

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

MARCH 11, 2004

The third 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 March 11, 2004, at the White Pine County Courthouse, 801 Clark Street, Ely, Nevada.

COMMITTEE MEMBERS PRESENT:

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

ADVISORY COMMITTEE MEMBERS PRESENT:

Michael R. Griffin, First Judicial District Judge
Dan L. Papez, Seventh Judicial District Judge
Max W. Bunch, Justice of the Peace, Battle Mountain
Arthur E. Mallory, Churchill County District Attorney
Bernie Romero, White Pine County Sheriff
Bernie Curtis, Douglas County Commissioner
William Kirby, Esmeralda County Commissioner
Donna Bath, White Pine County Clerk

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Mark Krmpotic, Senior Program Analyst, LCB Fiscal Analysis Division
Brad Wilkinson, Principal Deputy Legislative Counsel, LCB Legal Division
Donna Thomas, Secretary, LCB Fiscal Analysis Division
Sherie Silva, Secretary, LCB Fiscal Analysis Division

OTHERS PRESENT:

-
Lanny Waite, Justice of the Peace, Moapa Valley Township Justice Court (Overton)
Karen Baggett, Deputy Director, Administrative Office of the Courts
Paul Johnson, Chairman, Ely County Commission
E.K. McDaniel, Warden, Ely State Prison

EXHIBITS:

Exhibit A - Meeting Notice and Agenda Packet.
Exhibit B - Attendance Record.
Exhibit C - Challenges for Justice in Rural Nevada.
Exhibit D - Important Economic Data for White Pine County.
Exhibit E - Technology Committee – Quarterly Status Report.

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.

Chairman McGinness called the meeting to order and welcomed the Advisory Committee and members of the Commission on Rural Courts that were in attendance. He thanked the Advisory Committee for their work and asked Judge Griffin to identify the Advisory Committee members. Chairman McGinness requested an introduction of the Legislative Committee and staff.

Assemblyman Anderson requested a moment of silence in memory of former Governor Michael O'Callahan who recently passed away.

II. APPROVAL OF THE OCTOBER 29, 2003 AND DECEMBER 15, 2003 MEETING MINUTES.

Chairman McGinness requested a motion for approval of the minutes from the October 29, 2003, and December 15, 2003 meetings.

ASSEMBLYMAN MARVEL MOVED FOR APPROVAL OF THE MINUTES FROM THE OCTOBER 29, 2003 AND DECEMBER 15, 2003 MEETINGS. THE MOTION WAS SECONDED BY SENATOR RHOADS.

THE MOTION CARRIED UNANIMOUSLY.

III. DISCUSSION OF CRIMINAL JUSTICE SYSTEM IN RURAL NEVADA, ADVISORY GROUP, CRIMINAL JUSTICE SYSTEM IN RURAL NEVADA.

Judge Griffin, Chairman of The Advisory Committee and Commission on Rural Courts noted that his district was located in Carson City, and although not rural, he indicated that he had tried cases in every county of the state and was able to regionalize and share services in different areas. He indicated that the Committee was aware of the lack of resources due to the vast distances in rural Nevada. Currently, a \$4.5 million computerization project allowed rural counties to share information across a secured wide-area network. There was a national presentation on the project and funding primarily came from grants. The program was regionalized for the Silver Springs Juvenile Facility and for the drug court system.

Arthur Mallory, Churchill County District Attorney, presented EXHIBIT C, Challenges for Justice in Rural Nevada, and noted that the biggest challenge for the rural counties was the lack of support and infrastructure in rural Nevada. Nevada was the seventh largest state in geographical size, covering 110,540 square miles and included nine judicial districts and 17 counties. Due to the vast distances, combining courts in the state would only aggravate the problems.

He indicated many of the shared services in rural Nevada included:

- Child support services.
- Juvenile facilities and services.
- Task forces/drug enforcement.
- Counseling/evaluation/treatment, pursuant to legislative mandates.

Clark and Washoe Counties had most of the needed services and was self-contained. The surrounding communities could also provide additional services if needed. He indicated that the farther away from large counties, the greater the distances for required services. He said that Washoe and Clark County had sufficient child support masters, family court judges and support staff, while the rest of the state had only two child support masters to cover the remaining rural counties.

Due to the lack of attention in the rural counties, Mr. Mallory stated that methamphetamine labs were prominent in the rural areas. The manufacturing process was dangerous and the drug could be made easily using household chemicals. Criminals could import drugs from the rural areas into the bordering cities and towns. Task forces

available in the state included:

- Tri-Net - Carson City, Storey County, Lyon County and Douglas County.
- North Central - Mineral County and Churchill County.
- Humboldt and Pershing County.
- Elko County.
- White Pine County.
- Southern Area Interdiction Narcotics Task Force – Mesquite.
- Consolidated Narcotics – Washoe County.

He noted that Clark and Washoe County had independent task forces. The U.S. Department of Justice had grants that sponsored many state task forces but many counties were unable to match funding to gain assistance.

Continuing, Mr. Mallory noted that the juvenile facilities also faced the same problem. The two state facilities for juvenile commitment were located in Elko and Caliente. Pre-commitment facilities were China Springs for males and Aurora Pines for females. He noted that 16 counties shared one male and one female detention facility and officers had to travel 200 to 300 miles to transport juveniles from the rural counties for incarceration. Juvenile detention facilities were located in Clark County, Carson City, Douglas County, Washoe County, Winnemucca, Elko and Mineral County (non-secure). Due to the shortage of correctional facilities, many counties had to pay up to \$120 per day to house juveniles in other locations. This, in addition to the time consumed for personnel to transport the juvenile, was a major cost to the state.

Western Nevada Youth Center in Silver Springs covered five counties and had a waiting list for juveniles. It was a 70-day program that included a drug/alcohol treatment center and five beds were reserved for detention. Many of the required mandates were unavailable in rural Nevada and communities could not afford the professional services. Citizens had to travel as many as 400 miles, round trip, per week to comply with these legislative mandates.

Continuing, Mr. Mallory said that the Justice Courts handled minor offenses such as traffic violations, bar fights and minor theft. Infrastructure needed to be established so the quality of life could draw people to rural counties, allowing them to be self-supporting. He felt that consolidating the judicial districts and counties would increase the distances and problems. Citizens should have equal access to justice and not have to travel 200 to 300 miles for mandated services. An initial investment for the counties would reap great benefits by attracting and keeping productive people and would eventually reduce the need for any outside support. For justice to prevail, the court system needed to be maintained, starting with one county at a time.

Vice Chairman Marvel asked for a list of legislative mandates and their potential costs. He noted that legislators should take some responsibility for the mandates that rural counties must meet. Responding, Judge Griffin said that although there were many different mandates, that information could be provided. Senator Washington added that the mandates should be categorized by their sources; the higher courts, federal government or state. Mr. Mallory stressed that since resources were limited and the distances were vast, it was difficult to comply with the mandates.

Chairman McGinness directed the Committee to page 65 of the meeting packet and said that the major goal of the Commission on Rural Courts was to provide the same access to justice in the rural counties that was available in the urban counties. For example, drug courts were available in urban centers but not in most rural communities. Urban defendants could have their criminal records cleared by completing the drug court program and rural defendants with the same charges leave court with felony convictions and prison sentences. The rural judges do not have the same opportunity to sentence a first-time offender to a drug court and there were no other alternatives. Also, the defendants do not receive the same type of justice in the rural counties as they would if they had committed the same crime in Clark, Washoe or Lyon County. Mr. Mallory added that drug courts were worth enforcing and there were tremendous successes in them.

Assemblyman Anderson stated that due to the location of the Ely State Prison, White Pine County had many different problems than other rural courts. He indicated the justice court in Sparks was trying to get a new facility and the municipal and justice courts in Reno were currently in discussions with the local Commissioner to acquire

proper space and acquisition of land. Due to the age of the infrastructure, many of the problems were the same in the rural and urban areas. He asked if the rural plans were made using anecdotal information or from a survey of the needs for a functional courtroom.

Responding, Judge Griffin indicated that much of the information was anecdotal, but included information from a survey of the needs of the courts. He said another unfunded issue was the short-jury trial program imposed on the larger counties by the Supreme Court. This program allowed a four-person jury to decide a civil case in one day. Carson City and Douglas County were currently conducting short-jury trials and the trials benefited the larger counties. He said the Committee needed to organize rural priorities to present to the Legislative Committee.

Senator Washington requested a list of fees, how they were applied, their fiscal impact and what portion went to the judicial system in the rural counties. Responding, Assemblyman Anderson said that information recently had been compiled for a Supreme Court Committee and could be provided.

Judge Griffin indicated that the idea of the examination of the rule of justice had been looked at when the Committee was established. The courts discussed their priorities and how resources could be shared with other counties. Due to safety concerns for the citizens, the White Pine County Courthouse and the need for supporting services was the number one priority of the Committee. Judge Griffin noted that the White Pine County Courthouse did not have separate restrooms for citizens and inmates causing a major security concern. He said that the maximum security prison in Ely had reduced the number of incidents that occurred in the less secure facility in Carson City.

Vice Chairman Marvel asked the approximate cost of updating the White Pine County Courthouse and their needs and claimed that the state had some responsibility for Ely. Judge Papez interjected that the architect was reworking the plans from ten years ago and a new cost estimate was currently in progress. He speculated it would cost approximately seven to eight million dollars to build a facility that met the needs of the county. He was grateful the Legislative Committee came to White Pine County and was able to observe the needs for a more secure facility. He indicated that Ely had lobbied for the prison and he felt it was the right decision for the county. The economy of rural Nevada depended on the price of metals and when the price fell, it caused mines to shut down resulting in an economic struggle for the community. He indicated that the prison had held the community together since the Kennecott Mine had closed. Judge Papez said that a sale was in progress to reopen the Robinson Copper Mine. He noted that Ely appreciated having the prison in the community; it held the county together while they waited for other assistance. He commended Warden McDaniel for his efforts in running a top-notch facility. He said that Ely did the best with the resources available; they would like to be self-sufficient and not depend on outside sources.

Assemblyman Anderson commented that he had toured the Ely State Prison and was impressed with the facility, its cleanliness and the way it was operated. Given the remote location, he asked if courts had the ability to conduct arraignments by telephonic or electronic means. He asked if cable companies could be mandated to help. Responding, Judge Papez indicated that it was a possibility. He said the Justice of the Peace utilized the court facilities at the prison and conducted small claims and first appearances on criminal cases and preliminary hearings. Video-conference court hearings were not being conducted, but with some technology, it was possible. Guilty pleas and cases that required evidence in testimony would have to be held in a courtroom so judges could assess the credibility of witnesses. He said that since jury trials posed the greatest security risks, teleconferencing could not be utilized at jury trials.

Judge Griffin noted that the Constitution stated that open and public trials had to be open to the public. Judge Papez indicated that holding court at the prison had been looked at, but due to the nature of the facility and the law, it could not be done. He said it would be unconstitutional to conduct a trial in prison, and would destroy the presumption of innocence. Conducting a trial at the prison would cause many security concerns and it was unfair to ask citizens to go behind the walls of the prison for jury duty. Assemblyman Anderson asked how the jury selection was done in White Pine County. In response, Judge Papez said much time was spent dealing with potential jurors and if jurors served on a trial, they were exempt for one year before their name was put back into the jury pool.

Vice Chairman Marvel indicated that White Pine County wanted the prison in their community. Judge Papez

reiterated that the community was thankful for the prison in Ely. Senator Washington asked about the fiscal impact of the prison on the community. Paul Johnson, Chairman, Ely County Commission interjected that the prison was the largest employer in White Pine County and it made a significant contribution to the community. He said he would provide more information on the economic benefits later in his presentation.

Warden McDaniel, Ely State Prison, explained that there were 412 employees that worked full-time at the prison and payroll was approximately \$19 million. Because it would be difficult to commute from other counties, most employees lived in White Pine County, but there were a few employees that resided in Clark County and worked in Ely a week at a time. He indicated that he would be happy to provide a tour of the prison to Committee members. Senator Washington asked if inmates had to pay for room and board and if some of that money could be assessed to help renovate the existing building or build a new courtroom. Responding, Warden McDaniel explained that most prisoners could not work in the community since they had committed violent crimes and were serving long-term sentences, without the possibility of parole. There were only 28 inmates at the prison that contributed to their room and board.

Glen Whorton, Assistant Director, Department of Corrections, interjected that most inmates at the Ely State Prison were Category I and Category II offenders and had committed violent offenses and were considered a risk of escape. The Ely State Prison was for the hard-core, long-term and violent inmates. It was an efficient, isolated and secure facility to control and contain the behavior of the inmates and ensure safety for the staff, community and offenders.

Assemblyman Anderson said fees from legislation were predominately aimed to help build a new court facility for the justice courts in Clark County. Since they had the large volume of court filings, it gave them enough for the bond, but the rural counties lacked the volume of work to help the justice courts.

Chairman McGinness announced that following the meeting, there would be a tour of the Ely State Prison for anyone interested.

Mr. Johnson referred to EXHIBIT D, White Pine County Economic Data and provided the Committee with the following important economic data for FY 1997 – FY 2002:

- Direct and indirect job loss - 20 percent.
- Population loss – 12 percent.
- Student population loss – 23 percent.
- Decrease in assessed valuation - 40 percent.
- Decrease in taxable sales – 40 percent.
- \$3.64 tax cap since 1995.
 - ✓ Unable to issue bonds or capital projects levy.
 - ✓ Tax base would have to triple to allow any local government to assess a capital levy or issue general obligation bonds.
- City and town government unable to assess any property taxes rate since 2001.

Continuing, he referred to page 3, EXHIBIT D, and explained the White Pine Employment Comparison:

- The population had declined by 17 percent from 1997 and had dropped by 25 percent from its peak in 1999. When the mine closed, laid off employees migrated into the prison system benefiting the prison because they did not have to pay for relocation.
- The number of businesses in White Pine had declined to 17 percent from 1997 to 2002. Due to a lack of financial and human resources, it is difficult for the economy to rebound from non-mining industry segments.
- 2002 sales were approximately 40 percent less than the volume in 1997 as indicated by the Local School Support Tax (LSST) graph, EXHIBIT D, page 5. If 2002 sales were compared to 1996, 2002 sales volume would be approximately ½ of the 1996 volume.
- Property values that included net proceeds of mines had decreased from \$217,639,778 in 1997 to \$130,738,788 in 2002. This represented a percentage decrease of approximately 40 percent.
- The school district finances and services have been adversely affected by declining local revenue and student enrollment. Student enrollment had declined by 23 percent from 1997 through 2002.

- White Pine County had been at the tax cap since 1995. FY 2000 was the final year the City of Ely was able to receive property taxes.

He noted that it was recommended to remove the property tax cap, but because bonds were locked into the property tax when issued, that would be a short-term solution. When property taxes went down, the tax rate increased to compensate for the reductions.

Vice Chairman Marvel questioned if pay-as-you-go was considered. Mr. Johnson said in 1998 the school district did have pay-as-you-go, but because of the tax cap, the county had to forfeit the last two years. He said the county raised approximately \$900,000 per year with pay-as-you-go; it secured a decent bond during the eight years the school district had it. He added that there was a lack of capital to dedicate to the facilities and the property tax base would have to triple in order for City of Ely to issue property tax.

Mr. Johnson noted a sale was pending for an operating mine in Ely. He indicated that a power plant in Ely would add a significant base for growth in other areas and would be a stepping stone toward financial security.

Assemblyman Anderson said that he was surprised at the new modular homes surrounding Ely and asked if they were temporary solutions. He asked if housing was sufficient and would there be an environmental impact when new businesses came to Ely. He said that even though families and jobs have left the county, there was not a proportional amount of real estate available. Due to the climate and location to recreation, many people from Clark County and California purchased homes in Ely for summer use. Resale of homes was taxed on the previous value; not re-taxed on the new sale value.

Continuing, Mr. Johnson noted some traditional sources of revenue to accomplish some capital projects:

- Traditional bond Issue (Not available – Tax cap).
- Capital construction tax override (Not available – Tax cap).
- Medium term financing – (Maximum ten years - Insufficient revenues to issue significant amount of principal).
- Lease/Purchase financing (Typically for equipment, not for infrastructure. Insufficient to issue significant amount of principal).
- A.B. 353 rollover (Not available – Existing debt must be extinguished).
- Sales tax (Insufficient revenue to secure significant amount of principal).
- Residential construction tax (Insufficient revenue).
- School bond guarantee (Not available - Tax cap: White Pine School District was first to use law with refunding bonds).
- A.B. 597 (School districts only: Already implemented: 1/8 cent sales = \$80,000 per year).
- Performance contracting/energy retrofit (County has taken advantage and school district is in the design stage of performance contract).

The existing resources available for capital improvement, were either insufficient to meet demand or unavailable due to tax limitations. Capital resources were significantly inadequate to meet infrastructure in White Pine County. The tax base would have to triple in order for any local government to be able to issue general obligation bonds. Economic development was the only solution and required federal and state assistance.

White Pine County efforts to help support infrastructure in Ely were:

- 2 percent room tax increase – Support White Pine County Historic Railroad Foundation.
- ¼ cent sales tax increase – Support recreation/swimming pool operation.
- 5 cent gas tax increase had been approved for road maintenance and improvement.
- Comprehensive Economic Development Strategies (CEDS).
- Renaissance Society – Public arts program and revitalization.
- Homegrown jobs.
 - ✓ Created approximately 125 new jobs since 1986.
- Industrial development (long range).

- ✓ Coal power plant.
- ✓ Green energy (wind energy studies in progress).
- ✓ Railroad purchase, upgrade, development (purchase pending).

In conclusion, Mr. Johnson noted that in order to construct a judicial complex, White Pine would have to seek assistance from external resources such as state and federal agencies. He said many sources of revenue were at the statutory cap and revenue available for operations was diminishing. Funding for infrastructure was scarce and insufficient to maintain infrastructure and long-term facilities. Funding to improve and renovate facilities was inadequate and community and human resources were limited. He said that economic development was essential for White Pine County in order to become less dependent on external sources.

Chairman McGinness thanked Mr. Johnson for his presentation and said it gave a clear picture of the economics of White Pine County.

III - A-3. JUVENILE DETENTION FACILITIES.

Steve Dobrescu, District Judge, Seventh Judicial District informed the Committee that juvenile detention facilities could hold juveniles, short-term for punishment purposes or long-term, up to 30 days, while they were transitioning through the court system or waiting to be sent to another facility. White Pine County faced many of the same issues as other counties and included drug violations, sexual problems and violent offenses. He added that another factor for the rural areas was the high cost associated with transporting juveniles to appropriate facilities and needed counseling. Many cases were 2,900 miles from the time the juvenile first appeared in court until they were finally processed through the state system. A Juvenile Probation Officer (JPO) and a Deputy Sheriff were required to travel with juveniles and the average trip was 300 miles one-way to the juvenile facility in Elko. Also, there was the inherent risk when transporting juveniles during inclement weather.

Continuing, he said a detention facility was needed to hold juveniles that had committed a crime and needed a short-term place to stay. A study had been done for a short-term, maximum 10-day stay, juvenile facility in White Pine County. He indicated that the facility currently being used in Elko was paid for from revenues generated from the mining boom in Eureka County.

Assemblyman Sherer agreed that a juvenile facility would cut down on the huge expense of man hours and transportation costs and asked how large of a juvenile facility was sufficient for the needs of the county. Responding, Mr. Dobrescu indicated that the facility would have approximately six to ten beds and would help juveniles as they waited to transition through the system and into the state facility.

Assemblyman Anderson asked if the cost to maintain the facility was greater than the cost of transporting the juveniles. Mr. Dobrescu indicated that if a juvenile facility was located near the courts, it would reduce the necessary staff and would save the state money. Judge Griffin interjected that if the facility was centrally located other counties could participate in the funding and would benefit from its use.

Senator Washington stressed that he was more interested in the logistics, quality of life and networking with the state facility in Elko. He asked how the county would interface and network with the state if the money was granted to build a facility. He indicated that the process should be seamless and provide security for the public and inmates.

Responding, Judge Lanny Waite, Justice of the Peace, Moapa Valley, said many cooperative things were being implemented with the Division of Child and Family Services (DCFS) and other agencies. The Elko or Winnemucca detention facilities would still be utilized for a longer stay of 30 days or more. If the juvenile was committed to DCFS, then a medical background had to be conducted, and the local counties could hold the juvenile until DCFS was ready for them. The juvenile detention facility would eliminate the need to transport juveniles in the night and during inclement weather.

Senator Washington asked if the funding would allow for capital improvements or building of new facilities. He suggested that staff explore federal sources that were available for building the juvenile facility.

Assemblyman Anderson noted that he and Senator Washington had served on another interim committee that dealt with juvenile justice problems in the state. The Committee looked at many problems in the Elko facility and one issue addressed was the way the courts sent pertinent information to the facility regarding the juveniles. He asked if there were any plans to present to the juvenile committee to discuss this aspect in the rural counties. He said it was important to understand the combination of problems that needed to be addressed in addition to the juvenile facility in Elko.

William Kirby, Esmeralda County Commissioner added that Esmeralda County and the school district were "in the black" and even though the county had lost people in the school district they had gained senior citizens. Based on a recent survey, the criminal justice system in Esmeralda County worked well and was sufficient and he felt that help for White Pine County was essential. Assemblyman Anderson noted that Judge Davis from Esmeralda County was the only rural judge that responded to the initial survey and the Commission had a clear picture of the situation in the county.

Senator Rhoads asked if the revenue from fees raised helped the rural counties. Judge Griffin said depending on the year, some fees benefited the justice courts and were used for capital improvements. He said the proportion for fees was bad and mainly benefited the large counties. He recommended that the Committee look at funding for a juvenile facility in Tonopah and White Pine County.

Senator Washington asked if capital improvements were considered in the budget proceedings at the Legislature. He asked if recommendations were made to fund local facilities in White Pine, Eureka or Tonopah, would those be off-line budget items for capital improvements. Responding, Vice Chairman Marvel noted that the Public Works Board received a list for capital improvements and then the needs were prioritized. He indicated that juveniles needed to be dealt with at the local level. One-shot funding was needed to get the process going and then it would have to be operated through the county and interlocal agreements.

Senator Washington indicated that the Committee should recommend one-shot funding. Assemblyman Anderson added that drug, specialty and mental health courts were an important element in the process. When new fees were implemented, the money committees were confused about the entire judicial package as compared to the individual packages of the program. He stated that when the money committees became involved in other judicial issues, they saw a pool of money rather than how the dollars were divided by program. He said the confusion was a detriment because of a lack of understanding of how the program element fit in. Assemblyman Anderson indicated he was hopeful for drug courts and juvenile programs in White Pine and other counties. The rural areas in the state had been waiting a long time to have a study done of the rural criminal justice issues.

Judge Griffin said the rural courts also faced a lack of treatment providers for the drug courts. Drug courts and mental health specialty courts were funded by administrative assessments and the assessments were not producing enough revenue. There was a lack of financing to carry the counties over until they could produce money. He indicated with the states' help, the regional drug court consisted of Storey County, Carson City, Douglas County, Lyon County and Churchill County. Without additional funding and with the support from other judges, Judge Archie Blake, Third Judicial District, had decided to expand the drug courts into Mineral County.

As a result of expanding to the county, it was economically feasible for the health care provider to provide drug and other mandated counseling in Mineral County. Judge Griffin said the drug courts brought economic help to the counties with little resources, allowing the counselors to provide services and earn money. He said judges were examining the drug courts and although funding was not available yet, they were putting together a more efficient and less expensive package to fund drug courts in other areas. If drug courts were available in the community, counselors could be provided and the county would have the capability of treating the major mental health and other problems. He said many offenders have a dual diagnosis and along with abuse and alcohol problems, they had other significant mental conditions. Continuing, Judge Griffin said that when an offender completed the drug court program, there was an 85 percent chance they would not return to the system. He suggested that the Committee look at providing regional rural drug courts for Winnemucca, White Pine and the surrounding counties; considering the benefits to the counties, it was not a large cost to the state.

Judge Griffin said that there were many resources available, but help was needed to coordinate and locate the

resources. He indicated that Judge Richard Wagner, Sixth Judicial District, had a volunteer in his county that had donated time and counseling for two to three years. He advised the Committee that the University of Nevada, Reno, had PhD candidates that could provide services to the counties while being supervised by rural mental health staff. All resources were being looked at to minimize the cost and provide help to the rural counties. If an offender used drugs in Las Vegas and received treatment and became clean, he would receive a diploma; but if an offender had committed the same crime in White Pine County, he would be sent to prison not allowing them equal access to justice.

Assemblyman Anderson said it was more expensive to put rural, low-level offenders into a state facility to receive treatment. Judge Griffin added that without drug courts, the cost to incarcerate a drug offender was approximately \$50,000 per year. Often when an offender was incarcerated, their children would go on Welfare, costing the state money. When the inmate was released from jail, they lacked the job skills needed to be productive in the community. Judge Griffin said that he appreciated Assemblyman Anderson's commitment to the drug courts. He felt the Committee needed to recommend the funding of drug courts to the legislature; it would save money in the long-run. Judge Griffin noted that the mental health division was in the process of setting up a misdemeanor court since there was a lack of funding in the district court. Approximately 20 percent of inmates that were examined by the mental health court had serious mental conditions that contributed to their problems.

III-C. STAFFING ISSUES.

Judge Griffin suggested requesting regionalized training for the court staff. He noted that training had been provided by the state, but was only located in the larger counties. He said training should be more regionalized and addressed by the Administrative Office of the Courts (AOC). Assemblyman Anderson said that the courts were looking at implementing a uniform reporting mechanism for the criminal justice system. Judge Griffin noted that he had served on a Committee that looked into designing interfaces for computers. He said that reporting arrests required a Nevada Offense Code (NOC) and since each county and city had their own ordinance, there were approximately 35,000 different codes. In order to have a uniform reporting of offenses, the AOC was working on defining the codes; training would be easier when the uniform coding was established. If an officer made an arrest and did not know the correct NOC code, he made a new code. Reducing the NOC codes from 30,000 to approximately 2,000 would be manageable. On completion of the project, when a conviction was reported it would be automatically transmitted through the judicial and law enforcement system.

Continuing, Judge Griffin said bailiff training and the inadequacy of courtroom security was another issue that needed to be addressed. He said the even though training was paid for by court administrative assessments, POST does not have job-specific bailiff training.

Judge Max Bunch, Justice of the Peace, Battle Mountain, noted that bailiff training was scheduled for Category II certification through POST. He said there were philosophical differences as to whether bailiffs should carry a weapon and said there were other means to restrain offenders. The local law enforcement agencies provided bailiffs for the district courts and lower courts could not afford a full time bailiff. He noted that a walk-through scanner was purchased for his district from Washoe County for one dollar, but due to the age of the courthouse, the building could not support the scanner. A seismic study was conducted on the building and it indicated that the building was unstable and ready to collapse. He said the money collected for the last six years to go toward a new court facility in Lander County was \$146,000. The county was working hard to fund a facility within the 50 years and that was why they asked the legislature to remove the sunset clause, but it went to 50 years. He indicated that the next generation will have to talk to the future Legislatures to address the provisions. Court security was a high priority and many rural courts do not have security and they requested retired jailers from the Sheriff's office. The retired jailers were approximately 68 years old and had been trained as a bailiff. The POST curriculum does not address courtroom safety and they do not understand the courts needs. Every year the federal Marshal conducted training in Las Vegas which costs \$300.00 and was taken from administrative assessments fees used to buy computers. These were issues that rural courts have to deal with consistently.

Vice Chairman Marvel asked if the rural courts felt that bailiffs should carry a weapon. Responding, Judge

Bunch said it was not a necessity for bailiffs to carry a gun, but he indicated that some Committee members thought they should have a gun in their possession.

III - D -1. LEGAL ASSISTANCE.

Judge Griffin said the lack of legal assistance in the small counties was a problem and concern. He stated that citizens could be referred to a website or the library that offered help and standardized forms necessary for moderately simple cases. He indicated that it was economically impossible for many attorneys to make a living in the rural counties and there was a need to explore the availability of legal clinics and internet access with the Boyd School of Law in Las Vegas. He said he would talk with Dick Morgan, Dean of the Boyd School of Law in regard to setting up a legal program to help indigent people in the local counties.

Assemblyman Anderson noted that recent Supreme Court cases and some actions looked at relative to the death penalty questions revolve around the expertise of adequate defense, which seemed to be the most common reason for appeal and the additional costs associated with how long death penalty cases run out.

Judge Griffin said expenses associated with death penalty cases could not be anticipated. He said a recommendation from the Committee should be made to have students from the Boyd School of Law move to the rural areas to practice law. If they committed to practicing for three years in a rural county, perhaps their law school debt could be forgiven.

Judge Waite noted that the eight rural courts in Clark County felt alienated and had to fight to get robes for the judges, flags for the courtroom and a seal of the state of Nevada. He said every court had needs and as they grow and progress, those needs become more acute. He stated that until a few years ago, many rural courts had met in a bar, in a judge's home, in single-wide trailer or in a condemned building. He said progress had caught up with the rural courts. The Nevada Judges' Association had brought in the judiciary from all the courts in the state and trained the judges in the law and the constitutional requirements in order to provide the best service possible to the people in the communities. He said that the progress of computers and technology could not be enforced without updated facilities to accommodate the progress. Most rural courts lacked bailiffs, facilities and counseling abilities. Judges were being trained in security law and they were frustrated because they could not provide mandated counseling and services. The Supreme Court indicated that equal access to the courts, in all stages of the proceedings, must be provided to anyone charged with a criminal offense. He said the population had become diverse in the state and many that appeared in the courts spoke only Spanish. The courts were required to provide interpreters at a cost of approximately \$400 to \$500 per day because they had to travel from the larger counties. There were limited certified interpreters and if they did not show for a court proceeding, members of the audience that spoke Spanish were often asked to translate for the judges.

Assemblyman Anderson indicated that the Committee members were selected based upon their interests and it was very troubling that there were no legislators from Clark County on the Committee. He asked how the minority issue had changed over the years. Responding, Judge Waite said that when the Supreme Courts mandated that interpreters had to be provided, the judges felt the responsibility to impose the mandate. He said the approximately 20 to 30 percent of the population of Clark County was Hispanic and many do not speak English. Interpreters were mandated and constitutionally required by the higher courts and many citizens had to bring their own interpreters to court even though it was the responsibility of the judges to provide them. Training of court interpreters was funded with administrative assessments through the AOC.

Assemblyman Anderson noted that the AOC had taken a new position in the last 10 to 12 years in terms of mandating more process and providing more services to the local courts. He asked if there was a feeling about how the fee structure was set to fund interpreters in terms of court operations and the service received from them. Responding, Judge Waite said that administrative assessments were instituted originally in Las Vegas Municipal Court as a way to help defray the cost of issues occurring in the courts. It was successful and picked up by the courts and the Legislature and the assessments went up dramatically, while the amount of money that was coming to the courts had not risen. The money was going into the General Fund to defray other costs in the state. He indicated that the judges felt they were the tax collectors for the Legislators and if the counties received all of the funds from the administrative assessments, they would not be asking the Legislature for money. Assemblyman Anderson said they were aware of the funding issues and felt that the judges should not

be involved in the collection of fines, fees and forfeitures.

Chairman McGinness asked if court interpreters were independent contractors or were they hired by Clark County. Responding, Judge Waite said interpreters were generally hired through Clark County and were paid from the budget of the county that was requesting the interpreter.

Concluding, Judge Griffin stated that an outline of the most important recommendations of the rural courts was provided to the Committee. He said the rural courts were trying to provide the mandates, with little money, and often when help was donated, there was not staff to follow through. He said a coordinator was needed to organize the efforts of the Committee and implement the ideas. The coordinator would help write grants, locate available money and would communicate with judges to find out their needs. Judge Griffin added that the AOC had a grant writer that would be available for suggestions and could offer help. He reiterated that White Pine County was the top priority and also suggested looking into funding for a juvenile facility in the rural counties.

Senator Washington indicated that Jackie Crawford, Director, Department of Corrections (DOC) had also requested a grant writer on staff and asked if that position could be shared with the rural justice community. Judge Griffin said it might not be compatible between agencies. He said the prison system would need a full-time grant writer to find funding sources appropriate to them.

Mr. Whorton indicated that the grant writers for the prisons looked in many areas for funding and there could be a possibility for overlap. He said that the DOC looked at the Department of Justice and The National Institute of Corrections for their funding and the courts would be looking at other entities for funding.

Assemblyman Anderson said that many of the functional problems of the multiple court systems in the state were solved through the increased role of the AOC. He said this also created a new set of problems. Mandates would have to come from the AOC and they needed to find the uniformity of purpose. He said the DOC had a different functional purpose than the court system. Judge Griffin said that the AOC had a great deal of affection and suspicion with the judiciary since they feared central authority. He said rural judges would not be offended by having someone from AOC help find funding. Judge Griffin said that he did not want to compete for dollars with DOC

Mr. Whorton said that it was not just the obtaining of the grants and the competition for the money but another major function was the grant administration process. There were different types of grants and projects available. Judge Griffin indicated that his secretary could help manage the process and the grant writer could be located anywhere in the state.

Senator Washington asked the approximate salary for the grant writer. Judge Griffin said that if the grant writer was located in a central place, a typist could help with some of the clerical work. Mr. Whorton responded that if a grant writer was recommended in his budget, he would suggest a Grade 39 and the salary with benefits, was approximately \$75,000. He indicated that with that grade, they would be able to find a qualified, stable person and the position would be considered a high-level analyst.

IV. OVERVIEW OF NATIONAL JUDICIAL COLLEGE RURAL COURT

SEMINAR.

Judge Griffin noted that a computer project had been implemented that would allow different regions in the state the ability to share information. The Sheriff's Office could share secure information with the justice courts and when a person was arrested, the information would be networked over a secure, integrated information system. He indicated that many of the rural counties had outdated computer systems. The project was approximately a year away from implementation and the delay was due to establishing a universal NOC system. The AOC presented the system at the Sheriffs' Conference and the National Judicial Judges' Conference and Nevada was nationally the first organization that allowed different computers to share information through an information warehouse. As a result of the presentation, the AOC had been invited to attend the Judicial College for discussion of the problems in rural courts and how Nevada was trying to solve the problems. Nevada's presentation was well received by people interested in the system and was used as a model for a seminar. Also, there was a discussion of the regional rural drug courts and how to utilize resources across the vast distances in Nevada

V. OVERVIEW OF NEVADA RURAL COURT SYSTEM (NRCS).

Karen Baggett, Deputy Director of the Administrative Office of the Courts, thanked the Commission on Rural Courts, Advisory Committee and the legislators for conducting the meeting in Ely. She indicated that Ron Titus was originally scheduled to make a presentation, but had to attend another meeting in Las Vegas. Referring to EXHIBIT E, Technology Committee, Karen Baggett said that at this time, The Nevada Judiciary Project Support Branch had five major projects in progress. These projects included the Nevada Rural Court System (NRCS) which was a Centralized Case Management System (CMS) housed at the AOC with case information being distributed across a secured wide-area network. The system was implemented in the Pahrump Justice Court in November 2002. Carson City Justice Court implemented the system in November 2003 and some other courts were training to use the software and were in the process of manually converting their case information. Carson City First Judicial District had completed its user training and went live with the criminal module of the software in September 2003 and hoped to have full implementation by February 2004.

Ms. Baggett continued with the Multi-County Integrated Justice Information System (MC-IJIS) and said it was progressing at a steady pace with several courts and justice agencies preparing to go live with the software. A server would be located in a designated area and would have the ability to interconnect with the District Attorney's Office, Public Defender, Sheriff's Office and the courts. One person would initially input the information into the system to reduce the number of people duplicating the same input.

Assemblyman Anderson asked if Parole and Probation was involved in the process. Ms. Baggett indicated they were involved, but could not say to what extent.

Continuing, Ms. Baggett discussed the Nevada Citations and Accidents Tracking System (NCATS) and said they were working with the Public Safety Department to create a seamless transfer of traffic citations. North Las Vegas Municipal Court was currently using the program and other courts would be involved soon.

Ms. Baggett noted that the Nevada Offense Code Redevelopment was used to readily share case information, not only with itself, but with other state criminal justice agencies. Currently there were 70 people that had volunteered their time to work on the NOC redevelopment and the State Bar was also involved in the process. The last system being implemented was the NVCourts.Net which would allow all courts the ability to share computer resources and electronically communicate with each other and other state entities. Wherever possible, this network was being linked with the Department of Information Technology network. This partnership would save the Nevada court system a substantial amount of money as well as provide additional network and data security and support.

Concluding, Ms. Baggett said that the AOC was trying very hard to help the rural areas with their computer systems and to provide technical support.

VI. PUBLIC TESTIMONY.

Chairman McGinness asked if there was any public testimony to come before the Committee.

He noted the Committee was close to making recommendations to the Legislature for a Bill Draft Request for the next legislative session. He thanked staff for conducting a meeting outside Carson City and thanked White Pine County for their hospitality and attendance. He said it was important to make the trip to see firsthand what the rural courts faced daily.

VII. ADJOURNMENT.

There being no further business to come before the Committee, the meeting was adjourned at 12:40 p.m.

Respectfully submitted,

Donna Thomas, Committee Secretary

APPROVED B Y:

Senator Mike McGinness, Chairman

Date