

## **SPARTACUS PROJECT OF NEVADA**

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### **PUBLIC RECORD**

#### **ACR 17 INTERIM LEGISLATIVE SUBCOMMITTEE HEARING, APRIL 27, 2006** **CITIZEN OVERSIGHT COMMITTEE'S REVIEW ON PRISON, PAROLE AND** **RELATED TOPICS**

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Document consists of 100 pages

- ☐ Entire document provided.  
☒ Due to size limitations, pages 30 provided.

A copy of the complete document is available through the Research Library (775/684-6827 or e-mail [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us)). Meeting Date: April 27, 2006

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**ACR 17 INTERIM LEGISLATIVE SUBCOMMITTEE HEARING, April 27, 2006**  
**CITIZEN OVERSIGHT COMMITTEE'S REVIEW ON PRISON RELATED**  
**EXHIBITS LISTING**

1. Smart prison reform article from the Reno News and Review, April 23, 2006.
2. State of Nevada, "A Report To Governor Kenny C. Guinn". and its Appendices, October, 2002.
3. NDOC Internal Report, "A Look at Parole in Nevada and in the US.", 2005.
4. Reporter Martha Bellisle's, April 20, 2006, article in the Reno Gazette Journal, "Guards say state prison is unsafe", and Reporter Geoff 'dornan's'. April 22, 2006, article in the Nevada Appeal, "Prison protest draws nearly 100 participants".
5. "Victims of the Justice System", By Times Staff Writer Henry Weinstein from the Las Angeles Times, April 9, 2006.
6. "Investigating Wrongful Convictions", By John Naradizzi, PI magazine, March/April 2006.
7. Legal Abuse Syndrome Questioner by Karin Huffer, MS/MFT.
8. Editorial: "The System is 'very badly broken' Is reform of state's judicial discipline system on the way?" April 19, 2006 in the Las Vegas Review Journal.
9. "Why can't our immigration authorities deport the hordes of illegal felons in our cities"? By Heather Mac Donald, Winter 2004, in the City Journal.
10. Brief correspondence from Professor Randall G. Sheldon, University of Las Vegas NV Department of Criminal Justice, April 15, 2006.
11. Contact information for The JFA Institute, James Austin Ph.D. and Wendy Naro.
12. Prisoners' Legal Resource Addresses Compiled by: Richard Jackson, Federal Death Row.
13. Spartacus Project Report, prepared and presented in 2002 by Donald Hinton, Sr. and Mercedes Maharis, MA, MS, MA.
14. Nevada Board of Parole Commissioners Operation of the Board, revised October 24, 2003.
15. Parole Board Chairman, Dorla Salling's e-mail to District Attorneys in NV, August 18, 2005.
16. Reporter Brendan Riley's March 21, 2006 article, "Nevada parole chief (Salling) disputes critical report" (Exhibit #3 above), and Reporter Ed Vogel's "Parole Board chief (Salling) defends decisions", March 22, 2006, Review Journal Capital Bureau.
17. Public Safety Violation Report, By Officer Wilson Southern Command of Parole & Probation, April 3, 2006.
18. Board of Parole Commissioners letter of October 8, 2002.

19. Board of Parole Commissioners letter of "12 February 2003".
20. Inmate Richard Martin's #14585, letter to Parole Board, March 21, 2006.
21. NV Dept. of Corrections Administrative Regulations 500 series, under revision not available.
22. State of NV Correspondence and NDOC grievance information on Russell Crew #18444 from September, 2005 to January 24, 2006.
23. State of NV Correspondence and NDOC grievance information on Russell Crew #18444 from March 14, 2006 to March 28, 2006.
24. Reporter David Kihara's article, "Inmates confined to their cells", April 14, 2006, in the Las Vegas Sun.
25. Reporter Ed Vogel's article, "NEVADA STATE PRISON: Working conditions protested, April 22, 2006, in the Review Journal.
26. Reporter Martha Bellisle's article "Prison scraps inmate projects, citing safety, security concerns", February 8, 2006, in the Reno Evening Journal.
27. 18 affidavits from inmates from High Desert Prison, March 11, 2006.
28. Stanford Prison Experiment by Philip G. Zimbardo, 1999 -2006.
29. Reporter David Kihara's article "Inmates not always getting HIV medication", March 30, 2006 in the Las Vegas Sun.
30. Indiana Department of Correction's 2005 Annual Report, "What Works Agenda", submitted by Professor Randy Shelden, Department of Criminal Justice, University of NV Las Vegas.
31. Literacy, Education. and Rehabilitation Act presented to the U.S. Congress, January 17, 2005.
32. Affidavit of Gerald N. Cusimano, retired United States Air Force Master Sergeant, April 21, 2006, correspondence from NDOC officials and Rev. Cusimano's Perceptual Healing Booklet.
33. "After Violence, the Possibility of Healing:" reported by Jan Goodwin, Illustrations by Guy Billout, April 2004.
34. "Court upholds law on prisoners' religious rights" by Charlie Savage, June 1, 2005, in the Boston Globe.
35. Reporter Adrienne Packer's article, "Bribery Trial Recap", April 23, 2006, in the Review Journal.
36. US v. Singleton case on "Snitch, July 1, 1998.
37. NV Supreme Court Chief Justice Robert Rose's speech to ACR #17 Hearing, January 31, 2006.
38. NV Parole Board Commissioner's parole denial report to inmate Kenneth Bridgewater and inmate Russell Crew.

### **INTRODUCTION:**

The Citizen's Oversight Committee (COC) has identified many numerous issues which need to be addressed by the Nevada Department of Corrections (NDOC) and the Parole Board (PB). The goal of the COC is to alert our Legislators of the seriousness of these issues, some of which we believe rise to the level of criminality by our public servants and elected officials.

An article reprinted in the Reno News & Review of April 23, 2006, Exhibit 1, shows that former NDOC Director Jackie Crawford was working to implement sound standards on Corrections based on a Justice Department study on recidivism. The Report to Governor Kenny C. Guinn by the Study Committee on Corrections and its Addendum, October 2002, Exhibit #2, also is filled with information to support major changes in the NDOC. Senator Valerie Wiener, a member of the ACR #17 Interim Sub Committee (ACR #17), was also a member of the Governor's Study Committee on Corrections. The work to determine the needs of the penal system in NV has already been done. It has been in the hands of the state since at least 2002. To date, most of the recommendations have not been implemented.

The NDOC's internal report, A Look at Parole in Nevada and in the U.S. referencing Dr. James Austin of the JFA Institute in 2005, has been the subject of media attention since the ACR #17 March 21, 2006 hearing. The report objectively addresses the prison issues in NV. Exhibit #3. The State of Nevada is aware of the massive problems with the NDOC.

Recent media investigation reveals that *Nevada has moved backwards under the command of Director Glen Whorton.* Exhibit #4, Reno Gazette-Journal article of April 20, 2006, Prison Guards say State Prison is Unsafe and Nevada Appeal article of April 22, 2006, Prison (Guards) protest draws nearly 100 participants. Even the NDOC's prison guards are openly complaining and protesting about the treatment of the inmates and staff from the NDOC Wardens and Director.

### **PROBLEMS WITH THE ENTIRE CRIMINAL JUSTICE SYSTEM:**

The American Civil Liberties Union (ACLU) in California held a recent symposium entitled, "Victims of the Justice System". *This symposium needs to be held in Nevada also.*

With nationwide information reporting that wrongful convictions are common, the advent of DNA testing and the number of overturned convictions just in the State of Nevada, it is now unfair to assume that all prisoners are guilty of the crimes for which they are being punished. See an article in the Los Angeles Times dated April 9, 2006, "Victims of the Justice System".

Exhibit #5



**As a result of DNA analysis which resulted in the release of a number of wrongly convicted citizens, a new law was instituted in the State of Illinois whereby all police interrogations must now be videotaped; such a law *must be passed in Nevada.***

**Many abusive and unlawful tactics have been used by prosecutors to force a plea bargain, see report by the 501c3 Center for Public Integrity, "Harmful Error, Investigating America's Local Prosecutors, <http://www.publicintegrity.org>. In the analysis of cases; District Attorney's (D.A.'s) resist use of technology that would free the falsely accused and/or tell juries to disregard DNA evidence that would exonerate an accused. This behavior must be stopped. The police and the prosecutors also must bear responsibility for the out-of-control prison populations. Those innocent citizens who are caught up in such misconduct and abuse of power, will never be compensated. "Wrongful Convictions". Exhibit #6**

**Many innocent citizens convicted will likely display the symptoms of Legal Abuse Syndrome (LAS), a form of post-traumatic stress disorder likely to cost society a great deal of money (see <http://www.legalabusesyndrome.com>), a sample of the LAS questionnaire is attached. Exhibit #7**

**The COC, as advocates to the incarcerated, would disagree with any suggestion that the great amount of information collected on the ACR #17 subjects could be considered "anecdotal" in nature; rather, there is clearly a pattern and practice of unlawful conduct throughout the system. As mentioned in the Review Journal Editorial of April 9, 2006, according to Gary Peck, executive director of the ACLU of Nevada, ". . .the entire system of judicial discipline is very badly broken in this state," (NV). Exhibit #8**

**Another relevant issue headlined daily in the news, addresses the issue of illegal immigration. The failure to afford them bail at first appears to be discriminatory. However, it is noted that illegal immigrants who break our laws are less likely to be granted bail as they are considered a flight risk. When convicted, they serve time in our prisons, are then deported, and many quickly return. Illegal criminals are a drain on our jails and prisons. We do not rehabilitate them. Taxpayers spend an exorbitant amount of our public safety dollars on them. Until the issue of illegal immigration is resolved, this is yet another item to be addressed by our Legislators. Exhibit #9**

#### **NEVADA ASSEMBLY RESOLUTION COMMITTEE #17 (ACR #17)**

**The 2005 Nevada Legislature has allocated five (5) Bill Draft Requests (BDR's) for the ACR 17 to correct the Sentencing, Pardon's Board, Parole and**



Probation, NDOC and Parole Board. It is imperative that the five (5) BDR's address the COC goals. Litigation of the more serious issues which may remain after the ACR 17 finishes its portion of reform will likely be required. While litigation is costly, both to the COC and to the taxpayers of the great State of Nevada, unless massive reform and overhaul of these systems occur, litigation is imminent.

#### **SOURCES FOR HELP:**

The criminal justice system has many resources and experts to learn from:

1. Professor Randall Sheldon of the University of Nevada Las Vegas Criminology Department, Criminal justice expert <http://www.sheldensays.com>. Exhibit #10 is a brief current comment from Professor Sheldon.
2. The noted expert consulted by the NDOC, Dr. James Austin with the JFA Institute. (Exhibit #3 above) Dr Austin's contact information Exhibit # 11
3. The information and studies provided by the University of Nevada Reno, Sawyer Center for Justice Studies <http://www.unr.edu/justicestudies/About/Missionstatement.html>.
4. The attached Bibliography/Exhibit List citing additional information resources. Exhibit #12

Many of the issues COC has documented now, were written and addressed in the 2002 Spartacus Report. Exhibit # 13 *Now four years later in 2006 we are still only talking about what to do* even after the 2002 Report, Exhibit #2 above, to Governor Guinn and the NDOC internal report of 2005, Exhibit #3 above which both clearly identify the problems and recommend very positive solutions. Why doesn't the Nevada Legislature mandate that the NDOC and the Parole Board follow the recommendations in? Exhibits 2, 3 & 13

#### **PAROLE:**

Nevada Board of Parole Commissioners' (PBC) Operation of the Board Manual, Revised October 24, 2003 (newest known version), has no provision for punishment or misconduct by the officials. *Rules for enforcement and punishment must be codified by the legislature.* Exhibit #14

The behavior of PBC Chairman Dorla Salling, instigating and initiating the communication to the D.A.'s in the state government to remove DOC Director Jackie Crawford from office, lacks professional objectivity. We feel this overt deliberate misrepresentation of the facts to do in a colleague, is unconscionable for a state official. She should adhere to a higher standard of conduct. Exhibit #15 Articles quoting Chairman Salling in both the Las Vegas Review Journal and the Nevada Appeal newspapers, Exhibit #16, are in direct conflict to the Governor's 2002 Report, Exhibit #2 above and the NDOC's Internal Report of 2005. Exhibit #3 above

**PAROLE AND PROBATION TECHNICAL VIOLATIONS:**

Parole & Probation Chief John Allan Gonska, said during an ACR #17 hearing that he has 36 years of experience. With this amount of experience the State of Nevada must look to Chief Gonska to make significant positive changes in his department of Parole and Probation.

October 27, 2005 Judge Glass reinstated an inmate to probation with the added condition he complete an inpatient Substance Abuse Counseling Program. The inmate was assigned to the program at the Salvation Army. P & P Officer Wilson cites on his March 2006 report, Exhibit# 17 the 2005 issue and now notes that the inmate is not cooperating i.e. "inmate refused to cut his hair". COC has been advised this probation violation is based on The Salvation Army excluding the inmate from their program. Therefore, Officer Wilson has prepared a probation revocation report recommending a 2 to 5 year prison sentence. Alternatives must be considered. This Inmate is Native American Indian and African American with religious beliefs and deep personal grooming desires regarding his hair. There is no requirement when an inmate is incarcerated for their hair to be cut. Why would P & P Officer Wilson "technically violate" an inmate for an issue that will not be a requirement once this inmate is sent to prison? Officer Wilson refused the inmate, his girlfriend's grandmother and an advocate's request to place the inmate in another program or change parole officers.

Parole Commissioner Thomas D. Goodson's letter of October 8, 2002 to an inmate regarding their decision to add a weapons charge to the inmate's sentence. "I point out that the victim in this case suffered ligature type strangulation which strongly indicates use of something other than your hands. Though you were not "charged" with the use of a deadly weapon, the Board determines that a weapon was used in the commission of your crime." Now the PB is overruling the Judge and Jury to lengthen the inmate's prison time. Exhibit #18

Parole Board Commissioner Connie S. Bisbee's, February 12, 2003 responds to an inmate who notes, "The weapons charge which added 6 points to the total was not in the police report, P & P report and all other files I have. There is no charge of a weapon." PBC Bisbee writes, "You were given points for use of weapon as per your own admission, you used a screwdriver to stab your victim to death." Once again the Parole Board invokes power to override the entire penal system. Exhibit # 19

Another inmate at the mercy of a very powerful Parole Board (PB) writes on March 21, 2006 that he has appeared eleven times before the PB being denied every time. The first ten years his denials were one and two years in length.

However, March 2006 he received a 3 year denial. The inmate pleads: I have not received a disciplinary in almost 10 years. I have worked for the Department of Motor Vehicle since September 5, 2000. I am a production team leader. He goes on to list eight prison programs he has taken and one that he is currently attending. The inmate writes, "I believe I have done every thing I can to prove to you that I should be granted parole. To have been a model prisoner, who last received a one year denial, then given a three year denial, is beyond logic. What more could I possibly do to prove to you I should be granted parole? Exhibit #20

**POSITIVE LETTERS FOR INMATE'S PAROLE CONSIDERATION:**

NDOC has a policy that employees are not allowed to give letters of recommendation for inmates. Yet, the parole worksheet says they will consider such letters. Who better to provide information on the behavior of inmates than the individuals: Who see them 24 hours a day; Witness how they act under stress when presented with temptation; Interact with them on a daily basis; and See how they treat and respond to family and friends. True, it is an artificial setting, but it is the only setting under which these individuals can be observed until their release back into society. If inmates could obtain letters from correctional staff, educational staff, work staff and volunteers, the parole board would be given a much better idea of how the inmate would react to the stresses of street life.

**THE PAROLE STANDARDS WORKSHEET states at paragraph four:**

"The Board will also consider any recommendation from the Court, law enforcement agencies, prosecutors, prison personnel, and victims as provided in NRS 213.130."

NRS 213.130 Department of Corrections to determine eligibility for parole and provide data to Board; use of photographs related to offense when considering parole, meetings to consider prisoner for parole; notices to victim.

**1. The Department of Corrections shall:**

- a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;
- b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole, and
- c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted. For the NDOC to not allow letters of recommendation from staff, educators, and volunteers is contrary to their own NDOC Parole Standards Worksheet (Noted above) Doesn't the NDOC have faith in its own staff to make observations regarding the very individuals for which they are responsible? It is obvious that the legislature must codify exactly what the NDOC must do. They don't even follow their own worksheet. The NDOC staff,

educators, and volunteers must be allowed to provide letters of recommendation on behalf of inmates.

**PRISON:**

**ADMINISTRATIVE REGULATIONS (AR):**

The AR's are still being re-worked, as of April, 2006. COC has been told the NDOC plans in the near future to present a list of revised AR's to the Board of Prison Commissioners (BPC) (Governor, Secretary of State, and Attorney General) for approval. There will be all new members on the BPC January 1, 2007 after the election.

AR Chairperson is Dennis Debacco, Chair Administrative Review Committee, P.O. Box 7011, Carson City, NV 89701. The AR's that are being revised have been taken off of the internet with a notice "Under Revision". Until the new AR's are approved the old ones stand. The NDOC must be mandated to make the AR's available to the public until the new revised AR's are approved.  
**Exhibit #21**

**PRISON CHARGES ON ADMINISTRATIVE REGULATION CHARGES, HEARING PROCESS, CONVICTION AND PUNISHMENT CHARGES:**

These charges are made by NDOC staff. The hearing is heard by the NDOC staff. The punishment is rendered by the same supposedly impartial NDOC staff. *The inmate has no due process rights.* An example of this abuse of power is Russell Crew's case of being removed from his job twice:

1. From the lead clerk job at Northern Nevada Correction Center, **Exhibit #22.**
2. From clerk at Southern Desert Correctional Center (SDCC). **Exhibit #23** (Note that the ESP administrator signing, or signing and initially all of the Russell's grievance forms at Ely Maximum State Prison is A. Endel. How can the officer that first reviewed your grievance continue to be the only one reviewing the case?)

**30 minutes after Jackie Crawford resigned as Director of the NDOC Russell was pulled from his job @ SDCC, placed into Administrative Segregation and within a few days moved to Ely Maximum State Prison (ESP). The order to move him to Ely was signed by Investigator General (I.G.) Deputy Pam Delporto. As of April 2006, he has been in maximum lock down for over six months. The NNCC Warden, Don Helling claims he has an anonymous (snitch) "kite". No one, not even, Russell's lawyer has seen this mysterious "kite" that is talked about when the NDOC wants to use it. But disappeared when a Nevada Legislator asked to see the "kite". The NV legislator was told it was at another location and not available. This situation reeks of retaliation.**

Since the alleged anonymous "kite" the NDOC claims it has, Russell has never been interviewed by an investigator, never had a disciplinary hearing, never had a conviction and never had a sentence on this phony "escape" allegation. Both Russell and his mother are being told by ESP Caseworker Mark Drain that the computer at ESP still shows Russell as "Pending Investigation".

It appears the actions of the NDOC are in retaliation for Russell having filed an Open Meeting Law Suit against the Parole Board for violating his rights and for forcing his parents and cousin to leave his parole hearing before it was over. Inspector Pam Del Porto of the IG's Office told Russell's mother over the phone on April 24, 2006, that she didn't have a "clue" as to when Russell would get out of lock-up.

The Inspector General Patrick Conmay wrote a letter to Russell's attorney in September 2005, saying the investigation on Russell had been closed. Russell's mom was told at the IG's Carson Office that the investigation was closed June 29, 2005. However, ESP Caseworker Mark Drain said on April 24, 2006, that the "investigation on Russell has been reopened since IG Conmay wrote his letter". Mr. Drain said, "The I.G.'s office will have to send something else in writing to the ESP before they can change the computer from "Pending Investigation".

IG Inspector Pam Del Porto says she doesn't have a "clue". Does this sound like a run around? Russell has two parents advocating for him. His dad, a retired 30 year veteran Trooper of the Nevada Highway Patrol and his mother a retired Clark County School Teacher. Can you imagine what inmates go through who have no one to help them?

### **CONDITIONS IN PRISON**

#### **MASSIVE LOCK DOWNS:**

23 hour lock-down is regularly used in prisons. According to Las Vegas Sun Article, April 14, 2006, "Inmates (women) confined to their cells". Punishing inmates for seeking redress of grievances! --- Sounds like NDOC Assistant Director of Prison Industries Howard Skolnik should be fired and then sued. The women were locked down so the administration at the Women's Prison on Smiley Road could round up the guards, search the inmate's cells and talk with guards and inmates. The prison administration admitted they were trying to ascertain who contacted Assemblyman Harvey Munford, who made an uninvited visit to the Women's Prison. The day after Assemblyman Munford visited the Women's Prison the programs officer who showed assemblyman Munford through the prison, was fired. Was this retaliation?  
Exhibit # 24



### **CRUEL AND UNUSUAL PUNISHMENT:**

Often without charges, hearings, or findings of guilt inmates are moved. Some are even placed in Administrative Segregation for months and years. These unfortunate inmates have no due process. The prison can and sometimes does lock inmates up in close custody, the most expensive form of incarceration, for retaliation only. Exhibit #23 above

### **UNSAFE CONDITIONS:**

The Review Journal, April 22, 2006, "Correctional Officers stage rally", reports that even the guards are protesting against the treatment of the inmates and staff by NDOC Director Glen Whorton. Exhibit # 25 All of the prisons are severely overcrowded with inmates housed on the floor in gyms. With Director Whorton's extreme cutting of activities, programs and even disallowing an inmate taking college courses the opportunity to earn work credits and live in the workers unit the prisons are in a state of unrest. A guard told a COC advocate that his keys have been changed four times already this year. The prison system is like a pressure cooker with administration creating the pressure for both staff and inmates.

### **RIGHT TO SELF REPRESENTATION HINDERED:**

Faretta v. California, 422 U.S. 806 Requires the right to self-representation. c  
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=422&invol=806>

This is a federal law that the NV prison system is disobeying. NV prisoners do not have access to go on-line, and search legal databases. Other States allow legal online database research. Inmate litigants are generally indigent and without other legal representation on their matters. They need to be able to research their case to help themselves. NV inmate litigants are hindered in their ability to research their own legal matters.

### **FEDERAL CONSENT DECREES:**

State prisons that operate outside the law can be placed under a federal consent decree (passed by Congress), <http://commdocs.house.gov/committees/judiciary/hju21912.000/hju21912.01.htm>, as was done in California. When states are given notice of severe federal violations such as those happening in Nevada, correctional facilities with multiple violations such as that of the Americans with Disabilities Act, they can be placed under federal stewardship through federal consent decrees. Unless the State of Nevada corrects its violations, the COC will seek legal assistance in this area following the ACA Standards.

### **FINANCIAL CONCERNS:**

**Problem:** Release of inmates with a bus ticket and almost no money; often works out to be forced recidivism \$21 release money and see you soon!

**Fix:** Supply Medical referrals and vouchers for medication and medical care. Provide at least a two month rent voucher; food stamps for 6 months, clothes voucher for at least \$200, and telephone access for job interviews and information.

Regarding conditions of parole it is outrageous to demand a new parolee to pay this fee, \$35 per week, to the caseworker. It is being reported that counseling at \$150/week or more is being required. Note: Go to Southern Nevada Adult Mental Health services for free. (SNAMHS) If a parolee is forced to go to specific counselor or drug treatment where payment is required, Nevada P & P should have to pay for the services. Being forced to pay monies you aren't able yet to earn, just insures a return to prison for many inmates. It seems like the prison system is creating a revolving door.

**COMMISSARY:**

Commissary items TV's and CD's sold by NDOC are inflated 200 to 300 times. Contact Richard Jacobs, Head of Commissary Store, (775)887-3337, to verify.

**CONTRACT WORK:**

Inmate payments for contract work (is indentured servitude disallowed under U.S. constitution.) Clark County Water Reclamation has contracted with the Department of Forestry and NDOC to clean out the overflow ponds at the community of Indian Springs, NV. Who is paying what to whom? COC demands an outside, independent audit of Assoc. Director of Prison for Prison Industry Howard Skolnik's financial records for the past 30 years including his IRS returns.

**CHILD SUPPORT:**

Accrues during incarceration? Any money paid to care for or house a child, whose mother is in prison must be repaid when the mother is released. The payment may be made in monthly payments. However, this is just one more reason mothers are technically violated from parole.

**FOOD:**

Chicken and Kool-Aid are two of the foods actually labeled "not fit for human consumption" that are being used regularly in all of the state prisons. These products are being served to the incarcerated men and women in Nevada. As of 5 years ago--costs of feeding inmates was \$1.25 per day, 50% less than the amount to feed wild horses at \$2.50 per day. How much does the NDOC pay to feed the dogs @ NV State Prison and Warm Springs? The Nevada State Health Department must investigate. Further, it is known and has been observed on a daily basis, that there are rats roaming freely in the kitchen and the halls of the Women's Prison on Smiley Road. It has been reported



that some of the more fortunate inmates have stopped eating the food served by the prison, in an attempt to avoid diseases caused by this contaminated and sub-standard food.

It is more than ironic that the same facilities which fail and refuse to provide adequate medical care to inmates, engage in patterns and practices which are guaranteed to foster and encourage disease among the inmates. The serving of improper and illegal food to inmates is a violation of the law and deserves an outside independent investigation by the local Las Vegas and Clark County Health Departments, as well as an outside independent audit of the Prisons' purchasing practices and budget. Obviously, money is being "saved" by illegally purchasing sub-standard "food". Where does that money go?

In a sadistic attempt to foster inmate illness, the NDOC has failed and refused to allow prisoners to grow their own food in gardens at the prisons. Such gardens have been routinely destroyed by the NDOC, Exhibit #26, Reno Gazette-Journal Article by Martha Bellise. Is it possible that the hidden agenda for destroying the gardens was due to prison food contracts which enrich the prison system?

#### **GRIEVANCES:**

AR 740 - Inmate has no way to track a submitted grievance. She/he often doesn't get a legible copy to keep. The first she/he hears about the grievance status is a memo stating what the time limits are and that the grievance is now moot because the time deadline has expired. The inmate has no due process rights. Signatures of guards sometimes are completely unreadable. Each guard must be issued a number to use on all inmate correspondence along with their name for easier identification. All grievances are heard by the same prison CO's and Administrators that the inmate is complaining about. THE SYSTEM IS NOTHING BUT A KANGAROO COURT.

NDOC Director Glen Whorton commented to an inmate's mother, that it is just as easy for his staff to say yes as it is to say no when inmates request to write step-relatives within the prison system. But so far the answer is no.

However, the inmate's mother is watching the guards writing up AR violations. She thinks they may even enjoy watching the inmates spin their wheels in filing grievances that are going nowhere. How cost effective are these practices to NDOC and the taxpayer?

On March 9, 2006, the NDOC CO's at High Desert Prison cancelled Unit 6A inmate's, gym and store for that day. Telling the inmates they would be taken to the store the following day. On March 10, 2006, while there were sufficient Correctional Officers (CO's) on duty, Senior Correctional Officer (SCO) Moore also refused to take the inmates to the store. An inmate getting several grievance forms for himself and other inmates, who were requesting them also, was told by SCO Moore while the inmate was in the office to take only one grievance form. SCO Moore raised his voice to this inmate and said to "get the hell out of my office". The inmate responded with a short *expletive* reply. According to 18 affidavits from fellow inmates, with a diverse racial makeup of Black, Hispanic and Caucasian, the inmate was propelled out of SCO Moore's unit floor office. The affidavits state that SCO Moore followed the inmate and once outside of the office door, SCO grabbed the inmate and shoved him up against the window/wall outside the office, while stating, "Get up against the *expletive* wall!"(See Inmate Affidavits) SCO Moore then handcuffed the inmate's hands behind his back. After the inmate was handcuffed, SCO Moore roughly pushed this inmate back into the office. Once back in the office while the inmate was not squarely lined up with a chair SCO Moore began pushing the inmate into the unaligned chair, while screaming at the inmate, "SIT DOWN"! While the inmate was attempting to align himself with the chair in order to sit down, SCO Moore shoved the inmate into the chair. The inmate did not resist SCO Moore at anytime during the above incident that was observed and reported by 18 fellow inmates backing up false allegations and brutality by prison correctional officer SCO Moore against the inmate. The inmate was merely attempting to access the inmate grievance process by obtaining grievance forms from SCO Moore.

Exhibit #27, 18 Affidavits

#### **GUARDS & PRISON GUARD UNION :**

##### **GUARD BRUTALITY:**

We would direct the members of the ACR 17 to an important study accomplished by world-renowned Stanford University in Palo Alto, California. <http://www.prisonexp.org>. Exhibit #28 It is important information to show that the psychology of prison guards can lead to a complete obliteration of rehabilitation. Although we designate the NDOC as "Corrections", it is actually true that our prisons have become punitive and retaliatory and do not rehabilitate as is promised to the public. We do not want to release an inmate who has been abused and conditioned by the system to be more angry and less able to successfully return to society. Employees of the system can easily fall prey to the same types of behavior as those exhibited by the guards at Abu Ghraib. While we do not insist that prisoners be coddled, we do insist that the system examine itself and discover its' own psychological weaknesses that lead to systemic failure. We also feel strongly that the following should be considered for employment:

### **GUARD EDUCATION, TRAINING AND FITNESS FOR DUTY:**

**1** At least 6 weeks, mandatory specific job training for prison guards and higher education for promotions within the prison system; currently, the requirement is only that the guards have a high-school education or equivalent.

**2** Mandatory civil rights training.

**3** Annual psychological examinations for fitness for duty. Police entities nationwide require that candidates pass a psychological examination prior to hiring. While this incurs a cost to the State, the cost of litigation for guard brutality will likely drop in the event that we ascertain prison guard fitness for duty

**4** Random drug testing and mandatory urine analyses of all NDOC employees. During the February 2001 testimony of former NDOC head Jackie Crawford to the legislature, former Director Crawford stated that a drug problem exists at all Nevada prisons, run by the prison guards. Even guards who are not drug users themselves may be participating in the drug trade in prison. Therefore it is necessary in order to accomplish any form of drug treatment in prison, that a drug-sniffing K9 be used to preclude the bringing in of drugs to the prisons, both on the prison employees themselves along with visitors. This will also eliminate the need for extensive visitor searches.

**Guards:**

**Problem:** Prison guards, teachers, counselors, prison administrators, inspectors and others can be seen daily at all prisons on all shifts carrying into the physical prison large lunch containers. No one screens these containers.

**Repair:** In lieu of bringing in their lunch, a prison guard suggested all staff should eat the same lunch served to the inmates. A prison employee lunchroom outside the actual physical prison could be established where all lunches, books and other carry-in are kept.

**Problem:** No one physically searches the employees, prison guards, teachers, counselors, prison administrators and inspectors.

**Repair:** One male and one female from an independent security firm be hired to pat search all staff members before they enter the physical prison, just like visitors are pat searched.

### **INMATE SYSTEMIC SEXISM:**

If an inmate works, NDOC takes a % of his/her meager earnings for board and room. Does this seem fair to be required to pay to be kept in prison? There is a lack of paid jobs and lack of vocational training for all inmates, especially women. These problems cause many inmates to remain idle for years.

Systemic sexism throughout the NDOC mandates that most of the inmate employment opportunities are siphoned to the male population. When a

woman is fortunate enough to get an opportunity to secure employment, she is lucky to earn 10 cents an hour. That is if she can even get that opportunity to work.

Some men in prison may make minimum wage. Sexism, racism, elitism, and rampant civil and human rights' violations are all part and parcel of the NDOC.

#### **INMATE HEALTH:**

##### **DENIAL OF MEDICAL CARE:**

**Failure to Afford Necessary Medical Care to an Incarcerated Individual, a serious civil rights violation:**

According to Amnesty International's Denouncing Torture Initiative, torture is clearly illegal and cannot be legally justified or excused when engaged in by any American citizen under any circumstances. The routine denial of medical care falls within the parameters of torture and as such is a clear violation of State, Federal and International Law. We seek prompt prosecution of these egregious violations of the law. See also Inmate Medical Records below.

One involves a woman who has had a prior mastectomy, now has a lump and has been diagnosed with aggressive cancer. Three times her medical records were "lost" by the Women's Prison and after 6 months she is still waiting for treatment. She now states that she has a "burning sensation" in the region of the lump - a symptom well-known to cancer sufferers indicating the need for urgent treatment. If this woman dies due to NDOC neglect, criminal prosecution needs to be instituted forthwith.

Another woman was raped over 2 years ago, and, as a result, continues to bleed from her rectum to such an extent, that she recently received a blood transfusion in the hospital. She was allowed to stay for only 3 days. She needs surgery, and other treatment, and for over 2 years, this has been refused. She also contracted HIV, Herpes, and Hepatitis as a result of her rape, and is receiving treatment for NONE of these conditions.

Another woman at the prison has Lupus, Hepatitis and receives no treatment other than an over-the-counter pain reliever. She suffers extreme pain in her joints and swelling of her face and body, sometimes gaining 40-60 pounds in the course of several months. No care is given.

We have recently heard of another woman at the Smiley facility who came to the prison with HIV and was fully functional - at that time she had been receiving proper care and was full of energy. Now at the Smiley facility, she is denied medical care and treatment and is confined to a wheelchair. She is so weak that she cannot even hold her head up. Exhibit #29, Las Vegas Sun article on March 30, 2006 by David Kihara, "Inmates not always getting HIV medication".

## **MEDICAL STANDARDS OF CARE AND MEDICAL PRACTICES:**

### **COMMUNICABLE DISEASES:**

We believe that the NDOC allows prisoners who are positive for Hepatitis B & C, Tuberculosis, and HIV to work in food service, placing the entire inmate population at risk for contracting these incredibly contagious and disabling diseases and that there is no medical screening conducted by the NDOC prior to placing an inmate in a food service position. (For example, at the High Desert Correctional Facility, tuberculosis positive inmate Chavez (food server assigned to cell D-2). Because no part of any inmate's sentence includes being infected with diseases that can potentially limit or end their lives, and because no Nevada taxpayer should be burdened with the medical expenses unnecessarily incurred to any inmate or large population of inmates, this issue has dire consequences if not immediately repaired.

We ask for an outside independent audit of the NDOC, to be conducted by an auditor not customarily used by the NDOC. It is clear that the NDOC allocates millions of dollars to "medical". However, medical care is not being provided to inmates by the NDOC. A staff exists, which primarily does nothing more than denies inmates medical care. Obviously, this is a violation of job descriptions at the very least, and a fraudulent waste of taxpayer dollars at its worst. Further, this policy and practice shifts future taxpayer dollars unnecessarily to rectify the malfeasance of the NDOC in supplying medical care to released inmates by other facilities.

### **DENTAL:**

For years, inmate dental care within the NDOC consists mainly of extractions. Prison regulations should require teeth cleanings every 6 months, this is not done period. It is no wonder that our recidivism rate is as high as it is - few employers are interested in hiring the toothless. No cleanings; no teeth or many teeth that are missing because of improper care while incarcerated, create a poor personal presentation. Those released are lucky to obtain minimum wage employment.

### **INMATE MEDICAL RECORDS:**

We note that COC has been told that medical records are "purged" and "lost" from inmate files, in an attempt to cover-up the criminal misconduct (whether negligently or intentionally based ) of the prison officials. The ACLU is reviewing records in three of the more horrific cases at the women's prison.

**NEW NDOC MEDICAL DIRECTOR:** (Robert) Bruce Bannister, Doctor of Osteopathy, trained at the University of Health Sciences, College of Osteopathic Training, Kansas City, KS, is now in charge of the inmate medical services. COC will be watching closely to see what new ideas and programs Dr. Bannister implements for the medical needs of the inmates.

### **PRISON PREGNANCIES:**

Any prudent person is well aware that a medical provider can ascertain that childbirth is imminent. To believe that a woman in childbirth can simply pick up and run away is simply not feasible. Nor do we believe that any prison escape has occurred by any female prisoner in the process of childbirth. Why are inmates who have no power and become pregnant by guards getting sentenced to more time? i.e. Martin for just one. Adopt Oklahoma law, when prison pregnancy occurs, the guard is held responsible and not the inmate. A woman got pregnant by a state guard. She was then punished as was the guard.

The US Supreme Court essentially held that the everyday happenings of prison life are a part of the sentence imposed by the court. If that is true, then the sentence would seem to become illegal when the everyday happenings of prison life are also illegal. When that happens the prisoner should be released because there is no way to go back in time and eliminate the error. No body can be required to serve an illegal sentence. An inmate is sentenced to time not abuse.

### **ROUTINE DENIAL OF COMPASSIONATE RELEASE:**

It is part of the inhumane system-wide abuse modality of the NDOC to routinely deny compassionate releases of terminal and elderly inmates. Reports have been prepared which note that the elderly require more and more medical care, which is expensive for the NDOC to provide and as we have seen, is routinely denied in Nevada prisons. The money may be allocated to the budget, at taxpayer expense, but also as we have seen, the care is not provided. This is another item justifying an independent audit and a major policy shift. The right thing to do is release inmates with terminal diseases to families and facilities that are ready, willing and able to provide the care that is required, in the name of decency.

### **PRISON MEDICAL ISSUES TO BE ADDRESSED:**

- 1 Failure to provide annual physical exams to inmates.
- 2 Inmates with seizure disorders and substantial disabilities are cavalierly placed in the top-level bunks, in blatant disregard of their fully-documented needs.
- 3 Diagnosis requiring major medical expense is ignored.
- 4 Codify that families of inmates be allowed to pay for needed treatment if the prison decides they are not going to provide it.
- 5 Diabetic inmate forced to choose between visitation and proper nutrition.
- 6 Re-testing on known tuberculosis positives; waste of taxpayer's money.  
(See also, communicable diseases section included in food handling).
- 7 Medical neglect and medical abuse - even in serious cases, like aggressive cancer (with no treatment for 6 months and counting)
- 8 No screening for HIV - Hepatitis B & C -- Lupus --Herpes --TB positive.



9 Orthopedic cases i.e. back , knee, neck etc. medical needs, TENS unit being denied to an inmate who brought one with her into the prison; Knee braces taken away by the prison guards with no change in diagnosis or symptoms.

These are Americans with Disabilities Act violations that the NDOC must correct and care for. The above amounts to what is COC perceives to be a criminal conspiracy to commit murder by negligence (negligent homicide, at least) on the part of prison officials and staff.

**SMOKERS WITH NON SMOKERS:** A 1993 case in US Supreme Court says smokers are not to be housed with non-smokers. A few years ago (1990s) a prisoner (McKinney) won a decision in the US Supreme Court concerning his exposure to second hand cigarette smoke. Then attorney general Del Papa was quoted in a Northern newspaper stating to the effect that: it would cost too much to accommodate McKinney's request for a smoke free environment and the alternative would be to remove all tobacco from the prison system and place McKinney back into the general population so the other inmates could thank him for his concern over their well being. Everyone knows that he would have been shanked, not thanked.

Sometime later Ms. Del Papa argued for and obtained millions for Nevada in the big tobacco settlement. Meanwhile, the NDOC is still making big money on the sale of tobacco to addicted prisoners in everyone of its prisons. Does anyone else see the hypocrisy in this scenario?

**PSYCHIATRIC/PSYCHOLOGICAL:**

Psy. Reports NOT addressing psychological counseling needs. During incarceration little or no psychiatric care is given. [www.doc.nv.gov.psych/index.php](http://www.doc.nv.gov.psych/index.php). Psychiatric evaluations are done when an inmate is eligible for parole. Then conditions of parole are being housed in a treatment center.

**SOCIAL SECURITY RETIREMENT:**

An inmate worked for the NDOC as a law clerk for nearly 18 years. He was paid monthly a salary of \$30 to \$40 per month. No social security tax was ever paid on the wages. Therefore, there are no social security for retirement benefits or possible disability. Isn't it the employer's responsibility to pay the social security taxes? Isn't the failure of the NDOC to withhold taxes a federal crime?

**TAKING OF PRISONERS' MONEY:**

Called a "fine" to "compensate alleged crime victims", money provided to the prisoner by their friends and family is often taken.



**VIDEO TAPES:**

Do the tapes exist, or not? Do they all really 'disappear' when a lawyer issues a request, or is that only in some cases?

Even at the Las Vegas Jail and certainly, throughout the NDOC, prisons and jails only turn over the videotapes after a complaint is filed by an attorney.

However, most attorneys would rather see the videotapes prior to filing a lawsuit to see if there is a viable claim of abuse, etc.

An additional wrinkle is that even after a lawsuit is filed, all of a sudden, the prison will say that no videotape exists.

We respectfully request that ALL videotapes occurring within the confines of ALL Nevada prisons and jails be COPIED AND SENT to a centrally located office within the State NDOC – for safekeeping and verification. Without this guarantee, no meaningful improvement can be expected for incidents that happen in the prison. These tapes are only accessible by a Court Order after an attorney files a lawsuit. Catch 22, the lawyer won't file a lawsuit until they see the video tapes.

**PRISON MAIL RULES AND REGULATIONS:****TAMPERING OF US MAIL:****LEGAL MAIL:**

The COC has experienced mail tampering, a federal offense. While we understand the need to check incoming mail for forbidden items, there is no known reason for tampering with out-going mail, especially that marked "Legal Mail". Legal mail by inmates is easily tampered with, which also interferes with the COC's ability to advocate for them. Especially when it is sent out from the prison law libraries. The issue of mail tampering is serious and needs immediate attention.

Russ Crew at ESP is not receiving his subscription from Sports Weekly (SW) before the sports events happen on the weekend. After he files a grievance he often receives two weekly papers at once, a week or two late. Russ wrote to the SW Publisher. Russ' mom was told by the publisher, that they had contacted the Post Master at Ely, NV. Ely's Post Master (EPM) told the publisher that the papers are being delivered to the prison in time for delivery on Thursday or Friday before the weekend of sports events. The EPM said the problem is inside the Ely Maximum State Prison.

There is a 10 page limit or ten picture limit on each mailing. This costs the families or friends of the inmate extra money.

**PROGRAMS:**

The State of Nevada Governors Report from 2002 on Programs and its

Appendix, Exhibit #2 are an excellent foundation that the State of Nevada has already created. The ideas, suggestions and recommendations were applicable in 2002 and they are even more applicable in 2006. The ACR #17 Interim Sub Committee is urged to use this valuable piece of work the taxpayers of Nevada have already paid for.

Prof. Randy Shelden forwarded to Florence Jones, "What Works Agenda" from the Indiana Department of Corrections. This is a recipe for Effective Correctional Intervention. Additionally it has been tested through research and separate but related studies. Exhibit #30  
<http://in.gov/indcorrection/divisions/communitycorrection/whatworks.htm>

#### **VISITING:**

The NDOC proclaims that it recognizes visiting as an "integral part of the rehabilitation process" in AR 17; its actions portray a totally different attitude. Under its new administration inmates and their families are subjected to harassment, degradation, humiliation, retaliation and civil rights violates without due process or following the Administrative Regulations of the Department.

Late last summer an inmate overdosed in the visiting room at Southern Desert Correctional Center. The drugs had allegedly been brought in by the inmate's girlfriend. When it was apparent the inmate was going to overdose, the woman left the visiting room the inmate had seizures and was flown out on Flight for Life. This was witnessed by correctional staff, inmates, their families and Associate Director Greg Cox. We are aware of no prior incident remotely similar to this one ever happening. We find no evidence that the woman who brought the drugs in has ever had charges filed against her or been sought in connection with this incident. Although this woman has not been made accountable for her actions, the innocent inmates and their families have been made accountable on her behalf.

In October an undated memorandum signed by Sheryl Foster, was circulated to visitors and inmates at Southern Desert Correctional Center. It stated that everyone would have to submit to a "routine" pat search and "may be" required to remove their shoes and jacket. Now, we believe a routine pat search as used by the Nevada Department of Public Safety's Highway Patrol is one in which a person stands spread eagle and is patted down. However, female family members and friends of inmates were required to take down their hair, shake it out, look behind the ears of each person entering, look inside the mouth of each person entering, remove their false teeth if they had them, shake out their bras, have officer's hands inside their waistband, and made to remove not only shoes and jacket, but forced to remove socks and spread toes. Children were subject to similar invasion searches. They were patted down and forced to remove their shoes and socks. Probable cause is needed for theses types of invasive searches. There is no reason for a

search of this type except to degrade, harass and humiliate the innocent families of the inmates, and to discourage them from visiting their family member which is an intricate part of the rehabilitation process. After numerous letters of complaint, people were allowed to keep their teeth in their mouths, forced to remove only their shoes and officers no longer placed their hands inside the waistband of clothing.

The next problem is an old problem which is only getting worse instead of better. The "Clothing" list of what visitors may not wear. It reads like someone's late night fantasy rather than something that is simple and easy to enforce. It is almost virtually impossible to comply with each and every category on the list. It would be much simpler to contrive a list of what can be worn.

**Literacy, Education, and Rehabilitation Act, Exhibit #31** states; ". . . that as many as 70% of those incarcerated had a parent incarcerated before them." How do we break this downward spiral of inmates begetting future inmates? There must be alternative forms of custody in the crimes that are not violent, like house arrest that will keep society safe, and still allow the inmate the dignity of working and caring for their own family.

**AGENDA ITEM: TRAINING, EDUCATION AND REHABILITATION PROGRAMS AVAILABLE FOR OFFENDERS:**

Until December of 2005 there were many programs at the prisons. There was AA, NA, parenting classes, life skills classes, street readiness classes, anger management classes, and the inmates were allowed gardens. Everyone knows that productive people are less likely to get into trouble. However, the NDOC came through like a tornado and destroyed all these programs. AA and NA since their inception have been run by former substance abusers helping each other. They are also to this day, the most successful alcohol and drug program. They have been torn out. Programs that tried to teach inmates other ways of responding to stresses have been removed without warning. See Affidavit of Rev. Gerald Cusimano. **Exhibit #32** There are no longer classes to teach inmates to parent their children, manage their money, find living quarters, find a job. One of the most successful programs in the country which promotes healing of crime victims and their families are restorative justice programs. They teach the inmate to realize the magnitude of their actions on other human beings and it answers many haunting questions for victims and their families. These programs have been instituted in counties in Wisconsin, West Virginia, Pennsylvania, and other states. They are hailed by victims and inmates alike making positive differences in both of their lives. **Exhibit #33**

*According to Whorton he has only cut out prisoner activities that only keep prisoners busy--Not the prison programs, run by (co) sponsors. Director Whorton must be required to identify the programs that were in place when former Director Crawford headed the NDOC compared to now under his control.*

### **RELIGIOUS VIOLATIONS**

May 31, 2005, the U.S. Supreme Court unanimously upheld religious freedom in the prisons and the rights of prisoners to practice their faith under the Religious Land Use and Institutionalized Persons Act (RLUIPA). The Case is synopsized in Exhibit #34, an article published by the Boston Globe. The Nevada Prisons interfere with prisoners' religious practices, in violation of this important law. *COC has been told Wicca's religious services have been banned at Nevada State Prison.*

### **SNITCHES:**

Use of Prison Unidentified "Snitches"; easily discredited individuals causing hardships for others in order to obtain better treatment for themselves, is a travesty of justice which must be outlawed by our Legislature. The conflict of interest of the accuser who then gains special treatment including leniency, is as clear as Galardi providing bribes to Erin Kenny for preferential treatment. EXHIBIT #35 Quoted from a case first published and then later pulled from publication speaks to the issue of government "snitches" Exhibit #36, U.S. v. Singleton, 144 F.3d 1343 (1998)):

The only resolution of this complex issue is to determine what is really going on.

### **CONCLUSION:**

Audits must be completed by an outside independent source of the following:

1. The Nevada Pardon's Board

a) Why are the applications to the Pardon's Board done in secrecy?

Wouldn't an objective set of accomplishments that all inmates would be allowed to work towards be more equitable?

b) Nevada is the only state in the USA with the Supreme Court Justices sitting on the Pardon's Board. Exhibit #37, Chief Justice Robert Rose's speech of January 31, 2005 to ACR #17.

2. The Nevada Parole Board Commissioners. The commissioners and all parole board staff be required to be psychologically certified fit for duty on an annual basis.

a) Is the Open Meeting Law or the due process procedure being followed?

b) Are secret deliberations serving the citizens of Nevada?

c) Is the delay in providing inmates with results of hearings necessary?

d) Are pat denial responses instead of specific constructive ideas for

quoted every time an inmate goes before the PB.

c) The PSI writers must be sworn to write the truth, and qualified with experience and/or degrees in sociology, psychology or education, not police oriented.

d) The information, both positive and negative, used to compile the PSI report, which must only be used in the original court proceedings for a sentencing guide, must be gathered equally from the victims, the victim's families, the inmate, and the inmate's families. All other data placed in the report must be objective and verified.

#### **4. Police and Sheriff Departments**

a) Records of internal investigations must be open after the investigation is concluded for public scrutiny.

#### **5. Statewide District Attorney's Offices**

a) Who determines whether a case will be brought to trial, plea bargained, or dismissed?

1. The law must clearly state that a panel of at least three Deputy DA's are required to make this decision. These meetings must fall under the Open Meeting Law.

2. It is not possible for the elected District Attorney in each of the 17 Counties of Nevada to make every decision. The people have no recourse against the decisions now being made by only one Deputy District Attorney.

6. The Governor's budget with regard to these above mentioned departments.

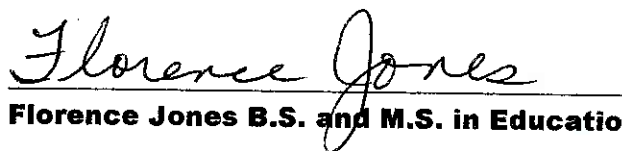
Respectfully submitted,



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# EXHIBIT 1



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## Smart prison reform

**Two recent studies on Nevada's use and misuse** of prisons deserve to be at the top of Gov. Guinn's list for reading and action. One is from the state's own Study Committee on Corrections. The other, released June 2, is the U.S. Department of Justice study on imprisonment and recidivism (the return of former inmates to crime and prison).

The Justice Department's study indicated a national crisis in recidivism. A 15-state survey found that two-thirds of those released were caught returning to crime or breaking the terms of their parole within three years, and that this percentage is growing. Various states have reduced programs for prisoners since the 1980s, including drug treatment, vocational education, literacy efforts and transition from prison to civilian life. Each retreat contributed to the high rates of early return to incarceration.

The Nevada Committee on Corrections, chaired by Director Jackie Crawford of the Department of Corrections, also recently adopted a progressive, bipartisan report to the governor that focused on recidivism. Persuasive statistics demonstrated Nevada's tendency to house prisoners who could easily be kept in minimum-security camps in expensive "hard beds," instead. The report examined the growing problem of male inmates over 60 years of age (more than 300 of them) due to recent hardening of sentencing and parole policies; increasing numbers of substance abusers, sex offenders and the mentally ill in need of treatment and the lack of vocational training needed for post-prison employment.

Paying attention to these reports could mean major positive impacts on Nevada's prison revolving door. In the long term, a considerable amount of money will be saved by stopping the building of hard beds for prisoners who don't need high levels of security.

Corrections Director Jackie Crawford spoke passionately about the anti-recidivism aspects of this study at the recent Symposium on Criminal Justice held at the National Judicial College and sponsored by the Sawyer Center for Justice Studies. She deserves strong support for her common-sense goal of sending inmates out of prison--there are 4,000 or more exiting each year in Nevada--with the necessary education, training, transitional supervision and initial cash to begin a new life. The state saves tens of millions of dollars when they do not reoffend.

Support for "intermediate (non-prison) sanctions" for parolees who commit minor or moderate violations alone would be worth the effort that went into this report. Far too many of the current parolees are being returned to prison because the system lacks flexibility.

Prisons are a huge expense for the state of Nevada. They take a steadily increasing share of the state's general fund away from education and social services. These two reports place the proper emphasis on what the governor and the Nevada Legislature can do to solve problems. Yet there are other subjects left largely untouched, including needed changes in sentencing statutes. Nevada's average prison term is well above the national average, and criminal sentences have almost always been increased from one legislative session to the next. Sometimes criminal sentences have to be moderated in response to financial and security considerations that point in the same direction.