inmates being moved after being scheduled for a hearing, interpreters not being available, and inmates not being available at the time of the hearing. She said this had caused a “mini” bubble, [Exhibit J](#). She said there was a change in her report and she would not be requesting money from the IFC. She said Public Safety had located some money to cover additional costs for the representative fees for the remainder of the fiscal year.

Ms. Bisbee said a huge bright note for the Board was a National Institute of Corrections grant for sex offender management to assist in validating the Psych Panel process and the Tier Panel process, [Exhibit J](#).

Mr. Kohn asked about the Board looking at the probation report.

Ms. Bisbee replied that they must look at the items contained in the report.

Mr. Kohn asked if an inmate claimed there were errors in the report, was there anything they could do about the errors.

Ms. Bisbee said the Board could not do anything about errors in the report. They directed the inmate to go back to Parole and Probation and make the corrections. She said statute required they have the information and the PSI was the official document supplied to the court. She said they were able to look at employment status on a PSI, were able to have an inmate or supporter show proof of employment and they made a correction.

Mr. Kohn said if there were an error in the probation report indicating someone’s criminal history, the Board was unable to make any changes.

Ms. Bisbee replied he was correct, but they did recommend going back to the Division of Parole and Probation for changes in their PSI.

Mr. Kohn referenced a Supreme Court case, *Stockmeier vs. the Board*. He said the Supreme Court decided a district court had no power to go back and correct a probation report. He said the Board relied on the PSI for recommendations and he hoped the Commission could give the district court the authority to look at reports in error.

Chair Horne said Agenda Item XI was a discussion of topics for the Commission to consider. He said he had personal experience with incorrect information on a PSI for a client and he was concerned about it.

Justice Hardesty asked Ms. Bisbee if the increase in the number of cases was due to the waived PSI and occurred due to the shift to the counties for the cost of a portion of the PSIs.

Ms. Bisbee said prior to September 2011, they had made a request for post-conviction information to the Division of Parole and Probation less than 10 times a year. She said currently they had 65 pending casing asking for additional information. In the past, a PSI was waived for 10 cases in a year, and now there may be as many as 20 or 30 requests a month for post-conviction reports.

Justice Hardesty said one of the things the Commission may want to know about was the effect of any problems resulting in the shifts to the counties. He said it appeared some of the counties had asked judges to routinely waive the PSI as a cost savings. He said the absence of a PSI was problematic for many areas of the justice system.

Jorge Pierrott, Division of Parole and Probation, asked if a PSI was needed to determine a decision by the Parole Board or to consider the criminal history of the offense.

Ms. Bisbee said the PSI had everything in it that the Board was required to know by statute. She said one thing they did was if a PSI was completed within the past 6 months, they requested an offense summary of the other cases and used the one PSI. She said they looked in many different directions to mitigate the impact on the P&P department.

Mr. Pierrott asked if it would help if the Parole Board could run the criminal information themselves.

Ms. Bisbee replied no, it did not make any sense whatsoever. She said they were not a criminal justice agency tasked with completing that information. Her entire agency staff was 24 people, 7 of which were Parole Board members. She said Parole Board staff producing portions of the PSIs was impractical and opened the Board to federal inspections. The Board's records were confidential.

Mr. Pierrott said the Board had been impacted by the lifetime supervision caseload that continued to grow. He asked her to explain how the Board was impacted.

Ms. Bisbee said that in past history, they had 7 or 8 lifetime supervision cases in a month's time, but as the program grew, there were 30 to 35 cases per month. She said they had to schedule an entire day for the hearings rather than in absentia. They had hearings 16 days of every month. That was in addition to the 8,000 inmates they were hearing. They heard up to 40 lifetime supervision cases. She said another thing that changed was an increase in terms of participants wanting modifications to their hearings. She said it had become a much more complicated program and involved the coordination of several people.

Chair Horne closed the discussion and opened discussion on Agenda Item X.

Mr. Pierrott presented members of the administrative staff attending the meeting: Acting Major Claudia Stieber, Captain Tom Ely, Captain Mark Smith, and Administrative Services Officer Rick Gimlin. Mr. Pierrott said he had prepared a power point presentation, [Exhibit K](#). He said the mission of the Division of Parole and Probation (P&P) was to ensure public safety, offender accountability and victims' rights through community corrections. The statutory duties and requirements were accountable for the supervision of probationers, parolees, lifetime supervision sex offenders, and conditionally released inmates, [Exhibit K](#). He said if an individual was granted probation, he was assigned to P&P for supervision.

Mr. Pierrott addressed the offender population in Nevada. The Division was separated into several areas; The Northern Command-Rural, Northern Command-Urban, Headquarters, and Southern Command, [Exhibit K](#). He said current supervision levels were 18,358 offenders statewide. Headquarters oversaw 6,535 offenders, Northern Command supervised 3,638 offenders, and Southern Command supervised 8,135 people.

Mr. Pierrott said the following laws enacted in the 2011 Legislature were identified as having an impact on the P&P: [A.B. 66](#), [A.B. 181](#), and [S.B. 45](#). He said [A.B. 66](#) allowed inspection of the sealed records by the Pardons Board and its agents. The effect on P&P was a benefit to the applicant as well as the Division because it expedited the process. He said after the investigation was done, it previously was submitted to the district attorney for review and their opinion. It was determined the district attorneys did not have the right to look at the criminal history because the record was still sealed. He said it was now directly submitted to the Pardons Board. He said [A.B. 181](#) provided for evaluation by the Advisory Commission on the Administration of Justice of the policies and practices relating to the involuntary civil commitment of sexually dangerous persons. He said the Division of Parole and Probation understood the PSIs were very important, and therefore a lot of resources were spent drafting them correctly. PSI supervisors, investigators, administrative assistants, evaluators, and support staff were all involved in the PSI. He said substantial resources were involved in this issue, [Exhibit K](#).

Mr. Pierrott said [S.B. 45](#) revised provisions conferring the powers of a peace officer upon certain personnel of the Department of Public Safety. It moved Parole and Probation from Category II, with restricted peace officer authority, to Category I with full peace officer authority without restriction. Staffing issues was the next subject discussed by Mr. Pierrott. The budget eliminated 45 positions. It increased the general supervision ratio from 70 offenders per officer to 80 offenders. The Legislature approved restoration of 39 DPS officers and 5 sergeant positions and retained the proposed general supervision ratio of 80 offenders per officer, [Exhibit K](#). He listed the restored staffing positions. He said the Division currently had a total of 40 vacancies with 5 positions pending interviews. Some other budget issues included the PSI report functions. He said that in previous years, the PSI function was funded entirely by a General Fund appropriation. The 2011

Legislative Session approved billing the counties for 70 percent of the cost of the PSI and the remaining 30 percent came through General Fund appropriation. It resulted in a reduction of approximately \$7.5 million in a General Fund over the 2011-2013 bienniums. He said the Legislature approved a request to increase budgeted monthly mileage from 750 miles to 1,200 miles per month per motor pool vehicle, [Exhibit K](#).

Mr. Pierrott discussed letters of intent requiring quarterly reporting to the Interim Finance Committee. The Division was required to report the number of and types of offenders managed within the administrative banks. The other issue concerned the motor pool vehicles. The Division was required to report the number of filled DPS officer II positions on the first day of each month. He said statistical data showed that although the budget was reduced, the Division continued to supervise an average of 18,485 offenders. The final two slides in the presentation were glossary terms used by P&P.

Senator Parks asked Mr. Pierrott about the motor pool vehicle issue. He asked how many vehicles were returned to the motor pool and how the monthly mileage increase affected the Division.

Mr. Pierrott said he did not have the exact number of vehicles returned. He said they were currently using 151 vehicles. They constantly kept track of the mileage to ensure that the officers stayed under the 1,200 mile limit.

Ms. Foster asked what was meant by the management of offenders with administrative banks.

Captain Claudia Stieber said administrative banks were used when staffing levels were low and they did not have an adequate number of officers to maintain the ratios of caseloads they were given. She said they were only using administrative banks in the Southern Command. The staffing levels were currently high in the North, so they did not have to use administrative banks.

Major Kim Madris said there were approximately 1,200 low-risk offenders. She said all gross misdemeanors were in the bank along with category E offenders. Other offenders were there based on the time they had been on probation and their compliance.

Ms. Bisbee asked if there were no longer any parolees in a banked case.

Ms. Madris said they had had approximately 300 long-term parolees, but at the request of the Parole Board Chair they were removed.

Justice Hardesty asked how many were in the administrative bank and if Ms. Madris had a breakdown of the categories of offenses.

Ms. Madris replied there were 1,200 people. She said she would get the categories for him at a later date.

Chair Horne closed Agenda Item X and opened the discussion on Agenda Item XI. He said he was going to try to alternate between the north and south for the meeting locations. He said he intended to meet approximately every six weeks. He opened discussion on potential topics for discussion by the Commission.

Mr. Siegel had nine suggestions for topics he wanted the group to discuss. He wanted to discuss the projected increase of female inmates and consider ways the increase could be mitigated. The second topic concerned the Pew Foundation or other financial support for research and reform proposals. He wanted to review options for “intermediate sanctions” for parole violations which the Governor had vetoed earlier. He hoped to review options for expanding good time credits for some category B felons. The fifth topic concerned sex offenders. He said the Commission had a new supervisory role on sex offender policy. The next topic was the Ely settlement on medical and mental health care. He wondered what the implications were for the rest of the prison system. The seventh topic concerned impacts on prison systems, families, and society with life imprisonment sentences. The eighth topic concerned the Commission’s own committees. He wanted to discuss who should be on the committees and what other committees the Commission should have for consideration. His final proposal concerned the report from Mr. Anthony about other criminal justice committees that had gone into operation in the last five years. He wondered how the Commission should adjust its work to the work of the other commissions and committees. How do they avoid overlap of ideas and duties.

Mr. Kohn said he was also concerned about A.B. 510 and B felonies and the veto from last year. He said that several years ago, there was a representative from the Governor’s office on the Commission. He asked if a representative could meet with them, if not become part of the Commission, and make suggestions on the A.B. 510 issue. He also wanted the Commission to consider giving the district court the jurisdiction to correct issues in the probation reports. He said the reports had an incredible impact, not only in court, but in the Department of Corrections and the Pardons and Parole Boards. He said boot camp was also a subject he wanted to discuss further. He wanted to reexamine the 120-day diagnostic commitment. He said it had been subjected to budget cuts. He said historically judges had the opportunity to sentence someone to 120 days in state prison for a diagnostic report. He was interested in pursuing those areas of the laws.

Chair Horne said the Governor had four appointments to the Commission. The appointments were in P&P, Inmates, Victims, and Law Enforcement.

Mr. Kohn said he did not believe P&P was able to speak to the veto. He wanted someone from the Governor’s staff to be on the committee or to advise them on how they can go forward and craft legislation consistent with the Governor’s messages.

Chair Horne said he would issue an invitation to the Governor's office. He said it may be something as simple as misinformation. They should see what his concerns were with the issue. Some members of the Legislature had problems with the decisions made by the Commission.

Mr. Kohn said the Commission and the information put forward was incredibly valuable and important to the State. He said the Commission had learned the Department of Corrections was doing a tremendous job. The recidivism rate was one of the lowest in the country. He said there were new members on the committee and they needed to learn about the recidivism rates from Dr. Austin. Knowledge of the good jobs the Parole Board and Department of Corrections did needed to be better distributed to everybody. He said longer prison terms were expensive and not necessarily effective.

Senator Brower agreed with Mr. Kohn that longer prison sentences were not the answer. He said Chair Horne was correct that there was substantive opposition to the bill during session. There was a technical issue the Governor's office focused on as well as opposition from the Legislature. He looked forward to further discussions.

Attorney General Masto commented on A.B. 107. The bill passed during the last legislative session and required that all law enforcement agencies create and adopt policies and protocols regarding identification procedures. She said pursuant to the bill, the committee was required to address the issue and look at how law enforcement was complying with the bill. She proposed, through her office, bringing all the law enforcement agencies together to start working with the non-law enforcement agencies about their concerns on the issue. Ms. Masto said there was one subcommittee created by statute which addressed the victims of crime. She said she had chaired that subcommittee throughout the past several years. The group met last year and followed up on legislation and what they wanted to work on in the coming year. She said one area she wanted to bring from the subcommittee to the Commission was the commercial, sexual exploitation of individuals ages 12 through 21. She said they were looking at model legislation for the State addressing human trafficking.

Mr. Pierrott said Parole and Probation had several issues they wanted to advise the Commission on. He said Captain Tom Ely would present the issues.

Captain Tom Ely, Division of Parole and Probation, said they were concerned about some of the lifetime supervision problems with his division, and with the Parole Commission and the local courts. He said lifetime supervision was deemed a form of parole for supervision purposes and the Parole Board set the conditions. Violations were dealt with through the filing of new charges. The new charges took a long time. He said they believed some changes in the statute were necessary to improve the language and make everything consistent throughout the State and the agencies. He proposed options such as codifying lifetime supervision as a form of parole, or increasing probation terms,

or causing lifetime supervision to become a lifetime parole. He asked the Commission to consider these items for bill drafts for the next session.

Chair Horne said there were 17 items proposed at this time. He said he had several issues he wanted to discuss. He mentioned the coroner's inquest as a topic for the Commission. He mentioned the possibility of the Attorney General's office overseeing the inquests. The Attorney General's office worked closely with law enforcement, but not as closely as the county district attorney's offices did. He said Ms. Masto had concerns with the proposal. Another issue he was interested in exploring had to do with assault weapons. He said he did not have legislation that was attempting to ban or restrict assault weapons. He said 1988 was the last time gun laws were reviewed. If there were concerns the laws were not adequate to protect the citizens in Nevada, now was a good time to discuss the ideas.

Justice Hardesty said a follow-up with Dr. Austin and the status of his work with category B felonies might be beneficial for the new members. He said a number of crimes may have been placed in categories without due deliberation. He mentioned that Dr. Austin had started a study and was unable to complete it. The other area he wanted to hear concerned the demographic issue of sentencing and the study of numbers driving the forecast. He understood Dr. Austin was doing the forecast for the NDOC. He said the assumptions used for the forecasts had a dramatic impact on the entire criminal justice system.

Chair Horne said there were now 21 suggestions for the Commission to consider for discussions. He doubted all 21 topics would be heard. He requested that Legal Counsel suggest some topics as a high priority for the majority of the board. He asked Mr. Anthony to briefly recap all 21 suggestions for topics of discussion.

Mr. Anthony reviewed the proposed topics. He said Dr. Siegel suggested nine topics, the first one being a projected increase of female inmates and ways to mitigate such an increase. Next he suggested the Pew Foundation research reform proposals; next intermediate sanctions for parole violators; next a review of the issue of category B felony good time credits; fifthly sex offenders and civil commitment laws; next the Ely settlement on mental and medical health care; next life imprisonment; next a discussion on the appropriate subcommittees and their functions; and lastly an overview of other criminal justice committees. He said Mr. Kohn suggested an update on A.B. 510 category B felony discussion; a discussion on boot camp; and a discussion on the 120-day sentence scheme. Mr. Anthony said the 13th suggestion was a discussion with the Governor's office on A.B. 510 credits, category B felons, and the veto of A.B. 136. He said the next suggestion was reviewing recidivism rates. Ms. Masto requested a review of A.B. 107 on identification procedures. The next suggestion was Victims of Crime Subcommittee issues such as human trafficking of minors. He said Parole and Probation requested a discussion on lifetime supervision and the impacts on Parole and Probation. The Chair was interested in the coroner's inquest process for discussion by the group. Assault

weapons and gun laws were suggested for discussion. He said Justice Hardesty wanted a follow-up with Dr. Austin on reclassification of category B felonies and the categorization of other felonies. The last suggestion was sentencing and a study of the numbers driving the NDOC forecasts.

Senator Parks said he wanted the Commission to spend some time looking at the measures that did not pass to see if they should pursue considering them for future passage.

Senator Brower suggested the Chair and the Vice Chair exercise the prerogative of their positions and determine the best agendas going forward and limiting the number of issues. He said he thought the human trafficking issues were critical and he wanted those topics on the agenda.

Mr. Jackson agreed with Senator Brower. He said many of the duties and responsibilities of the Commission went toward identifying and studying certain elements of the criminal justice system. He said some of the topics had been identified and studied in the earlier reports. He agreed the human trafficking issue was important.

Chair Horne said he would work with Justice Hardesty to cull the list and consider all the members' requests.

Justice Hardesty said a number of the issues on the list could be consolidated under a single subject. Several topics had been addressed by Dr. Austin at earlier meetings. He said one issue about the correction of the PSIs would not take very long, but is something making a dramatic impact on the entire criminal justice system. He said it was a legislative issue that needed to be fixed. He did not think the "fix" was very difficult as there were detailed federal statutes that could be considered and adopted for the resolution of those kinds of issues. He reiterated that the list needed to be reduced by consolidating some of the issues.

Chair Horne said they would determine the future agenda and a finalized list. He opened Agenda Item XII, Public Comment.

Michelle Ravell commented that it was a productive meeting. She said sex offenses were an issue creating problems for everything. The problems might be caused by the overuse of sex offenses. She said sex offenses need to be something serious. She also said lifetime supervision was being overused. She wanted the Commission to study determinate sentencing. Another item she wanted discussed was life with the possibility of parole. She said it should be maxed. She said after 20 years nothing was changed or accomplished.

Wes Goetz said putting people in prison for 10 to 20 years for a sex offense was redundant. Treatment for sex offenders lowered the recidivism rate. He said treatment in

the prisons was not effective because it was not intense and was led by unlicensed psychologists. They needed special education to treat sex offenders. He said there were ways to treat sex offenders and lower their recidivism rate. He said if they were on parole and still receiving treatment, their tier level should be lowered. He said time reduced recidivism rates and tier levels should be lowered.

Tanya Brown said Mr. Houston, deceased, asked her to be a trustee of his trust. She said the NDOC made false allegations and she was removed as the trustee. She said the Attorney General's office cleared her of any wrong doing in 2005. Mr. Houston was supposed to revoke the trust, but he never signed it so the trust was intact. The NDOC slandered her name and her brother's name. She concurred with Ms. Ravell and her recommendations. She said there were some questions dealing with the Parole Board. She gave the Commission a copy of a deposition, [Exhibit D](#). She asked for legislation defining what a "threat to society" meant. Ms. Brown said the DNA thing was a major topic. She requested that people be allowed to have DNA testing at their own expense.

Chair Horne asked if there was any further business. As there was none, he adjourned the meeting at 2:02 p.m.

Submitted by:

Olivia Lodato, Secretary

APPROVED:

William C. Horne, Chair

DATE: _____

EXHIBITS

Committee Name: Advisory Commission on the Administration of Justice

Date: January 24, 2012

Time of Meeting: 9:30 a.m.

	Exhibit	Witness/Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Michelle Ravell	NV CURE
	D	Tonya Brown	Deposition
	E	Bills	NV Legislature Bills
	F	Nick Anthony	Overview of Bills
	G	Nick Anthony	Assembly Bill 136
	H	Sheryl Foster	NV Dept. of Corrections
	I	Mercedes Maharis	Fax Document
	J	Connie S. Bisbee	NV Board of Parole
	K	Jorge Pierrott	NV. Dept. of Public Safety