

**MINUTES OF THE CRIMINAL JUSTICE SYSTEM IN  
RURAL NEVADA AND TRANSITIONAL HOUSING  
FOR RELEASED OFFENDERS (S.C.R. 32)**

**OCTOBER 29, 2003**

The first meeting of the Criminal Justice System in Rural Nevada and Transitional Housing for Released Offenders (S.C.R. 32) was held at 9:00 a.m., on October 29, 2003, at the Legislative Building, 401 South Carson Street, Room 2134, Carson City, Nevada. The meeting was video-conferenced to the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada.

**COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Senator Mike McGinness, Chairman  
Assemblyman John Marvel, Vice-Chairman  
Senator Dean Rhoads  
Senator Maurice Washington  
Assemblyman Bernie Anderson

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Assemblyman Rod Sherer

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Mark Krmpotic, Senior Program Analyst, LCB Fiscal Analysis Division  
Michelle Van Geel, Senior Research Analyst, LCB Research Division  
Brad Wilkinson, Principal Deputy Legislative Counsel, LCB Legal Division  
Kelly Lee, Deputy Legislative Counsel, LCB Legal Division  
Donna Thomas, Secretary

**EXHIBITS:**

<u>Exhibit A</u> -	Meeting Notice and Agenda Packet.	
<u>Exhibit B</u> -	Attendance Record.	
<u>Exhibit C</u> -	A Report to Governor Kenny C. Guinn presented by The Study	Committee on
	Corrections.	
<u>Exhibit D</u> -	Review of Nevada Department of Corrections Current	Programs for
	Offenders Prior to Release.	
<u>Exhibit E</u> -	Going Home Prepared, An Offender Re-Entry Program.	
<u>Exhibit F</u> -	Review of Nevada Department of Public Safety, Division of	Parole and
	Probation Responsibilities for Released Offenders	in the Community.

Because of their size, the exhibits are not attached to these minutes, however upon request, may be reviewed in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada, phone number, (775) 684-6825.

**I. ROLL CALL**

Mark Krmpotic, Senior Program Analyst, Fiscal Analysis Division called the meeting to order. He welcomed

members of the Committee, Advisory Group and guests. Mr. Krmpotic instructed the secretary to take roll; all Committee members were present.

## **II. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN**

Directing the Committee to a copy of Senate Concurrent Resolution No. 32, Exhibit A, tab II, page 5 of the meeting packet, Mr. Krmpotic informed the Committee that the Chairman would be selected from one house of the Legislature, and the Vice-Chairman from the other house of the Legislature. Nominations for Chairman were opened.

**SENATOR RHOADS MOVED TO SELECT SENATOR MCGINNESS AS CHAIRMAN.**

**THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL.**

**THE MOTION PASSED UNANIMOUSLY.**

Mr. Krmpotic turned the meeting over to Chairman McGinness for the selection of Vice-Chairman of the Committee and asked to recess for a few minutes to rearrange seating after the selection.

**ASSEMBLYMAN ANDERSON MOVED TO SELECT ASSEMBLYMAN MARVEL AS VICE-CHAIRMAN.**

**THE MOTION WAS SECONDED BY SENATOR RHOADS.**

**THE MOTION PASSED UNANIMOUSLY.**

Chairman McGinness requested staff introductions.

## **III. OVERVIEW OF THE REPORT OF THE COMMISSION ON RURAL**

## **COURTS**

Judge Dan Papez, Seventh Judicial District Court Judge, introduced himself and stated that the Seventh Judicial District is one of the largest judicial districts in the entire country; it is large in geographic size but small in population. The Seventh Judicial District serves White Pine County, Eureka County and Lincoln County. Judge Papez represents the Commission on Rural Courts and served as Vice-Chairman of the Commission for two years. Judge Michael Griffin, First Judicial District in Carson City has served as Chairman of the Commission. Judge Papez informed the Committee that Ron Titus, State Court Administrator and Judge Michael Griffin were attending The National Court Technology Conference in Kansas City, Missouri and therefore could not attend the meeting.

Judge Papez introduced Art Mallory, District Attorney of Churchill County, and noted that Mr. Mallory would follow his presentation with comments from his perspective as a rural county District Attorney.

In November 2001, the Administrative Office of the Courts held a meeting in Winnemucca for all rural judges in Nevada, and one outcome of the meeting was a request to the Judicial Counsel of the state of Nevada to form a Commission based on issues both unique and critical to the rural counties. In April 2002, the Judicial Counsel of the state of Nevada formed the Commission on Rural Courts. The goal of the Committee was to identify rural court issues that affect the delivery and access to justice for rural Nevadans and to articulate the uniqueness of the rural courts. The Legislative Counsel Bureau has provided a copy of the final report, Exhibit A, tab III, page 14, and noted that the Commission consists of individuals from courts, law enforcement and county government. The Commission met to identify crucial issues facing rural courts and to suggest possible solutions insuring that rural Nevadans have equal access to justice.

Continuing, Judge Papez said there were different perspectives represented among the Commission that included various subject matter: jurisdiction, different interests, different experimental backgrounds and different constituencies. The Commission met four times in Fallon, in June, August, and November 2002 and in February 2003, and worked to identify some of the most serious problems facing the citizens of the state. The sparse populations and great distances between communities compound the burdens faced by the justice system in these areas. In some instances, limited jurisdiction courts are disappearing and many small towns and cities have addressed the financial issues by eliminating the justice courts. Courts in Schurz, Gabbs, Mina, Montello, Mountain City and Jarbridge were closed, and Jackpot, Austin and Gerlach face possible closure in the future.

Also, of importance and as discussed in the report, it was not unusual for rural judges to sentence defendants to legislatively mandated counseling programs in areas where local providers were unavailable for such programs. Judge Papez explained that defendants were often required to take time from their jobs, putting their jobs in jeopardy, to travel hundreds of miles to attend mandated counseling. Inclement weather also made traveling the distances dangerous.

Judge Papez further noted another critical issue was the lack of a juvenile detention facility in the Seventh Judicial District. Through an agreement with Elko County, the courts have been able to transport juveniles to Elko to utilize the juvenile facility. He said the distances required for officers to travel when a juvenile has been arrested or ordered into detention can be a problem. For example, the trip from Ely to Elko is a three hour trip and approximately 170 miles to the detention facility and the officer has to return after the juvenile has been booked into the facility. When a juvenile has been arrested, it is a 300 mile trip to transport the offender from Lincoln County to Elko, and in the winter months, can be exceedingly dangerous.

Another problem was the lack of juvenile officers. Judge Papez said the Sheriff's Office has one juvenile officer for White Pine, one for Eureka, and one for Lincoln County. The handling of criminal and civil litigations coming from the maximum security prison, located in White Pine County, was another issue identified. Criminal cases filed in the Seventh Judicial Court were brought to Ely for trials. The Ely Courthouse, like many of the rural courthouses, was built in 1906 and was never intended to handle the most serious and dangerous inmates in the state. Judge Papez noted that Warden McDaniel and his staff have done an excellent job of providing security at the courthouse, with the resources available.

Vice-Chairman Marvel asked if any hearings were held at the prison and if there were constitutional issues holding the hearings at the site.

Judge Papez advised that there were constitutional issues with holding hearings at the prison. The Justice of the Peace traveled to the prison regularly to deal with the many small claims and lawsuits filed by the inmates, most of which are against the warden and staff for loss of property. The Justice of the Peace also conducted preliminary hearings at the prison so the inmates were not transported to town. Holding trials at a maximum security prison limits the number of citizens wanting to serve on the jury. Also, the small court facility at the prison cannot be used for felony crimes and trials, and the lack of a jury room at the prison affects the citizens serving jury duty. During the course of their trial, prisoners are kept in a hallway outside of the courtroom and a tarp was used to keep a visual barrier between the inmates and victims. Security at the courthouse has always been a concern for the citizens.

Vice-Chairman Marvel asked if there were many frivolous lawsuits and whether inmates pay or lose good time credits for such lawsuits. In response, Judge Papez affirmed there were many frivolous lawsuits and inmates did not like to lose good-time credits for such litigation. Judge Papez also noted that if the lawsuit was found to be frivolous, counsel would have to request the loss of good-time credits.

Continuing, Judge Papez indicated that the warden and staff at the prison were wonderful to work with and coordinate effectively with the judges to ensure safety for all citizens. He reiterated that most of the facilities in rural Nevada do not meet the concerns of the citizens.

Turning to the next item, Judge Papez said the Commission Report did a great job of defining the issues. He noted that the courts were anxious to work out solutions to ensure that all citizens of Nevada, including rural citizens, had equal access to justice. Judge Papez asked if there were any questions or comments from the Committee concerning the rural court system.

Assemblyman Anderson thanked the Commission for the Report and noted this issue has been long-standing. He stated that the major metropolitan areas also had problems upgrading their court systems. He asked Judge Papez if previous legislation, predominately aimed at Clark County, had brought any budget relief to the rural courts.

Responding to Assemblyman Anderson, Judge Papez indicated that most counties have enacted a court facilities fee that included a fine, and although it helped, it was not a significant amount. The administrative assessments applicable to the counties were also helpful. Judge Papez said that the Administrative Office of the Courts was implementing a new case management system throughout the state that should benefit and assist all counties.

Assemblyman Anderson questioned the progress of the domestic study done previously concerning the accountability of domestic violence victims involving all courts in the state. One problem identified during the study was the inability to keep the perpetrators and victims in separate areas due to the limited facilities. Judge Papez indicated that the rural judges had done the best they could, to handle these cases, but were limited by the facilities. He said the judges tried to keep the victims appearing in court to testify away from the accused perpetrators. However, often the inmates were held in the hall or in the District Attorney's office until they testify.

Assemblyman Anderson questioned the state's responsibility for providing treatment to the population base needed in order to generate the proper treatment programs necessary for people on parole and probation.

Judge Papez replied he was hopeful that with the increases in administrative assessments recently enacted, the counties could receive adequate funding allowing a drug court in each judicial district in the state. The Seventh Judicial District has coordinated with Elko to share resources such as counselors who can travel to different districts and provide services to people who are attending drug court or that need psychological, medical and drug rehabilitation services and to assist in other areas as needed.

Vice-Chairman Marvel asked whether the rural counties had to contract for counselors or were the counselors in-house. Judge Papez indicated that there were no in-house counselors in the rural courts. He noted that the Vitality Center in Elko was interested in providing services to the courts when the rural districts establish drug courts. To help with the lack of counselors, Judge Papez noted that Judge McGee from Reno was working with students at the University of Nevada, Reno, and as part of their training, the students could serve internships in the rural counties.

Vice-Chairman Marvel thanked Judge Papez and the Commission for the Report. He expressed concern with the outdated facilities and noted that it came down to the lack of resources in the state.

Concluding, Judge Papez suggested conducting a meeting in rural Nevada allowing the Committee to see firsthand what the courts deal with every day.

Assemblyman Anderson informed the Committee that the Legislative Commission put extra money into the Committee Report, at his request, for Committee travel.

Chairman McGinness referred to the Commission's Report, Exhibit A, tab III, page 14, which stated:

"rather than simply seeking additional funding, the Commission knew that its

recommendations must first urge communities and courts to look inward for solutions using available resources.” He asked if the communities had already exhausted all resources available.

In response, Judge Papez said that many rural counties did not generate a tax base that would allow the counties to improve or build new facilities. He noted that the rural courts were using all resources available.

Chairman McGinness mentioned email or video-conference counseling sessions and asked if there had been any input from counselors, and were they opposed to legislation that allowed counselors from neighboring towns to help the rural communities. Responding, Judge Papez said that he was not aware of any actual discussion on that issue, even though it was mentioned.

Senator Washington inquired about the program that created initiatives for students that would like to serve internships in a rural community and asked if there were any students currently serving internships.

Judge Papez did not believe there was an actual program established. The state was trying to set up an extern program with the Boyd School of Law, allowing students to serve an externship in the rural areas. Currently, the state had law clerks from other states serving in various districts and was considering initiatives that would entice law students and law school graduates from other states. Judge Papez noted that the standards for lawyers needed to apply across the state, whether in the rural or urban areas. Offering financial help, such as paying of school loans was another way to entice students to the rural areas.

Senator Washington mentioned the Commission’s recommendation for provisional licenses for attorneys and questioned how the concept worked.

Judge Papez noted that Supreme Court Rule 42 allowed for some provisional licensing of attorneys and law students to work in the rural areas. However, SCR 42 would require some reworking and expansion of the concept to allow attorneys to take the bar exam at the earliest opportunity.

Senator Washington suggested that staff provide SCR 42 to the Committee and asked if there was a mandate that the attorneys had to serve on the provisional license.

In reply, Judge Papez noted that there was no mandate for serving on a provisional license. The rule would have to be reworked by the Supreme Court, if the concept was allowed for the provisional program. The courts, with the input from the State Bar and other organizations, would work on the rule to allow that type of a program.

Vice-Chairman Marvel indicated that obtaining credits against tuition had been discussed using pro bono services from the school of law.

Responding, Judge Papez said he had talked to the dean at the law school in respect to providing rural Nevada with law students during the summer. He believed the state should take advantage of the student base at the Boyd School of Law. Judge Papez stated that the dean was very supportive of rural Nevada and was interested in programs that helped the rural counties.

Senator Washington asked if the Commission had considered distance learning in the university system for students that could not afford to travel. In his opinion, Judge Papez indicated that it would be difficult to get a legal education without attending an institution. He said there were many grants, loans, scholarships and financial resources available for students to get the full benefit of education regardless of their income level.

In conclusion, Judge Papez thanked the Committee and introduced Art Mallory, District Attorney of Churchill County, to follow-up on other issues in the Report.

Chairman McGinness asked the members of the Advisory Committee present to please raise their hands.

Arthur Mallory, District Attorney of Churchill County stated that district attorneys came in contact with crime victims and lay people on a regular basis, and the limited resources to assist these people had an impact on the quality of life in rural Nevada. Mr. Mallory paraphrased a famous quote, "Civilizations, society and governments are often judged not by how they treat the most fortunate in the society, but how they treat the least fortunate."

Referring to an article written by Judge Jack Schroder, Mr. Mallory stated that, "Justice detoured or justice delayed, is justice denied." Equal access to justice was in jeopardy of becoming endangered in the rural communities. When a judge was needed for a personal protection order, yet had to travel 200-300 miles to assist in that protection, that increased the citizens' exposure to harm. Nevada's limited jurisdiction courts were disappearing along with the sense of fairness, justice and safety for citizens.

Continuing, Mr. Mallory referenced the 1986 Report of the National Conference on the Judiciary on Rural Courts that stated, "More than three-quarters of the courts in the nation are in rural counties, but more of the administrative attention, and consequently, most of the improvements, have been in the urban courts." The report also noted that, "money and resources are scarce and the perception is that since there are few people in the rural areas, there are not as many problems". Unfortunately, that statement was untrue. Mr. Mallory stated that the statute provides that victims of domestic violence have separate waiting rooms at the time of trial. He noted that the rural areas lacked the resources to allow separate waiting rooms for the victims, and therefore the victims were put in a hallway with the people that have abused them. This had a stifling effect upon the wish of the people that come to court to change their lives and to prevent themselves from engaging in future activity that causes harm.

Mr. Mallory referred to the mileage chart, on page 12 of the Commission's Report, and noted that it was difficult to get people to provide legal services in the rural areas. He said the system worked best when all citizens have adequate representation. In his district, Churchill County, Mr. Mallory stated there were three lawyers, all over the age of 60, not associated with a governmental entity. In Ely, one lawyer practiced full-time and other counsel had been required from the surrounding areas. The rural courts were facing a crisis in the ability to deliver legal services, not just in dealing with criminals, but in dealing with all aspects of legal services that many citizens need.

In answer to Senator Washington's question, Mr. Mallory replied there was a provision in the law that allowed a graduate from an accredited law school in another state, who passed that state's bar exam, to practice in Nevada for a limited period of time under certain circumstances. Some offices have made use of that, but lawyers had to take the bar exam and meet the same qualifications as Nevada lawyers. Churchill County hired one of the first graduates from the Boyd School of Law. Mr. Mallory stated that rural Nevada should not depend on the urban area; it should have the infrastructure to attract people so that they can live in the community and be productive. Without proper law enforcement, legal structure and protection, the rural areas are unable to attract people.

Senator Rhoads mentioned that many of the rural counties were decreasing in population. He asked if the caseloads in those counties were also decreasing.

In response, Mr. Mallory noted that when the population decreases in the counties, so do the number of jobs, resulting in economic hardship and an increase in certain types of crimes.

Senator Washington questioned the Commission's Report and indicated that some of the most common reoccurring crimes were drunk driving, domestic violence and drug use.

Mr. Mallory commented that even in a healthy community, the most frequent incidents of criminal activity were drunk driving, domestic violence and drug crimes.

Assemblyman Anderson questioned the possible use of other paraprofessionals in the legal area to help ease the burden of work and to assist attorneys and staff. Responding, Mr. Mallory said paraprofessionals provided a valuable service in the state; however, they were limited in what they could do.

Assemblyman Anderson questioned the percentage of clients needing counsel from the urban areas and asked if there had been a change in demographics. In response, Mr. Mallory said that one-third or more of the cases in the rural district courts had counsel from outside the county involved. Assemblyman Anderson asked if that was also true in the 1980's and if that contributed to the limited number of attorneys, who are government employees engaging in private practice. Mr. Mallory said he did not think it was true in the 1980's because many of the attorneys that worked for the government at that time could perform private practice. The workload today limited many government attorneys from private practice.

Senator Rhoads questioned the time frame for services and counsel from the urban areas. Mr. Mallory responded that there was only one Justice of the Peace in his district, Churchill County and one Municipal Court Judge for the city, limiting the time before a case is heard. The availability of witnesses and police officers also contributed to the wait.

Senator Washington referred to page 20 of the Commission Report and questioned the shortage of bailiffs in the rural areas and the training recommendations required for bailiffs.

Mr. Mallory said that in some counties the sheriffs department provided the bailiffs, and in other counties it was a separate function. There were situations when the hearings were held in an ambulance bay because no facilities in the courthouse were available or not enough bailiffs or deputies were available for the hearing. Mr. Mallory stated that the bailiff issue could be best handled by the law enforcement agencies.

Senator Washington asked if Peace Officers Standards and Training Academy (POST) provided training for bailiffs. Chairman McGinness requested that Sheriff Gene Hill, from Humboldt County, address the question.

Mr. Gene Hill, Humboldt County Sheriff's Office said he had not formally asked POST to provide training and by statute in all counties, except Clark and Washoe, the sheriff's office provided courtroom security. Due to the age of the courthouses, inmates have to walk near the public when entering the buildings, causing concern for inmate and public safety.

Senator Washington asked about the differences in the training manuals for bailiffs in the rural and urban areas. In response, Mr. Hill said that it did not matter if it was a rural or urban crime; people have the same expectations of rights and the courts have the same responsibility to public safety.

Continuing, Senator Washington asked what would have to be repelled or changed in the current statutes to accommodate POST recommendation.

Mr. Hill indicated that very little in the POST system dealt with how to provide adequate courtroom security and no curriculum or training for bailiffs was available.

Senator Washington asked if there was a national curriculum for bailiffs, or would the state have to devise one. Responding, Mr. Hill noted that there could possibly be a national curriculum for bailiffs through The National Institute of Corrections, but the program would have to be amended to fit rural Nevada. There was not an abundance of deputies, and when two district courts were in session, the patrol and detention division was impacted.

Senator Washington asked if a budgetary request had been submitted to the Fiscal Analysis Division for an idea of the cost to implement a training program for bailiffs in POST.

Mr. Hill said the cost to implement a training program had not been completed and he would need to confer with POST staff about setting up a curriculum. He noted that adding one bailiff each year would help significantly.

Senator Washington requested that Mr. Hill work with staff to review the cost and make a recommendation for a bailiff curriculum.

Vice-chairman Marvel asked if the recommendation of the 25-year limit on facility fees was reviewed. In response, Mr. Krmpotic noted that staff looked at the recommendation in the report and advised the Committee that S.B. 107 increased the 25 year provision to 50 years.

Chairman McGinness called for any further questions and thanked the Commission on Rural Courts for their hard work. Being none, he directed the Committee to the next item on the agenda.

#### **IV. OVERVIEW OF THE REPORT TO THE GOVERNOR BY THE STUDY COMMITTEE ON CORRECTIONS**

Jackie Crawford, Director, Nevada Department of Corrections (NDOC) introduced the staff present from NDOC and stated the department experienced some of the same problems as the rural courts. She referred to the power point presentation, Exhibit C, and informed the Committee that Governor Guinn imposed a mandate for NDOC to review the correctional system to ensure all available resources were utilized and maximized effectively. As a result, a Committee was appointed by the Governor, comprised of legislators, community leaders and staff. During the study period, The National Institute of Corrections expended approximately \$80,000 on experts that presented information on alternative sentencing systems. The Governor's Committee also heard testimony from nationally recognized experts in corrections, victim's advocates, legislators, staff and community leaders to identify issues and make recommendations.

Director Crawford said some issues identified as problems for the state included the need for more cost-effective management of non-violent, property and drug offenders. The risk to public safety was greater and high recidivism occurred when offenders were released from prison without re-entry planning, transitional services or community support. It was determined that NDOC needed additional resources to be more responsive to the public and to be more cost effective.

The following recommendations were made to the Legislature:

- Delay capital improvement plans for high-security beds.
- Redirect savings into transitional housing.
- Form a community corrections division.
- Provide intermediate sanctions for technical violators.
- Establish a separate programs division.
- Create a correctional education authority.
- Expand work opportunities.
- Establish a victim's services unit.

The Committee accomplished the following:

- Delayed construction on Phase III, High Desert State Prison.
- Proceeded with plans to build a transitional center in Clark County.
- Established a programs division.
- Created a correctional education authority.
- Expanded work opportunities.
- Established a victim's services unit.



Director Crawford explained that there was a national trend to advocate alternative sanctions and alternative types of housing. Some of the different programs being reviewed are drug courts and day reporting centers, as opposed to sending the drug offender to a prison bed and community based sanctions.

Vice-Chairman Marvel asked if money from Phase III, High Desert was used for any of the programs or was it just a recommendation. Responding, Director Crawford said a recommendation was made to expand camps and remodel Indian Springs Camp.

Vice-Chairman Marvel asked if any of the bonds had been sold for Phase III. Director Crawford replied that the bonds had not been sold, but a portion of the money was used for a recreational gym and industrial area, which were not included when High Desert was opened.

Director Crawford invited the Committee to High Desert to observe the facility. She noted that High Desert was designed for maximum security inmates, but due to the lack of facilities, currently housed medium security inmates.

Senator Washington inquired about the recommendation in the re-entry program that would develop a center in southern Nevada. He expressed concern with the difficulty in certifying transitional homes. He said the statute for certification of homes should be under NDOC or Parole and Probation (P&P) instead of Human Resources. He asked if NDOC was responsive to revising the statute from the Department of Human Resources to NDOC for certification and to work with the local entities regarding zoning issues.

In response, Director Crawford said the decision should be for the Committee to decide and she noted that there was a component of the statute that should be under NDOC or P&P for certification.

Senator Washington noted that NDOC requested a grant researcher to help with available federal funds for a re-entry program and asked the Committee to consider a statutory change.

Assemblyman Anderson praised the department and noted that the Bureau of Alcohol and Drug Enforcement (BADA) set the standard for eligibility and participation in drug counseling programs. He said the question of whether the statute should be placed under P&P or NDOC, had been an ongoing argument. He questioned the current BADA certified programs and wondered if BADA would allow counselors into the community to help in other areas and to be an asset to the community.

Addressing the question, Director Crawford noted a limited number of counselors were available. She stated the ratio of case managers was 1 to 125 inmates, BADA counselors was 1 to 75 inmates, where it normally was 1 to 30 inmates.

Assemblyman Anderson asked if any problems existed in recruiting BADA certified counselors for the remote areas of the state. Director Crawford said that NDOC shared the same challenges that the rural courts presently faced with recruitment and retention of qualified people.

Vice-Chairman Marvel asked if video-conferencing was possible. Director Crawford stated that video-conferencing was available in the prison system.

Assemblyman Anderson noted that the federal court in Reno video-conferenced to the rural areas where attorneys have traveled.

Director Crawford said that NDOC was fortunate to get video-conferencing equipment at no cost to the state from Immigration and Naturalization Services (INS) for all the institutions. This allowed access and flexibility in managing court hearings with INS offenders.

Director Crawford introduced Rex Reed, and stated that he would share with the Committee the target population and types of inmates appropriate for transitional housing.

Rex Reed, Administrator, Offender Management Division, NDOC, explained how the department determined the size of the candidate pool for the transitional center. He indicated that the size was drawn from southern Nevada statistics since the transitional center was planned for the south and included three offense groups: property, drug and other victimless crimes. The inmates had to be in a medium or minimum custody facility. DUI offenses were eliminated because a program already existed. Inmates with a death sentence or life without parole were also eliminated from the pool. The size of the candidate pool was approximately 180-200 inmates and the goal of the transitional center was to move approximately 40 inmates a month.

The transitional center would also provide programming and opportunities to address the underlying reasons for incarceration, such as:

- Substance abuse treatment.
- Housing, including finding a house upon release.
- Jobs.
- Training and education.
- Health care.

Many of the inmates will return to family after release, but transitional housing targets inmates with no fixed address. The target population comes from a cross-section of professions and education, many are laborers and the larger percentage have no established employment history or come from low-paying jobs, making it hard for them to find jobs upon release. Many have not finished high school and do not have the needed education to be successful. Health care would be provided for inmates in transitional housing.

Assemblyman Anderson questioned the average age of the targeted population for the transitional center and the percentage of inmates excluded from participating due to the nature of the offense.

Rex Reed asked Dr. Fritz Schlottman, Economist/Research Analyst for the NDOC to respond to the question. Addressing the question, Dr. Schlottman said the average age for the transitional center was 34.75 years, and the average age for the general population in NDOC was 37 years of age.

Vice-Chairman Marvel asked how health care was provided for offenders in transitional centers. Responding, Rex Reed said health care would be provided by the medical division staff for the prisons. If treatment could not be provided at the transitional center, the inmates would be transferred to a close facility with the needed resources. In serious cases, the inmate would be transported to the regional medical facility. Also, contract health care professionals could be arranged for specialty conditions.

Director Crawford reiterated that the transitional center will allow inmates into the community to get a job, find housing and establish themselves with community resources. After parole, and after 30 days in the transitional center, inmates should have a job to help establish housing and be successful upon departure.

Senator Washington questioned why sex offenders were left off the target population and if there were programs for them upon release. Rex Reed replied that programs were already established for sex offenders and violent offenders and by law those offenders cannot go to a minimum custody facility.

In conclusion, Director Crawford said that utilizing resources more effectively in probation should result in a high rate of success and cut down on probation violators. She stressed additional issues needed to be addressed such as sex offenders, mentally ill offenders, low-functioning offenders, developmentally disabled offenders and youthful offenders.

Senator Washington asked what type of offenses caused youthful offenders to be incarcerated. Responding, Director Crawford confirmed that there were almost 700 youthful offenders under the age of 22, and that number was increasing. Another concern was that many of the youthful offenders, aged 14 and 15, are in for life without parole. Many are gang members, having committed crimes of violence, drug trafficking so were adjudicated as adults. Many are violent and impulsive and had to be single-celled, attend school and counseling and were in group programs. The staffing ratio in the juvenile facility was much higher and additional staff was needed to manage the increasing number of young offenders and to ensure staff safety.

Senator Washington questioned the ethnicity makeup, educational level and family background of juveniles incarcerated.

Responding to Senator Washington, Director Crawford said she would collect the information and present it to the Committee. She noted there was a high percentage of black and latino juvenile inmates, due to the gang-related activities on the street.

NDOC faced another challenge in dealing with female inmates with children. A national study was conducted that looked at alternative sanctions for women with children that have property or drug offenses. Another goal of the NDOC was to provide recommendations to better manage female offenders with children. Children of incarcerated women usually go into foster homes and cannot visit regularly, resulting in parental rights being severed.

Senator Washington questioned whether NDOC had worked with the family court judges to keep visitation intact and to make sure that parental rights were not severed for the female offenders that desired to raise their children upon exit.

Director Crawford said NDOC was in the beginning stages of dealing with the issues and were working with the family court judges to allow the female offenders visitation and the opportunity to bond with their children while incarcerated.

Assemblyman Anderson asked for a breakdown and accurate update of the prison population by age, where the offenders came from and where they will return to upon release. He acknowledged that resources were limited and mainly spent in the large districts where the majority of inmates were located, therefore affecting the rural areas. He asked if inmates were excluded from the pilot program due to their age. Director Crawford said NDOC did not use age as a factor.

In conclusion, Director Crawford stated that in the General Fund for FY 2006, the annual cost per inmate at High Desert State Prison was \$14,617. The cost for the individual going into Casa Grande, four months prior to release, was \$3,986.

Senator Washington asked if the cost to build and purchase land for a transitional center had been analyzed.

Director Crawford said that the Legislature had authorized NDOC to start a pilot project with 200 inmates subject to approval by the Interim Finance Committee (IFC). If successful, NDOC will request to expand to 400 inmates and would present the request to the 2005 Legislature. NDOC was currently in the proposal process and will present to IFC in January 2004.

Senator Washington asked if federal money was available for the project and asked if the proposal could be presented to the Committee before going to IFC.

Director Crawford confirmed that she would present the proposal to the Committee. She noted that NDOC applied for a three-year grant of \$1.4 million and the department advocates releasing the inmates from the correctional facility into a transitional center to access community federal money available to inmates released into the community.

Responding to Vice-Chairman Marvel's question asking if other states had looked into transitional living, Director Crawford said that many states, including Arizona, were looking at options of maximizing available resources, without being easy on offenders.

Dorothy Nash Holmes, Administrator of Correctional Programs, NDOC stated that the goal of the program was "building people through programs" and to begin plans for the offender's return to the community on the day he arrived in prison.

Continuing, Ms. Holmes referred to the power point presentation, Exhibit D, and said a program was implemented called Level of Service Inventory-Revised (LSI-R), which identified inmates problems that led them to criminal activity. The system assessed the inmate on arrival and implements an individual plan followed throughout their stay. Other programs available to inmates include:

- Educational - ESL, GED, correspondence courses, college, adult basic education, high school and community college.
- Cultural - Foreign languages, drama, sign language, poetry, art, history of Mexico, computer literacy and music.
- Special Needs - Regimental discipline (boot camp), Growing Straight (youthful offenders), violent offender group, H.O.P.E.S. (AIDS/HIV awareness and management), structured living program.
- Life Skills – Preparing resumes and interviews, budgeting and financial management, job skills, goal setting, work readiness, public speaking, life management skills, positive problem solving and young adult life skills.
- Vocational – Construction trades, electrical, welding, dry cleaning, auto mechanics, woodwork, stone-carving, mattress factory, truss building, card-sorting, upholstery, diesel trucks, furniture building, culinary, vinyl shop, fire-fighting, stained glass, landscaping, computer repair, packaging, detergent factory, dental prosthetics, vehicle smog-testing, architectural drawing, tailor.
- Substance Abuse Treatment – WINGS, OASIS, addictions counseling and therapy, lifeline addictions treatment, DUI program, alcoholics anonymous, narcotics anonymous, chemical dependency, addiction recovery, relapse prevention, recovery support group and C.A.P.E (computer self-study).

Ms. Holmes noted that NDOC also has a professional mental health treatment staff that consists of psychiatrists, psychologists, social workers psychometrics, nurses, mid-level practitioners, drug and alcohol counselors and recreational therapists to treat issues relating to anger management, parenting and relationships, women and children, medication education, health-related recovery, eating disorders, abuse survivors, grief and loss, art and music therapy, gamblers anonymous, managing depression, YOGA and meditation. There are also religious programs and recreation programs available for the inmates.

Ms. Holmes presented a handout to the Committee, Exhibit E, and stated that Going Home Prepared (GHP), an offender re-entry grant program, was a federal initiative of eight federal agencies that contributed \$100 million for the program to create grants for adult and juvenile corrections. GHP began as a 3-year pilot project to transition offenders to the community. NDOC received \$1.4 million to be spent from July 2002 to July 2005, and \$71,000 for drug and mental health treatment in the community for parolees. The target population was southern Nevada, since 65 percent of inmates were released to southern Nevada and the target group was 14 to 35 years of age. GHP was collaboration between NDOC and 46 partners. The Parole Board, Parole and Probation, Courts, Department of Mental Health, BADA, and the Department of Employment, Training and Rehabilitation (DETR) were key partners: there were a total of 31 service providers in local areas. The program also included religious groups, housing providers, treatment programs, veterans groups and 16 local/state governmental agencies, including law enforcement, victims advocate, public defenders, inmate advocates and victims advocates groups. Ms. Holmes clarified that the selection, re-entry planning, accountability committee and advisory board meet quarterly to set policies. She stated that GHP was for regular parolees, did not include sex offenders and was not an early release program.

The GHP grant required Nevada to use graduated intermediate sanctions for violations and set the template for transitional services in Nevada. The grant required a limited age group, limited number of inmates and a limited time frame, and the goal was to identify the service needs for all inmates. The inmates come to the center 6 to 12 months before the end of their sentence and obtain a GED or high school education. Before release, the inmates were required to obtain an ID card and apply for a social security card. Inmates also receive the information needed to restore their civil rights and seal their records, pursuant to the new statute that was passed. Lastly, inmates were also given the LSI-R assessment to identify program needs.

Ms. Holmes pointed out that Southern Nevada Adult Mental Health Services conducted mental assessments on all inmates and the DETR conducted employment assessments. Case manager's worked with the inmates and child support was re-established. Eventually, pertinent information was given to the victims along with a current picture of the inmate.

With the re-entry plan, law enforcement agencies know where the serious and violent offenders are located and can make certain the inmates take advantage of services offered. Inmates are referred to short-term housing, to vocational training or college and a social worker supervises them, ensuring that the services planned out in advance are being implemented. Under the grant, all inmates received intensive parole supervision for the first six months.

In response to a question from Vice-Chairman Marvel asking if Parole and Probation received grant money for additional counselors, Ms. Holmes explained that grant funding was received for only three years.

Assemblyman Anderson noted that Nevada faced a shortage of money, but the constant problem had been the geographical distance and inability to provide services to the less densely populated areas of the state. He questioned how the grant helped the rural area, once the inmates were released.

Responding, Ms. Wright indicated that released offenders who did not want to return to the same environment as before prison, and wanted to work in a rural county, would be connected to counselors. Ms. Wright noted that this specific grant was aimed primarily at Las Vegas, in view of the fact that the majority of the inmates will be released there.

Some of the institutional programs mandated for the inmates prior to release included substance abuse treatment, mental health treatment, victim empathy classes, parenting classes, criminal thinking errors/anger management and self-help classes, wellness and risk reduction, "Project Metamorphosis", re-entry journal and financial management. A victim impact panel was mandated for each inmate. Ms. Wright reiterated that the pilot project was for three years and was for serious and violent offenders.

Responding to a question from Senator Rhoads regarding illegal immigrants obtaining a social security card, Director Crawford said that under the social security rules, even illegal immigrants were required to obtain a social security card. If an offender had an official green card, he could obtain the documentation. Illegal immigrant inmates were turned over to INS.

Assemblyman Anderson asked about the educational component for offenders and expressed concern that education was directed mainly at obtaining a GED certificate as opposed to a high school diploma. He asked if attempts were made for inmates to get a standard diploma, allowing them to resume education at a regular school upon release. He noted that acceptance into the military required a standard diploma instead of a GED certificate.

Director Crawford responded that NDOC had an excellent school system. The school districts provided the inmates with many educational opportunities and the GED program was mainly designed for short term inmates; long-term inmates could obtain a standard diploma. Felony inmates adjudicated as adults cannot return to a high school for their diploma. To resume their education they would have to attend an education or adult center. Director Crawford said many of the inmates have committed a crime of violence and would not be

accepted into the military. NDOC will be looking at not only education, but vocational training for the inmates.

Addressing Vice-Chairman Marvel's question of whether high school diplomas were given by the school districts, Ms. Holmes said that juveniles, 17 years of age or younger were mandated by law to receive a traditional education.

In closing, Director Crawford thanked the Committee and indicated she was looking forward to working together.

Vice-Chairman Marvel recommended that the Committee take a tour of the correctional facility at a future meeting to see the improvements and progress.

## **VI. REVIEW OF NEVADA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF PAROLE AND PROBATION RESPONSIBILITIES FOR RELEASED OFFENDERS IN THE COMMUNITY**

Turning to agenda item VI, Amy Wright, Chief, Division of Parole and Probation (P&P) introduced Deputy Chief Richard Varner and Kathy Thompson, Management Analyst, and she reported that the department primarily conducted pre-sentence investigations, made recommendations to the court, and monitored and enforced offender compliance with conditions for parolees, probationers and inmates. Referring to the handout, Exhibit F, Ms. Wright said P&P also assisted offenders in successful re-integration, collected and disbursed restitution, conducted pardons and pre-parole and incoming interstate compact investigations.

Many of the major P&P programs are:

- Pre-sentence investigation reports.
- Case management and monitoring.
- House arrest and intensive supervision.
- Victim restitution collection and disbursement.
- Lifetime supervision of sex offenders.
- Specialized sex offender caseload.
- Centralized pre-release; interstate compact and warrant programs.

Also, in the rural offices, P&P conducted pre-sentencing investigations and pardons investigations.

Central office caseloads are:

- Interstate compact units that monitor the compliance of conditions on cases where the offender had transferred supervision to another state.
- Fugitive apprehension unit that monitors fugitive status cases.
- Coordinates and facilitates return of violators from other jurisdictions.

The pre-release unit coordinates and facilitates the release of inmates to community placement programs between the Parole Board, Department of Corrections and Parole and Probation Field Offices.

Upon release of inmates to the community, the P&P reviewed, and if appropriate, approved each prisoner's proposed plan for placement upon release; or if the plan is not approved by the division, assisted the prisoner to develop a plan for his placement upon release. The prisoner's proposed plan must identify the county in which the prisoner will reside if paroled in Nevada.

Referring to the handout, Exhibit F, Ms. Wright discussed the demographic make-up of the average offender population in 2003.

In reference to Assemblyman Anderson's question regarding the number of parole and probation officers

covering the rural areas, Ms. Wright said there were approximately 14 parole officers for District 3, the largest district covering rural areas, and the ratio for officer to offender population was lower than the other districts. On average, there were 50-60 offenders per officer. Often officers travel great distances to supervise offenders; it was not uncommon for P&P officers to travel 2,100 to 2,200 miles per month in state vehicles. The officers also prepare pre-sentencing reports for the courts.

Vice-Chairman Marvel questioned the number of vacancies and turnover for staff in the courts and asked if the caseloads were down.

Ms. Wright indicated that there were 20 sworn vacancies, including some promotions. Due to legislation, NDOC has been able to retain sworn staff resulting in a reduction in turnovers. Caseloads were approximately 70 inmates to 1 case supervisor, and in the urban areas the ratio was higher, averaging approximately 85 inmates to 1 case supervisor. Caseloads were high due to the change in sworn P&P officers to non-sworn P&P specialists. The hiring freeze was lifted and NDOC was recruiting and filling positions. The officers that were writing the pre-sentencing investigations will transition back into regular supervision caseloads to bring the caseloads down.

Continuing, Ms. Wright said that the average parolee population for 2003 was 2,142. Parole was granted 120 days in advance of the parole eligibility date. After a parole was granted, that grant was forwarded to P&P. She identified five different types of parole:

- Release Upon Approved Program in Nevada (RUAPP in state). Parole and Probation must obtain parolee's intended community placement information from NDOC.
- Release Upon Approved Program to another state (RUAPP out of state). Falls under the terms and conditions of the Federal Interstate Compact Agreement. Parole and Probation must obtain parolee's intended community placement information from NDOC and cannot submit to receiving state more than 90 days prior to parole eligibility date.
- Parole to hold. Release is coordinated with other law enforcement agencies or corrections agencies that have an active detainer on parolee. Parolee will not be released to the community until the other jurisdiction releases their hold or completes their process.
- Pre-approved parole. This community placement program was already in place. The parolee received placement in a residential treatment or half-way house, which was coordinated between the pre-release unit, the central office, and NDOC staff and the treatment facilities. The inmate would not be released until the reserved bed was available, or the inmate was able to "self-parole" having the financial means to secure a residence and the means to support himself until obtaining employment in the community.
- Institutional parole. An inmate that was paroled to a concurrent or consecutive sentence, not released to community.

Responding to a question from Vice-Chairman Marvel asking if the parole rate had been consistent, Ms. Wright noted she did not have the statistics regarding the parole rate; however, the number of offenders coming out on parole was consistent.

Senator Washington asked if the inmates who failed to meet their criteria for release were detained. Explaining, Ms. Wright said the division received the parole grant from the Parole Board and most often the inmate had provided a pre-release plan, which included a residence and possible employment or family that would provide economic support until employment was obtained. Officers will verify residence and employment and can deny a pre-release plan if information given was false. The reason indicated for denial will go back to pre-release and to the caseworker at NDOC for another placement program for the inmate. If the inmate was placed in a residential program, residential half-way house or transitional residence that was not available at the time of release, other options would be found.

Moving forward, Ms. Wright said the placement of sex offenders was difficult for NDOC. If the financial support was unavailable for an inmate to obtain their own residence, or if no treatment facility or family was available,

then sex offenders remain in custody to finish their sentence until a program can be formulated. In most cases sex offenders are on life-time supervision. Prior to the release of a sex offender, NDOC pre-release unit reviews the file that contains the psychological and tier assessment and recommendations will be made to the Parole Board. The Parole Board had the authority to set rules and special conditions for monitoring and supervising sex offenders in the community.

Ms. Wright noted that of the parole grants, 24 percent of the paroles granted each month included a special condition of residential treatment and/or residential halfway house placement upon release. This represented approximately 47 new parole grants each month that required placement into one of the facilities available in Nevada. These facilities are not just for the population of offenders that NDOC supervised, they are community facilities that served the communities in which they are located.

Continuing, Ms. Wright said there were three types of facilities available to Parole and Probation that were licensed and certified, but other facilities were pending licensing by the Nevada State Health Division, Bureau of Alcohol and Drug Abuse (BADA):

- Type 1 – Seventeen inpatient residential facilities licensed by Bureau of Licensure and Certification (BLC) for the treatment of abuse of alcohol and drugs.
- Type 2 – Nine inpatient halfway houses for recovering alcohol and drug abusers, also licensed by BLC, plus five inpatient halfway houses for recovering alcohol and drug abusers pending licensing.
- Type 3 – Seven residential halfway houses not specific to alcohol and drug abuse that do not require licensing. These are residential transitional houses that did not provide any treatment and only required a business license. Most of the halfway houses were maintained by individuals or non-profit organizations that provided a residence for released parolees. There were no house rules or much structure, but due to the fact that there were no licensing or certification requirements, the homes end up being just a place to stay.

Ms. Wright commented that there are no transitional facilities in the state of Nevada.

Senator Washington said that the transitional housing issue was addressed a few sessions back and he noted that there was a cluster of unlicensed homes in southern Nevada that brought forth legislation. He indicated that the neighboring residents complained about their exposure to the inmates and the lack of supervision.

Ms. Wright responded and said that licensing or certification by BADA was still not required because inpatient or outpatient treatment programs were not provided. Without a treatment component, transitional homes only require a business license.

Continuing, Ms. Wright explained the definitions of residential treatment centers for alcohol and drug abusers:

- Inpatient residential program that provides clinical rehabilitation programs for treatment of alcohol and/or drug addictions.
- Strict house rules and regimented programming.
- Close interaction between the house and parolee's supervising officer.

The definition of halfway house for recovering drug abusers:

- Provided housing and a living environment for alcohol and drug abusers.
- Operated to facilitate the reintegration into the community.
- No treatment for drug and alcohol abuse.

Halfway houses did not meet the statutory authority allowed by NRS 453.580, in which offenders may be assigned to treatment facilities. Halfway houses were intended to be the final stage of recovery for drug abusers receiving treatment in one of the treatment facilities.



Transitional houses for parolees were defined as residences, where offenders went to prepare themselves for reintegration into society. This type of housing was not specific to drug and/or alcohol abusers and did not include drug and alcohol treatment components. Transitional centers focused on life skills and provided short-term living arrangements to assist all types of parolees transitioning back into communities.

There were a variety of residential programs, primarily in Las Vegas and Reno with varying degrees of structure and acceptability to allow the offender to obtain employment and function in the community.

Senator Washington inquired whether the Bureau of Licensure and Certification (BLC) certified halfway houses. He asked if legislation had passed for certified transitional homes or was it strictly for halfway houses. In response, Ms. Wright said she would research what BLC licensed and certified.

In response to Vice-Chairman Marvel's question asking if electronic devices were still used, Ms. Wright said there were approximately 160 offenders statewide on house arrest using electronic devices.

Assemblyman Anderson thanked Ms. Wright for the complete presentation and he questioned the process of recognizing a suitable transitional house.

In response, Ms. Wright said the division investigated the home; usually a private home to make certain it was appropriate and acceptable for the parolee.

If a special condition existed from the Parole Board for the parolee being released into the community, the division would only authorize release to a licensed or certified facility. If the Parole Board indicated the inmate could be released into a transitional residence, the division could approve other facilities.

Dorothy Nash Holmes stated that the Association of Halfway House Alcoholism Programs (AHHAP) provided a two-page document describing and defining eight different kinds of halfway houses. She suggested that AHHAP attend a meeting to help identify housing in Nevada.

In conclusion, Ms. Wright stated that the division's primary concern was to provide appropriate living, employment and a structured environment for the offenders, allowing them to function in the community.

Senator Washington pointed out that he was amazed at the bureaucratic maze needed to certify a house and even after the certification from BLC, there were zoning, ordinance and neighborhood issues. School and safety issues were another problem, especially when dealing with sex offenders. He recommended that local municipalities and school districts from the rural and urban areas come to a meeting to help the Committee understand ordinance issues.

Layne Wilhelm, Treatment Supervisor, BADA, explained that BLC licensed halfway houses, and BADA certified the programs that provided certain levels of treatment such as residential, out-patient and detoxification. Based on the American Society of Addiction Medicine (ASAM) a variety of treatments were available to out-patients with transitional housing. The Bureau visited homes that were converted to certify the residence for outpatient treatment. The certification allows the Bureau to oversee the program operations, establish policies and procedures and to maintain a non-profit status and Board of Directors needed for funding. However, if strictly a halfway house, then it falls under BLC regulations and authority. Mr. Wilhelm said that many transitional houses in the state receive BADA oversight. Some of the residential programs that ASAM and BLC jointly oversaw also had transitional housing as a level-of-service.

Chairman McGinness asked if there were any questions.

Responding to Senator Washington's question about how BADA defined halfway houses, Mr. Wilhelm said halfway houses were a supporting, living environment that did not offer certified alcohol and drug abuse

treatment. Transitional houses were defined as a supporting living environment offering certified alcohol and drug abuse treatment, overseen by BADA.

Senator Washington asked staff to note the definitions given by Mr. Wilhelm and suggested that Mr. Wilhelm attend the next meeting to explain the procedures and the process of licensing the homes and the role of NDOC and P&P and any other local agencies involved.

Vice-Chairman Marvel asked if a proposal for the transitional center would be presented at the next IFC meeting. Responding, Ms. Holmes said the proposal would be presented to IFC in January 2004.

Director Crawford suggested that the Parole Board attend future Committee meetings since the Parole Board directed all inmates into housing.

## **VII. OVERVIEW OF TRANSITIONAL HOUSING FACILITY – 2003 LEGISLATIVE ACTIONS.**

The following was read into the record verbatim by Mark Krmpotic:

### **Governor's Recommended Budget 2003-05 biennium**

Based on recommendations from the Governor's Study Committee on Corrections, the Governor recommended a new transition housing facility in the 2003-05 Executive Budget known as Casa Grande. This facility was recommended to open in southern Nevada with 200 beds beginning October 2003 and a 236 bed expansion beginning November 2004 for a 436 bed facility. The Department of Corrections' Biennium Inmate Housing Plan proposed 400 male and 36 female minimum custody inmates to be housed in this facility by the end of the 2003-05 biennium.

The recommended budget for the Casa Grande Transition Housing Facility totaled \$1.4 million in fiscal year 2004 and \$2.7 million in fiscal year 2005. Of these amounts, General Fund Appropriations totaling \$1.2 million and \$2.2 million were recommended in each of the respective fiscal years of the 2003-05 biennium. The balance of funding in each year represented room and board revenues deducted from inmate wages at a rate of \$200 per month totaling approximately \$187,000 in fiscal year 2004 and \$515,000 in fiscal year 2005.

Construction of the transition housing facility was recommended to be accomplished through a non-profit entity that would apply for low income housing tax credits through the Department of Business and Industry's Housing Division. Those funds would pay for design, engineering, construction and development of the project.

Major expenditures recommended in the operating budget for the transition housing facility consisted of personnel (12 custody and 1 correctional caseworker) totaling approximately \$552,000 in fiscal year 2004 and \$651,000 in fiscal year 2005, funding of approximately \$321,000 in fiscal year 2004 and \$860,000 in fiscal year 2005 for education and substance abuse counseling services for residents of the facility through a contract provider and nonstate-owned building rent totaling \$280,000 in fiscal year 2004 and \$770,000 in fiscal year 2005.

Other key aspects regarding the transition housing facility include the following:

- The facility would be located in southern Nevada where the Department of Corrections indicates 65 percent of inmate discharges occur;
- Inmates placed at this facility would not be required to pay room and board charges for the first 30 days.

- Occupants of the transitional housing facility would include those inmates convicted of property, DUI or drug offenses within 180 days of release and prospective parolees within four months of release;
- Violent offenders and sex offenders would not be eligible for placement at the transitional housing facility;

## **2003 Legislative Actions**

Two significant items were acted on by the 2003 Legislature with respect to transitional housing and offender re-entry. They include the approval of funding to establish a transition housing facility beginning in fiscal year 2005 and the passage of S.B. 264.

## **Transition Housing Facility**

During subcommittee hearings conducted by the joint money committees, members of the subcommittee expressed support for the transitional housing concept; however, concerns were raised regarding the details of the plan submitted with The Executive Budget. Those concerns included the ability of the non-profit entity to obtain funding and construct the initial 200-bed facility by October 2003, location of the facility in southern Nevada, types of jobs available for inmates in the community, transportation to and from the workplace for facility residents, the ability for inmates balance work and pay for room and board charges while participating in educational and substance abuse counseling programs and the ability of the department to partner with outside entities for job placement and training.

Since the money committees were supportive of a transitional housing concept but concerned over the details of the plan, a General Fund appropriation to the Interim Finance Committee (IFC) of \$2.2 million in fiscal year 2005 was recommended by the money committees and eventually adopted by the full Legislature. Additional funding representing room and board charges totaling \$515,200 would be added to this amount to provide full funding. This funding provides for a 200-bed leased facility beginning in October 2004 with the possible addition of another 200 beds in September 2005. To access funding, the Department of Corrections must submit a comprehensive transition housing plan for approval by the State Board of Examiners and the IFC. The joint money committees issued a letter of intent, which you will find on page 64 in the Committee packet. This letter indicates the items the department should address in their plan, including: target population, the inmate reintegration process, re-entry community partnerships including specific partnership activities and the timeline for implementation of the transition housing program including items such as building lease, partnership contracts, materials and equipment acquisition, personnel recruitment and training and policy and procedure development.

The Biennium Housing plan approved by the Legislature calls for 200 minimum custody male inmates to be housed at the transition housing facility beginning October 2004. In the event a transition housing plan does not materialize, funding may be requested from the IFC by the department for expenses associated with housing those inmates within existing NDOC facilities.

## **Senate Bill 264**

The 2003 Legislature also passed S.B. 264, which provides the Director of the Department of Corrections authority to establish a program of re-entry for prisoners and parolees into the community. Key elements of the bill include the following:

If the Director established such a program, the Director must:

- Determine whether offenders in the custody of the department are suitable to participate in the re-entry program.
- Determine whether parolees who are referred by the Chairman of the State Board of Parole Commissioners are suitable to participate in the re-entry program as a condition of their parole.
- Request that the Chairman of the State Board of Parole Commissioners assign to a correctional program offenders and parolees determined by the Director to be suitable to participate in this program

If a program of re-entry has been established, the Director may, after consulting with the Division of Parole and Probation, determine that an offender is suitable to participate in a re-entry program.

S.B. 264 also requires the Director to adopt standards setting forth which offenders are suitable to participate in the re-entry program that must be approved by the State Prison Board. Those standards provide that an offender who has committed one of the following is not eligible for assignment to the custody of the Division of Parole and Probation to participate in the re-entry program:

- Has recently committed a serious infraction of the rules of an institution or facility of the department;
- Has not performed the duties assigned to him in a faithful and orderly manner;
- Has, within the immediately preceding 5 years, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;
- Has ever been convicted of a sexual offense;
- Has escaped or attempted to escape from any jail or correctional institution for adults; or
- Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director.

Offenders assigned to this program must be within two years of probable release.

The bill requires regulations be adopted by the Department of Corrections and the Parole Board requiring offenders and parolees participating in the re-entry program to pay for the cost of their participation in the program to the extent of their ability to pay.

In referring parolees to a re-entry program, the Parole Board may include parolees who have violated a term or condition of their parole, to provide participation in the re-entry program as a condition of the continuation of their parole in lieu of a return to incarceration

This bill also expands provisions regarding compassionate release to include inmates who are in ill health in addition to incapacitated inmates.

Lastly, S.B. 264 makes the establishment of a work release program by the Department of Corrections voluntary instead of mandatory, and provides that if a program is established, the Director shall refer offenders determined suitable for the program to the parole Board for release into the program with appropriate supervision as determined by the Division of Parole and Probation.

Chairman McGinness thanked Mr. Krmpotic and asked if there were any questions.

Vice-Chairman Marvel also thanked Mr. Krmpotic and said it was an excellent explanation of legislation. He asked Ms. Holmes if the legislation was possible, or whether it was too rigid. He also asked if there were any nonprofit groups interested in transitional housing.

Responding, Ms. Holmes said S.B. 264 was refinement of S.B. 519 which set up re-entry programs for the courts. The courts do not have the money to set up re-entry for all inmates, so after the bill was passed, the courts failed to apply for the federal grant. S.B. 264 clarified that there can be both correctional re-entry programs and judicial re-entry programs.

Ms. Wright anticipated additional staff would be required to supervise the programs.

Chairman McGinness asked if there were any further questions from the Committee members. Being none, he called for public testimony.

## **VIII. PUBLIC TESTIMONY**

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Deborah Bagnato, Bureau of Licensure and Certification stated that halfway houses were defined as recovering facilities for inmates who have gone through drug and alcohol treatment programs.

Senator Washington asked Ms. Bagnato to provide information regarding how other states defined halfway houses.

## **IX. DISCUSSION OF FUTURE MEETING DATES.**

Chairman McGinness requested that staff take a poll for the next meeting place and date. He suggested conducting the meeting at the Ely Courthouse and inquired into teleconferencing at the courthouse. Responding, Ms. Holmes said teleconferencing capabilities were available.

Chairman McGinness asked if there was any other business to come before the Committee.

Assemblyman Anderson recommended the Committee members obtain a copy of the *2001-02 Annual Report of the Nevada Judges*. He asked NDOC to provide the statistics of the number of inmates according to age group and types of crimes committed. He also expressed concern with the role of the Advisory Committee. Responding, Chairman McGinness asked fiscal and research staff how they envisioned the Advisory Committee's role.

In response, Mr. Krmpotic recommended to the Committee that the remaining four meetings, prior to the work session in June, be allocated evenly to Transitional Housing and Criminal Justice System in Rural Nevada with Committee meetings every six weeks. Staff had not concluded how the Advisory Committee would fit into the schedule, or whether they would meet separately with staff and then make recommendations to the full Committee.

Vice-Chairman Marvel asked Karen Baggett, Deputy Director, Administrative Office of the Courts to address this question since the courts had a major role in legislation.

Ms. Baggett suggested that the Commission on Rural Courts could have an additional meeting in Ely, to help pay for a majority of the Advisory Committee members to attend since a large portion of the Advisory Committee was made up of the Commission on Rural Courts members.

Chairman McGinness asked if there were any other questions from staff and thanked them for a great job.

## **X. ADJOURNMENT**

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The meeting was adjourned at 1:05 p.m.

Respectfully submitted,

\_\_\_\_\_

Donna Thomas  
Secretary

APPROVED BY:

\_\_\_\_\_  
Senator Mike McGinness, Chairman

\_\_\_\_\_  
Date

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