

**MINUTES OF THE  
ADVISORY COMMISSION ON  
THE ADMINISTRATION OF JUSTICE  
NOVEMBER 6, 2013**

The meeting of the Advisory Commission on the Administration of Justice was called to order by Mr. Nicolas Anthony on November 6, 2013, at 9:40 a.m., at the, Legislative Building, Room 3138, 401 South Carson Street, Carson City, Nevada, and via simultaneous videoconference at the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada. The Agenda is included as Exhibit A and the Attendance Roster is included as Exhibit B. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMISSION MEMBERS PRESENT (CARSON CITY)**

Connie Bisbee, Board of Parole Commissioners  
Senator Greg Brower, District No. 3  
Larry Digesti, Representative, State Bar of Nevada  
Assemblyman Jason Frierson, District No. 8  
Justice James W. Hardesty, Nevada Supreme Court  
Mark Jackson, Douglas County District Attorney  
Jorge Pierrott, Sergeant, Department of Public Safety, Division of Parole and Probation  
Senator Tick Segerblom, Chair, District No. 3  
Richard Siegel, Legislative Chairperson, ACLU of Nevada, Inmate Advocate  
D. Eric Spratley, Lieutenant, Washoe County Sheriff

**COMMISSION MEMBERS PRESENT (LAS VEGAS):**

Judge David Barker  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas  
Metropolitan Police Department  
Catherine Cortez Masto, Attorney General  
Greg Cox, Director, Nevada Department of Corrections  
Assemblyman Wesley Duncan, District 37  
Lisa Hibbler, Victims Advocate  
Phil Kohn, Clark County Public Defender

**STAFF MEMBERS PRESENT:**

Nicolas C. Anthony, Senior Principal Deputy Legislative Counsel  
Angela Hartzler, Deputy Administrator, Legal Division, Legislative Counsel Bureau  
Olivia Lodato, Interim Secretary, Legal Division, Legislative Counsel Bureau

**OTHERS PRESENT:**

Michelle Ravell, NV Cure  
Scott K. Sisco, Deputy Director, Nevada Department of Corrections  
Bernard Curtis, Chief, Department of Parole and Probation  
Robin Hager, Department of Parole and Probation  
James Wright, Director of Public Safety, Department of Parole and Probation  
Kim Madris, Deputy Chief, Department of Parole and Probation  
Tony DeCrona, Deputy Chief, Department of Parole and Probation  
Ron Cuzze

Mr. Nicolas Anthony opened the first meeting of the 2013-2014 Advisory Commission on the Administration of Justice in Room 3138 of Legislative Building at 9:40 a.m. He requested a roll call of members present.

Mrs. Angela Hartzler called the roll. All the members of the Commission were present for the meeting.

Mr. Anthony opened Agenda Item III, Public Comment. He said public comment would also be taken at the end of the meeting.

Michelle Ravell, Nevada Cure, referred to the handout distributed earlier to the members of the Commission. She said it was a list of things her organization wanted the Commission to review this year, (Exhibit C). She said Hep C testing and treatment was a priority. She said Director Cox was not against Hep C testing, but funding was an issue. She said people were not tested for Hep C when they entered prison. The other issue of major concern was access to their files when they are up for parole. She said she understood they were not allowed to review their own file.

Mr. Anthony asked if there was any further public comment. He opened Agenda Item IV, election of the chair. He said he would entertain a motion.

SENATOR BROWER MOVED TO APPOINT JUSTICE HARDESTY CHAIR OF  
THE COMMISSION.

Mr. Anthony asked if there was a second to the motion.

MR. JACKSON SECONDED THE MOTION.

Mr. Anthony requested any discussion on the motion.

Senator Segerblom appreciated the motion, but the Chief Justice was chairman one session, Assemblyman Horne was chairman one session and it would be appropriate to have the Senate chair one session. He said it could be rotated in the future.

Senator Brower said it was more effective when a non-legislator was chair of the Commission. He said Justice Hardesty did an outstanding job in the past as chairman.

Mr. Frierson said he was a stickler for preservation of the record. He said it was a legislatively created committee and there was no precedent that a non-legislator would be preferable. He said they were a citizen's legislature and had an excellent panel of members on the Commission. He said Senator Segerblom's comment was fair. He said Senator Segerblom expressed a willingness to work with the committee.

Justice Hardesty appreciated the nomination and said the Commission was extraordinarily successful in the past in meeting significant agenda items. He said Senator Segerblom's suggestion of rotation had merit. He did not want a conflict. He withdrew his nomination.

MR. SIEGEL MOVED TO NOMINATE SENATOR SEGERBLOM CHAIR OF  
THE COMMISSION AND JUSTICE HARDESTY AS VICE CHAIR.

Senator Brower withdrew his motion at Justice Hardesty's suggestion. He said he did not know Senator Segerblom was nominating himself when he suggested a member of the Senate chair the Commission.

Mr. Siegel said it was the best of two worlds to have Senator Segerblom and Justice Hardesty.

MR. DIGESTI SECONDED THE MOTION.

Mr. Anthony asked if there was any further discussion on the motion.

Mr. Jackson reminded the Commissioners that the majority of the Commission was not in the legislative or the judicial branch. They were from the executive branch of the government. He requested the Commission pass the baton to members of the executive branch.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Segerblom asked for a motion of approval of the minutes from the October 2012 meeting, Agenda Item V.

MS. BISBEE MOVED TO APPROVE THE MINUTES.

MR. JACKSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Segerblom asked Mr. Anthony to proceed with Agenda Item VI, review of legislation affecting the Advisory Commission.

Mr. Anthony offered a broad overview of the Commission for the new members and a recap of the organization of the Commission. He said the Advisory Commission was created by statute in 2007. The commission consisted of 17 different members from all walks of life including the legislative branch, judicial branch, executive branch, law enforcement, victims and the judiciary. He said a quorum was required to operate and transact business. The duties of the commission were enumerated in NRS 176.0125. He said he combined the duties and a study of the elements of Nevada's criminal justice system. He said it was a broad study. The commission was charged with looking at the fiscal impact, from the Nevada Department of Corrections (NDOC) and the Parole Board to specialty courts, presentence investigation, juvenile justice, open meeting laws, the operation of the NDOC, and civil commitment of sex offenders. Mr. Anthony said there were five subcommittees plus additional subcommittees may be created (Exhibit D). He said additional duties were added to the Commission. Seven bills passed in the legislature impacting the Commission (Exhibit E) He reminded the Commission it was advisory only and did not have bill drafts (BDRs) specifically allotted to it. The seven bills affecting the Commission were outlined in (Exhibit F), 2013 Legislation Impacting the Advisory Commission. Mr. Anthony said S.B. 395 added duties to the Commission. The bill required the Commission to identify and study collateral consequences of conviction and required posting a link on the Commission's website of any studies on collateral sanctions, disqualifications and relief provisions on any national studies. He said collateral consequences should be an agenda item for a future meeting.

Mr. Anthony said three bills added duties in transitory language. He said those duties did not appear in the codified NRS. The bills were A.B. 415, S.B. 107, and S.B. 264. He said A.B. 415 added felony sentencing, the study of parole, and alternative sentencing to the list of the Commission's duties. It also required a report be sent to the Chairs of the judiciary committees. S.B. 107 was a study of detention and incarceration. It required the Commission study and post on an agenda. He said there were 19 different elements included in S.B. 107. He said S.B. 264 required an agenda item related to over-criminalization. It was a review of all criminal sentences, whether there were any duplicative sentences, or if misdemeanors should be treated as civil violations and a review of felonies to determine if some of them could be lowered or punishable as misdemeanors.

Three bills added new subcommittees to the Commission. The first bill, S.B. 243 added a subcommittee dealing with arrestee DNA. The subcommittee was added to study cost and procedures for the purging of DNA profiles. Another subcommittee added by S.B. 374 dealt with the study of the medical use of marijuana. He said the subcommittee did not become effective until April 1, 2014. The last bill, A.B. 365, was for one interim only. The subcommittee was to

provide an evaluation of the current system used by court interpreters in civil and criminal proceedings.

Mr. Anthony said a large volume of work was added to the Commission this interim. He said the deadline to submit a final report to the Director of the LCB was September 1, 2014. It was anticipated the Commission would complete their business before next fall. He said A.B. 415 required a report sent to the Chair of the Judiciary Committees no later than June 1, 2014. He said the Commission was budgeted to the extent of legislative appropriation. He said more money was available to the Commission this interim. They were budgeted for twelve meetings which included any meetings of the subcommittees.

Chair Segerblom asked if he meant everybody was present, or staff was present, or may the subcommittee chair just call the members and talk.

Mr. Anthony said it meant any official meeting of this Commission, the full body or a subcommittee, would constitute a meeting and therefore may have expenses associated with the meeting. He said if the meetings did not use the entire budget, there was a possibility they could have more meetings.

Chair Segerblom asked about per diem and travel and if it was just for the legislators or all the committee members.

Mr. Anthony said it was for the full commission, it was for the legislators as far as travel expenses and per diem. He said the subcommittees might have provisions for all the members.

Justice Hardesty said most of the members of the Commission were from different agencies and the individual agencies assisted where necessary in their travel costs. He said the budget should not be severely impacted with additional meetings. He asked what the actual cost per meeting was. He said the agenda was enormous and he was worried 12 meetings was inadequate to complete the tasks. He said in the past, the Pew Foundation supplemented some of the research efforts and he hoped they would do so again.

Mr. Anthony responded that said there were internal costs in terms of staff time, preparation of minutes, LCB time and various other costs.

Justice Hardesty suggested the legislative members on the Commission could secure additional meetings.

Chair Segerblom said he would work with staff and everyone else to enable as many meetings as needed. He said the agenda was so important they could not allow the lack of resources to hold them back.

Ms. Masto said she was concerned the 12 meetings included the subcommittees. She was past chair on the subcommittee on the Victims of Crime. She said her office covered the cost for the subcommittee, including the meetings and video conferencing. She said if they were required to use legislative staff it would definitely eat into the overall costs.

Mr. Anthony said LCB did not have to staff every subcommittee and Ms. Masto's office could continue to help if her office was willing to do so.

Chair Segerblom said they were able to reach out for assistance in some of the meetings.

Mr. Anthony said the past practice of the Commission allowed the Victims of Crime Subcommittee to be managed by Ms. Masto's office.

Chair Segerblom opened discussion on Agenda Item VII, distribution and discussion of the final report.

Mr. Anthony said all the members had a copy of the report, (Exhibit G). He said the Commission held six full meetings and a work session. The Commission considered 21 recommendations and voted to approve six recommendations for the drafting of legislation, two for the drafting of a letter, and one to include a statement in the final report. He said six BDRs were sent to the 2013 legislative session and four bills passed and two measures failed. He said the four bills passed were listed on a handout, Exhibit F.

Chair Segerblom opened discussion on Agenda Item VIII and the appointment of members to the subcommittees. He said after discussion with the Vice Chair it appeared there were no preapproved chairs with the exception of the Victims of Crime Subcommittee. He asked Ms. Masto if she was willing to serve as chair again.

Ms. Masto replied she was able to serve as chair.

**MR. FRIERSON MOVED TO APPOINT MS. MASTO CHAIR OF  
THE SUBCOMMITTEE ON VICTIMS OF CRIME.**

**MR. JACKSON SECONDED THE MOTION.**

Chair Segerblom requested modifying the motion to not appoint the subcommittees listed in the Agenda as A, C, D, and E. He added if anyone wanted to serve on a subcommittee to inform him of their desire.

**MR. FRIERSON AMENDED HIS MOTION TO INCLUDE APPOINTING ONLY  
THE CHAIR OF THE SUBCOMMITTEE ON VICTIMS OF CRIME AND NOT  
THE OTHER SUBCOMMITTEES.**

MR. JACKSON SECONDED THE MOTION.

Mr. Siegel said in the past, subcommittees were opened to non-commission members. He asked if everybody agreed.

Mr. Anthony replied past practice included nonmembers of the Commission and there were no limits on the number of people who could serve.

THE MOTION CARRIED.

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Chair Segerblom encouraged people to contact the Commission if they wished to serve on a subcommittee.

Justice Hardesty said many members may be aware of the Nevada Supreme Court's commission on the study of the reform of the juvenile justice system. He said the commission had approximately 28 members. He said they made a number of recommendations to the legislature concerning reforms to the juvenile justice system. He suggested the Commission defer to the continuing work of the Supreme Court's commission and its recommendations. He said he could give an outline of all the work taking place. It involved a reform of the system and a transition of the entire system into regionalized facilities for detention and expanded supervision.

Chair Segerblom suggested the Commission approve Mr. Hardesty's suggestions.

Mr. Anthony said there was also a statutory committee on child welfare and juvenile justice chaired by Assemblyman Frierson. He said past practice of this Commission deferred to the standing committees and the Supreme Court without appointing a formal subcommittee on juvenile justice.

Chair Segerblom asked if the Commission could create additional subcommittees.

Mr. Anthony said yes, the Commission could create additional subcommittees. In the past, they had a subcommittee on Presentence Investigations (PSIs) chaired by Mr. Kohn.

Chair Segerblom encouraged anyone interested in another subcommittee to contact him. He opened discussion on Agenda Item IX, a presentation by the Nevada Department of Corrections (NDOC).

Scott K. Sisco, Deputy Director, Department of Corrections, said he was asked to give a presentation.

Chair Segerblom asked Mr. Sisco what his previous jobs were before he was with the DOC.

Mr. Sisco said he had 27 years with the State of Nevada. He worked for the Department of Transportation, State Division of Forestry, Department of Cultural Affairs, State Health Division, and started 27 year ago with the Department of Motor Vehicles. He said his presentation would include a discussion on inmate population, impact of legislation enacted by the 2013 legislature, facilities and staffing and budgetary issues of the NDOC. He said everyone had a handout of his presentation, (Exhibit H). There were seven major NDOC institutions, nine conservation camps, one restitution center and one transitional housing center, Exhibit H.

Mr. Sisco listed the numbers of offenders in custody. He said a total of 12,429 inmates were in custody, the male population was 11,950, and the female population was 1,069. He also gave the percentages of gender, ethnicity and average age. He said inmate population was projected to increase about 0.49 percent. The Department of Administration had a contract with JFA, a consulting firm providing estimated inmate numbers for NDOC.

Justice Hardesty asked Mr. Sisco to supply the Commission with JFA's report providing the projections.

Mr. Sisco said they would supply the information.

Mr. Siegel requested information about inmates above the ages of 55 and 65. He said there was a lot of attention about the health costs of inmates above those ages. It seemed there was an inconsistency in numbers, Exhibit H. He asked for clarification concerning those numbers on inmate populations.

Mr. Sisco said one number was at the close of the fiscal year 2013, one number from the end of September and the third was from the day the report was assembled.

Mr. Siegel asked if the best number was the one from the end of the fiscal year, 2013.

Mr. Sisco said the most solid number associated with the cost under discussion was the fiscal year 2013.

Mr. Siegel said when JFA reported to the Commission the number of inmates was approximately 13,005 in 2006. He said there was a decline in total inmate population. It was a goal of the original legislative committees. He added one of the most important factors in the decline was A.B. 510, on good time credit.

Mr. Sisco said the Pew Report was just published on a study that aging inmates were pushing up health care costs.



Justice Hardesty asked if since the close of the fiscal year, the NDOC population had declined by approximately 240 inmates. He said they had a break down on the number of inmates sentenced under category A, B, C, D and E felonies. He asked Mr. Sisco to provide a breakdown of those numbers. He said the highest percentage within the system were category B felonies.

Mr. Sisco replied he would provide those numbers to the Commission.

Mr. Frierson asked if there was a way to provide information on what category B's there were, for example category B violent, or category B sexual offenses versus category B, burglary. He was specifically interested in non-violent versus violent offenses.

Mr. Sisco continued his presentation of Exhibit H, concerning operating costs per inmate. He said the majority of the operating costs were salaries. He said \$2.48 was the amount budgeted per day per inmate to feed them. He said that was an inadequate amount. He said the actual operating costs for the NDOC were \$274,463,917.00 for fiscal year 2013. He mentioned noteworthy budget items in the NDOC operating budget. He said any inmate who left the facility for 24 hours or greater were eligible for Medicaid. He said every time an inmate left the institution they had to reapply for Medicaid. Mr. Sisco discussed the capital improvement projects for the NDOC.

Mr. Sisco said the NDOC addressed the need to do a staffing study of working conditions. He said a team was put together to come to Nevada to assess the existing staffing patterns for all the facilities. He said they were reviewing prison specific services and mandates. He said the team would supply a realistic set of staffing plans and updated relief factors, Exhibit H.

Mr. Sisco addressed the legislative impact from the last session. He referred to Exhibit I, Summary of 77th (2013) Legislative Session. He said they submitted several bills for the legislature including A.B. 17, and A.B. 43. He said A.B. 422 was a bill requiring an autopsy on every inmate who died within the facilities. He said S.B. 32 was the last department bill. It was a clean-up bill for various things throughout the department. He said there were about 52 bill passed by the legislature impacting costs and and/or operations for state agencies. He said 25 specifically impacted the NDOC. He referred to Exhibit I and the bills listed and their impact on the NDOC. He said S.B. 423 required inmates leaving the facility have an identification card. S.B. 519 allowed the director of the NDOC to apply for Medicaid on behalf of an inmate who leaves the institution for longer than 24 hours.

Chair Segerblom asked for clarification of what leaving for 24 hours meant.

Mr. Sisco said if an inmate got sick today, and he went to a local hospital they started the process. If the inmate was at the hospital for greater than 24 hours, the federal Medicaid laws allowed the NDOC to go back and have all the cost covered by Medicaid.

Mr. Cox said the staffing study was started two days ago at High Desert State Prison. He said they were going to tour all the facilities and look at all the shifts. He said the Association of State Correctional Administrators agreed to conduct a study. He said eight people were in Nevada from various states and were corrections administrators with an extensive amount of knowledge and experience. He said George and Camille Camp were the experts on staffing and relief factor analysis. He said it was a very comprehensive study. He said the study focused only on custody staff, not the non-custody support staff. The NDOC was in the process of constructing the Northern Nevada Transitional Housing Center with the Paiute tribe in Sparks. He said completion was targeted for some time in 2015.

Mr. Frierson asked about re-entry programs. He said the presentation listed one transitional housing center. He asked how it compared to other states concerning the number of housing centers. He also asked about the HOPE program regarding re-entry.

Mr. Cox said the transitional housing center in the Reno-Sparks area will move the NDOC in the direction that many departments had in the past. He said it was important to expand the transitional housing and community correctional activities. He said they had a relationship with the HOPE program in Las Vegas and inmates from Casa Grande attend the program. He said they worked closely with Parole and Probation to provide re-entry services prior to the release.

Mr. Jackson asked Mr. Sisco some financial questions concerning the operating costs presented to the Commission. He said the most generally used way of calculating operating costs was to take all the personnel expenses, their services and supplies and divide by the number of inmates producing an operating cost. He said none of the NDOC facilities were at full capacity. He said if a facility had 1,000 inmates and 1 additional inmate was added, it did not increase the budget for the facility by \$20,000.00 annually.

Mr. Sisco said he was correct. The food, clothing and medical would change.

Mr. Jackson said if 5 inmates left, it would not save \$100,000 on the budget. The costs were primarily personnel driven.

Mr. Sisco said it was personnel driven and inmate driven. He said \$2.48 for food made a difference when one inmate was added.

Mr. Siegel asked about the vacancy issue for general staffing and medical staffing. He asked if it was improving or getting worse.

Mr. Cox said it was improving with the custody staff. He said during the economic turndown they were very aggressive at starting the academies throughout the state. He said the medical vacancy had improved but was difficult due to the rural locations. He said they were doing the best they could to fill the vacancies. He said people wanted jobs and they had to have academies

running constantly. He said their focus beginning in January was expanding the training with custody and non-custody staff.

Mr. Pierrott asked Mr. Sisco about the transitional housing in Sparks. He asked how much it would cost the inmate rather than going to a half-way house or a program with additional counseling.

Mr. Sisco said the inmates at Casa Grande paid a portion of their income to room and board.

Mr. Cox said there was a charge for room and board. He said it was a percentage of their salary. He said they were charged the cost of room and board once they found a job. He said if an offender did not try to find employment, they did not stay in the transitional housing center. He said they had done a great job obtaining employment. The housing center was the same model as Casa Grande and the inmates will be charged room and board. He said the goal was to allow the offenders to leave supervision with enough money to obtain housing and take care of their families.

Justice Hardesty asked about the I.D. system for inmates being released to the streets. He asked if they got I.D.s, who provided it and at what cost.

Mr. Cox said they provided the offenders with I.D. He said in the past they were not consistent in the application of identification. They worked with the DMV to provide I.D.s when they leave custody which identified them. He said an I.D. was required when looking for employment.

Justice Hardesty was concerned about timing. He asked how quickly the DMV supplied the I.D. for the offender. He asked if there were recommendations about shortening the length of time before they received their I.D.

Mr. Cox said they identified the fact that the I.D. needed to start from the point they were incarcerated in obtaining a social security number and birth certificate. He said the goal was to insure the individual had an I.D. upon release. He said they also followed up at the camps. The issue associated with obtaining birth certificates and the money and funding needed to do so have been helped by religious groups. He said there was a significant cost to obtaining birth certificates from different parts of the country.

Justice Hardesty said he hoped Mr. Cox would make recommendations to the Commission that might improve the system even further.

Mr. Cox said different states had different models on how they obtained I.D.s while still in custody. He said they were looking at those models. They also looked at the possibility of having the DMV help them on the parole and probation sites. He said the best process was issuing an I.D. the day they left custody, but they were not yet there.

Justice Hardesty said perhaps legislation enabling the NDOC to issue recognizable and useable I.D. would work.

Mr. Cox said the difficulty of obtaining, and the security associated with Nevada I.D., driver's licenses or Nevada state IDs was significant. He said they had to comply with a number of federal regulations and laws. He said he also worked with the Mexican Consulate about their family I.D.s. He said there was an enormous amount of regulations and security items associated with every I.D. issued in the state.

Chair Segerblom opened discussion on Agenda Item X, a presentation by the State Board of Parole Commissioners

Ms. Bisbee said in general, parole grant rates were about 61 percent, (Exhibit J). They held over 8,000 hearings a year and had a board of seven people. She said the Board had the same members for the past 5 years.

Chair Segerblom asked Ms. Bisbee if there were things she specifically she needed.

Ms. Bisbee said the Parole Board budget was \$2.3 million dollars. She said that was approximately one percent of the NDOC budget.

Chair Segerblom asked how many applications the Parole Board did in one year.

Ms. Bisbee said last year they heard 8,600 hearings. She said they also worked with the Nevada Sex Offender Registry and sit on the committee that hears all the tier panel reviews. They supported the Nevada Board of Pardons. She said the Board took huge staffing cuts in 2009. She had a staff of 21 people and lost 3 people. She said A.B. 529, the Adam Walsh bill, was ready to be implemented in the next 6 months. She needed the program officer and administrative position staffed in order to comply with the law.

Justice Hardesty asked Ms. Bisbee to expand on the support to the Pardons Board and how many people requested relief from the Pardons Board.

Ms. Bisbee said approximately 900 on average went through the application process on the inmate side. She said in addition, they received requests throughout the year from the community asking for restoration of rights.

Justice Hardesty said there was a Pardons Board meeting on November 18, 2013. He asked how many of the 900 to 1,000 applicants made it to the agenda.

Ms. Bisbee stated the Pardons Board had approximately 20 community cases and 3 inmate cases.

Justice Hardesty asked Ms. Bisbee to define community cases and inmate cases.

Ms. Bisbee said the community cases were people who had been in the community successfully for quite a long time or were never incarcerated. She said they were asking for the return of all the rights they would have prior to their crime. The inmate cases tended to be drug cases. She said they often had huge sentences, were successful in prison, and were asking for some relief to very large sentences.

Ms. Bisbee said many of the 900 to 1,000 requests were from people who did not qualify or meet the criteria.

Justice Hardesty asked if it was because of limited staff and limited budget.

Ms. Bisbee replied they did what the Pardons Board wanted them to do.

Justice Hardesty asked if the budget projections were prepared by JFA calculations. He asked for the summaries of their reports.

Ms. Bisbee said she would supply him with the reports. She said S.B. 104 and S.B. 71 were the only bills that impacted her Board.

Justice Hardesty asked about the status of aggregated sentencing.

Ms. Bisbee said it had been worked on for many years. She said aggregated sentencing started in 2009. She said they looked at consecutive sentences. She said the purpose was to aggregate sentences. It said an inmate had to meet the minimum on all the cases before going to the Parole Board. As an example, she said if the sentences were three, five to ten years; the person did 15 years before appearing at the Parole Board. She said it sometimes cut back on the time an inmate did. It was beneficial to victims because they did not have to go to hearings every few years. She said it was promoted as more of a "truth in sentencing". She said it would become effective July 1, 2014, for newly sentenced inmates. An opt-in was available to other inmates. She said she had not heard any negative victim statements. She said all change was difficult, but everyone was working together.

Mr. Brower asked Ms. Bisbee why a convicted murderer was up for parole. He asked why the murderer was not sentenced to a determinate term in prison.

Justice Hardesty said the aggregate sentencing was a patchwork against the greater issue of the sentencing schemes in Nevada.

Ms. Bisbee said sentences often depended on the mood of the Legislature, which was the mood of the people. She said they had to look at what was fair, true justice for crime, and the practicality of affordability,

Justice Hardesty said they had the resources and history available to make prudent decisions about sentencing links, consecutive sentences, and mandatory sentencing. He said sometimes commissions and committees were intimidated by the cost associated with the studies.

Ms. Bisbee agreed with Justice Hardesty. She said the history and intellect was available in the State.

Chair Segerblom opened discussion on Agenda Item XI, a presentation by the Division of Parole and Probation.

Chief Bernard W. Curtis, Division of Parole and Probation, said Robin Hagar, Administrative Services Officer, and Tony DeCrona, Deputy Chief for the Northern Command, were present for the discussion. He said the presentation, Exhibit K, had been made to most of the members in past years. He said his budget was \$41.6 million and \$42.3 million for the biennium. Previous budgets were about \$110 million to \$120 million. He asked if the Commission had questions for him before he discussed A.B. 423 and its impact on Parole and Probation. He said the division had approximately 19,000 offenders throughout the state. He requested the members go to page 6 of Exhibit K.

Justice Hardesty said the last Commission made a recommendation urging the Legislature to increase funding support for Parole and Probation. He asked for a record of the Legislature's response to the recommendation.

Chief Curtis said they had a salary increase, but no increase of the budget.

Justice Hardesty said it would be useful specifically dealing with P&P to know the exact response of the Legislature to that recommendation and connect it with the budget going into the session, and the final amounts. He also requested the JFA reports.

Chief Curtis said he would supply the information. He discussed staffing ratios, and office locations as outlined in Exhibit K.

Mr. Kohn asked about the 90 civilian staff in Las Vegas. He asked if the civilian staff wrote the probation reports.

Chief Curtis said they did not write all the Presentence Investigation Reports, (PSIs). He said 45 civilians wrote PSI reports.

Mr. Kohn asked what percentage of the case load was generated by Clark County.

Chief Curtis replied a large proportion of the case load was generated by Clark County. He added that there was a percentage chart in Exhibit K.

Ms. Hager said Clark County generated over 70 percent of the PSI reports.

Mr. Kohn said by statute, or by operational law, the County paid 70 percent of the costs of the reports. He asked what percentage of all the reports generated by P&P emanated out of Clark County.

Ms. Hager said it was over 70 percent.

Mr. Siegel asked about the numerical attrition as shown on page 8 of Exhibit K. He said it discussed quality of staffing as well as quantity.

Chief Curtis said page 8 referred to sworn staffing, the officers on the street and the administrative personnel who were sworn officers. He said they had approximately a 10 percent vacancy rate. He said they constantly hired people to fill positions throughout the Division. He said many employees were retiring or going to jobs with more money.

Mr. Siegel asked about the 1 percent success rate on page 8 of Exhibit K.

Chief Curtis said it was the screening process to hire new officers. He said they had an extensive background process.

James Wright, Director, Department of Public Safety, Department of Parole and Probation, said the department took an aggressive approach to hiring officers. He said they doubled the academies to 50 persons and did two academies a year. He said it was difficult getting the candidates through the process. He said they had 3,000 applicants to get 50 in the class.

Chief Curtis said the 1 percent was the number who got through all the mental health evaluations, the physical evaluation, the polygraph, and the background checks.

Mr. Siegel said P&P was squeezed between very substantial hiring criteria and salary factors. He asked if the situation had gotten worse for the department.

Chief Curtis said they were not competitive in salaries. Washoe County and Clark County offered higher salaries.

Justice Hardesty asked for a report showing the salary levels and those offered by competing agencies. He said it was a significant difference.

Chief Curtis said P&P's salaries were tied-in with the Highway Patrol.

Director Wright said they tracked the numbers constantly and had an exit exam asking why people left the department. He said it was not always salaries.

Justice Hardesty asked how frequent salary was an issue.

Mr. Wright responded approximately one half listed pay or benefits as a reason for leaving.

Ms. Masto said the human resource department personnel did an exit interview for every state employee who left and provided a quarterly report for the executive branch agencies of their reasons for leaving. She said the report was available to the public or the Commission.

Justice Hardesty asked Ms. Masto if the report was broken down by agencies. He asked her for the report.

Chief Curtis continued his presentation of Exhibit K. He opened the discussion on A.B. 423. He said the legislation was initiated to allow defense attorneys more time to review the PSI reports. He said a fiscal note was attached to the bill, but by the time the session ended, their budget was passed and closed. He said no funding was provided to increase staff levels. Director Curtis said several other items occurred at the same time including Clark County remodeling the detention center and the elimination of numerous housing facilities for inmates. He said there was a drop based on JFA projections of PSI writers. He said it created an issue for P&P as well as the Clark County detention center. He said working days subtracted time to complete the project. Dispositions were a concern and part of the issue was not controlled by P&P. They understood there was a huge number throughout the state that was never entered into files. He said at one point a court had over 600,000 not entered in the last 20 years. They had to produce the PSIs quickly. He said 7 working days was standard throughout the state. He referred to page 11 of Exhibit K showing the impact from A.B. 423. He said 7 working days prior to sentencing allowed about 15 days for completing a PSI. He said it was an impossible task to complete. He said 21 working days in the example in Exhibit K required the PSI be delivered before it was received. He said the majority of the impact was in Clark County.

Mr. Kohn said he never saw a sentencing within 30 days. He referred to page 13 of Exhibit K and NRS176A.100. He said over the course of the last four years 60 days was the standard for sentencing in every in custody case.

Kim Madris, Deputy Chief, Parole and Probation in Las Vegas, said timelines noted in the exhibit are for the rest of the state. They have worked with Parole and Probation extremely well. Their out of custody time lines for the past four years was between 90 and 120 days. She said at one time they did not do PSI reports for gross misdemeanors for the Southern Command because at one time they had a backlog of over 500 cases.

Mr. Kohn said in September she sent a number of letters to the District Attorney where they moved cases out beyond the 60 days to the end of December. He asked how many cases were completed and she replied approximately 24 cases.



Ms. Madris said in her absence it was decided to ask for 90 day continuances for in-custody cases. She said that was unacceptable and she adjusted it so no in-custody case was continued. She said if it had to be continued a very detailed letter would be forwarded with the file explaining why it required a continuance. She said the Southern Command division received more referrals for PSIs than they can complete. Each PSI writer was required to do 18 reports per month. She said PSIs were assigned up to 90 days in advance. She said they lost 10 positions which required all the cases previously assigned be reassigned to the remaining writers who already had a full complement of PSIs to write. She said since September they have put forth every resource possible to resolve the issue.

Mr. Kohn said there was not a single case continued outside of Clark County.

Ms. Madris deferred to Mr. DeCrona to answer that question.

Mr. Kohn said in every other command but Clark County the writers were in court to help explain the decisions.

Ms. Madris replied the civilian employees were in court.

Tony DeCrona, Deputy Chief, Northern Command of Parole and Probation, said they did have specialists in court. He said it was based on a 2007-2008 time study conducted throughout the agency. He said 16 reports must be completed by each specialist in the Northern Command versus 18 in the Southern Command. He said because of a misinterpretation of how the law was interpreted in the North, there were approximately 18 reports submitted late within the first week. He said some of the specialists covered multiple counties.

Mr. Kohn said in the South they were given more time to do a report. He said they cannot complete the reports within 60 days. He said in September the jail reported it took 80 days from the time of entering a plea until the case was sentenced because of the P&P reports.

Mr. DeCrona said they did not get 30 days. They had 35 to 60 days and did not have a hard rule of 30 days.

Chair Segerblom asked if the PSIs were done faster in the North.

Mr. DeCrona said the writers had less to do than in the Southern Command.

Mr. Kohn asked why there were so few writers in the Southern Command. They had 70 percent of the cases with less than 50 percent of the personnel.

Judge Barker said he was trying to work with P&P, but it was frustrating for the bench to have letters of request for continuances.

Chair Segerblom asked if the people were in jail.

Judge Barker said he wanted an accurate and complete state-wide picture of the issue in respect to requests for continuance. He referred to Exhibit L sent to all the judges. He said the blanks were ones who did not report back. He said all the continuances requested were in Clark County.

Mr. Jackson said last interim the Commission unanimously agreed Parole and Probation was understaffed and underfunded. A letter was drafted and sent January 7, 2013 to Governor Sandoval discussing the need for additional funding and staffing. The issues will continue regardless of A.B. 423. He referred to page 10 of Exhibit K which stated the legislation was initiated in order to enable defense attorneys to have more time to review the PSIs. He said factual disputes were an issue. He said a prosecutor highlighted the reasons why an offender should receive a jail sentence. It was the defense attorney's job to highlight the mitigating circumstances. He said defense attorneys had the duty to conduct independent investigation to put on mitigation evidence on behalf of their client. He said any disputes resolved prior to the hearing benefit the defense and the defendant, and also the judge and prosecutor. He recommended a letter be drafted to the Interim Finance Committee highlighting the understaffing and under funding. He disagreed with Mr. Kohn concerning the violation of the law as referred to in NRS 176A.100. He said under NRS 176.015, Subsection 1, a sentence must be imposed without unreasonable delay. He said it was a reasonable delay for a sentence to occur in more than 45 days. He did not think the statute was enacted to put a 45 day time line on all of the reports. He gave numerous examples of longer sentencing times. He said he did not find any case in Douglas County where sentencing was set out 30 days. He said it was very rare for 45 days. He said 8 to 10 weeks was typical. He added the other issue was the fiscal impact on the county jail the longer a person was in custody. He said he agreed on protecting and serving the rights of the defendants.

Mr. Curtis said nobody disagreed with Mr. Jackson. Resources were tight in this state. He said at one time 532 people worked for the Division, and currently there were 460 employees. He added caseloads had risen.

Mr. Wright understood there was a problem. He said they asked what caused the problem. He said the Division had probably provided the JFA formula wrong numbers. He said for years they presented completed cases versus the referral work load they were given. The numbers were skewed and the JFA calculations they received were occasionally off 100 to 200 a month. He said they were working with LCB, the budget office, and direction given to the Division that anybody capable of writing a PSI when on light duty needed to do so. He said they were looking at implementing additional staffing to deal with the problem. He was in favor of support from the Commission with letters to IFC. He said they were actively pursuing answers.

MR. JACKSON MOVED THE COMMISSION DRAFT A LETTER TO THE IFC  
SIMILAR TO THE LETTER SENT TO GOVERNOR SANDOVAL REGARDING  
UNDERSTAFFING AND UNDERFUNDING AND REQUESTING SUPPORT FOR

PAROLE AND PROBATION.

JUDGE BARKER SECONDED THE MOTION.

Mr. Siegel asked if the motion was specifically referring to PSIs or more general.

Mr. Jackson said the motion was related to the PSIs.

THE MOTION CARRIED.

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Justice Hardesty asked what the exact allocation of PSI writers was in the North, South, urban and rural areas.

Ms. Hager said in Clark County they had 59 percent of the PSI writers.

Justice Hardesty said when the request was presented to the IFC for additional funding, it might be important to point out that charging the county 70 percent when only providing 59 percent was awkward.

Mr. Curtis said the calculation was based on the cost to Clark County. He said every county in the state was provided with a cost of 70 percent for the PSI service and it was individualized for the 17 counties.

Justice Hardesty said they were still charging them based upon that portion of the budget, but it was less than what the PSI writers provided. He understood the 70/30 was a statewide split.

Ms. Hager said Southern Command had 22 specialists III, and 6 specialists IV. She said the 22 writers did 18 PSIs each per month and the specialists IV do 13 each per month. She said everywhere else Northern Command, urban and rural, the specialists III and IV each do 16 PSIs per month. Northern Command, Reno, had 8.49 specialists III and 2 specialists IV; Carson City and Fallon had 3 specialists III and 1 specialist IV; Elko, Tonopah, Pahrump, Ely, and Winnemucca had 5.49 specialists III.

Justice Hardesty said the problem had a rippling effect throughout the rest of the criminal justice system. He said the jails were backed up causing increased costs. There was additional cost to the system in repeated delays and imposition for the victims, or lawyers or other witnesses involved in the case. He was concerned about defendants constitutional rights to be timely sentenced. He was concerned the problem had reached a stage where a defendant was going to come forward with a lawsuit saying the system was so underfunded it created a constitutional jeopardy to the defendant's right to a timely sentence. He said they needed more resources. He

thought the JFA projections were wrong. He was interested in receiving an assessment of the deviation from projections used in May versus what the projection should have been.

Ms. Hager said she had the analysis to use when they go to IFC to ask for more staff.

Justice Hardesty said in an effort to try to deal with the problem, Director Curtis looked at what portions of the PSIs could be removed. He said the District Court judges informed him the less information the judge had at sentencing, the worse sentence was imposed.

Mr. Curtis said they were having great difficulty obtaining dispositions from many of the courts in this and other states. He said in an economic downturn, the people terminated were often the records people in many areas.

Justice Hardesty said if courts were not reporting sufficiently, the Commission ought to get a report to that effect. He said they needed to know about reporting problems from districts in order to effectuate improvements in those areas.

Mr. Curtis said he had a report in his office he would send to Justice Hardesty.

Ms. Masto asked Mr. Curtis about the fiscal note attached by Parole and Probation to A.B. 423.

Mr. Curtis said Parole and Probation's budget closed and A.B. 423 passed without the fiscal note.

Ms. Masto said the funding they were seeking was for additional positions. She asked if the positions were specific to southern Nevada.

Mr. Curtis said they were statewide positions, but it was mostly southern Nevada.

Ms. Masto said they were seeking 21 positions. She said they needed to all go to the Legislature and the Governor as a united front. She requested Mr. Curtis provide the positions he needed at the next meeting with the fiscal impact attached.

Mr. Curtis said they could pare their needs as far as vehicles were concerned, but the need was mostly staff expenses for 21 additional writers. He said they were working on a solution different from the discussion today.

Justice Hardesty requested detailed statistics on the number of individuals under supervision and the number of PSI reports requested and written.

Mr. Curtis said the numbers listed in the report (Exhibit K) were current.

Justice Hardesty asked what the recommended national supervision rate of high risk individuals was, and what Parole and Probation's rate of supervision was.

Mr. Curtis said the supervision ratios were 45 to 1 or 30 to 1 depending on the intensity of the supervision. He said it was 80 to 1 on a general case load. He said there were 1,048 individuals in the southern command without supervision.

Justice Hardesty asked what the 1,048 crime range included.

Mr. Curtis said they ran the gamut from E felonies, gross misdemeanors, and people with the least risk to society. He did not have a recommended national average.

Mr. Digesti asked if the writers failed to meet the quota of cases written in a month was there any negative impact on the writer's personnel jacket.

Ms. Hager deferred the answer to Ms. Madris. She said when the time study was completed in 2007-08, it took into account the sick leave and annual leave, but not furloughs.

Mr. DeCrona said in the event a person deliberately failed to meet their mandated number; it could result in counseling or disciplinary action. He said if it was something outside their control, long term illness for example, it was not held against them.

Mr. Digesti said not meeting the quota could be because of the caseload and amount of work. He said the quality of the product could be lessened due to the preset quota required of the writers. He said he found the recent PSI reports were very thin reports. The shorter the report, the less information, the greater was the chance for a harsher sentence. He said the quality of the report was important and significant. He said previously they discussed patterning the reports along the lines of the federal system. He said it was a common problem and if everybody worked together they could achieve some nice results. He did not want to see one agency pointing fingers at another agency. He said he hoped if there were factual disputes concerning information in the reports, the disputes could be resolved before going to court. Mr. Digest said the federal system gave the defense lawyer a certain number of days to lodge, in writing, his objections with the department of parole and probation that authored the report. He said if the disputes could be worked out, typically a supplemental PSI report prepared and attached to the original report. If the disputes cannot be resolved, then the judge becomes involved in the determination. He said the Commission could look to the federal system for help. He said 90 to 120 days for sentencing was not unusual in the federal system. He did not want to sacrifice anyone's constitutional rights because of the financial impact it may have on the county facility. He commended Chief Curtis and his staff on the work.

Mr. Curtis said they did not want secondary quality at the state level. He said they did not want to become a production line, quality was important to the Division.

Mr. Digesti said his comment was to emphasize in some fashion the importance of a good presentence investigation and report to the court before going to court for sentencing.

Mr. Callaway commented on the jails. He agreed the constitutional rights of defendants took priority among all else and having an efficient system in place took priority. He said in Clark County tax payer cost was almost one half million dollars a year. He said they had 474 inmates in jail awaiting sentencing at an average cost of \$140 a day. He said the money was paid for by tax payers in the community. He said the jails were seeing both a fiscal and over-population impact. It was very important and ranked with the rights of the defendants.

Mr. Cox said they met with the Sheriff and his staff concerning some of the things the NDOC could do. They expanded the OPEN program. They had a discussion about beds at Casa Grande if the jails had to release people. He said they also had beds at the boot camp. They were working on an interlocal agreement about how they allowed the public defenders into the facilities to make it easier for them. He said they sent PSI reports electronically in the Eighth Judicial District.

Mr. Digesti said he did not mean to suggest as a Commissioner he was not concerned about the financial impact. The context about the statement was as a defense lawyer when he went to court for purposes of sentencing. He went to court to advocate his client's interests and protect him or her to the best of his ability. He said when he was a sworn officer of the court as a defense lawyer, he did not have any concern for the financial impact on any detention facility.

Mr. Kohn said his first concern was for the client and being in jail too long. He said Mr. Jackson pointed out an interesting situation concerning the NDOC. He said if you add one more person to the Department, it did not add the same dollar amount. He said Clark County was in a perfect storm and the jail had construction issues. He said the jail had to buy spaces in other community jails to place inmates in Clark County. He said it was incredibly expensive to Clark County.

Chair Segerblom said they understood there was a problem. He opened discussion on Agenda Item XII, potential topics, dates and locations for future meetings.

Justice Hardesty wanted the Commission to focus on the primary missions and goals dealing with the examination of the sentencing structure in the state and its impact on related agencies. He said earlier Commissions had the benefit of some funding by the Pew Foundation for a report by Dr. Austin. He urged they re-approach Pew for assistance in updating the report. He asked for a sentencing review identified in the last report but not acted upon. He asked for permission to ask for funding from Pew.

MR. SIEGEL MOVED TO ACCEPT THE SUBSTANCE OF JUSTICE HARDESTY'S REQUEST TO APPROACH THE PEW FOUNDATION FOR ASSISTANCE IN FUNDING ISSUES WITH THE ADDITION OF SENTENCING AND CLOSELY RELATED ISSUES.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION CARRIED. (MR. JACKSON VOTED NO.)

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Mr. Jackson asked if there was anybody else who was concerned about fairness and impartiality.

Chair Segerblom mentioned January for the next meeting.

Justice Hardesty said the Commission was assigned some statutory tasks and he suggested they receive presentations at the next meeting from people in the best position to offer the information. He mentioned a review of the arrestee DNA questions posed by the last session as well as an overview of the language access question. He requested those items be included on the Agenda. He also mentioned the Attorney General or Mr. Jackson could assist in determining the best presenters on the DNA issue. He said he would reach out to Justice Douglas concerning the language access question.

Mr. Siegel said there was a choice between operating as a Committee of the Whole and creating one or more additional subcommittees on the topics Justice Hardesty discussed.

Justice Hardesty said there were strong views on the Commission and he preferred looking at the issues as a Committee of the Whole.

Chair Segerblom said people could send proxies in their place if they were unable to attend.

Mr. Pierrott said the Division had two topics they wanted to discuss this year. They wrote a Bill Draft Request for GPS to better monitor offenders under house arrest. They also wrote another one for changes in lifetime supervision. The changes in lifetime supervision were presented last year to the Commission, but they wanted further discussion and support from the Commission members, or a sponsor for their BDRs. He said they could better supervise the offenders with the GPS.

Chair Segerblom said his intention was to have a sex offender Adam Walsh subcommittee. He said they could put those issues on the agenda.

Chair Segerblom opened the meeting for public comment.

Ron Cuzze, President, Nevada State Law Enforcement Officers Association, said today's topic concerned Parole and Probation. He said in past years his association "buted heads" with the Commission and did it quite well. Today, he offered their services to the Commission or a

subcommittee to bring forth what the department and Division cannot do and that was the employees and their problems.

Chair Segerblom said Mr. Cuzze or his designated representative would be on the subcommittee.

Mr. Cuzze said they would be happy to work with the committee on any issue.

Chair Segerblom asked if there was further comment. As there was none, he adjourned the meeting at 1:19 p.m.

RESPECTFULLY SUBMITTED:

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Olivia Lodato, Secretary

APPROVED BY:

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Senator Tick Segerblom, Chair

DATE: \_\_\_\_\_



**EXHIBITS**

**Committee Name: Advisory Commission on the Administration of Justice**

**Date: November 6, 2013**

**Time of Meeting: 9:30 a.m.**

	Exhibit	Witness/Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Michelle Ravell	NV CURE
	D	Mr. Anthony	Subcommittees
	E	Mr. Anthony	2013 Bills
	F	Mr. Anthony	2013 Legislative Impact
	G	Mr. Anthony	Final Report 2013
	H	Mr. Sisco	NDOC Presentation
	I	Mr. Sisco	Summary of Bills
	J	Ms. Bisbee	Parole Board Presentation
	K	Chief Curtis	Parole and Probation report
	L	Judge Barker	8th Judicial District Court report