

PLEASE DISTRIBUTE TO THE COMMISSION MEMBERS

TO BE ENTERED INTO THE RECORD

ACAJ

AUGUST 18, 2008

In an effort to assist the Commission in making their recommendations to the 2009 legislature, in my capacity as citizen and taxpayer in the State of Nevada, I make the following comments to be considered and hopefully added to the list submitted.

1) There should be an audit conducted of the Department of Corrections and the Board of Parole Commissioners.

- DEPARTMENT OF CORRECTIONS

- The decision making process of the director is questionable and he is reluctant to provide documentation to the Board of Prisons as to how and why his decisions are made.
- The Administrative Regulations of the Department of Corrections were "rubber stamped" by the Board of Prisons and contain many instances of Constitutional violations that were brought up in public comment but never addressed.
- There is a culture of retribution in the Department of Corrections against those who would raise questions regarding their rights. This has been well documented by the ACLU.
- There exists a lack of public trust in the Department of Corrections and an audit of their practices and financial records would assist in restoring the public trust.
- There are rumors that there has been some discussion regarding the woman's prison taking on 200 inmates from Chowchilla prison in CA once the new construction is completed there. Since the Director said in the 4/14/08 meeting that was held at High Desert State Prison that he would love to have programming for the prisoners, but he doesn't have the room at the prisons. Wouldn't that space be better utilized by the DOC for classrooms and programming space as opposed to taking on prisoners from other states? If the ultimate goal is to keep the recidivism rate lower and stop the "revolving door" it would make more sense that investing that space in educating these people would be the fiscally responsible thing to do.

-BOARD OF PAROLE COMMISSIONERS

- The agency makes every effort to circumvent instead of comply with the laws made by the legislature and uses circuitous and underhanded ways of changing the laws.
- Mandatory Parole Release is not being adhered to (AB510). This measure was set up by the legislature to ensure public safety while the prisoner re-integrates into society. Regardless of the severity of the crime committed, the prisoner is expiring and will re-enter society. The only question is whether they will have the benefit of transitioning or just be released "to the streets". Could the decisions of the Board of Parole Commissioners be caused by their reluctance to have these prisoners on Mandatory Parole Release still be held under their jurisdiction if they were to recidivate?
- There exists a lack of public trust in the Board of Parole Commissioners and an audit of their practices and financial records would assist in restoring the public trust.

2) The amendments to NRS 193.165 should be made retroactive by the legislature in the 2009 session.

-Since the prisoners currently incarcerated are the ones that have the longest sentences for the most minor crimes, this NRS should be applied retroactively to the inmates who were victimized by the law. It is not enough to correct it for only those who are convicted after the law was amended.

-The recent Nevada Supreme Court decision in State vs. District Ct (Pullin) the court concluded that *"the new amendments to NRS 193.165, which were effective as of July 1, 2007, do not apply to offenders who committed their crimes prior to the effective date of the amendments but were sentenced after that date. The Court reaffirms the general rule that crimes are punishable in accord with the law in force at the time a defendant commits his crime unless the Legislature clearly expresses its intent to the contrary."* It is then up to the 2009 Legislature to "clearly express" their intent so that the statute can apply retroactively.

3) There should be a review conducted of all cases that are problematic which resulted in a conviction to determine if the law was fairly applied to ensure that any wrongful convictions are reversed and that any overcharging by the District Attorney is reversed. Taxpayers have a right to expect that those imprisoned for crimes are actually the perpetrators of those crimes or the public trust in justice is destroyed. This would help to alleviate any future litigation by those who were wrongfully convicted and/or charged and convicted of a plethora of crimes that were stacked to ensure their compliance in a plea bargain -potentially saving millions of taxpayer dollars in attorney fees and awards if these cases must go through a civil trial.

4) There needs to be an Oversight Committee for both the DOC and the Board of Parole to act as a fact finding and problem solving avenue that would report directly to the Board of Prison Commissioners. The taxpayers of this state have no place to turn and no agency that oversees either of these government agencies. The citizens and taxpayers do not get a vote or have any say in the appointment of those responsible for these agencies. There is no transparency and there is no agency that adequately oversees their budgets or their procedures. There are far too many complaints and issues that have come forward for which there does not currently exist any independent resource to investigate a complaint or problem. This Committee would act as a liaison between prisoners, families of prisoners and the agency. It would free up valuable time from the directors and staff of these agencies and give a voice and a resource to those who currently find themselves without either of those.

5) Sentencing recommendations by Parole and Probation (PSI reports) should be factual and take into account complete information regarding the person being sentenced. Currently those preparing the reports do not garner information from the family or loved ones of the person being sentenced. It is important to note in these reports if the crime committed was behavior that is usual or aberrant behavior. These facts should be a part of every report.

Thank you for the opportunity to add my comments and suggestions. I hope that these issues will be taken into consideration when you are making your recommendations.

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