

To: Advisory Committee for the Administration of Justice
Date: February 11, 2008
Subject: Proposals for Justice Reform, Crime Prevention, and Public Education
From: E. John and Teresa Werner

Attached also are two proposals for programs; one for training and educating the inmates to help conquer addiction/anger management problems, and one to train and educate Nevada's at-risk youth, as well as the general public.

Also attached are three proposals for improvements that would save millions of tax dollars in addition to generating much needed tax revenue. Every inmate who is incarcerated beyond their minimum sentence imposed by the judge, and who has achieved maximum positive programming, is a potential working, tax paying citizen who can CONTRIBUTE to society rather than take from it.

Most of the inmates will return to society; most truly do want to return as better people and repay society for their crimes instead of continue to take tax dollars that would be better invested in education.

We hope you will closely review the attached proposals and understand that no one, including the inmates, are asking for prison gates to swing wide open. What the public as well as the incarcerated are simply asking for is what is best for the people of this state.

Thank you for your time and consideration of these proposals.

If you have any questions or comments, please do not hesitate to contact either of us.

E. John Werner, #49376
NSP P.O. Box 607
Carson City, NV 89702

Teresa Werner
P.O. Box 21067
Sun Valley, NV 89433
E-Mail: terwer42@yahoo.com

Attachments:

1. Inmate Outreach - Education through Blogs
2. Alternative Classes for Drug and Alcohol Addiction and Anger and Impulse Management
3. Imposition of Sentences
4. Predetermine Parole Dates with a Realistic Points System
5. Parole Reform

Advisory Commission on Admin. of Justice
Exhibit I pg 1 of 5 Date: 2-11-08
Submitted by: Teresa Werner

Inmate Outreach - Education through Blogs

One of the keys to addressing both crime prevention, as well as our growing prison population, is to educate our youth on the consequences of crime. The 'Scared Straight' programs didn't work, the success of the current 'Dare' programs have recently been challenged, and the NDOC has cancelled most, if not all, of the 'at-risk' youth programs.

We MUST educate today's youth about drugs, alcohol, gangs, and crime in such a way that they will be receptive to the information. The most cost effective and universal way to do this by utilizing the internet.

The NDOC currently has all the tools needed to develop an education system for at-risk youth including an established informational website, computers, computer classes for inmates, and an abundance of inmates wanting to reach out to our state's youth in an effort to help keep them out of prison.

The addition of an Inmate Web Log (Blog) to the NDOC website would be a tool that today's youth and the general public could both benefit from. This Inmate Blog could provide important information by creating discourse about crimes from the most minor to the extreme major, from details of prison life, to the circumstances of the crime, including impact on victims, family, and society.

Schools, college educators, parents, and law enforcement could access this information and use it as a training tool anytime and anywhere, to share with their students, children, and offenders. With the use of Inmate Blogs, and even the use of supervised live discussions, education would be more comprehensive as it would include information from subject matter experts on crime, and clearly illustrating its negative repercussions. This could be a valuable and memorable dialog presented in a safe environment between those who are paying for their mistakes, and those who still have a chance, through education and knowledge, to make better choices.

This tool could also aid in educating the general public by way of information that might help keep them safe, to protect themselves from becoming victims of crime, and help them better identify at-risk behavior in their children, students, and others.

Permitting inmates to contribute through this valuable informative tool, would enable them to give something back to society; a productive way to rehabilitate and repay for their crimes.

Utilizing current resources to supervise, review, and control this process would be a progressive step in educating our youth. This tool could be easily implemented at minimal cost, with unlimited potential for maximum effect. Nevada's youth need REAL education about the results of drug use, alcohol abuse, gangs, and all forms of violence and criminal behavior, while getting a clear picture about the reality of the consequences.

Victims of crime might also find this to be a valuable tool to be used as a communication bridge to answer questions and possibly help with the healing process.

I hope you will strongly consider implementing this very valuable and much needed educational tool. I promise you will have no shortage of volunteers, starting with myself, who would love the opportunity to try to help others not make the same mistakes we did.

Respectfully,
E. John Werner #49376

Proposal to continue and expand Inmate self-supported programming

The program information that follows was conceived of by inmates, for inmates, in an effort to combat the apathy and ambivalence to rehabilitative programming that permeates the NDOC. This program was created by inmates who care about changing themselves and others.

This program is non-religious and open to all regardless of their beliefs.

It is the hopes that this program will bring an end to the revolving door that our system has become, to give inmates the tools and opportunities needed to beat addictions, and end the destructive cycles in their lives.

This program was created and was very successful in 2000. Administrative support and oversight was, and is always welcome as is that of Prison Psychologists. We would also welcome any questions and comments from you as well.

It should also be noted that this program costs NOTHING to conduct and needs NO funding.

Alternative Classes for Drug and Alcohol Addiction and Anger and Impulse Management

By Inmates – For Inmates
E. John Werner #49376

In order to beat an addiction – any addiction – first is to want to beat it. Second is having the willpower to say no, walk away, and stay away. “Giving it up to a higher power” or “recognizing that you are powerless and have no control” is NOT the answer for everyone.

Our program consists of metaphysical exercises in a non-religious capacity designed to build and empower a person’s will. We utilize creative visualization, meditation, fasting, logic exercises, breathing control, exercise and nutrition to help an individual build and strengthen his mind, body, self-esteem, and willpower. There is no time limit placed on this; it is an ongoing process.

By starting with learning to breathe correctly, moderate and improve the diet, and by building regimens that are kept, core behaviors, patterns, and habits are changed. Meditation teaches impulse control, thought pattern control and dedication. Fasting, beginning with one meal, gives control over desires and impulse as well as control over urges and habit, physical, mental and emotional. It teaches the body and mind that the denial of urges and desires is possible and non-harmful. It also builds the body and mind’s ability to deny itself and its urges, and over time makes it as simple as a thought. This makes it much easier to overcome the physical, mental and emotional urges to drink or do drugs, giving one the strength of will to say no and mean it. Creative visualization makes obtaining goals and desires, an embedded and common place imprint in the mind. Positive ideas become foremost in ones thoughts and provide pathways and direction to achieving desired goals.

Anger Management and Impulse Control are also dealt with utilizing these techniques in conjunction with a different focus. Added to the above tools are expanded chaos/logic exercises to teach the far reaching consequences of one’s actions. For example (and this is an exaggerated example): “You pick a dandelion and blow away the fluff. What could happen next? One of the seeds is caught by a breeze and floats for miles and finally alights on a cliff side, wedged next to a pebble. Three months later, a foraging mouse finds and eats the seed, dislodging the pebble, which dislodges more, triggering a rock slide, which in turn dams up a stream, which in turn...” This is not to be taken seriously but is a way to expand the thought process and the way the mind works so that consequences of actions are more clear.

The results of these programs speak for themselves as they are individualized and tailored – administered by people who care about the results and the people involved; by inmates – for inmates. Simply look at the prison records of anyone involved (names and #s on request) and the parole records. Of the approximately 40 inmates “I” have been involved with in these programs, one has gotten a dirty U.A. test, one has had two disciplinary issues with alcohol and two have had fights. Compare that, per capita, with all the other ‘prison sponsored’ programs. The success rate of these programs is overwhelming. **No one** who has gone through this program and been released has re-offended. These programs are open to any and all interested inmates.

The goals of this program are:

1. To know yourself
2. To know your problems/addictions
3. Build your willpower
4. Achieve balance and control
5. Understand the consequences of your actions
6. To keep thoughts and actions in good order
7. To apply what you learn to your life
8. Regain control of your life

Imposition of Sentences

E. John Werner #49376

The prison system is clogged and over crowded with stacked consecutive sentences that serve no Penalogical purpose. Does 70 years of a criminal's life repay an assault? Does 30 years repay an armed robbery? Does 20 years repay a kidnapping that consisted of asking an adult man to drive himself somewhere for a nefarious purpose?

The Influence of Legal Representation

Our judicial system is heavily weighted on the legal representatives 'power of suggestion'. While it is true that the defendant does indeed have a brain and CAN make their own decision, the defendant is in a very cornered and disadvantaged position to make a clear decision. It should be obvious that they are perhaps NOT the best decision makers, given their position in the first place. The intimidation and fear imposed by the legal representative's threat of a lengthily sentence if they don't take a plea only compounds confusion and distorts the offenders sense of reason. The question is hardly that of innocence or guilt, it is a question of TIME, and the decision is based on fear rather than ration and justice. When a judge is making a decision on a sentence, EVIDIENCE should be looked at as well as the plea that the defendant has agreed to take based on 'representation'. Too often the representation can not be afforded by the defendant and therefore may NOT be a vested interest in the defendant as in individual.

Terms

While I agree that there should be guidelines as to the ideal sentence for specific crimes, rarely if ever are two crimes the same, much LESS the individuals who commit them. While it would be unreasonable to sentence one man to one year for murder of one person and sentence another man death for the murder of one person, there should be some flexibility given to the law based on circumstances and evidence. I fully understand that with the exception of self defense, it is never right to take another life, however there are as many explanations as there are individuals make-up of who commits the crime.

Appropriate Punishment

Once someone is proven to be guilty of a crime, consideration for appropriate rehabilitation, punishment, and/or removal from society/forfeiture of life must be properly determined. How long does it take to rehabilitate someone, or is each individual different? What IS the likelihood of re-offense? Are they 'fix-able'? In today's world, 10 years is practically an entire generation. Why is it that as the world advances, Nevada's criminal justice system goes in reverse? If the system does not improve with the times, how do you expect the criminal to? Think about the person you are putting IN this system, and then think about the person who will eventually return to the streets to live in your neighborhood. What kind of person do you want to come OUT of this system? Someone who has not been 'fixed'? Someone who may be more dangerous due to the environment of prison then they were when they went in? If they can't be 'fixed' in prison then something else must be done to protect society, which IS the main concern, correct?

The answer is allowing the TRUTH and EVIDENCE to be first, before negotiations begin on sentencing terms by the defendant and the legal team (representatives and judge) before a rational common sense decision is made. This should be happening now, but it is grossly swept under the carpet to allow for swiftness in processing criminals like cattle.

Predetermine Parole Dates with a Realistic Points System

E. John Werner #49376

The Problem

The Parole Board's budget of millions of dollars could be better used in several other areas of need such as the hiring and training of more Parole Officers, GPS Tracking, re-entry programs, etc. With a comprehensive and realistic point system which determines an inmate's parole eligibility and parole date, the Parole Board becomes no longer necessary.

A point system now exists but it is only an unofficial guideline the Board is not required to consider or follow. The Case Workers in the prisons currently compile and create the Parole Board Reports and track the inmates along the point system, therefore the workload of prison staff would not increase as this is a function they already perform.

As it is now, no amount of rehabilitative programming, education, or vocational training makes any difference towards an inmate's parole eligibility, as the Parole Board does not have to consider any of it, and they don't, as is proven by their record of not granting parole to those who do qualify under the current system.

Solution

With a comprehensive point system determining when an inmate is granted parole, there is no question; and places an inmate in the position to take more responsibility for his own rehabilitation. It would provide for a more structured and productive term of incarceration, while weeding out those with no desire to rehabilitate and who do not deserve a parole.

Parole is a privilege. An early release to supervision for those who earn it. The current prison overcrowding and need for new prisons is a direct result. The simple act of granting parole to those eligible would alleviate this strain.

With an overriding and comprehensive point system, upon entering the system an inmate would know the exact date of his earliest possible release to parole supervision, as well as the latest, depending on adherence to clear and understood expectations.

Knowing an inmate's earliest date of release also allows for the development of pre-release programs and parole plans much more effective than what is currently in place.

Solid parole plans and quality supervised parole:

- Serve to protect the public interest and safety
- Open up hard beds to reduce the strain on City and County Courtrooms and Jails as well as the prison
- Increase the efficiency of the Prison/Parole & Probation Systems
- Reduce recidivism and create more productive citizens who re-enter society
- Eliminate an expensive and unnecessary government department (the Parole Board) and put tax/budget dollars to better use, not just within the Department of Corrections, but throughout the state.

Having a system that is structured and actually adhered to, would also enable the NDOC to perform more accurate budget forecasting.

Proposal

With a few simple changes to the current parole success likelihood factors worksheet, a realistic, comprehensive system for granting parole can be established; thus eliminating the need for the Board of Parole Commissioners.

1. The system should deal primarily with the instant offense and prison record on that offense and NOT combine prior convictions with the current incarceration. Prior convictions should be a separate category.
2. Consecutive sentences/lesser included offenses stemming from the same crime which resulted in the current incarceration should not be counted as separate. An institutional parole to a consecutive sentence when there is no release should not count against the inmate as a prior conviction/incarceration.
3. Credit should be given, not taken, for success with institutional paroles.
4. Victim impact is already calculated into crime severity level and shouldn't be counted twice.
5. Good time/meritorious time credits should be considered.
6. There should be no point cap on positive programming credits as this reduces the incentive and desire to continue to improve.
7. Consideration should be given to behavior improvements/declines and length of time between disciplinary sanctions and severity.
8. Programming points, programs taken and good time/meritorious credits should carry over to consecutive sentences as it is one continuous incarceration.
9. Good time/work/meritorious time should count towards parole eligibility date otherwise it is useless as an incentive, and should apply to life sentence minimums as well.
10. Recidivism risk assessment factors should also be considered towards eligibility.
11. The 'GRM' time factor and points per time category should be more reflective of each other and more realistic. A point system that, at the start, makes it impossible for anyone to qualify for their earliest parole date is unreasonable and directly disregards the judges minimum imposed sentence.
12. Risk assessment should be based on convictions not arrests as arrests do not accurately indicate the actual commission of a crime.

In Summary

The current point system is not only defective; it is not being utilized correctly, when used at all. The system limits rewarding positive behavior and allows for penalizing institutional paroles, which stifles motivation for success of rehabilitation. A clear and comprehensive point system that is used as a tool for both the Prison Case Worker and the Inmate, throughout the duration of incarceration from beginning to end, is essential to the success of the rehabilitation of the inmate. The ability to clearly identify inmates who have earned parole, as well as those who haven't, provides for the least amount of burden to the public in many ways.

This tool, when used properly, also aides in better understanding and guidance by the Parole Officer assigned to the Parolee. Amending the current point system to evaluate parole eligibility is not only long overdue but is essential to the success of the Department of Corrections as well as Public Safety.

Parole Reform

E. John Werner #49376

Require Inmates to Serve their Sentence Imposed by the Judge

There is a huge storehouse of people who have a debt to pay. Allow them to pay it; REQUIRE IT!

Example: An inmate serving a minimum 10 year sentence with little or no violence, no drug use, a relatively disciplinary free record, and has programmed positively; He has spent a decade in prison, worked to improve and rehabilitate himself and earn a parole. What is the purpose in denying his parole after 10 years? He has earned it, and now its time for him to make a productive repayment to society.

Set realistic guidelines that are realistic for ALL inmates and enforce those guidelines. Take the decisions out of the hands of people predisposed to an adversarial posture.

More Parole Officers = Less Prison Construction

Mandatory Parole is practically an oxymoron in Nevada. The judicial system in Nevada, when it comes to rules, regulations and laws, it is not a matter of the left hand not talking to the right hand, it is as if they are on two different bodies and are bitter adversaries.

It is common knowledge that both the prison system is overcrowded and Parole Officers are over burdened with Parolees. It is CRUCIAL to the success of the released inmate and even MORE important to public citizens that the released person is successfully rehabilitated, and can be a productive member of society. For this reason, among many others, the case load of Parole Officers needs to be seriously addressed.

The spending of government money is always tricky to say the least, but it is simple math really:

Lets just say an average Parole Officer has 20 cases (parolees), that's seeing one person a day. I am quite sure that Parole Officers (although I they probably think they earn it) don't make \$400,000 per year (the cost to house 20 inmates per year), and I bet Parole Officers can, and do, see more then one parolee per day.

It would be more economical to double or even quadruple the number of Parole Officers then to build prisons to house inmates who have served the minimum sentence imposed by the judge, programmed positively, and earned parole.

If Parole Officer case load were at a reasonable number, they could actually do what they are meant to do which is HELP the parolee succeed at becoming a contributing member of society. Building more prisons and overloading a minimal Parole Officer staff is NOT the answer and serves NO ONE.

The answer is simple: Adhere to the systems that are currently in place, make the NDOC and the Parole Board accountable to the same laws they are enforcing, and hire more Parole Officers to ensure the parolees succeed and the public is safe.