

*System of Parole and Probation
in Nevada*



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SYSTEM OF PAROLE AND PROBATION IN NEVADA

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SUMMARY OF RECOMMENDATIONS

The Legislative Commission's Subcommittee to Study the System of Parole and Probation in Nevada recommends the following:

STATE BOARD OF PAROLE COMMISSIONERS

Monitoring the Operation of the State Board of Parole Commissioners

1. Amend *Nevada Revised Statutes* (NRS) 213.10885 to require that the State Board of Parole Commissioners (Parole Board) comprehensively review and reevaluate every 2 years the standards utilized to determine whether an inmate should be released on parole. The review should include a determination of whether the predicting factors are still effective. In addition, require that the Parole Board make available to the public its form that is based on these standards ("Parole Success Likelihood Factors"). Finally, the Parole Board shall report to each regular session of the Legislature the conclusions of the review and provide any changes in its standards, policies, procedures, or forms adopted pursuant to the review. (BDR 16-180)
2. Amend Chapter 213 of NRS to require that the Parole Board compile and maintain parole outcome measures and detailed information regarding its parole decisions, including the status of parolees in the system and the number and reasons for parole approvals, denials, and revocations. The research compiled should be a factor in the Parole Board's policy development and decision-making. (BDR 16-180)
3. Amend NRS 233B.039 to remove the Parole Board from the list of agencies exempted from the requirements of Chapter 233B. (BDR 16-180)
4. Include a statement in the final report recommending that the Chairman of the Parole Board meet at least semiannually with the administrative staff of the Division of Parole and Probation (Division) to develop methods of coordinating efforts to undertake joint planning, and to agree on means of implementing and evaluating such plans. In addition, the Chairman of the Parole Board should meet at least annually with representatives of local law enforcement, district attorneys, and the courts to develop methods of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans. Finally, the Chairman of the Parole Board should initiate quarterly meetings with

the Director of the Department of Prisons (Department) and the Division's field staff through conferences, seminars, and visits to field offices. Require that the Parole Board provide a report regarding these meetings prior to each session of the Legislature.

Include a statement in the final report stating that this recommendation is not intended to dictate the rate at which inmates are to be released on parole. The intention is to provide education on the operation and programs of the Department, the Division, and the Parole Board; and to increase communication between these agencies.

Terms of Members

5. Amend Chapter 213 of NRS to require staggered terms for the members of the Parole Board. Initial terms will be varying lengths to create staggered terms. Subsequent terms will be 4 years, as required by statute. (BDR 16-180)
6. Amend NRS 213.1087 to eliminate the limitation to two 4-year terms for members of the Parole Board. (BDR 16-182)

Ratification of Parole Board Decisions

7. Amend NRS 213.133 to allow two commissioners to approve the final decision on any issue before the Parole Board (including parole applications and revocation hearings) involving crimes with a penalty of 1 to 6 years or less, without approval of the majority of the Parole Board, except in those circumstances regarding capital offenses and other violent crimes specified under subsection 6 of NRS 213.113. For all other crimes (except those listed in subsection 6 of NRS 213.133), review and concurrence by a minimum of three commissioners is required, without approval of the majority of the Parole Board. Existing law under subsection 6, which requires a panel of three commissioners and approval of the parole decision by a majority of the Parole Board, will not change. (BDR 16-181)

Training

8. Amend NRS 213.1088 to require at least 40 hours of orientation for Parole Board members and add the hearing representatives to the orientation requirement. Expand the information presented during the orientation required under NRS 213.1088 to include an historical perspective of the agency goals and objectives, programs, procedures, policies and regulations, job responsibilities, personnel policies, and the role of the Parole Board in the criminal justice system in Nevada.

In addition, amend NRS 213.108(6) to require that each member of the Parole Board and each hearing representative attend 40 hours of annual training. The training should include continuing education relating to their function, decision-making skills, new changes in the law, court decisions, correctional policies and programs, communications skills, problem solving, reports on research, and specialized training on their roles in the criminal justice system. Require that the Chairman of the Parole Board develop a written training and staff development plan for all Parole Board members and hearing representatives. (BDR 16-180)

Travel by the Parole Board

9. Include a statement in the final report supporting the implementation of procedures designed to reduce the amount of travel time spent by parole commissioners while attending parole hearings. The Parole Board should investigate the possibility of utilizing available technology, including video conferencing, to have more frequent meetings without the necessity of travel.

Timing of Parole Eligibility Hearings

10. Include a statement in the final report supporting the implementation by the Parole Board of new procedures that will require parole application hearings to be conducted at least 90 days prior to the date an applicant is eligible for actual release. Under this procedure, all Parole Board decisions in favor of granting a parole should be issued contingent upon continued good conduct and verification that the applicant has presented a truthful and viable parole release plan.
11. Include a statement in the final report supporting the implementation by the Parole Board of a new policy which, absent extraordinary circumstances, eliminates 6-month parole denial periods in favor of a minimum 1-year parole denial.

Parole Eligibility Lists

12. Include a statement in the final report supporting the addition of a numerical score based on the categories of crimes in NRS to the parole eligibility lists indicating the applicant's relative criminal history. The score should be added as a component of the pre-sentence investigation report completed by the Division of Parole and Probation.

Victim Notification

13. Include a statement in the final report supporting the implementation by all prosecuting offices in Nevada of a standard operating procedure through which all victims of crime (including victims of crimes that were dismissed pursuant to plea agreement), at or before the time the offender is sentenced, are provided with a victim impact and parole application notification request form, and that all other interested persons who so request are provided with a parole application notification request form. To implement this recommendation the Parole Board should develop a standard request form for use by non-victims who wish to receive notification of parole proceedings.

DIVISION OF PAROLE AND PROBATION

Policies and Procedures of the Division

14. Amend Chapter 213 of NRS to require that the Division contact an offender released on parole within 5 days of his release from prison, unless waived by the Chief of the Division. Include a statement in the final report recommending that the Division implement a policy requiring the offender to contact the Division within 24 hours of release. (BDR 16-183)
15. Amend Chapter 213 of NRS to require that the Division review every 6 months the classification level of parolees and probations. Classification is the process of evaluating each individual's case to determine the appropriate supervision level and program needs of the individual offender. Each review shall specify the reasons for changing or maintaining the offender's classification level. (BDR 16-183)
16. Amend NRS to require that the Division of Parole and Probation conduct a risk and needs assessment for classification of all offenders prior to their scheduled appearance before the Parole Board. Include a statement in the final report noting the Subcommittee's concern for the potential fiscal impact of this recommendation, which will receive further consideration during the 1997 Legislative Session when

an analysis of that impact is available. In addition, include a statement in the final report recommending that the Division, the Parole Board and the Department of Prisons work together to develop a single classification instrument. (BDR 16-183)

17. Amend NRS 213.1076 to increase the minimum supervision fee charged by the Division to \$30. (BDR 16-183)

Caseload Sizes and Minimum Contacts with Offenders

18. Include a statement in the final report recommending that the Division apply for grant money from the National Institute of Corrections and similar criminal justice organizations to hire a professional consultant to conduct a time study of agent workloads to determine the appropriate allocation of staff based on supervision levels and monthly contacts, which may be increased based on the results of the study. If grant funding is not available, the subcommittee supports the Division seeking an appropriation (included in the Executive Budget presented to the 1997 Legislature) to the Department of Administration to oversee the hiring of a consultant to conduct the study.

An additional component of the study, based on the results of the time study, should include an evaluation and revision, if appropriate, of the classification and risk assessment instrument ("Initial Assessment of Client Risk") currently used by the Division. The results of the study should be utilized in the development of performance-based measures to provide a mechanism for assessing what the Division does (including monthly contact minimums) and how well it performs its duties. The measures should provide a foundation for the Division's budget. The Division must complete the study and prepare performance-based measures by August 15, 1998, in preparation for its budget in Fiscal Years 1999-2000 and 2000-2001. A full report must be prepared for the 1999 Legislative Session.

19. Include a statement in the report recommending that the Department of Administration increase the Division's personnel and equipment to meet the public's expectation regarding the role of the Division.

Salaries

20. Include a statement in the final report supporting a study comparing the salaries of the Parole Board's commissioners and the Division's officers with their counterparts at the local level, in other states, and at the federal level.

21. Amend NRS to require a parole and probation officer to reimburse the cost of initial training if the employee voluntarily leaves his employment within 2 years of receiving the training. Include an exception for taking another position with State Government, illness, hardship, involuntary termination, and similar circumstances. Provide that a statutory lien is created against any money due to the employee from the state until the matter is resolved. (BDR 16-183)

Computer Equipment for the Division and in the Courts

22. Include a statement in the final report supporting continued review and possible funding to procure the equipment and software necessary to implement an integrated computer system for the Division and the criminal justice system.
23. Include a statement in the final report supporting a study by the Administrative Office of the Courts, in conjunction with the Department of Motor Vehicles and Public Safety and the Department of Prisons, identifying the equipment needed to bring Nevada's criminal courts on-line with the Repository, which will enable sentencing courts to instantaneously transmit information to the central repository at the time of sentencing and to receive information from the Repository. Depending upon the results of the study and the availability of funding, procurement of additional equipment and staff may be supported.
24. Include a statement in the final report supporting notification of the Nevada Criminal Justice Information System by the Department regarding an inmate's release on parole immediately prior to that release. In addition, support an automatic "hold on bail" placed on behalf of the Division on any parolee or probationer arrested for a criminal violation. The automatic hold should be effective for a maximum of 24 hours pending notification to the Division and a determination by the Division whether the hold should be continued and revocation procedures initiated.

DEPARTMENT OF PRISONS

System for Awarding Good Time Credits

25. Include a statement in the final report recommending a study of the system for awarding good time credits by the Department and the Office of the Attorney General. The preliminary results of the study and any recommendations with regard to good time credits should be made available prior to the 1997 Legislative Session.

Programs within the Department

26. Include a statement in the final report supporting a review of the adequacy and effectiveness of the Department's programming opportunities, with specific focus on the availability and adequacy of programs to combat illiteracy, as well as programs related to substance abuse. Depending upon the results of this review and the availability of funding, the subcommittee recommends that the Department should include in its budget adequate prison programs in these areas that are available to all Nevada inmates.

Certification for Release by the "Psych Panel"

27. Include a statement in the final report supporting the development of a standardized evaluation procedure, based upon written objective criteria, for determining whether to issue the "psych panel" certifications required for certain offenders prior to their release on parole.

CRIMINAL JUSTICE SYSTEM IN NEVADA

28. Include a statement in the final report supporting the development of protocols between local medical facilities and local and state law enforcement agencies which will allow for the timely sharing of information about offenders or crime victims who are hospitalized, and which will delineate procedures for detaining hospitalized offenders and for notifying law enforcement of an offender's proposed release.
29. Amend NRS 62.360 to allow sentencing courts direct access to juvenile court records that have not been ordered sealed in accordance with the law. (BDR 5-184)

**REPORT TO THE 69TH SESSION OF THE NEVADA LEGISLATURE BY
THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
THE SYSTEM OF PAROLE AND PROBATION IN NEVADA**

I. INTRODUCTION

The 1995 Nevada Legislature adopted Senate Concurrent Resolution No. 52 (File No. 163, *Statutes of Nevada 1995*, page 3036), which directed the Legislative Commission to conduct an interim study of the system of parole and probation in Nevada.

The Legislative Commission appointed a subcommittee consisting of the following ten legislators to conduct the study:

Senator William J. Raggio, Chairman
Senator Mark A. James, Vice Chairman
Senator Ernest E. Adler
Senator Sue Lowden
Senator Maurice E. Washington
Assemblyman Bernie Anderson
Assemblyman Max J. Bennett
Assemblyman John C. Carpenter
Assemblywoman Genie Ohrenschall
Assemblyman Larry L. Spitler

Legislative Counsel Bureau staff services for the study were provided by: Allison Combs, Senior Research Analyst; Gary Ghiggeri, Principal Deputy Fiscal Analyst; Scott G. Wasserman, Chief Deputy Legislative Counsel; Bradley A. Wilkinson, Principal Deputy Legislative Counsel; and Jeanne Peyton, Senior Research Secretary.

The subcommittee held four meetings in Carson City. All of the meetings were video conferenced between Carson City and Las Vegas, except for the fourth meeting during which the subcommittee voted on its final recommendations.

Testimony from representatives of the Division of Parole and Probation (Division), the State Board of Parole Commissioners (Parole Board), the Department of Prisons (Department), the Administrative Office of the Courts, the Office of the Attorney General, and local law enforcement focused on methods of improving the supervision of offenders released on parole and probation, the internal operation of the Division and the Parole Board, and the communication among members of the criminal justice system, including state and local law enforcement agencies and the courts.

The subcommittee adopted a total of 29 recommendations addressing issues in the following areas:

- Regular review by the Parole Board of its standards governing the release of inmates and statistical data regarding the success of inmates on parole.
- Terms of Parole Board members.
- Hearings of the Parole Board and ratification of its decisions.
- Training for Parole Board members.
- Victim notification.
- Minimum contact standards and classification levels for offenders under the supervision of the Division.
- Computer technology utilized to link the Division with other state and local law enforcement agencies and the courts.

The information in this document is designed to provide an overview of the background leading to the formation of the subcommittee and a summary of the issues and information considered by the subcommittee in adopting its final recommendations. The minutes from the meetings and any supporting documents considered by the subcommittee that are not contained in the Appendix are available from the Legislative Counsel Bureau's Research Library.

II. BACKGROUND

The operation of Nevada's criminal justice system was an important issue for the 1995 Legislature, as legislation designed to provide truth in sentencing and stronger penalties for repeat and violent adult and juvenile offenders was debated and enacted. With the death in May 1995, of Sparks Police Officer Larry Johnson at the hand of a recently released parolee, members of the Legislature determined that an in-depth examination of the system of parole and probation was necessary to evaluate perceived failures within the system, including a breakdown in communications between state and local law enforcement agencies, and to analyze methods of improving its efficiency. As a result, S.C.R. 52, which created such an interim study, was passed. (For more information regarding the circumstances surrounding the death of Officer Johnson, see the minutes of the June 8, 1995, meeting of the Senate Committee on Finance, which are available in the Research Library.)

1995 Legislation Restructuring the State Board of Parole Commissioners

The 1995 Legislature also passed Assembly Bill 288 (Chapter 611, *Statutes of Nevada 1995*), which expanded the Parole Board from six to seven members. This measure also established qualifications for its members and case hearing representatives designed to ensure the balanced composition of the Parole Board by including individuals who represent all areas of the criminal justice system (see Appendix B). In addition, A.B. 288 requires that all decisions of the Parole Board be concurred in by four members (a majority), and that the Parole Board adopt by regulation the format for its hearing panels and specific standards for the release on parole of violent or repeat offenders.

Legislation Affecting Sentences for Felonies and the Application of "Good Time" Credits

Under Senate Bill 416 (Chapter 443, *Statutes of Nevada 1995*), the Legislature also reformed the method of sentencing and determining parole eligibility dates for offenders who commit felonies after July 1, 1995. Offenders convicted prior to this date are eligible for parole under the former law after serving one-third of the imposed sentence less any "good time" credits earned during the incarceration. Under the sentencing structure enacted in S.B. 416, a judge must sentence a person convicted of a felony to both a minimum and a maximum term of imprisonment within the limits prescribed by statute for the crime.

After serving the minimum sentence, which is not reduced by any credits earned during incarceration, the offender is eligible for parole. If the offender is not granted parole during his incarceration, he must serve his sentence until its expiration, which occurs after the offender has served the maximum sentence, as reduced by any credits earned. The minimum sentence imposed must not be more than 40 percent of the maximum sentence, but can vary within the statutory range at the discretion of the judge.

In addition, S.B. 416 places each felony in State law into one of the following five categories based on the type of sentence that may be imposed:

- *Category A* contains the felonies for which the judge may impose a sentence of life or life without the possibility of parole. Felonies carrying a potential sentence of death are also included in this category.
- *Category B* contains the felonies for which the judge may impose a sentence that is not less than 1 year nor more than 20 years.
- *Category C* contains the felonies for which the judge may impose a sentence not less than 1 year nor more than 5 years.
- *Category D* contains the felonies for which the judge may impose a sentence not less than 1 year nor more than 4 years.
- *Category E* contains the felonies for which probation is mandatory, but the judge imposes an underlying prison sentence of not less than 1 year nor more than 4 years.

The implementation of A.B. 288, S.B. 416, and other criminal justice bills enacted in 1995, were reviewed by the subcommittee during the course of its study. (For a more detailed explanation of these measures, see the minutes from the October 16, 1995, meeting of the subcommittee.)

Community Supervision Programs Created in 1995

The 1995 Legislature authorized two new programs to shift certain nonviolent offenders from the prison system into strict supervision programs under the Division. The first program affects offenders at the time of sentencing. The second program affects inmates within the prison system.

Community Resource Centers

During the 1995 Legislative Session, two Community Resource Centers (CRC), one in Las Vegas and one in Reno, were recommended by the Governor and approved by the Legislature as pilot programs under the supervision of the Division to provide treatment, assistance, and training to offenders in an effort to reduce recidivism. The Legislature approved approximately \$1.38 million in General Fund support for the 1995-1997 biennium. According to the information supplied with the revised inmate projections for the Department during the 1995 Session, this program would reduce the prison population by an average of 61 inmates in Fiscal Year 1995-1996 and an average of 179 inmates in Fiscal Year 1996-1997.

According to testimony provided during the interim study, the CRC operated by the Division will provide within one location a standardized assessment of the needs of the offenders (probationers and parolees) including chemical abuse, education, and employment. The reduction in prison population is expected from the diversion of offenders whom the judges, prior to the creation of the CRC, would have sent to prison based on the recommendation of the Division. Under Nevada law, the Division is required to recommend an appropriate sentence to the court based on information compiled in the Presentence Investigation Report (PSI). Because of the creation of the CRC, the Division may recommend that certain offenders who receive "borderline" scores on the PSI, complete the CRC program rather than a prison sentence. Additional information regarding the operation of the program is provided in Appendix C.

317 Residential Confinement Program

Noting the success of the "305" Residential Confinement Program for inmates convicted of driving under the influence of alcohol or drugs, the Legislature approved Assembly Bill 317 (Chapter 444, *Statutes of Nevada 1995*), which authorizes the creation of a similar program involving nonviolent first and second time offenders. As codified under *Nevada Revised Statutes 209.392*, this measure authorizes the Director of the Department to assign to residential confinement offenders who meet the eligibility requirements, which include establishing a position of employment in the community, enrolling in a program for education or rehabilitation, or demonstrating the ability to pay for the cost of his confinement and meet any restitution obligation to any victim of his crime. These offenders continue their status as prisoners, but serve that time in residential confinement.

Under this program, the Director, after consulting with the Division, must establish the standards under which offenders are eligible. These standards must provide that the following conditions render an inmate ineligible for the program:

- Not eligible for parole or release from prison within a reasonable period;
- Recently committed a serious infraction of the Department's rules;
- Has not performed the duties assigned to him in a faithful and orderly manner;
- Has ever been convicted of a sexual offense or a crime involving violence;
- Has more than one prior felony conviction in Nevada or another jurisdiction;
- Has escaped or attempted to escape from an adult prison facility; or
- Has not made a good faith effort to participate in or to complete educational, vocational, or treatment programs ordered by the Director.

In addition to the staffing recommended for this program in *The Executive Budget*, the Legislature approved an additional Pre-release Supervisor requested by the Division to facilitate the successful operation of this program. Information supplied with the revised inmate population projections for Department during the 1995 Session indicated that the "317" Residential Confinement Program would reduce the average prison population by an estimated 141 inmates in Fiscal Year 1995-1996 and 148 inmates in Fiscal Year 1996-1997. Approximately \$1.05 million was approved by the Legislature to fund this program over the 1995-1997 biennium, with \$737,000 coming from the State General Fund and about \$310,000 generated by client charges and fees.

Following the 1995 Session, disagreement between the Department and the Division regarding the eligibility requirements for the program resulted in fewer participants than projected. As the population of the prison began to exceed the projected number of inmates, the subcommittee requested regular updates on the operation of the program and the efforts of the two agencies to reach an agreement regarding the eligibility of the inmates. Appendix D contains a memorandum of understanding between the two agencies regarding the "317" Residential Confinement Program.

Meetings of the Subcommittee

During its first meeting (October 16, 1995), the subcommittee conducted an intensive review of the procedures, policies, and forms utilized by the three agencies involved in the decision to parole an inmate: the Division, the Parole Board, and the Department. In addition, former administrators from the agencies provided an historical perspective on the growth and role of the agencies within the criminal justice system.

The second meeting of the subcommittee (January 16, 1996) focused on the recommendations submitted by the Criminal Justice Task Force (Task Force) which was appointed by Governor Robert J. Miller and directed to analyze public safety and the effectiveness of law enforcement. In its report "Improving the Criminal Justice System in Nevada: A Plan for Action," which was released in October 1995, the Task Force made recommendations affecting the operation of parole and probation in Nevada (see Appendix E for an executive summary of the report). During its meeting, the subcommittee reviewed these recommendations in conjunction with testimony from the affected agencies regarding their evaluation of and ability to implement the proposals.

On February 27, 1996, the subcommittee invited a national expert on parole agencies to testify. Gail Hughes, Executive Secretary for the Association of Paroling Authorities International, provided an overview of the structure and operation of parole agencies in other states in comparison to Nevada's system, and suggested various options for improving the efficiency of the Parole Board. Mr. Hughes' recommendations included changes in the tenure and training of the members, the utilization of hearing officers, and the timing of parole hearings. Additional topics addressed during the meeting included the collection of assessment fees by the court system, and an update on the operation of the Community Resource Centers and Residential Confinement Program (317) created during the 1995 Legislative Session.

The final meeting of the subcommittee (May 14, 1996) was a work session. Prior to considering its recommendations for the 1997 Legislature, the subcommittee received invited testimony from Raymond H. Wahl, a representative of the American Probation and Parole Association and Director of Utah's Division of Field Operations within the Department of Corrections. Mr. Wahl provided an outline of the standards of supervision for parolees and probationers in other states, the development of workloads

and minimum contacts for agencies supervising these offenders, and the advantages of effective classification systems and performance-based measures for these agencies. Following Mr. Wahl's testimony, the subcommittee reviewed the recommendations presented and discussed during the course of the interim study, and voted on its final recommendations.

III. DISCUSSION OF RECOMMENDATIONS

Charged with an in-depth examination of the system of parole and probation in Nevada, the subcommittee requested information from the relevant state and local agencies and national experts. Prior to voting on the subcommittee's final recommendations, members also reviewed relevant national standards of performance for paroling authorities and agencies supervising offenders on parole and probation, which are established by the American Correctional Association (ACA) and required for those agencies seeking certification from the ACA. (Relevant sections are provided in Appendix G.)

Following is an overview of the recommendations approved by the subcommittee, which are denoted by bullets and text in bold print. Background information regarding the current operation of the areas of parole and probation affected by the recommendations is provided.

A. STATE BOARD OF PAROLE COMMISSIONERS

Under Chapter 213 of *Nevada Revised Statutes*, as amended by the 1995 Legislature, the Parole Board is composed of seven members appointed by the Governor for no more than two terms of 4 years each. An individual appointed to the Parole Board must have either a bachelor's degree plus 3 years of experience, or a total of 6 years of experience, in at least one of the following fields: criminal justice, law enforcement, sociology, psychology, social work, law, or the administration of correctional or rehabilitative facilities and programs. In addition, the Governor must appoint members in such a manner that the composition reflects representation from each of the following areas: management of prisons; law enforcement (including investigations); personnel in parole and probation; advocacy of victims' rights; and social work or therapy with an emphasis on family counseling, domestic violence, and urban social problems.

Votes Required for Parole Board Decisions

All parole decisions must be concurred in by four members (a majority of the board), regardless of whether the parole hearing is conducted by a panel, as authorized by statute and regulations. Any hearing concerning an inmate who has committed a serious violent or sex-related offense must be conducted by at least three members of the Parole Board.

Objective Standards Utilized in Parole Decisions

The Parole Board must adopt regulations specifying standards based on objective criteria to assist its decision-making process. These standards must include consideration of the following factors that are relevant in determining whether the person will violate his parole, if released: severity of the crime committed, his criminal history, any disciplinary action while incarcerated, previous parole violations, the potential threat to society, and the length of incarceration. (See Chapter 213 of *Nevada Administrative Code* [NAC]).

Prior to each legislative session, the Parole Board must report the number and percentage of decisions regarding parole that conflicted with the standards and any recommendations regarding these standards.

1. Monitoring the Internal Operation of the Parole Board

The subcommittee reviewed existing and proposed standards to be utilized by the Parole Board in determining whether to release an inmate on parole. The instrument utilized by the Parole Board, which is based on these standards and titled "Parole Success Likelihood Factors," was also examined. (See Appendix F.) During the course of the interim study, the Parole Board was in the process of revising its existing standards in response to the provisions passed under A.B. 288, through which the 1995 Legislature expanded the list of factors to be considered.

ACA Standards:

With regard to the forms utilized by paroling authorities, the *ACA Standards for Adult Parole Authorities* require the following: (i) that the criteria employed by the parole authority in its decision making are available in written form and are specific enough to permit consistent application to individual cases, and (ii) that the chairman of the parole authority annually review the authorities' policies and review and update the policies when necessary. (Appendix G, Sections 2-1082 and 2-1013 of the *Standards for Adult Parole Authorities*.)

Although the Parole Board is required to report to each Legislature any recommended changes to the standards for release, the subcommittee noted that no changes in the standards had been adopted since 1990. In addition, no data was available to permit an evaluation of the effectiveness of the adopted standards. Although the subcommittee recognized the difficulties inherent in tracking the success of parolees in a mobile society, as discussed by the Parole Board, it also noted that a regular review of the standards should be conducted to determine the effectiveness of the predicting factors for the release of an offender into the community. Without data regarding the success of the parolees, such a review may not yield worthwhile results.

In addition, consideration was given to the testimony of Mr. Gail Hughes, a national expert on paroling authorities who testified before the subcommittee. Mr. Hughes emphasized the importance of reviewing the tools utilized in making parole decisions at a minimum of every 3 years and a maximum of every 5 years to determine whether the instruments are being used properly and the factors are still effective.

Based on these considerations, the subcommittee recommended the following actions:

- **Amend NRS 213.10885 to require that the Parole Board comprehensively review and reevaluate every 2 years the standards utilized to determine whether an inmate should be released on parole. The review should include a determination of whether the predicting factors are still effective. In addition, require that the Parole Board make available to the public its form that is based on these standards ("Parole Success Likelihood Factors"). Finally, the Parole Board shall report to each regular session of the Legislature the conclusions of the review and provide any changes in its standards, policies, procedures, or forms adopted pursuant to the review (BDR 16-180).**
- **Amend Chapter 213 of NRS to require that the Parole Board compile and maintain parole outcome measures and detailed information regarding its parole decisions, including the status of parolees in the system and the number and reasons for parole approvals, denials, and revocations. The research compiled should be a factor in the Parole Board's policy development and decision making (BDR 16-180).**

2. Adoption of Regulations

Certain agencies are exempted from the requirements of the Administrative Procedure Act (APA) under Chapter 233B of NRS. The APA requires agencies to adopt

regulations under specific procedural requirements and publish the adopted regulations in the NAC. Two criminal justice agencies are exempt: the Parole Board and the Department. Regulations affecting the Department are reviewed and prescribed by the State Board of Prison Commissioners, which is composed of the Governor, the Secretary of State, and the Attorney General. No independent board or commission currently reviews the regulations adopted by the Parole Board.

Although the 1995 Legislature specifically required that the standards for determining the release of an inmate be adopted under the procedures set forth in the APA, other regulations governing decisions to release an inmate may be utilized by the Parole Board without following the procedures under the APA. To enhance the ability of the Legislature and the public to monitor the operation of the Parole Board and to ensure the uniformity of the Board's regulations, the subcommittee recommended the following action:

- **Amend NRS 233B.039 to remove the Parole Board from the list of agencies exempted from the requirements of Chapter 233B (BDR 16-180).**

3. Interagency Communications

Following the death of Officer Johnson, a review of the circumstances surrounding the release of Mr. Cameron revealed a lack of communication between the state and local criminal justice agencies regarding the release of inmates, their presence in the community, any subsequent contact with law enforcement, and the availability and function of programs operated within the community. (For more information regarding the circumstances surrounding the death of Officer Johnson, see the minutes of the June 8, 1995, meeting of the Senate Committee on Finance, which are available in the Research Library.)

ACA Standards:

The ACA states that meetings at least semiannually between the paroling authority and the administrative staff of the agency supervising parolees are essential because the board must rely on the effectiveness of the staff of the supervising agency. Meetings between the paroling authority and the supervising agency's field staff are also essential for the paroling authority to maintain an awareness of the conditions of the community and to acquire first-hand information regarding the various local residential programs and community services.

Finally, the ACA requires that a minimum of one member of the paroling authority meet at least annually with representatives from other criminal justice agencies including local law enforcement, prosecutors, and the courts because the paroling authority has a critical position in the criminal justice system and must work effectively with related agencies (Appendix G, see Sections 2-1026, 2-1027, and 2-1028 of the *Standards for Adult Parole Authorities*).

Therefore, the subcommittee recommended the following action:

- **The Chairman of the Parole Board should meet at least semiannually with the administrative staff of the Division to develop methods of coordinating efforts to undertake joint planning, and to agree on means of implementing and evaluating such plans.**

In addition, the Chairman of the Parole Board should meet at least annually with representatives of local law enforcement, district attorneys, and the courts to develop methods of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans.

Finally, the Chairman of the Parole Board should initiate quarterly meetings with the Director of the Department and the Division's field staff through conferences, seminars, and visits to field offices. The Parole Board should provide a report regarding these meetings prior to each session of the Legislature.

The subcommittee emphasized that this recommendation is not intended to dictate the rate at which inmates are to be released on parole. The intention is to foresee problems; provide education on the operation and programs of the Department, the Division, and the Parole Board; and increase communication between these agencies.

Testimony from Donald L. Denison, Chairman of the Parole Board, indicated that such meetings are now occurring, and that a subcommittee under the leadership of the Office on the Attorney General has been formed to examine improvements in the methods of conducting parole hearings.

4. Terms of Members

The 1995 Legislature limited Parole Board members to two terms (4 years each), and provided that the term of any member appointed after July 1, 1995, will expire on July 1, 1997. Testimony from the Parole Board and Mr. Hughes stressed the importance of maintaining a minimum level of experience, expertise, and knowledge among parole board members because of their significant role in the criminal justice system. Mr. Hughes expressed the opinion that there should be no limit on the number of terms served by paroling authorities because across the country, membership seems to turn over frequently. If a member is doing a good job, Mr. Hughes asserted, there should be no limit to his term.

ACA Standards:

The ACA states that tenure on the parole authority should be a minimum of 5 years and that fixed terms should be staggered. The rationale for this requirement is explained in the ACA's comment:

Continuity of policy is an important goal for a correctional system which seeks equity and efficiency. Static policy is not the general goal. Change will be an ongoing need; however, if it is to occur, it should be orderly with due regard for previous organizational history. Abrupt alterations of programs which fail to consider prior efforts almost inevitably produce unwarranted disparities in decisions, and make stable program development very difficult. In a key correctional unit, such as the parole authority, continuity of policy is a necessity and staggered terms of appointment are one important means of achieving it. (See Appendix G, Sections 2-1040 and 2-1041 of the *Standards for Adult Parole Authorities*.)

The subcommittee also considered statistical data regarding the structure of paroling authorities in other states contained in *The Practice of Parole Boards*, a report published by the Association of Paroling Authorities, International in 1994. According to the report, over 80 percent of the members of paroling authorities serve staggered terms. In addition, 84 percent of the states allow renewable board appointments. Eleven percent have renewable appointments with a limit on the number of reappointments, a system under which Nevada currently operates.

Therefore, the subcommittee recommended the following action:

- **Amend Chapter 213 of NRS to require staggered terms for the members of the Parole Board. Initial terms will be varying lengths to create staggered terms. Subsequent terms will be 4 years, as required by statute (BDR 16-180).**
- **Amend NRS 213.1087 to eliminate the limitation to two 4-year terms for members of the Parole Board (BDR 16-182).**

5. **Ratification of Parole Board Decisions**

Under NRS 213.133, the Parole Board may hear any issue in panels composed of two or more members of the Parole Board or one member of the Board and one hearing representative. A majority of the Parole Board (four out of seven members) must approve any action taken by a panel. The existing statute does not differentiate between parole applications and parole revocation hearings.

In addition, NRS 213.133(6) requires that at least three members of the Parole Board must conduct hearings regarding applications for parole involving a person who committed a capital offense, who is serving a sentence of life in prison, who was convicted of a sexual offense involving the use or threatened use of force or violence, who is an habitual criminal, or whose sentence has been commuted by the State Board of Pardons Commissioners. As with any decision of the Parole Board, four members must concur in the panel's decision.

Recommended Changes from the Task Force

Both the Task Force and the Parole Board proposed changes in this system to authorize final decisions by less than a majority of the Board in cases involving nonviolent offenders. According to the Task Force's report, providing that a unanimous decision by panels composed of two or three commissioners is final would "eliminate a time consuming process in cases where there is only the most remote possibility that a panel recommendation will not be affirmed."

Current Practice of the Parole Board

Documentation provided by the Parole Board indicated its support of the recommendation, noting that telephone ratification of decisions from members who did not sit on a panel is time consuming, and with few exceptions, the other members vote

to support a unanimous decision by a panel. The Parole Board also estimated that a decision to revoke a parole had never been opposed by the remainder of the Board. Since August 1995, the use of hearing representatives on hearing panels determining whether to revoke a parole has been eliminated. According to the Board's policy, these panels are composed of two members.

Recognizing the efforts of the 1995 Legislature to protect public safety by requiring that a minimum of three members sit on panels that determine whether to release a violent or repeat offender, the subcommittee determined that a majority of the Board should continue to be required to concur in decisions regarding these offenders. However, the subcommittee supported the efforts to increase the efficiency of the Parole Board in situations involving less serious offenders and crafted a recommendation based on the categorization of crimes enacted in 1995 under S.B. 416.

Thus, the subcommittee recommended the following action:

- **Amend NRS 213.133 to allow two commissioners to approve the final decision on any issue before the Parole Board (including parole applications and revocation hearings) involving crimes with a penalty of 1 to 6 years or less, without approval of the majority of the Parole Board, except in those circumstances regarding capital offenses and other violent crimes specified under subsection 6 of NRS 213.113. For all other crimes (except those listed in subsection 6 of NRS 213.133), review and concurrence by a minimum of three commissioners is required, without approval of the majority of the Parole Board.**

Existing law under subsection 6 of NRS 213.133, which requires a panel of three commissioners and approval of the parole decision by a majority of the Parole Board, will not change (BDR 16-181).

6. Training, Performance Standards, and Removal of Members

Each year, the members must attend 10 hours of training on programs of correctional treatment, alternative punishments, selection of inmates for parole, supervision of parolees, abuse of alcohol and controlled substances, domestic violence, mental illness or retardation, programs designating repeat offenders, or problems related to gangs. In addition, the Department of Motor Vehicles and Public Safety (DMV&PS) must establish a mandatory orientation program for the new members that will familiarize them with the operation, policies, and procedures relating to parole. Hearing representatives are not required by statute to attend either of these training programs.

**ACA
Standards:**

The ACA standards require training and staff development plans for all paroling authority employees. Under the standards, the parole authority must provide 40 hours of initial orientation for all full-time and part-time employees (including hearing representatives) prior to their assuming assigned duties. Forty hours of annual training and education are also required for all employees, in addition to administrative staff members. (Appendix G, *Standards for Adult Parole Authorities*, Sections 2-1056 through 2-1059.)

The Task Force recommended that the Office of the Director of DMV&PS establish training standards applicable to all members of the Parole Board that specify the orientation and annual training requirements. Performance standards established by the Parole Board and approved by the Governor's Office were also recommended by the Task Force. These performance standards should include work hours, and the quantity and quality of work based on the review of files and conducting hearings. Opposition from the Governor's Office and the Parole Board was expressed to such performance standards which would place the Parole Board members in a unique position that is not required of other unclassified employees in the State. Testimony from James Weller, Director of DMV&PS, and Mr. Hughes confirmed that no other state has established work performance standards for paroling authorities.

Therefore, to enhance the expertise of the members and hearing representatives on the Parole Board, the subcommittee recommended the following action as a compromise:

- **Amend NRS 213.1088 to require at least 40 hours of orientation for Parole Board members and add the hearing representatives to the orientation requirement. Expand the information presented during the orientation required under NRS 213.1088 to include an historical perspective of the agency goals and objectives, programs, procedures, policies and regulations, job responsibilities, personnel policies, and the role of the Parole Board in the criminal justice system in Nevada (BDR 16-180).**

In addition, amend NRS 213.108(6) to require that each member of the Parole Board and each hearing representative attend 40 hours of annual training. The training should include continuing education relating to their function, decision-making skills, new changes in the law, court decisions, correctional policies and programs, communications skills, problem-solving, reports on research, and specialized training on their roles in the criminal

justice system. Require that the Chairman of the Parole Board develop a written training and staff development plan for all Parole Board members and hearing representatives (BDR 16-180).

Based on the current estimated rate of reimbursement for such training (approximately \$100 per day for salary plus per diem), the subcommittee noted that this recommendation, if passed by the Legislature, will incur a fiscal impact that will be assessed in the fiscal note accompanying the bill.

Removal of Board Members

In addition, the subcommittee discussed and rejected a related recommendation from the Task Force to authorize the Governor to remove for cause any parole commissioner whose annual review evidences a willful or persistent failure to adhere to established training or work performance standards. Such a change would require a constitutional amendment and potentially would affect not only parole board members, but any State officer appointed for a term of years.

Testimony indicated that the only method for removal of a member of the Parole Board under existing law is impeachment. Generally, when the Governor appoints an officer, the Governor has the implied power to remove that officer at will. However, when an officer is appointed to a position for a specified term of years (like the members of the Parole Board), the Governor can only remove him for cause, unless the statute governing the appointment specifically states that the officer serves at the will of the Governor. With regard to removal for cause, the Nevada Supreme Court has interpreted the *Nevada Constitution* to provide that State officers can only be removed for cause by impeachment for malfeasance or nonfeasance.

7. Travel by the Parole Board and Timing of Parole Eligibility Hearings

As noted in its report, one of the primary concerns of the Task Force was the large number of hearings conducted by the Parole Board each month and the consideration of methods to reduce this number. Thus, the following recommendations from the Task Force's report were considered by the S.C.R. 52 Subcommittee:

- a. Implement procedures designed to reduce the amount of travel time by holding hearings at small or geographically remote institutions on a quarterly schedule instead of monthly;

- b. Permit the deferral of parole hearings of offenders incarcerated on consecutive sentences until all of the minimum parole eligibility periods on each consecutive sentence has been served;
- c. Require a 1-year parole denial for offenders who reach a minimum level of discipline for misconduct in prison;
- d. Conduct parole application hearings 90 days prior to the date an applicant is eligible for release and grant parole, if appropriate, contingent upon verification of the release plan and continued good conduct; and
- e. Eliminate 6-month parole denial periods in favor of a minimum 1-year parole denial period.

An overview of the issues discussed for each recommendation follows.

Reduction of Travel Time: Fewer Hearings at Remote Institutions

The subcommittee expressed support for the goal of the Task Force to reduce the necessary travel for the Parole Board. However, with regard to the implementation of procedures designed to reduce the amount of travel time by holding hearings at small or geographically remote institutions on a quarterly schedule instead of monthly, the Governor's Office expressed opposition noting that delaying paroles from rural facilities over a 3-month period rather than conducting the hearings monthly will impact the total populations of these facilities and the overall prison population as well.

Minimum security inmates generally are housed in the conservation camps in rural areas and these inmates are transferred to these camps as they near eligibility for parole. The majority of these offenders are granted a parole release. The Governor's Office also noted that the cost of housing a single inmate for 1 month in a camp is approximately \$509 (remote camp) or \$440 (non-remote camp), which is comparable to the cost of travel and per diem for the same period for members of the Parole Board to the rural site, which is approximately \$462 (cost based on three commissioners for 3 days).

Therefore, instead of supporting implementation of the Task Force's recommendation, the subcommittee voted in favor of recommending that the Parole Board examine the feasibility, both legally and financially (including the cost of transporting inmates to sites with video conferencing capabilities), of utilizing technology to reduce their travel:

- **Support the implementation of procedures designed to reduce the amount of travel time spent by parole commissioners while attending parole hearings. The Parole Board should investigate the possibility of utilizing available technology, including video conferencing, to have more frequent meetings without the necessity of travel.**

Deferral of Parole Hearings for Consecutive Sentences

Opposition to the deferral of hearings until the minimum time has been served on all consecutive sentences was received from the current and former members of the Parole Board. Concern was expressed that the sentencing judge may not have intended for the offender to be automatically paroled at the end of each consecutive sentence. The interests of public safety may require that offenders serve each sentence to its expiration. The Governor's Office also did not support this recommendation noting its concern for the constitutionality of deferring the hearings.

Automatic 1-Year Parole Denial for Misconduct

Noting that serious offenders could receive only a 1-year denial instead of a 3 or 5 year denial as authorized under existing law, the Governor's Office and the Parole Board also did not support the recommendation to require a 1-year parole denial for offenders who reach a certain level of disciplinary action for misconduct in prison. Under the present system, inmates who misbehave in prison serve longer prison sentences when the Department takes away earned good time credits. Robert Bayer, Director of Department, estimates that approximately 114,210 statutory good time credits were taken away in 1995 for bad conduct. Of that amount, only three percent of the credits were returned for "clean time." Finally, Mr. Hughes noted that this recommendation was not advisable as the paroling authority should have the flexibility to determine the appropriate parole date based on the individual offender and his record, which includes his conduct in prison.

Parole Hearings 90 Days in Advance

Testimony regarding the recommendation to require that parole application hearings be conducted at least 90 days prior to the date an applicant is eligible for actual release indicated that such a procedure had been implemented by the Parole Board. The 90-day period may be increased to a maximum of 120 days. The Governor's Office noted that this recommendation may incur a small fiscal impact to edit the Nevada Criminal Justice Information System (NCJIS), but a positive impact may be accomplished by opening

more beds at a faster rate. The subcommittee voted in favor of the implementation of this new procedure by the Parole Board:

- **Support the implementation by the Parole Board of new procedures that will require parole application hearings to be conducted at least 90 days prior to the date an applicant is eligible for actual release. Under this procedure, all Parole Board decisions in favor of granting a parole should be issued contingent upon continued good conduct and verification that the applicant has presented a truthful and viable parole release plan.**

Elimination of 6-Month Parole Denials

The 1995 Legislature extended the authorized period of parole denials from a maximum of 3 years to a maximum of 5 years. Under the prior law, the practice of the Parole Board was to deny parole for a period between 6 months and 3 years. The Task Force recommended that the 6-month denial period be eliminated unless extraordinary circumstances exist that would warrant a rapid review process. Testimony from the Parole Board and the Governor's Office indicated that 6-month parole denials were eliminated in August 1995 in favor of 1-year denials and that a travel savings may result.

According to information submitted by the Parole Board, inmates who are deemed appropriate for parole at a date past their eligibility date, but less than a year in the future, are granted a parole at the future date contingent upon continued compliance with program requirements, good conduct, and approval of the release program. (For additional information, see Exhibit G, a booklet provided by the State Board of Parole Commissioners, entitled "Legislative Commission's Subcommittee to Study the System of Parole and Probation [S.C.R. 52, Parole Board Submittals]" from the January 16, 1996, meeting of the subcommittee, which is available in the Research Library.)

Thus, the subcommittee also voted in favor of the implementation by the Parole Board of the following new policy:

- **Support the implementation by the Parole Board of a new policy which, absent extraordinary circumstances, eliminates 6-month parole denial periods in favor of a minimum 1-year parole denial.**

8. Parole Eligibility Lists

Lists of inmates who are eligible for parole each month are generated by the Department and contain a notation indicating whether the inmate is a violent or sex offender. The Task Force recommended that these lists should include a numerical score reflecting the applicant's relative criminal history and a notation indicating whether the applicant has been identified by the repeat offender programs ("ROP") in Nevada law enforcement agencies as repeat offenders.

According to the testimony, including a new notation distinguishing those inmates who have been identified as repeat offenders by law enforcement is not feasible at this time because the law enforcement agencies are not able to identify these offenders until the parole eligibility lists are distributed.

An alternative was suggested and adopted to obtain the criminal history score from the information in the Pre-sentence Investigation Report (PSI) prepared by the Division prior to sentencing. The PSI includes the offender's prior convictions, the circumstances of the present offense, the offender's social history (which includes employment and education), any history of substance abuse, and the offender's ties to the community.

Therefore, the subcommittee recommended the following action:

- **Support the addition of a numerical score based on the categories of crimes in NRS to the parole eligibility lists indicating the applicant's relative criminal history. The score should be added as a component of the PSI completed by the Division of Parole and Probation.**

9. Victim Notification

Under existing law, the Parole Board must notify victims who have requested such notification of the date of a parole hearing 5 days after the date is set. The Task Force recommended that prosecutors should implement standard procedures under which all victims of a crime and any other persons who so request receive a standard parole application notification request form. The subcommittee voted in favor of this recommendation:

- **Support the implementation by all prosecuting offices in Nevada of a standard operating procedure through which all victims of crime (including victims of crimes that were dismissed pursuant to plea agreement), at or before the time the offender is sentenced, are provided with a victim impact and parole application notification request form, and that all other**

interested persons who so request are provided with a parole application notification request form. To implement this recommendation, the Parole Board should develop a standard request form for use by non-victims who wish to receive notification of parole proceedings.

(For additional information regarding the Department's existing procedures for notifying victims and other interested parties, see Appendix P.)

B. DIVISION OF PAROLE AND PROBATION

The Division is charged with executing, administering, and enforcing the state laws regarding the supervision of offenders on parole and probation. The Division's mission statement for the 1995-1997 biennium, as presented in *The Executive Budget*, is "to protect the public through effective supervision and monitoring of parolees and probationers and to provide objective sentencing recommendations to courts for persons convicted of felonies or gross misdemeanors."

The Division maintains 12 offices in Nevada, with its central office located in Carson City. The two urban offices, Reno and Las Vegas, manage approximately 81 percent of the Division's workload. The rural offices, which are responsible for the remaining 19 percent of the workload, supervise offenders within a geographic area of approximately 87,699 square miles (75 percent of the State). The offices in Reno and Las Vegas are divided into three specialized units: a Court Services Unit, a Supervision Unit, and an Intensive Supervision Unit. In rural Nevada, an individual officer performs the functions of all three units. Following is an overview of the duties of the court services and the supervision units which was provided by the Division during the course of the study.

Court Services Unit

The primary responsibilities of the Court Services Unit are to represent the Division at sentencing, to prepare PSI reports, and to conduct and prepare pardons investigation reports and post-sentence investigation reports. When the Division receives a court referral to complete a PSI for an offender convicted of a felony or a gross misdemeanor, the officer interviews the offender and any victims and obtains prior arrest data on the offender from the Federal Bureau of Investigation, the Central Repository for Nevada Records of Criminal History (Repository), the California Identification Information System, and the local jurisdictions.

The Court Services Unit also makes recommendations to the court regarding an appropriate sentence for the offender based on his criminal and social history. The Probation Success Probability form and the Sentence Recommendation Selection Scale are two forms utilized by the Division to determine the appropriate sentence (see Appendix H for a copy of these forms). If the offender receives a prison sentence, a copy of the PSI is sent to the Department, which utilizes the information in the PSI in its classification process.

Supervision Unit

The Supervision Unit is responsible for the supervision of offenders assigned to its officers who conduct investigations and submit violation reports, incident reports, progress reports, or any special reports or investigations requested by a court or the Parole Board. Field officers refer offenders to counseling or community service programs as ordered by the Court or the Parole Board, and monitor and enforce the standard and special conditions of their supervision and the payment of restitution and supervision fees. Depending upon the classification of the offender, field officers may also contact them in their homes, verify their employment status, and offer assistance, when necessary (see Appendix H for the minimum contacts for each risk classification).

1. Policies and Procedures of the Division

During the course of the interim study, the subcommittee requested information and testimony regarding the process utilized by the Division to monitor offenders. As with the Parole Board, the standards recommended by the ACA for the supervision of offenders (*Standards for Adult Probation and Parole Field Services*) were referenced during the work session for comparison with the procedures of the Division. The number and frequency of the contacts between an officer and an offender after his release from prison into the community were of particular concern to the subcommittee in light of its mandate to evaluate the supervision of offenders.

Initial Contact Between the Division and a Parolee

The officers assigned to the pre-release unit of the Division work within the prison facilities to coordinate an inmate's release. According to the policy of the Division, the release plan for the offender must specify his residence, employment, the name of his case supervision officer, and any other report instructions.

ACA Standards:

The ACA *Standards for Adult Probation and Parole Field Services* require that the initial personal contact between the

newly released parolee and the field parole staff takes place as soon as possible, but not more than 3 work days after the parolee's release from custody, unless otherwise agreed upon prior to release (see Appendix I, Section 2-3173). As noted in the commentary by the ACA, the immediate contact accomplishes the following:

- Confirms that the parolee reported to his designated program;
- Emphasizes the importance of parole supervision as part of the individual's sentence;
- Provides for immediate assistance from the parole officer if the release program fails to materialize; and
- Provides the parolee with an immediate contact or reference point for his release program.

Therefore, noting the importance of the first contact with the supervision parole officer and to ensure that immediate contact is made with an offender following his release from a prison facility, the subcommittee recommended the following action:

- **Amend Chapter 213 of NRS to require that the Division contact an offender released on parole within 5 days of his release from prison, unless waived by the Chief of the Division. Include a statement in the final report recommending that the Division implement a policy requiring the offender to contact the Division within 24 hours of release (BDR 16-183).**

Reclassification of the Offender by the Division

Although the Department is required under NRS 209.351 to assign a classification to all offenders based on their records, program needs, and requirements for security, the Division is not mandated under State law to classify the offenders under its supervision. However, the Division has established policies requiring that offenders be placed in a specific level of supervision or classification (i.e., intensive, maximum, medium, or minimum) based on their needs and risk to the community. According to the policy of the Division, an initial risk and needs assessment must be conducted within 30 days of receiving a new case, and each offender must be reassessed every 6 months.

**ACA
Standards:**

Under its *Standards for Adult Probation and Parole Field Services*, the ACA concurs with the Division's policy to reassess offenders every 6 months and recommends prompt reclassification where warranted (see Appendix I, Section 2-3120). Offenders may be reclassified at a higher or lower supervision level or maintained at the current level based upon their performance on parole.

To ensure that offenders are reassessed to determine their risk to the public on a regular basis, the subcommittee recommended the codification of the Division's current policy:

- **Amend Chapter 213 of NRS to require that the Division review every 6 months, or as otherwise required, the classification level of parolees and probationers. Classification is the process of evaluating each individual's case to determine the appropriate supervision level and program needs of the individual offender. Each review shall specify the reasons for changing or maintaining the offender's classification level (BDR 16-183).**

Coordination of Risk Assessment Prior to Release

Noting that all three agencies (the Division, the Board, and the Department) conduct risk evaluations of an offender, the subcommittee discussed the possibility of classifying the offender prior to the release on parole with an instrument that may be utilized by all three agencies. Under the current procedures, the Department provides the Board with a release program at the time the offender must go before the Board. Following the Board's approval of the program, the Division also verifies that it is satisfactory. When the program is proven to be valid and the offender is released, the officer assigned to the case conducts a risk and needs classification.

Testimony provided by Mr. Wahl, the representative of the American Probation and Parole Association and Director of Utah's Division of Field Operations within the Department of Corrections, indicated that an automated management information system could be developed to conduct the risk assessment at the institutional level, noting that risk assessment and classification are two separate evaluations. In Utah, offenders are classified prior to their release from prison and the information is sent to the parole board, which also conducts its own risk assessment before making a final decision.

To enhance the coordination between the agencies and increase efficiency, the subcommittee discussed the possibility of the Division conducting its classification prior to the parole hearing and the Board adding its risk assessment for the individual. In

addition, the Department could have input into the risk assessment of the offender. Therefore, the Board would be presented with a packet containing a detailed classification and risk assessment that could be used in making the parole decision; and the individual would be placed based upon the evaluation that is performed by all three agencies prior to the Board's decision.

Thus, the subcommittee recommended the following action:

- **Amend NRS to require that the Division of Parole and Probation conduct a risk and needs assessment for classification of all offenders prior to their scheduled appearance before the Parole Board (BDR 16-183).**
- **The Division, the Parole Board, and the Department of Prisons should work together to develop a single classification instrument.**

During its discussion of this recommendation, the subcommittee noted its concern for the potential fiscal impact of this recommendation, which will receive further consideration during the 1997 Legislative Session when an analysis of that impact is available. Representatives from the Division noted that the recommendation will have a definite fiscal impact based on the large number of hearings conducted each year. Currently, the Division only prepares a risk and needs assessment for those individuals who are granted parole, a number which is much smaller than the number who appear before the Board to request parole.

2. Supervision Fees

Under NRS 213.1076, the Division is required to charge parolees and probationers a fee to defray the costs of the supervision. This monthly fee must be adopted by regulation and be at least \$12. Under NAC 213.230, the fee is \$20, and it has not been increased since 1987. Following is the amount collected between 1993 and 1996:

Fiscal Year 1993 - \$1,453,320

Fiscal Year 1994 - \$1,439,597

Fiscal Year 1995 - \$1,391,556

Fiscal Year 1996 - \$1,468,234

According to the *1995 Corrections Yearbook*, the average fee for the supervision of offenders on probation is \$30.24 per month (based on information available from 37 jurisdictions). The average fee for parolees is \$24.14 per month (based on 29 jurisdictions). Noting that the fee has not been increased since 1987 and that the

chief of the Division has the authority to waive the fee, in whole or in part, for those offenders for whom the fee would create a financial hardship, the subcommittee approved the following recommendation to raise the fee in Nevada from \$20 to a level comparable with the national averages:

- **Amend NRS 213.1076 to increase the minimum supervision fee charged by the Division to \$30 (BDR 16-183).**

The \$10 increase in the fee would increase the amount collected annually by an estimated \$700,000 once all of the participants are processed in if the increase is not reversed retroactively to those currently under the system. This estimate does not take into account an increase in caseloads, nonpayment of fees, or sliding fees approved by the chief of the Division.

3. Caseload Sizes and Minimum Contacts with Offenders

A primary concern of the subcommittee was the minimum contacts an officer of the Division has with each offender under his supervision. In particular, the subcommittee focused on the contacts required under intensive supervision. Testimony from the Division indicated that the following types of offenders are generally assigned to intensive supervision: career criminals, drug dealers, gang members, individuals requiring serious or specialized treatment, serious drug abusers, and violent offenders.

Members of the subcommittee expressed a desire to impose more rigorous minimum contacts for individuals who are under intensive supervision. Currently, officers supervising these offenders must, at a minimum, complete the following each month: a monthly report, one home visit, one face-to-face visit (in addition to the home visit), four collateral field contacts, one employment verification, one check of special conditions, and a weekly program verification (see Appendix H for an explanation of these activities and the minimum contacts for offenders classified as maximum, medium, and minimum risk).

The Division testified that any increase in the number of minimum contacts must be considered in conjunction with the caseload of each officer. The budget of the Division, which is driven by the number of offenders it supervises, is based on work units (a ratio of the number of offenders to each officer). Raising the number of contacts may require a decrease in the officer's caseload and an increase in the staffing of the Division. For Fiscal Years 1995-1996 and 1996-1997, the Division's budget is based on the following work units:

<u>Work Function</u>	<u>Work Unit</u>
Court Services (PSI)	65
Regular Supervision	75
Intensive Supervision	30
Warrants	150*
Pre-Release	150*
Miscellaneous Units	150

(*Handled by Program Assistant IV's effective 7/1/95.)

The last intensive study of the workload of the Division's officers was conducted in 1983 by the National Institute of Corrections (NIC). This "time study" became the basis for the staffing patterns and budget of the Division. However, the workload formula recommended in the study was never adopted, and the Division continues to utilize an officer to offender ratio as the basis for its budget. At that time, the NIC noted that the basic purposes of a workload system based on such a time study are the following:

- To provide data for budget justification and support;
- To enable agencies to appropriately allocate their resources; and
- To enhance agency accountability.

(A copy of the 1983 time study is available in the Research Library.)

Study to Validate the Effectiveness of the Division's Classification Instrument

An integral part of the Division's work unit formula, which is based on the type of supervision needed (i.e., classification of the offenders), is the Division's classification instrument for its case management system ("Initial Assessment of Client Risk," see Appendix H). This instrument is modeled after a form originally developed by Wisconsin in 1977. In 1989, Wisconsin hired the National Council on Crime and Delinquency to conduct a study designed to revalidate its classification system based on data unique to Wisconsin's system of community corrections. The goals of the study included the following:

- To determine the degree to which current risk scales separate groups of probationers and parolees based on various measures of recidivism;
- To determine if risk assessment in Wisconsin can be improved by adding or deleting risk factors, and/or changing item weights and cutoff points based on analyses conducted;
- To ascertain how well the scale predicts outcomes for subgroups of the Wisconsin Community Corrections population, including the parolees and groups based on ethnicity and age;
- To compare risk/need profiles of admission cohorts from 1980, 1982, 1984, 1986, and 1988, to determine the extent to which they change over time, the impact of changes in policy and circumstances on offender profiles and resources required for appropriate supervision, and how often revalidations may be required based on the degree of change in offender risk characteristics; and
- To test the validity of the needs scale using data from a client-based time study conducted in 1989 as part of the revalidation effort.

Recommendation by the Task Force Regarding Supervision Standards and Additional Staff

In its October 1995 report, the Task Force recommended that the DMV&PS complete a survey of the supervision standards (minimum contacts) utilized by various Nevada county probation departments, as well as the standards utilized by other western states and the U.S. Parole and Probation Department. The Task Force further recommended that the Division's parole and probation standards should thereafter be set in conformity with the standards determined as a result of such survey, and additional funding for officer staff be provided during the 1997 Legislative Session to implement such standards. No conclusive recommendations based on such a study were presented to the S.C.R. 52 Subcommittee.

Recommendation of the Division for Minimum Contacts and Staff Allocation

Chairman Raggio requested an analysis from the Division to assist the subcommittee in its recommendations for increased contacts that includes any changes in the caseload of the officers supervising offenders at each level of supervision (intensive, maximum, medium, and minimum), the staffing requirements for the Division, and any changes

to the contact guidelines. The Chairman asked that the analysis include the following considerations: concern for public safety, the possible benefits to the offender, and the Division's budget.

During his testimony before the subcommittee, Richard Wyatt, Chief of the Division, indicated that before recommending any reductions in caseloads, a comprehensive study would be necessary to justify reducing caseload sizes and increasing minimum contacts. Such a reduction should ensure an increase in the safety of the public as a result of the additional staff and money allocated to the Division. Initially, Chief Wyatt estimated that a reduction in the caseload of the officers supervising offenders under intensive supervision from 30 offenders to 1 officer to 20 offenders to 1 officer would cost approximately \$478,688 for the salaries and benefits of 37 new officers. This figure does not include office space, desks, computers, operating costs, and support staff. The reduction in caseload size to a ratio to 25 offenders to 1 officer would cost approximately \$199,445 in salaries and benefits only.

Requirements of the ACA on Minimal Contact Standards and Workload Formulas

With regard to minimal contact standards and workload formulas for allocating work to field staff, the ACA requires the following for accreditation in its *Standards for Adult Probation and Parole Field Services*:

- The agency's statement of purpose affirms that the supervision program is to provide necessary services to the offender with the goal of reducing the probability of continued criminal behavior on the part of the offender. (See Appendix I, Section 2-3105.)
- There is a written workload formula which is implemented in the allocation of work to field staff. The formula should consider factors such as legal requirements, goals, character and needs of offenders to be supervised, geographic area, administrative tasks required of the field staff, and types of personnel to be utilized. The workload rather than caseload model is based on programs of differential supervision ranging from intensive to minimum. Supervision tasks must be identified, measured against a time requirement, and then translated into specific total time and staff requirements. (See Appendix I, Section 2-3106.)
- The community supervision plan specifies the minimum number of contacts with the offender per time period. (See Appendix I, Section 2-3119.)

Final Recommendation from the Subcommittee Regarding Staffing, Workload, and Classification

In considering methods of ensuring that the Division's officers made adequate contact with an offender to ensure public safety, the subcommittee considered the previous studies of the Division and its classification instrument, the recommendation from the Task Force, and the response from the Division. As noted by the Division, it appeared that any increase in the minimum contacts would necessitate a decrease of officer caseloads and increase in the Division's budget to hire more staff. However, neither the subcommittee nor the Division had sufficient time or data to determine whether a change in the minimum number of contacts would increase the effectiveness of the Division's supervision and justify such a change. The subcommittee did approve the concept of increased minimum contacts in the following action:

- **Recommend that the Department of Administration increase the Division's personnel and equipment to meet the public's expectation regarding the role of the Division.**

However, because of insufficient data at the conclusion of the interim study, the subcommittee also recommended the following action to provide reliable information on which the Division and the Legislature can make informed decisions in the future with regard to the safety of the public and the staffing of the Division:

- **Include a statement in the final report recommending that the Division apply for grant money from the National Institute of Corrections or another similar criminal justice organization to hire a professional consultant to conduct a time study of officer workloads to determine the appropriate allocation of staff based on supervision levels and monthly contacts, which may be increased based on the results of the study. If grant funding is not available, the subcommittee supports the Division seeking an appropriation (included in the Executive Budget presented to the 1997 Legislature) to the Department of Administration to oversee the hiring of a consultant to conduct the study.**

An additional component of the study, based on the results of the time study, should include an evaluation and revision, if appropriate, of the classification and risk assessment instrument ("Initial Assessment of Client Risk") currently used by the Division. The results of the study should be utilized in the development of performance-based measures to provide a mechanism for assessing what the Division does (including monthly contact

minimums) and how well it performs its duties. The measures should provide a foundation for the Division's budget. The Division must complete the study and prepare performance-based measures by August 15, 1998, in preparation for its budget in Fiscal Years 1999-2000 and 2000-2001. A full report must be prepared for the 1999 Legislative Session.

4. Salaries

During the course of the study, testimony from the Division indicated that personnel turnover is a major problem in the Division. One factor contributing to this situation noted by the Division is the salaries of the officers. At the conclusion of the 1995 Legislative Session, the Senate Committee on Finance requested that the Department of Personnel conduct an in-depth study of the salaries and benefits of adult parole and probation officers to determine whether a discrepancy exists between their salaries and benefits and other employees in similar positions with the state and other governmental entities.

In response to similar concerns voiced by other law enforcement personnel at the state level, Governor Robert J. Miller directed the Department of Personnel to conduct a comprehensive review and analysis of salaries for all of the state's law enforcement classes (which includes adult parole and probation officers).

Therefore, pending the results of the study, the subcommittee recommended the following action:

- **Support a study comparing the salaries of the Parole Board's commissioners and the Division's officers with their counterparts at the local level, in other states, and at the federal level.**

An overview of the turnover rates for the Division from Fiscal Year 1993-1994 to the first quarter of Fiscal Year 1996-1997 and an initial comparison of the salaries of parole and probation officers is provided in Appendix J.

5. Reimbursement for Training Costs

According to the Division, the cost of the initial training for the Division's officers is approximately \$12,000. Parole and probation officers in Nevada receive 240 hours of in-house, pre-service training in addition to 480 hours of Category I training as peace officers. (See Appendix K for an overview of the courses in which the officers receive training.) According to the *1995 Corrections Yearbook*, the average number of

training hours nationally is 135 for probation officers and 163 for parole officers. However, in other states, not all officers are trained as peace officers.

The Task Force recommended that legislation be proposed in 1997 that would require parole and probation officers, who are trained at the State's expense, but who then decide to leave State employment for similar positions at the county level or in other states, to reimburse the State for their training costs. The Task Force noted in its report that the Division currently recruits and trains between 12 and 20 officers per year, only to see those officers rapidly leave State employment for other positions. This loss results in a less experienced work force, and an inability to keep all state parole and probation officer positions filled, thus contributing to increased caseloads for the officers, and diminished public safety.

To assist in bringing the Division to full employment and to encourage parole and probation officers trained by the State to remain in their positions for at least 2 years, the subcommittee recommended the following action:

- **Amend NRS to require a parole and probation officer to reimburse the cost of initial training if the employee voluntarily leaves his employment within 2 years of receiving the training. Include an exception for taking another position with State Government, illness, hardship, involuntary termination, and similar circumstances. Provide that a statutory lien is created against any money due to the employee from the State until the matter is resolved (BDR 16-183).**

Roles of Officers as Counselors

With regard to training, the subcommittee also discussed a recommendation to urge the Division to reexamine the roles of its officers as police officers versus social workers. Robert C. Calderone, the former Chief of the Division, suggested that the Division may consider developing individual units comprised of officers specializing in law enforcement and others specializing in social work, or other areas such as court services, that would not require sworn officers.

According to the *1995 Corrections Yearbook* many parole and probation officers in other states specialize in fields that focus on counseling such as social work or psychology. However, following testimony from Chief Wyett that the current system of training officers in law enforcement and social work is working well in Nevada, the subcommittee rejected the proposal, but suggested that it may be reconsidered at a future time.

6. Computer Equipment and Improved Automation for the Division

In 1987, Nevada became the 49th state to implement a centralized database for the criminal history of offenders, the Repository, which is administered by DMV&PS. Within this Repository, the NCJIS operates as a statewide telecommunications system to provide access to local, state, and national criminal records through interfaces with other agencies, including the Federal Bureau of Investigation's National Crime Information Center and the National Law Enforcement Telecommunication System. An overview of the NCJIS and systems to which it has access is provided in Appendix L.

A 1993 audit conducted by the Executive Consulting Group, Incorporated (ECG), identified the need for improved interfaces between the NCJIS and agencies within the criminal justice system including the Attorney General, the Department, the Division and the courts. Following this audit, the NCJIS Implementation Team developed a Criminal History Records Improvement Plan, which includes a preliminary design for the rewriting of the Criminal Justice Information System. This plan was approved by the NCJIS Advisory Board in May 1994. The redesign of the system includes the connection of NCJIS with the following agencies: the Division (to provide information regarding parole and probation), the Department (to provide incarceration information), and the courts (to provide information on case dispositions).

Automation of the Division

Testimony during the 1995 Legislative Session indicated that although funding had been approved in the past for computers within the Division, its operation was still paper-driven, and the Division was not networked with other state or local agencies. Responding to the need for an integrated computer system, the 1995 Legislature approved initial funding for a 5-year implementation plan for the automation of the functions of the Division. An overview of the Division's automation planning document is available in the Research Library of the Legislative Counsel Bureau.

In response to the death of Officer Johnson in May 1995, the DMV&PS and the Division developed a project to provide immediate notification of an individual's parole or probation status to anyone accessing the NCJIS. The stated objective of the Interim Notification Project, which is designed to accelerate and augment the 5-year automation plan, is the following:

To develop a system by which criminal justice agencies may receive information upon request regarding the status of subjects assigned to the supervision of the Division and to provide immediate notification when a subject under supervision is located within a given geographical area (city or county).

Included in the Interim Notification Project is the purchase of Life Scan equipment in Reno and Las Vegas which will allow the Division to scan a subject's fingerprints through a computerized collection and transmission system and electronically enter the record into the database. Offenders in other locations will be fingerprinted manually. An overview of the Interim Notification Project and its procedures is provided in Appendix M.

On December 13, 1995, the Interim Finance Committee approved the funding for the Interim Notification Project. The subcommittee voted to support this action, which was also recommended by the Task Force:

- **Support the notification of the Nevada Criminal Justice Information System by the Department regarding an inmate's release on parole immediately prior to that release. In addition, support an automatic "hold on bail" placed on behalf of the Division on any parolee or probationer arrested for a criminal violation. The automatic hold should be effective for a maximum of 24 hours pending notification to the Division and a determination by the Division whether the hold should be continued and revocation procedures initiated.**

The subcommittee also voted to support future funding of the automation of the Division pending further review of the Division's needs once the 5-year plan for the integrated computer system approved by the 1995 Legislature is in place. Information provided by the Governor's Office indicated that it plans to continue the next phase of this plan into the 1997-1999 biennium. Thus, the subcommittee approved the following recommendation:

- **Include a statement in the final report supporting continued review and possible funding to procure the equipment and software necessary to implement an integrated computer system for the Division and the criminal justice system.**

7. Computer Equipment and Improved Automation for the Courts

As noted earlier, the 1993 audit conducted by ECG also identified the need to interface the NCJIS and the courts. The study noted that the reporting of case dispositions to the NCJIS by the courts is inadequate primarily due to the lack of automation in the courts. In addition, in the courts that are automated, there is limited electronic data transfer capability. Allowing information, such as case disposition and warrants, to be sent to the NCJIS directly from the courts would eliminate duplicate entry of information and improve the reporting and accuracy of records to the Repository. Funding for such a project has not been approved by the Nevada Legislature to date.

The Task Force recommended that the Administrative Office of the Courts (AOC), in conjunction with DMV&PS, complete a study identifying the equipment needed to bring Nevada's criminal courts on-line with the Repository, thus enabling the sentencing courts to instantaneously transmit information to the NCJIS at the time of sentencing. The Task Force further recommended that funding be appropriated during the 1997 Legislative Session for the necessary court personnel and equipment.

Because the results of the study by the AOC were not available at the conclusion of the interim study, the subcommittee approved the following recommendation:

- **Include a statement in the final report supporting a study by the Administrative Office of the Courts, in conjunction with the DMV&PS and the Department of Prisons, identifying the equipment needed to bring Nevada's criminal courts on-line with the Repository, which will enable sentencing courts to instantaneously transmit information to the central repository at the time of sentencing and to receive information from the Repository. Depending upon the results of the study and the availability of funding, procurement of additional equipment and staff may be supported.**

Information submitted to the Nevada Legislature's Legislative Commission and the Interim Finance Committee in September 1996 by the Department of Administration indicated that the AOC and DMV&PS are pursuing alternative funding sources, including federal grants, to begin implementation of direct interfaces between the NCJIS and the courts. According to the Department of Administration, the AOC has been identified as a recipient for a grant under the Bureau of Justice Statistics 1997 National Criminal History Improvement Program (NCHIP) grant, and DMV&PS will be assisting the AOC in developing a plan for automating the courts.

C. DEPARTMENT OF PRISONS

Within the system of parole and probation, the Department plays an important role in calculating the parole eligibility of an inmate based on both the sentence imposed by the court and the behavior of the inmate while in prison through which he earns credits that reduce his sentence.

Classification of Inmates

When an inmate is received by Department, he undergoes a classification procedure in which Department places the inmate into one of three custody levels: minimum (expected to engage in appropriate behavior and not walk away from his assignments), medium (expected to behave in custody but considered a risk for escape if not properly contained), and maximum (no expectation that the inmate will behave and considered a risk to escape). The Department utilizes an objective classification instrument based on the model developed by the National Institute of Corrections.

Two documents necessary for the completion of the classification instrument are the judgment of conviction, which defines the offender's sentence, and the PSI provided by the Division. The Department and the Division are working to expedite the transmission of PSI's to the Department with the goal of communicating the document electronically when it becomes technologically feasible. See Appendix N for an overview of the Department's classification procedure.

Parole Eligibility

Through its sentence management system, the Department calculates the parole eligibility dates for inmates. To be parole eligible, the inmate must have satisfied the minimum parole eligibility requirements for the law under which he was sentenced. As noted in the introduction to this report, the provisions of S.B. 416 revised the method of calculating parole eligibility and the application of sentence reducing credits, but the new law only applies to offenders who commit felonies on or after July 1, 1995. An explanation provided by Department of the various sentence structures and the methods of calculating parole eligibility and the application of credits earned to reduce a sentence (prior to and after the effective date of S.B. 416) is contained in Appendix O.

Parole Hearings and Notification to Victims

The Department is responsible for generating a parole eligibility agenda 45 days prior to scheduled hearings. This agenda is sent to the Executive Secretary of the Parole Board, who distributes the agenda to local law enforcement. The agenda is available for public inspection through local law enforcement during normal business hours. If a victim has requested notice of the hearing through the Executive Secretary, the Department automatically sends a letter to the victim when the inmate's name appears on the agenda.

One month before the hearing, a caseworker with Department prepares a parole progress report for the Parole Board. Currently, no recommendation from Department regarding parole is contained in the report. The subcommittee rejected a proposal from the Task Force to support the inclusion of a recommendation from the Department following testimony from Department that such a recommendation had been included in the progress reports in the past, but the practice was discontinued when it became apparent that the recommendations were subjective and often based on individual bias.

Release documents, which contain a plan for employment and place of residence, are also prepared by Department 1 month prior to the hearing and submitted to the Board. Depending upon the inmate's criminal history, a psychiatric evaluation may also be required.

If parole is granted, the Department is responsible for notifying victims and other interested parties who have requested notification. A letter is also sent to the sheriff or chief of police and the district attorney in the county in which the offender was convicted to notify local law enforcement of the inmate's release. For an overview of the responsibilities of Department regarding parole eligibility and release, and the notification of victims and other interested parties, see Appendix P.

1. System for Awarding Good Time Credits

The Task Force recommended that the subcommittee and the 1997 Legislature review the system for awarding credits against a term of imprisonment and then propose legislation which will focus on awarding credits for actual positive and productive behavior, and eliminate awarding credit for merely awarding bad behavior. The Governor's Office and the Department indicated that this recommendation would have a significant impact on the prison populations and the State General Fund.

In its analysis of the fiscal impact, Department assumed the recommendation would be applied retroactively. Under such a scenario, Department would not discharge another inmate for the next 12 months and the prison population would grow by approximately 1,380 inmates during that 12 months. Based on a Fiscal Year 1995 operating cost per inmate of \$14,355, this increase would cost an additional \$19.8 million for the 1,380 inmates. New construction to house these 1,380 inmates, at a cost of \$50,000 per bed, was estimated to cost approximately \$69 million.

Chairman Raggio expressed concern for the public's negative perception of the system for awarding credits, under which inmates are rewarded for required behavior. The Chairman and members of the subcommittee expressed support for the study, but declined to recommend sweeping legislation before evaluating the impact of the changes in the system which were implemented under S.B. 416 in 1995.

Therefore, after receiving confirmation from the Department that an analysis of the system for awarding credits could be conducted prior to the 1997 Session, the subcommittee approved the following action:

- **Recommend a study of the system for awarding good time credits by the Department and the Office of the Attorney General. The preliminary results of the study and any recommendations with regard to good time credits should be made available prior to the 1997 Legislative Session.**

2. Programs within the Department

The Task Force recommended that Department, in conjunction with the subcommittee, review the adequacy and effectiveness of Department's programming opportunities with specific focus on the availability and adequacy of programs to combat illiteracy, as well as programs related to substance abuse. The Task Force recommended that additional funding should be made available by the 1997 Legislature to ensure that adequate prison programs in these areas are available to all inmates.

The Governor's Office indicated its support of programs in the Department addressing literacy and substance abuse. However, because of funding constraints, the safety of the institution is its first priority. Subject to available funding, the Governor's Office indicated that programs addressing literacy and substance abuse may be augmented in the 1997-1999 *Executive Budget*.

In 1995, the Legislature authorized six new positions to address illiteracy among inmates. In approving those positions, the Senate Committee on Finance and the Assembly Committee on Ways and Means requested that the Department develop specific performance measures to determine the benefits from the operation of the program and to report to the Interim Finance Committee and the 1997 Legislature concerning the operation of the program.

Although the subcommittee supported a review of the effectiveness of the programs within Department, an in-depth study was not feasible within the scope of the study and the number of parole and probation issues to review under S.C.R. 52. The Director of Department indicated his general support of the recommendation, but noted that the security concerns of correctional officers, staff, and inmates, are a higher budgetary priority.

Therefore, the subcommittee recommended the following action:

- **Support a review of the adequacy and effectiveness of the Department's programming opportunities, with specific focus on the availability and adequacy of programs to combat illiteracy, as well as programs related to substance abuse. Depending upon the results of this review and the availability of funding, the subcommittee recommends that the Department should include in its budget adequate prison programs in these areas that are available to all Nevada inmates.**

3. **Certification for Release by the "Psych Panel"**

Prior to release on parole, Nevada law requires that inmates convicted of certain sexual offenses appear before a board to determine whether the person is a menace to the health, safety, or morals of others (a "psych panel" evaluation). The board is composed of the Administrator of the Mental Hygiene and Mental Retardation Division of the Department of Human Resources, the Director of Department, and a psychologist or psychiatrist licensed to practice in Nevada. An inmate must not be paroled unless the board determines that he is not such a menace. (See Appendix Q for a list of the offenses for which the "psych panel" is required.)

The Task Force recommended that this panel should develop a standardized evaluation procedure, based upon written objective criteria, for determining whether to issue "psych panel" certifications for specified offenders who are eligible for parole. Testimony indicated that Department was in the process of implementing this proposal. Therefore, the subcommittee recommended the following action:

- **Support the development of a standardized evaluation procedure, based upon written objective criteria, for determining whether to issue the “psych panel” certifications required for certain offenders prior to their release on parole.**

The Governor’s Office noted that this recommendation may have a fiscal impact on the Department if fewer offenders are certified for parole. (For additional information and recommendations regarding the “psych panel,” please consult Bulletin No. 97-7, the report of the Legislative Commission’s Subcommittee to Study the Treatment of Mentally Ill Offenders in the Criminal Justice System [S.C.R. 59].)

D. CRIMINAL JUSTICE SYSTEM IN NEVADA

The final two recommendations adopted by the subcommittee were suggested by the Task Force.

1. Protocols Between Medical Facilities and Law Enforcement Agencies

During its meetings, the Task Force was informed that protocols have not been established in all of the counties to specify the procedure for sharing information between medical facilities and law enforcement agencies regarding hospitalized offenders or crime victims. In its report, the Task Force noted that the timely sharing of pertinent information (such as an offender’s criminal history which may indicate a propensity for violence and the offender’s proposed release from a medical facility) can be critically important to both the medical facility and the law enforcement agency. In response, the Task Force recommended that by December 1996, state and local law enforcement agencies throughout Nevada, working in conjunction with local medical facilities, should develop protocols that address these issues.

The subcommittee agreed with this recommendation and approved the following action:

- **Support the development of protocols between local medical facilities and state and local law enforcement agencies which will allow for the timely sharing of information about offenders or crime victims who are hospitalized, and which will delineate procedures for detaining hospitalized offenders and for notifying law enforcement of an offender's proposed release.**

2. Access to Juvenile Records by Sentencing Courts

The juvenile division of the district court is responsible for making and keeping records of all cases brought before it. The records may be open to inspection only by an order of the court and only to persons who have a legitimate interest in the records. However, without a court order, the following may be released:

- Records of traffic violations forwarded to DMV&PS;
- Records that have not been sealed and that are required by the Division for the preparation of a PSI; and
- Information maintained by the Department of Human Resources in a standardized data collection system for juvenile courts, juvenile probation officers, and youth correctional services. This information does not include the name or address of any person.

The Task Force recommended that state law be amended to allow judges sentencing adult offenders the ability to access directly complete information about an offender's criminal history, including any offenses committed as a juvenile. The subcommittee agreed to support the recommendation and approved the following request for a bill draft for the 1997 Legislative Session:

- **Amend NRS 62.360 to allow sentencing courts direct access to juvenile court records that have not been ordered sealed in accordance with the law (BDR 5-184).**

Under Nevada law, juvenile records are automatically sealed at 24 years of age. An individual may petition the court to seal the records at an earlier date if 3 years or more have elapsed after the termination of the juvenile court's jurisdiction or since the child was last referred to juvenile court. The court must hold a hearing on the petition and notify the district attorney and the individual's juvenile probation officer.

If the court finds that since the termination of its jurisdiction, the juvenile has not been convicted of a felony or any misdemeanor involving moral turpitude, and that rehabilitation has been attained to its satisfaction, it must order that all records in the juvenile's case be sealed. All proceedings in records that have been sealed are deemed never to have occurred. Upon its own motion, the juvenile court may inspect any sealed records of a convicted adult who is under the age of 21 years for the purposes of sentencing that person. (See NRS 62.370.)

IV. CONCLUSION

The increased safety of the public was the primary concern for the subcommittee as it considered recommendations to reform the system of parole and probation in Nevada. The subcommittee made recommendations designed to strengthen the operation of the Parole Board, provide it with the tools necessary to make informed decisions, and ensure that it is more responsive to the demand for public safety. With regard to the Division of Parole and Probation, the subcommittee considered and approved many recommendations to enhance the ability of the Division to supervise offenders in the community. The importance of its role cannot be underestimated; and the subcommittee also recommended that a more in-depth examination of the Division's workload be conducted by an expert in the field. Such an examination will provide a strong foundation from which the Legislature can make more informed decisions in the future regarding the Division's staffing and supervision standards. Finally, recommendations to improve the operation of the entire criminal justice system through enhanced communication between agencies, and through interagency meetings and available technology, were approved by the subcommittee.

Each recommendation approved by the subcommittee was made following a detailed review of the existing operation and with a concern for the fiscal impact to state and local governments. The ability of state and local government to finance any proposed changes must be considered to ensure that needed reforms can realistically be implemented. The final actions recommended by the subcommittee should achieve the goal of enhancing public safety through cost effective means.

V. APPENDICES

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APPENDIX A

Senate Concurrent Resolution No. 52
(File No. 163, *Statutes of Nevada 1995*, pages 3036 and 3037)

Senate Concurrent Resolution No. 52--Committee on Finance

FILE NUMBER 163

SENATE CONCURRENT RESOLUTION--Directing the Legislative Commission to conduct an interim study of the system of parole and probation within the State of Nevada.

WHEREAS, It has become apparent in recent months that the current standards used to determine whether an offender is eligible for parole or probation need to be reviewed and evaluated; and

WHEREAS, The health, safety and welfare of the residents of the State of Nevada must not be jeopardized in any way by the premature release of dangerous offenders; and

WHEREAS, The entire system of granting parole or probation to offenders has not been examined for many years; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of the system of parole and probation in the State of Nevada; and be it further

RESOLVED, That the study must include:

1. A review and evaluation of the standards used for determining whether an offender is eligible for parole or probation;

2. An evaluation of the supervision of offenders released on parole or probation;

3. Consideration of methods to be used to improve communication between the State Board of Parole Commissioners, the Division of Parole and Probation of the Department of Motor Vehicles and Public Safety, local law enforcement agencies and other personnel who supervise offenders who have been released;

4. An analysis of the qualifications of members of the State Board of Parole Commissioners, the parole and probation officers and the personnel involved in the support of offenders who have been released;

5. A determination of the data processing system and personnel necessary to supervise offenders effectively on parole or probation; and

6. An analysis of how the rate of parole or probation is affected by budgetary limitations; and be it further

RESOLVED, That the Legislative Commission shall appoint an advisory committee to assist the interim study committee consisting of representatives of the State Board of Parole Commissioners, the Division of Parole and Probation of the Department of Motor Vehicles and Public Safety, law enforcement agencies and the prison system; and be it further

RESOLVED, That any recommendations for legislation resulting from the study must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to conduct the study; and be it further

RESOLVED, That the Legislative Commission report the results of its study and any recommended legislation to the 69th session of the Nevada Legislature.

APPENDIX B

Assembly Bill 288 (Chapter 611, *Statutes of Nevada 1995*)

Assembly Bill No. 288--Committee on Judiciary

CHAPTER..... 611

AN ACT relating to parole: changing the number, qualifications, procedure and training of the state board of parole commissioners; making various other changes related to parole; and providing other matters properly thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

The department of motor vehicles and public safety in conjunction with the department of prisons shall establish a program of orientation for new members of the board that will familiarize the new members with the operation, policies and procedures of the respective departments that are relevant to the activities of the board and the relationship between the departments and the board. Upon appointment, a new member of the board shall attend the program of orientation.

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.160, inclusive, [and] section 5 of Senate Bill No. 61 of this session and section 1 of this act, unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.
2. "Chief" means the chief parole and probation officer.
3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.
5. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief parole and probation officer.

Sec. 3. NRS 213.108 is hereby amended to read as follows:

213.108 1. The state board of parole commissioners is hereby created within the department of motor vehicles and public safety.

2. The board consists of [six] seven members appointed by the governor.
3. A chairman of the board must be appointed by the governor. The chairman is the executive officer of the board and shall administer its activities and services and is responsible for its management except as otherwise provided in NRS 213.1085.

4. Each member of the board must have at least:

(a) A bachelor's degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of correctional or rehabilitative facilities and programs and not less than 3 years of experience working in one or several of these fields; or

(b) Six years of experience in one or several of the fields specified in paragraph (a).

5. *At least one member of the board must have experience in at least one, so that among them the members have experience in all, of the following:*

- (a) Management of prisons;*
- (b) Management of law enforcement, including investigation;*
- (c) Management of personnel in parole and probation;*
- (d) Social work or therapy with emphasis on family counseling, domestic violence and urban social problems; and*
- (e) Advocacy of victim's rights.*

6. *During his term of service on the board, each member must attend an aggregate of 10 hours of courses in each year, in any combination of the following:*

(a) Programs of correctional treatment, alternative punishments for disobedience, selection of offenders for parole and supervision of parolees;

(b) Abuse of alcohol and controlled substances, the acquired immune deficiency syndrome, domestic violence, mental illness or mental retardation; and

(c) Designation of and programs for repeating or professional offenders and problems related to gangs.

The board shall, within the limits of legislative appropriations, pay the expenses of members in attending these courses.

7. Except as otherwise provided in [subsection 5 and] NRS 213.133, a decision on any issue before the board, concurred in by [two] *four* or more members, is the decision of the board.

[5. Any decision on an issue involving a person:

(a) Who committed a capital offense;

(b) Who is serving a life sentence; or

(c) Whose sentence has been commuted by the state board of pardons commissioners,
is the decision of the board if it is concurred in by three members and ratified by a fourth member.]

Sec. 4. NRS 213.1087 is hereby amended to read as follows:

213.1087 1. After the initial terms, the term of office of each member of the board is 4 years.

2. Appointments to the board must be made by the governor within 60 days from the time any vacancy occurs.

3. *The governor shall not appoint a person to serve as a member of the board for more than two terms. A member of the board shall be deemed to have served a full term if he serves as a member for more than 2 years during any given term.*

4. Members of the board are in the unclassified service of the state. They shall devote their entire time and attention to the business of the board and shall not pursue any other business or occupation or hold any other office of profit which detracts from the full and timely performance of their duties.

[4.] 5. Any member of the board may administer an oath or affirmation to any person offering to testify upon the hearing of an application for parole or in a parole revocation hearing, and any district judge, county clerk or notary public may take and certify an affidavit or deposition to be used upon such an application, either for or against it, or in a parole revocation hearing.

Sec. 5. NRS 213.10987 is hereby amended to read as follows:

213.10987 1. The board shall adopt by regulation *specific standards for each type of convicted person* to assist the board in determining whether to release on parole or revoke the parole of a convicted person who is otherwise eligible for parole or on parole [.] , *including, without limitation, standards for determining whether to release on parole or revoke the parole of a person:*

- (a) *Who committed a capital offense.*
- (b) *Who was sentenced to serve a term of imprisonment for life.*
- (c) *Who was convicted of a sexual offense involving the use or threat of use of force or violence.*
- (d) *Who was convicted as a habitual criminal.*
- (e) *Who is a repeat offender.*
- (f) *Who was convicted of any other type of offense.*

The standards must be based upon objective criteria for determining the person's probability of success on parole.

2. In establishing the standards, the board shall first consider all factors which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. *Such considerations must include, without limitation:*

- (a) *The severity of the crime committed;*
- (b) *The criminal history of the person;*
- (c) *Any disciplinary action taken against the person while incarcerated;*
- (d) *Any previous parole violations or failures;*
- (e) *Any potential threat to society or himself; and*
- (f) *The length of his incarceration.*

3. The standards adopted by the board [shall adjust the standards to] *must provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.*

4. When adopting regulations pursuant to this section, the board shall follow the procedure set forth in chapter 233B of NRS for the adoption of regulations.

5. The board shall report to each regular session of the legislature:

- (a) The number and percentage of decisions regarding parole which conflicted with the standards; and
- (b) Any recommendations regarding the standards.

Sec. 6. NRS 213.110 is hereby amended to read as follows:

213.110 1. Subject to the provisions of NRS 213.120, the board shall [have power to] establish rules and regulations under which any prisoner who is now or hereafter may be imprisoned in the state prison, or in another jurisdiction as provided in NRS 176.045, may be allowed to go upon parole outside of the buildings or enclosures, but to remain, while on parole, in the legal custody and under the control of the board and subject at any time to be taken within the enclosure of the state prison.

2. The board, for good cause and in order to permit induction into the military service of the United States, may suspend paroles during the period of the parolee's active service after induction into the military service.

Sec. 7. NRS 213.133 is hereby amended to read as follows:

213.133 1. [In considering applications for parole,] *Except as otherwise provided in subsections 6 and 7, the board may delegate its authority to hear, consider and act upon [the] applications for parole and on any issue before the board to [:*

(a) One member of the board or a case hearing representative designated pursuant to the provisions of NRS 213.135, sitting as a referee; or

(b) A] a panel consisting of:

[(1)] (a) Two or more members of the board, two of whom constitute a quorum; or

[(2) A]

(b) One member of the board [and] *who is assisted by a case hearing representative . [; or*

(3) Two case hearing representatives.]

2. No action taken by any panel created pursuant to paragraph [(b)] (a) of subsection 1 is valid unless concurred in by a majority vote of those sitting on the panel.

3. [As a condition of delegating its authority to a referee or panel, the board shall require that the] *The decision of [the referee or panel be] a panel is subject to final approval by the affirmative action of a majority of the members appointed to the board. Such action may be taken at a meeting of the board, or without a meeting by the delivery of written approval to the secretary of the board.*

4. The degree of complexity of issues presented must be taken into account before the board makes any delegation of its authority and before it determines the extent of a delegation.

5. The board shall adopt regulations which establish the basic types of delegable cases [.] *and the size of the panel required for each type of case.*

6. *A hearing on an application for parole or any decision on an issue involving a person:*

(a) *Who committed a capital offense;*

(b) *Who is serving a sentence of imprisonment for life;*

(c) *Who has been convicted of a sexual offense involving the use or threat of use of force or violence;*

(d) *Who is a habitual criminal; or*

(e) *Whose sentence has been commuted by the state board of pardons commissioners,*

must be conducted by at least three members of the board, and action may be taken only with the concurrence of at least four members.

7. *If a recommendation made by a panel deviates from the standards adopted by the board pursuant to NRS 213.10987 or the recommendation of the division, the chairman must concur in the recommendation.*

Sec. 8. NRS 213.135 is hereby amended to read as follows:

213.135 1. The board may [, upon the basis of qualification requirements it deems pertinent and essential,] establish and maintain a list of persons [who shall be considered] eligible to serve as case hearing representatives in the manner provided by NRS 213.133.

2. *Each member on the list of persons eligible to serve as a case hearing representative must have at least:*

(a) A bachelor's degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of correctional or rehabilitative facilities and programs and not less than 3 years of experience in one or several of those fields; or

(b) Six years of experience in one or several of the fields specified in paragraph (a).

3. The chairman of the board may, as the necessities of the caseload demand, designate a person [or persons from such] *from the list* to serve as a case hearing representative [, either as a referee or as a member of a panel] in the manner provided by NRS 213.133.

Sec. 9. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in [subsection 5,] *subsections 2 and 5*, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. *A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:*

(a) A court issues an order directing that the person be admitted to bail;

(b) The state board of parole commissioners directs the detention facility to admit the person to bail; or

(c) The division of parole and probation of the department of motor vehicles and public safety directs the detention facility to admit the person to bail.

3. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

[3.] 4. A person arrested for a battery upon his spouse, former spouse, a person to whom he is related by blood, a person with whom he is or was actually residing or with whom he has a child in common, his minor child or a minor child of that person, must not be admitted to bail sooner than 12 hours after his arrest.

[4.] 5. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

[5.] 6. Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

Sec. 10. Section 11 of Senate Bill No. 192 of this session is hereby amended to read as follows:

Sec. 11. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.160, inclusive, section 5 of Senate Bill No. 61 of this session , [and] section 1 of *Assembly Bill No. 288 of this session and sections 7 to 10, inclusive, of this act*, unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.
2. "Chief" means the chief parole and probation officer.
3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.
5. "*Sex offender*" means any person who has been or is convicted of a sexual offense.
6. "*Sexual offense*" means:
 - (a) A violation of NRS 200.366, subsection 3 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;
 - (b) An attempt to commit any offense listed in paragraph (a); or
 - (c) An act of murder in the first or second degree, kidnaping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to section 3 of this act.
7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief . [parole and probation officer.]

Sec. 11. As soon as practicable after July 1, 1995, the governor shall appoint to the state board of parole commissioners a seventh member whose initial term expires on July 1, 1997. As the terms of the members of the state board of parole commissioners expire on or after July 1, 1995, and the appointment required by this section is made, the governor shall appoint members having qualifications required by NRS 213.108, as amended by this act, to the extent that other members of the state board of parole commissioners do not already possess those qualifications.

Sec. 12. Notwithstanding the provisions of NRS 213.1087, the term of any member appointed to the state board of parole commissioners between July 1, 1995, and July 1, 1997, expires on July 1, 1997.

Sec. 13. This act becomes effective on July 1, 1995.

APPENDIX C

Overview of the Community Resource Centers

What our Community Leaders say about the CRC

"This unique effort could have a
tremendous beneficial impact on the
community."

Donald M. Mosley
Chief Judge
Eighth Judicial District Court

"The CRC is a giant step forward in helping
those people who are potentially
rehabilitatable."

Stewart J. Bell
District Attorney

"These efforts will help the offenders, the
judicial system, and the community as a
whole."

Seymore H. Brown
Chief Judge
Las Vegas Municipal Court

"When offenders have no hope or guidance
they continue to commit crime. Ultimately,
the price we pay for sustaining them behind
bars is a tremendous waste of human assets
and finances."

Addelmar D. Guy III
District Judge, Retired

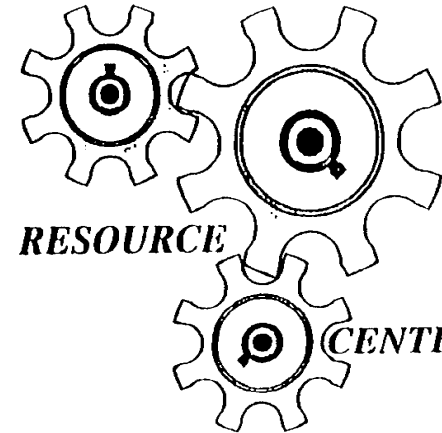
COMMUNITY CORRECTIONS at its finest!

The Eighth Judicial Court
Lower Court Counselors
UNLV: Criminal Justice, Social Work
Counseling/Educational Psychology
Latin Chamber of Commerce
The Salvation Army
Family Cabinet, Inc.
Southern Nevada Adult Mental Health
Bridge Counseling Associates
Nevada Treatment Center
Southwest Passage
Montevista
Action Counseling & Training
Bank of America
AFL - CIO
Clark County Detention Center
Las Vegas Metropolitan Police Department
Clark County District Attorney
Clark County Public Defender
Community Action Against Rape
Healthy Families Project
Clark County Health District
North Las Vegas Police Department
Henderson Police Department
United Way of Southern Nevada
Clark County School District
Community College of Southern Nevada
Nevada Business Services
Help of Southern Nevada
Nevada Partners
Nevada State Welfare
Community Counseling Center
Westcare
Mesa Family Counseling
EOB Treatment Center
HOD
PDQ Printing
Weed and Seed
Counseling Center of Southern Nevada
Aid for AIDS of Nevada
Clark County Social Service
Department of Employment Training & Rehabilitation:
Bureau of Alcohol and Drug Abuse (BADA)
Employment Security Division

Community Resource Center

319 S. Third Street
Las Vegas, Nevada 89101
(702) 486-3266
Fax 486-3261

COMMUNITY



RESOURCE

CENTER

State of Nevada
Division of Parole
and
Probation



319 S. Third Street
Las Vegas, Nevada 89101
(702) 486-3266

What is the Community Resource Center?

The Community Resource Center (CRC) is a one-stop center for services to offenders based upon assessed needs in the areas of education, substance abuse, and employment. The primary purpose is to offer rehabilitative services instead of costly incarceration. The center represents an innovative approach to community collaboration.

Why do we need the CRC?

The Community Resource Center (CRC) offers an individual the opportunity to become a productive member of society. They learn how to support themselves and their families and become taxpayers rather than tax burdens.

Who is involved in CRC?

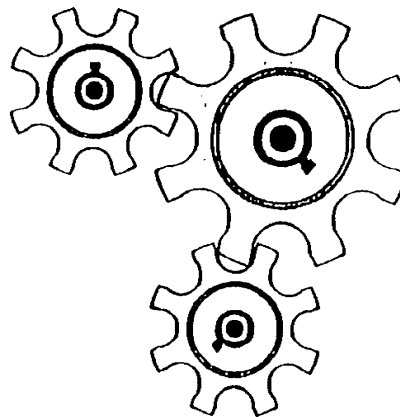
With support from the Governor and Legislature, the Nevada Division of Parole and Probation is working in partnership with numerous public and private entities to make this program a success.

How cost effective is CRC?

Every prison bed costs Nevada Taxpayers approximately \$14,000.00 a year. By putting fourteen (14) criminals on probation each month, or one-hundred sixty-eight (168) a year, \$2,352,000.00 could be saved annually. It also frees beds for the more violent offenders.

Where is the CRC?

The Community Resource Center is conveniently located in the downtown Las Vegas area close to Criminal Justice Agencies.



APPENDIX D

Overview of the "317" Residential Confinement Program

- a. Memorandum of Understanding dated October 27, 1995
- b. Attorney General Opinion dated October 19, 1995

**Memorandum of Understanding
AB317 Program
October 27, 1995**

On Friday October 20, 1995, representatives from the Department of Prisons, the Division of Parole and Probation, and the office of the Attorney General met to discuss the AB317 program. The AB317 program, created by the 1995 legislature, expands the availability of residential confinement for prison inmates. Those in attendance included Tom Patton, Deputy Attorney General; Mary Dugan, Deputy Attorney General; Robin Bates, NDOP; Jim Bendedetti, NDOP; Carlos Concha, P&P; and John Gould, P&P.

Problem Statement

The budgeted population of the Department of Prisons was reduced by the number of inmates expected to be housed in residential confinement pursuant to AB317. This number was expected to be 139 by the end of September 1995. It was actually ten or eleven.

Fiscal administrators and analysts from the Budget Division and LCB have expressed concerns over the ability of the Department of Prisons to house the unanticipated, additional population. They want to know why the performance of this program has been less than expected.

On Tuesday October 17, 1995, representatives from NDOP and P&P were called together by the Director of the Department of Administration to discuss the reasons for the poor performance of the program. It was apparent from this discussion that NDOP and P&P do not agree entirely on the meaning of the criteria governing an inmates admittance into the program, or on the application of the criteria to specific cases. The agencies were directed to conduct a joint meeting to define and document areas of agreement and disagreement. The meeting was conducted on Friday October 20th. This document is the result of that meeting.

Discussion

NDOP and P&P are separate, autonomous agencies. Although the language in AB317 implies that the Director of Prisons has the ultimate authority to approve or disapprove the assignment of an inmate to residential confinement, the truth is that P&P can and will exercise a veto in those circumstances it deems appropriate, and the NDOP is unable to override that decision. Thus even if the agencies agree in principal on all of the criteria, this will not insure that every inmate who is technically eligible will be so assigned. The criteria is subjective enough to allow reasonable people to reach vastly different conclusions, colored in part by their agency mission. This caveat is critical to an understanding of the following discussion.

The criteria for residential confinement under AB317 are stated in terms of exclusionary factors. An inmate cannot be assigned to residential confinement pursuant to AB317:

- a.) If he is not eligible for parole or release from prison within a reasonable period;
- b.) If he has recently committed a serious infraction of the rules of an institution or facility of NDOP;
- c.) If he has not performed the duties assigned to him in a faithful and orderly manner;
- d.) If he has ever been convicted of any crime involving the use or threatened use of force or violence against the victim, or a sexual offense;

- e.) If he has more than one prior conviction for any felony in this state or any offense in another state that would be a felony if committed in this state, not including a violation of NRS 484.3792 or 484.3795;
- f.) If he has escaped or attempted to escape from any jail or correctional institution for adults; or
- g.) If he has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director.

In addition, the inmate must have either established a position of employment in the community or enrolled in a program for education or rehabilitation. In either case, the inmate must demonstrate an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime.

There seems to be no disagreement between the agencies regarding the outward limits of the release criteria. Both agree that an inmate cannot be any farther than 18 months from a reasonable expectation of release to the community. The agencies have disagreed however, on whether or not there should be a lower limit. That is, whether an inmate with only 30 days remaining, for example, should be permitted to enter the program. P&P considered it to be non-cost effective; NDOP disagreed. During this meeting the agencies resolved that a person being released on parole could migrate to residential confinement with as little as 7 days remaining. It was generally agreed that doing so might even make the transition from prison to parole more efficient. Residential confinement would be a staging area for parole release for such inmates. With regard to persons being released in some manner other than parole (discharge for example) it was resolved that a person should have at least 30 days remaining to be served. The 30 days is to be calculated from the date the application is received by P&P.

There is no disagreement between the agencies concerning the meaning or intent of the second criteria (institutional behavior record). Both agencies had previously established that the inmate should not have had a major violation of the code of penal discipline within the last 6 months.

The third and seventh criteria are similar, having to do with the inmates participation in work, study, and treatment programs while in prison. The Department of Prisons objected to the practice of rejecting applicants on the basis of how much the inmate had or had not accomplished while in prison. If the person is otherwise eligible, the NDOP feels that P&P should not be rejecting on the basis of diligence in work or study. This is a criteria that is better evaluated by NDOP. P&P agreed to discontinue this practice.

The fourth criteria has to do with a persons history of violent and sexual crimes. Both agencies agree that any conviction, felony or misdemeanor, is grounds for rejection. In addition, both agencies agree that arrests without conviction can be considered on a case by case basis. The age of the arrest(s), as well as the frequency of such arrests, will be two of the factors considered. Similarly, violent or sexual conduct which is plea bargained down to a non-violent, non-sexual offense will be considered on a case by case basis.

The fifth criteria (number of priors) is a source of great confusion and some disagreement. An Attorney General opinion has cleared up some of the confusion. During the meeting on October 20th a common definition was agreed upon for this criteria: Where multiple felony convictions arise out of a single act, transaction or occurrence, are charged in a single indictment, and adjudicated in a single judgement of conviction, they should be treated as a single felony conviction for purposes of AB317. Where separate felony counts arise out of separate acts or occurrences, such counts should be treated as separate felony convictions for purposes of AB317.

There is no disagreement concerning the sixth criteria. Escapes and attempted escapes are reasons for rejecting an applicant.

With regard to the inmates' release plan, there was disagreement between the agencies regarding the meaning of "demonstrated an ability to pay for all or part of the costs of his confinement". The NDOP objected to instances where applicants were rejected because their source of income was other than a conventional paycheck. P&P agreed to consider an applicant if, for example, his parents or spouse agreed to provide room, board, and other financial assistance. Both agencies agreed that an inmates source of support should not be a person who is receiving welfare. A third party agreement would be required in instances where an inmate was receiving support from someone else.

The issue of non-statutory criteria was a source of some concern. There have been rejections for reasons such as "prior failure under probation supervision", "prior failure under community supervision" and "outstanding warrants". With regard to previous failures under supervision, the NDOP was concerned that probation violators were not being allowed to participate. At the very least, it was felt that each instance should be considered on a case by case basis, as apposed to a blanket exclusion. P&P agreed to consider probation violators after they had served 6 months. Outstanding misdemeanor and gross misdemeanor warrants will be considered on a case by case basis. If the court will agree to not arrest, an otherwise eligible inmate will be permitted to move to residential confinement.

There was a brief discussion concerning the design of the application. Frequently, applications are rejected because the inmate has provided incomplete or inaccurate information. This causes a substantial delay when the application has to be returned for additional work. The agencies agreed to work together on a new improved application; one which is accompanied by instructions. This alone may result in a significant improvement in program performance.

The agencies agreed to establish a "review rejection committee", composed of representatives from P&P and NDOP. This committee will meet once every week or so to discuss the manner in which the criteria is applied to specific rejections.

Finally, there was a case by case review of the 74 applications which have been rejected by P&P to date. 39 of the rejections were considered to be "conditional" in the sense that the application could be resubmitted if the problem could be corrected. Almost all of these cases were related to inadequate employment or residence plans. 35 of the rejections were considered to be "unconditional" in the sense that there was nothing the inmate could do to change the decision. Almost all of these cases were related to the inmates criminal history and behavior.

Of the 39 conditional denials, one was changed to an "approved" as a result of this review.

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October 27, 1995
Memorandum of Understanding
AB317 Program

Of the 35 unconditional denials, three were changed to conditional as a result of this review. Those applications will be resubmitted. Seven of the rejected applicants have since paroled.

The applications of the remaining 38 conditional denials are being completed and will be resubmitted as soon as possible. These applications, as well as all future applications, will be considered according to the agreement outlined in this document.



Robin Bates, Chief
Classification & Planning
Department of Prisons



Carlos Concha,
Acting Deputy Chief
Division of Parole & Probation

Agenda
AB 317 Meeting
P&P and NDOP
10/20/95 10:00 A.M.

- I Define and Document Areas of Disagreement Concerning Statutory Criteria
 - A. Where do we disagree on the application of the following criteria?
 - 1. Proximity to Release; Should there be any minimum limit?
 - 2. Institutional Behavior; Is it necessary for both agencies to screen for this?
 - 3. Institutional Programming; Should it not be the Director of Prisons who weighs this factor?
 - 4. Number of prior felony convictions. How is this criteria to be interpreted?
 - 5. Convictions for offenses involving sex or violence; Is it necessary for both agencies to screen for this?
 - 6. Financial Resources; Does the offender have to have a job.
 - B. Are there any non-statutory criteria being employed?
- II Discuss Business Processes
 - A. NDOP files and computers can be made available to P&P staff conducting application reviews.
 - B. Should we conduct this application review jointly? By a voting committee with representation from both agencies?
 - C. Or, should we establish a "rejection review committee"?
 - D. Regulations: Statute requires Director of Prisons, after consulting with P&P, to develop standards for determining eligibility. How should we approach this process? What do we want the results to look like?
- III Review Previous Rejections
 - A. Conduct a case by case review of previous rejections.
 - 1. Identify areas of agreement and disagreement
 - 2. Document Results
 - 3. Report Results



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

Capitol Complex
Carson City, Nevada 89710
Telephone (702) 687-4170
Fax (702) 687-5798

FRANKIE SUE DEL PAPA
Attorney General

BROOKE A. NIELSEN
Assistant Attorney General

October 19, 1995

Robert Bayer, Director
Nevada Department of Prisons
P.O. Box 7011
5500 Snyder Avenue
Carson City, Nevada 89702-7011

James P. Weller, Director
Department of Motor Vehicles and
Public Safety
555 Wright Way
Carson City, Nevada 89711-0900

Richard E. Wyett, Chief
Division of Parole and Probation
1445 Hot Springs Road, S-104 West
Carson City, Nevada 89710

Gentlemen:

You have requested an opinion regarding interpretation of section 27 of AB 317, which is that portion of the Governor's 1995 crime bill popularly referred to as the "expanded house arrest program." You have expressed specific concern with regard to interpretation of the phrase, "more than one prior conviction for any felony in this state," as that phrase is used in subsection 3(e).

AB 317, section 27, subsection 3 provides in full that:

3. The director, after consulting with the division of parole and probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this state or any offense in another state that would be a felony if committed in this state, not including a violation of NRS 484.3792 or 484.37956;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as order by the director, is not eligible for assignment to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement pursuant to this section.

The question that has been raised is whether, for purposes of applying subsection 3(e), multiple felony counts within a single judgment of conviction count as separate felony convictions, or as a single felony conviction.

It might appear logical at first blush to conclude that each felony count within an indictment and judgment of conviction constitutes a separate and distinct "prior conviction for any felony." Almost identical language, however, is utilized in Nevada's habitual criminal statute, NRS 207.010, and the Nevada Supreme Court has reached the opposite conclusion in determining what constitutes a separate "prior felony conviction."

NRS 207.010 provides in pertinent part that:

1. Every person convicted in this state of any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who has previously been twice convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount to a felony, or who has previously been three times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element, is an habitual criminal and shall be punished by imprisonment in the state prison for not less than 10 years nor more than 20 years.

2. Every person convicted in this state of any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who has previously been three times convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount to a felony, or who has previously been five times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element, shall be punished by imprisonment in the state prison for life with or without possibility of parole. If the penalty fixed by the court is life imprisonment with the possibility of parole, eligibility for parole begins when a minimum of 10 years has been served.

...

(Emphasis added).

In interpreting what constitutes a prior conviction for purposes of determining habitual criminality under NRS 207.010, the Nevada Supreme Court has adopted what it determined to be the majority rule and declared that:

[w]here two or more convictions grow out of the same act, transaction or occurrence, and are prosecuted in the same indictment or information, those several convictions may be utilized only as a single "prior conviction" for purposes of applying the habitual criminal statute.

Rezin v. State, 95 Nev. 461, 462, 596 P.2d 226, 227 (1979) (citations omitted).

In so holding, the court noted that its ruling was consistent with the policy and purpose of the recidivist statute, which was to discourage repeat offenders and to afford them an opportunity to reform. Rezin, 95 Nev. at 462-463, 596 P.2d at 227. The court reaffirmed that holding the following year in Halbower v. State, 96 Nev. 210, 211-212, 606 P.2d 536, 537 (1980).

Subsequently, in Staley v. State, 106 Nev. 75, 787 P.2d 396 (1990), the Nevada Supreme Court was presented with a scenario where two felony convictions charged in a single indictment arose out of a "single criminal episode." Specifically, the defendant had unsuccessfully attempted to enter a house, then proceeded down the street and again unsuccessfully attempted to enter another house. The defendant plead guilty to two counts of attempted burglary and was ultimately sentenced to consecutive life terms under "the major habitual criminal statute," NRS 207.010(2). On appeal the defendant argued that his criminal "episode" should be treated as a single prior felony conviction, and that he could only have been sentenced under "the little habitual criminal statute," NRS 207.101(1). The Nevada Supreme Court expressly did not decide whether the defendant's position was correct. Staley, 106 Nev. at 79-80 n.6, 787 P.2d at 399 n.6. To date, the Nevada Supreme Court has not resolved this issue.

In light of the Nevada Supreme Court's rulings in Rezin, Halbower, and Staley, it is reasonable under AB 317, section 27, subsection 3(e), to treat multiple felony counts that arise out of a single act, transaction or occurrence, that are charged in a single indictment, and adjudicated in a single judgment of conviction, as a single prior felony conviction. In so concluding, it is noted that the evident policy and purpose behind subsection 3(e), to protect the public from and impose a greater level of punishment against repeat offenders, is akin to the policy and purpose of the habitual criminal statute, to discourage repeat offenders and to afford them an opportunity to reform. Moreover, because the Nevada Supreme Court has concluded that multiple felony counts arising out of a single act, transaction or occurrence do not qualify a person as a recidivist when determining habitual criminality status, it would be inconsistent to conclude that such multiple felony counts qualify one as a recidivist for purposes of determining whether such person is eligible for placement in the house arrest program. Where separate felony counts arise out of separate acts or occurrences, such counts should be treated as separate prior felony convictions for purposes of applying AB 317.

AB 317
October 19, 1995
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I hope that this analysis satisfactorily addresses your concerns. If I can be of further assistance, please do not hesitate to contact me.

FRANKIE SUE DEL PAPA
Attorney General

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TMP:sg

APPENDIX E

“Executive Summary of Recommendations” from the Task Force Report

EXECUTIVE SUMMARY OF RECOMMENDATIONS

Nevada Department of Prisons:

- * In preparation for the 1997 Legislative Session, the Nevada Department of Prisons, in conjunction with the Legislative Commission's Advisory Committee appointed pursuant to SCR 52, should review Nevada's system for awarding credits against terms of imprisonment. Legislation should thereafter be proposed which will focus on awarding credit for actual positive and productive behavior, and eliminate awarding credit for merely avoiding bad behavior. Responsibility for tracking the results and effectiveness of revisions to Nevada's credit system should be assigned to the Department of Prisons' full-time research analyst position funded during the 1995 Legislative Session.
- * By July 1, 1996, a panel consisting of the Director of the Department of Prisons, the Administrator of the Mental Health and Mental Retardation Division of the Department of Human Resources, and a designated psychologist or psychiatrist licensed to practice in Nevada, should develop a standardized evaluation procedure, based upon written objective criteria, for determining whether to issue "psych panel" certifications for specified offenders that are eligible for parole. Responsibility for tracking the results and effectiveness of the psych panel screening and certification system should be assigned to the Department of Prisons' full-time research analyst position funded during the 1995 Legislative Session.
- * By July 1, 1996, the Department of Prisons should modify parole progress reports to include the department's recommendation concerning each individual offender's application for parole. A standardized method for soliciting input from the correctional officers and other correctional professionals that have knowledge of the offender's behavior while incarcerated should be developed. The parole progress report should contain a summary of such reports, which in turn should be reflected in the department's recommendation.
- * In preparation for the 1997 Legislative Session, the Nevada Department of Prisons, in conjunction with the Legislative Commission's Advisory Committee appointed pursuant to SCR 52, should review the adequacy and effectiveness of the department's programming opportunities. Specific focus should be given to the availability and adequacy of programs to combat illiteracy, as well as programs related to substance abuse. Additional funding should be made available by the 1997 Nevada Legislature to ensure that adequate prison programs in these areas are available to all Nevada inmates.

Nevada Board of Parole Commissioners:

- * By July 1, 1996, parole eligibility lists should set forth a numerical score that indicates the applicant's relative criminal history, and should contain a notation indicating whether the applicant has been identified by a Nevada law enforcement agency as a repeat offender.
- * By January 31, 1996, all prosecuting offices in Nevada should implement as a standard operating procedure that all victims of a crime, including victims of crimes that were dismissed pursuant to plea agreement, at or before the time the offender is sentenced, are provided with a victim impact and parole application notification request form, and that all other interested persons who so request are provided with a parole application notification request form. To implement this recommendation, the parole board should develop a standard notification request form for use by non-victims who wish to receive notification of parole proceedings.
- * By January 31, 1996, the parole board should implement procedures designed to reduce the amount of travel time spent by parole commissioners while attending parole hearings. The Task Force specifically recommends that parole application hearings held at small or at geographically remote institutions be conducted quarterly rather than monthly.
- * In 1997, legislation should be considered which will reduce the overall number of parole application hearings conducted on a monthly basis. The Task Force specifically recommends the passage of legislation which will allow for the deferral of parole hearings with regard to consecutive sentences until all consecutive sentence parole eligibility minimums have been served and the offender is potentially eligible for parole to the street. It is further recommended that legislation be considered in 1997 which will allow for an automatic one year parole denial period for offenders who reach a minimum prison disciplinary misconduct threshold level.
- * By July 1, 1996, the Office of the Director of the Department of Motor Vehicles and Public Safety should establish training standards and a training curricula applicable to all parole board commissioners. These standards should specify the orientation and annual training requirements expected of parole commissioners. In addition, by July 1, 1996, the Board of Parole Commissioners should establish, within its internal operating procedures and guidelines, performance standards, to be approved by the office of the governor, applicable to all commissioners. Such performance standards should include but not be limited to the work hours that are expected to be observed, and the quality and quantity of work in terms of file review and conduct of hearings that is expected of commissioners. By September 1, 1996, the Chairman of the Board of Parole Commissioners should commence an annual review of each associate commissioner's training and performance for submission to the governor, specifying the extent to which the associate commissioner has adhered to the training and work performance standards.

To facilitate the Chairman's evaluation process, a form for soliciting input concerning parole board commissioners' performance should be developed and made available at parole board hearings for completion by law enforcement personnel, victims and other interested persons in attendance at such hearings. In 1997, legislation should be proposed which would give the governor the power to remove for cause any parole commissioner whose annual review evidences a wilful or persistent failure to adhere to the established training or work performance standards.

- * By July 1, 1996, the regulatory standards promulgated to assist in determining probability of success on parole, set forth in NAC 213-520, and the parole board form entitled "Parole Success Likelihood Factors" which is based upon those regulatory standards, should be comprehensively reviewed and revisions proposed. The regulatory standards should provide for a more detailed set of indicators that will be considered in determining an offender's likelihood of success on parole.
- * By July 1, 1996, the parole board should implement new procedures which will require that parole application hearings be conducted at least 90 days prior to the date an applicant is eligible for actual release. All parole board decisions in favor of granting a parole should be issued contingent upon continued good conduct, and contingent upon verification that the applicant has presented a truthful and viable parole release plan.
- * The parole board should implement a policy which, absent extraordinary circumstances, eliminates 6-month parole denial periods in favor of a minimum one-year parole denial.
- * The Task Force recommends that legislation be considered during the 1997 session which would amend NRS 213.133 and allow for the final decision on a parole application to be rendered by less than a majority in specified circumstances.

Nevada Division of Parole and Probation:

- * Legislation should be proposed in 1997 that would require parole and probation officers, who are trained at the state's expense but who then decide to leave state employment for similar positions at the county level or in other states, to reimburse the state for their training costs.
- * By July 1, 1996, the Department of Motor Vehicles and Public Safety should complete a survey of the supervision standards utilized by the various Nevada county probation departments, as well as the standards utilized by other western states and the U.S. Parole and Probation Department. The Division's parole and probation standards should thereafter be set in conformity with the standards determined as a result of such survey, and additional funding for officer staff provided during the 1997 Legislative Session to implement such standards.

- * By July 1, 1996, a final needs assessment concerning computer equipment and software required to automate the State Division of Parole and Probation's operations should be completed by the State Department of Administration in conjunction with the Department of Motor Vehicles and Public Safety, Information Services Division. In addition to the initial funding appropriated during the 1995 Legislative Session, additional funding should be appropriated during the 1997 Legislative Session to procure the equipment and software necessary to implement an integrated computer system. The system should be designed to allow for the division's interface with Nevada's Criminal History Records Repository and the Nevada Criminal Justice Information System.
- * Pending the completion of a Division of Parole and Probation computer automation needs assessment and implementation of an integrated computer system, an "Interim Notification Project" has been proposed by the Department of Motor Vehicles and Public Safety which will enable local law enforcement to obtain immediate notification when a parolee or probationer is placed under supervision within the local law enforcement agency's jurisdiction. The Task Force supports this proposal and recommends that funding for the project be provided through the Legislature's 1995/1997 biennium Interim Finance Committee. In addition, the Task Force recommends that the Department of Prisons notify the Nevada Criminal Justice Information System of an inmate's release on parole immediately prior to that release. An automatic "hold without bail" should be placed on behalf of the Division of Parole and Probation on any parolee or probationer arrested for a criminal violation. The automatic hold should be effective for a maximum of 24 hours pending notification to the Division of Parole and Probation and a determination by the Division whether the hold should be continued and revocation procedures initiated.

**Nevada Department of Motor Vehicles and Public Safety,
Highway Patrol Division, Records and Identification Services:
Information Services Division:**

- * By July 1, 1996, the Administrative Office of the Courts, in conjunction with the Department of Motor Vehicles and Public Safety, should complete a study identifying the equipment needed to bring Nevada's criminal courts on line with Nevada's Criminal History Records Repository, and which will enable sentencing courts to instantaneously transmit information to the central repository at the time of sentencing. Funding for such equipment, and court personnel necessary to provide data entry services, should be appropriated during the 1997 Legislative Session. In addition, the Task Force recommends that NRS 62.360 be amended so as to allow sentencing courts direct access to juvenile court criminal records that have not been ordered sealed in accordance with law.

- * By July 1, 1996, a statewide registry of domestic violence orders of protection should be created within the Nevada Criminal Justice Information System which can be accessed by state and local law enforcement agencies and local court systems.

General Recommendations:

- * The Office of the Governor should direct that, by July 1, 1996, a study be completed concerning the economic and administrative feasibility of consolidating the Department of Prisons, the Board of Parole Commissioners, and the Division of Parole and Probation into a single Department of Corrections.
- * Beginning with the 1997 Legislative Session, all legislative committee requests for information from state agencies should be submitted to and coordinated by the Legislative Counsel Bureau. Duplicative requests for information should be avoided by maintaining a repository of information within the Legislative Counsel Bureau, and by designating the bureau as the sole entity from which requests for information will be issued.
- * By December, 1996, protocols should be developed between local medical facilities and local and state law enforcement agencies which will allow for the timely sharing of information about offenders or crime victims who are hospitalized, and which will delineate procedures for detaining hospitalized offenders and for notifying law enforcement of an offender's proposed release.

APPENDIX F

Parole Success Likelihood Factors

PAROLE SUCCESS LIKELIHOOD FACTORS

NAME: (LAST, FIRST, INITIAL) NUMBER INSTITUTION DATE

Convicted persons will appear before a Panel of the Board for parole consideration, when they have met the minimum eligibility as provided by Nevada law.

If the convicted person is serving sentences for multiple offenses, (concurrent time) the most severe offense will determine the crime severity level.

The Board has adopted Standards to conform with NRS 213.10885. The Standard Guidelines Recommendation Months (G.R.M.) indicate the customary range of time to be served (in months) for various combinations of offense and offender characteristics.

As stated in NRS 213.10705, the establishment of these standards is not intended to create any right or interest in liberty, nor to create any reasonable expectation of parole. (ref Greenholtz vs Nebraska Penal inmates 442 U.S. 1, 99 S CT, 2100 60 E. Ed 2nd 668 1979) nor to establish any basis for a course of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees. The release or continuation on parole is an act of grace of the State.

The Standards are designed to aid the Board in making consistent decisions. Additional criteria observed by the Board are the sentences imposed by the Court, recommendations from the Court, law enforcement agencies, prosecutors, prison personnel, and victims as provided in NRS 213.130. Further, the Board's actions are governed by NRS 213.1099, which delineates State policy on the granting of parole. It is emphasized that mitigating or aggravating factors may warrant decisions outside the guidelines and, in appropriate circumstances, the Board will exercise its discretion as provided by law.

In any case in which the decision of the Board conflicts with the Standard guideline months the Board may explain its decision in writing, and a record of departures from the Standards will be kept, and reported to the Nevada Legislature as required by NRS 213.10885, Sec 5A.

The severity level of each crime is set by NRS 193.130 Sec 1, the Board has adopted the levels of A,B,C,D, & E set by law. Further, the Board has expanded levels A & B to; A+, A-, B+, & B-, this expansion is to reflect the diverse minimum sentence requirements set in each of these two levels.

The Board will review the disciplinary record and programming portions of each score at the time of each hearing, any change from a previous score will be noted, and the Standard may be modified.

SCORE	0-10	11-20	21-30	31-40	41-UP	"LEVEL" & DESCRIPTION OF SENTENCE STRUCTURE BY STATUTE
A+	180-210	210-240	240-270	270-300	300-360	"A" CRIME: LIFE, 15 YEAR OR MORE MINIMUM
A-	60-96	96-132	132-168	168-204	204-240	"A" CRIME: LIFE, LESS THAN 15 YEAR MINIMUM
B+	24-36	36-60	60-84	84-108	108-EXP	"B" CRIME: 1 TO 3 MINIMUM WITH A 10 TO 20 MAXIMUM
B-	12-18	18-24	24-30	30-36	NO-PAROLE	"B" CRIME: ONE TO SIX YEARS
C	12-16	16-20	20-24	24-28	NO-PAROLE	"C" CRIME: ONE TO FIVE YEARS
D	12-15	15-18	18-21	21-24	NO-PAROLE	"D" CRIME: ONE TO FOUR YEARS
E	12-15	15-18	18-21	21-24	NO-PAROLE	"E" CRIME: ONE TO FOUR YEARS, ORIG GRANTED PROBATION

READ ACROSS FROM YOUR CRIME SEVERITY LEVEL AND DOWN FROM YOUR PAROLE SUCCESS LIKELIHOOD SCORE TO FIND YOUR GUIDELINES RECOMMENDED MONTHS (G.R.M.) TO SERVE. THE BOARD, USING ITS DISCRETION IN YOUR CASE, MAY DEPART FROM GUIDELINES RECOMMENDATION.

CONVICTIONS: MSD-NON _____ X 1= _____ NO EMPLOYMENT/SCHOOL: _____ 3= _____

MSD-VIO _____ X 2= _____

FEL-NON _____ X 2= _____ DRUG/ALCH CONVICTIONS: _____ X 2= _____

FEL-VIO _____ X 4= _____

HABITUAL _____ X 6= _____ DISCIPLINARY: MAJOR _____ X 2= _____

MINOR/GENERAL _____ X 1= _____

INCARCERATIONS: JAIL _____ X 1= _____ SUB-TOTAL= _____

PRIS _____ X 2= _____

DISCIPLINARY CREDITS - _____

PROB/PAROLE REVO'S _____ X 3= _____

WEAPONS: POSSESSION 2= _____ PROGRAM CREDITS:

THREAT/DISPLAY 4= _____ GED, H-S DIP, COL CRT _____ X 3 - _____

USE 6= _____ LONG TERM PROGRAMS _____ X 2 - _____

VICTIM IMPACT: PROPERTY 2= _____ SHORT TERM PROGRAMS _____ X 1 - _____

PHYSICAL/MENTAL 4= _____ SEVERITY LEVEL _____ GRAND TOTAL _____

SEX CRIME OR PERM DISABLED 6= _____

DEATH 8= _____ G.R.M.: _____ TO _____

CONVICTIONS: ALL ADULT & JUVENILE, INCLUDING I/O

INCARCERATIONS: ALL ADULT & JUVENILE, INCLUDING I/O

REVOCATIONS: ALL ADULT & JUVENILE, INCLUDING I/O

WEAPONS: I/O ONLY, ACTUAL, HIGHEST LEVEL, EVEN IF PLEAD OUT

VICTIMS: I/O ONLY, ACTUAL, HIGHEST LEVEL, EVEN IF PLEAD OUT

EMPLOYMENT: ANY FULL TIME JOB, SCHOOL, SIIS, SSI FOR 6 MONTHS

OF THE LAST YEAR PRECEEDING THE DATE OF THE I/O

DRUG/ALCHOL: ALL CONVICTIONS, INCLUDING I/O

DISCIPLINARY: NO LIMIT ON PLUS, LIMIT ON MINUS IS THREE

+2 FOR EACH MAJOR VIOLATION

+1 FOR EACH GENERAL VIOLATION

-1 FOR NONE AT 1ST HEARING, OR LAST 1 YEAR

-2 FOR NONE IN THE LAST 2 YEARS

-3 FOR NONE IN THE LAST 3 YEARS

-3 FOR NONE IN THE LAST 5 YEARS, & REMOVE ALL PRIORS RECIEVED

PROGRAMMING: (-10 IS CAP) INMATE MUST PROVIDE BOARD WITH ORIGINAL AND ONE COPY OF CERTIFICATES AND DIPLOMAS

-3 = FOR EITHER GED, H/S DIPLOMA, OR 24 COLLEGE CREDITS

-2 = FOR A LONG TERM SUBSTANCE ABUSE, BEHAVIOR MODIFICATION, OR LITERACY PROGRAM

-1 = FOR SHORT TERM COUNSELING, STREET READINESS, JOB WORKSHOP, PARENTING, WEEKLY AA/NA'S, FULL TIME JOB (1/2 DAY OR MORE), OR OTHER PROGRAM DEEMED APPROPRIATE BY THE BOARD.

APPENDIX G

Standards for Adult Parole Authorities
by the American Correctional Association

STANDARDS for Adult Parole Authorities

**Second Edition
June 1980**

**AMERICAN CORRECTIONAL ASSOCIATION
In cooperation with the
COMMISSION ON ACCREDITATION
FOR CORRECTIONS**

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Introduction

The development and promulgation of the initial *Manual of Standards for Adult Parole Authorities* stimulated changes in contemporary thinking about the role and purpose of parole authorities. This manual provided several parole authorities with the impetus and vehicle with which to measure their operations against national standards of performance. It is hoped that the publication of this second edition will challenge other authorities to consider meeting minimum operational standards.

Since the promulgation of the original manual in July 1976, many parole authorities have begun to structure and confine their discretionary powers by articulating decision-making criteria, and reducing disparity in decision-making. Some states, however, have chosen either to abolish or to severely curtail the parole function through determinate sentence legislation. In any event, it has become clear in recent years that the era of broad unchecked sentencing and release discretion is fast coming to a close. While the Association and the Commission have not taken positions on any state or federal legislation, they share the view that parole has been and will continue to be a vital and viable part of the criminal justice system, and that self-imposed structuring of parole discretion is far preferable to the abolition of parole discretion in favor of new and untested sentencing plans.

These standards require the setting of tentative release dates based on guidelines which have been more carefully considered and, as a result, will help structure the exercise of parole decision-making. The standards support the concept that a properly funded and well operated parole authority can provide adequate discretion in protecting the public and in providing for the improvement of individual offenders.

Definition of Parole

Although parole currently accounts for nearly 70 percent of all releases from prisons in the United States, Supreme Court decisions indicate that it is still considered an "act of grace" by the state and not a right of the inmate being considered. The most recent enunciation of this position has been in *Greenholtz, Chairman, Board of Parole of Nebraska, et al. v. Inmates of the Nebraska Penal and Correctional Complex et al.* (99 S. Ct. 2100, 1979). In the *Greenholtz* decision it was held that reasonable entitlement to due process is not created merely because a state provides for the possibility of parole, since such possibility provides no more than a mere hope that the benefit will be obtained. However, due process, as outlined in *Morrissey v. Brewer* (408 U.S. 471, 1972), is required in parole revocation hearings, which do present the possibility of loss of liberty.

While the organization, structure and policies of parole authorities can vary widely across jurisdictions, there are five characteristics which are shared by all jurisdictions:

- (1) Parole is a form of release from incarceration
- (2) Selection for parole release is discretionary
- (3) The authority to release rests with an administrative agency in the executive branch
- (4) Parole release involves the control or supervision of those released
- (5) Release is conditional and the parole authority retains the power to revoke liberty.¹

[1] Attorney General's Survey of Release Procedures (Washington, D.C.: Government Printing Office, 1936), p. 4.

Based on these shared characteristics, Travis and O'Leary have developed the following definition of parole:

Given a judicial, or even legislatively mandated, sentence to imprisonment, it is the parole authority that is largely responsible for deciding the precise length of a prison term and under what conditions an inmate may obtain release. Thus, parole decisions have a profound effect on prison programs and management. They are inextricably linked to the service of many of the same purposes that guide judges and prosecutors in their decisions regarding the length of prison terms.²

History of Parole

The origins of parole in the United States are usually traced back to the establishment of the Elmira Reformatory in New York in 1876. From that beginning, parole has expanded and is now employed by virtually all states and the federal government. During its first 50 years, the main emphasis in parole administration was the operation of a system of clemency tied closely to a structured system of rewards for compliant behavior. The chief functions of the parole board were to ensure that the offender demonstrated through behavior that he or she was a fitting candidate for the privilege of supervised release, and to balance that assessment against prevailing community sentiment.

Beginning in the 1920's, the field of corrections increasingly defined itself as a therapeutic enterprise with heavy emphasis on counseling and changing the offender's behavior. Although most correctional organizations continued to operate as they always had, the ideology of the field changed to reflect these views. Thus, while parole decision-making continued to reflect elements of the earlier clemency philosophy, it also began to stress a clinical approach. Increasingly, the task was perceived as encompassing an assessment of the degree to which an inmate had reached an optimal point for release. This was usually measured by his or her response to a variety of institutional treatment opportunities. Indeterminacy was much favored, and the therapeutic emphasis underscored the discretionary character of parole decision-making. Due process concerns and explicit release criteria were not seen as relevant to a proper parole process, which was to be carried out by panels of qualified experts employing their professional judgments.

In the 1960's the philosophy of corrections shifted once again. A newer perspective, asserting that corrections had placed too much emphasis on therapy directed toward the offender while institutionalized, redirected the emphasis to the activities of the offender in the community. A wide variety of community-based programs were fostered, including work and study furloughs, half-way houses, and similar kinds of programs. The goal for corrections became moving the offender into the community as quickly as possible.

Simultaneously with this philosophical shift, the correctional field was heavily influenced by general governmental reorganization efforts, which were designed to consolidate functions. As a result, a variety of institutional and community agencies and services were merged into relatively large departments of corrections.

Parole authorities now had to cope with increasingly large and decentralized systems which administered a wide variety of activities that placed offenders in many locations under varying circumstances. Consequently, the articulation of parole criteria and guidelines became matters of high priority. It was essential for parole authorities, working within increasingly complex correctional systems, to develop methods which would ensure fair and effective implementation of guidelines. Not surprisingly, parole authorities began to shift away from a clinical orientation, in order to focus on the establishment of more complex operational policy and procedure, including a system to monitor decisions.

[2] Lawrence F. Travis, III and Vincent O'Leary, *Changes in Sentencing and Parole Decision-Making: 1976-78*. A Publication of the National Parole Institutes and Parole Policy Seminars (National Council on Crime and Delinquency, January, 1979), p. 2.

By the mid-1970's, another set of concerns began to have an important influence on corrections. These arose, in the main, from a growing awareness of the limitations of available knowledge concerning acceptable means of changing individual behavior, and the potential for abuse inherent in a system of wide discretion and low visibility. Because these concerns had an impact on the entire field of corrections, they were influential in once again shifting perceptions about parole decision-making.

One reaction was a call for the total elimination of discretionary release and the substitution of a system of court-imposed sentences. A common response to this proposal by those who supported parole was to acknowledge the limitations of present knowledge about treatment and the need to control discretion, but to argue that a system of judicially imposed and fixed sentences would inevitably create more disparity than presently existed. It was also argued that elimination of discretionary release would result in an overly rigid system, which, in turn, would not respond effectively to the tremendous variety of individual situations and circumstances required of a just and efficient criminal justice system.

Proponents of parole also pointed out that the sentencing system embraces a variety of purposes—deterrence, treatment, risk control and punishment. Because these purposes are inherent in the current justice system, parole authorities, in conjunction with the courts, play an important role in fixing priorities among them in order to determine their appropriate dimension in individual cases. If discretion is inevitable, the real question becomes "where is it best placed in order to be controlled?" Proponents also supported the contention that parole authorities are well positioned in the criminal justice system to assist in the management of offenders so that public safety is enhanced, economies achieved, and humane treatment of offenders observed.

Parole Authority Standards

These standards reflect this unfolding history of parole and contemporary concern about it, without argument or speculation as to the future of parole in the criminal justice system. Parole authorities require national standards to guide them in protecting the public and in assisting the offender under circumstances that are understandable, fair, efficient and effective. The standards support Supreme Court decisions on the parole and revocation process as well as those concerning due process in providing notice of hearings, written reasons for decisions and opportunities for appeal. The standards emphasize that parole decision-making should occur under conditions of openness, and should result in the immediate availability to the inmates of the information on which decisions are made.

Contemporary concerns are also reflected in the emphasis on predictability and stability of parole decisions. Thus, parole dates are to be set as early as possible, consistent with the appropriate sentencing system, and changes in those dates are made only through a series of carefully articulated steps. The use of general parole conditions is sharply limited. In the interest of both the offender and the community, the parole authority must set conditions which are tailored specifically to the individual. These conditions are linked clearly to the potential for serious crime on the part of the parolee, rather than reflecting a generalized concern for an acceptable life style.

These standards call for long overdue substantial fiscal and organizational support for parole. Failure to supply necessary resources has too often resulted in parole programs that were basically ineffective and unfair, despite stated goals and objectives. The standards also call for non-political and well administered parole systems integrated with a variety of agencies and community organizations.

Perhaps as important as any other feature of these standards is the recognition of the need for increased knowledge in carrying out correctional responsibilities. In order to further develop information and knowledge called for by the standards, several standards relate specifically to the use of management information and research findings in parole decision-making.

Revision of Standards

The standards were originally designed for use in the accreditation process as defined by the Commission on Accreditation for Corrections. Consequently, the revisions in this manual reflect actual experience with the standards based on their application in the accreditation process, as well as additional new knowledge and experience which have accrued in the field since the original publication in 1976.

As with all sets of standards, this first revision for adult parole authorities has evolved through a process of debate and consultation. Response from parole authorities entering or considering entry into the accreditation process has provided the ACA Correctional Standards Program staff the information necessary to formulate revisions. Preliminary revisions were placed in draft form for consideration by hundreds of knowledgeable reviewers, field tested with five parole authorities across the United States, modified, approved by the American Correctional Association through its Committee on Standards, and adopted for use in the accreditation process by the Commission on Accreditation for Corrections. These groups represent parole and corrections nationally and have drawn on the expertise of the Association of Paroling Authorities and other national groups and associations which have an interest in the parole process.

Out of the process of initial publication, use in accreditation, reformulation, comment, review, and approval has emerged a set of standards which represent a forward-looking statement about the operation of a contemporary parole authority. Future revisions of these standards will, in turn, be guided by the same process.

Accreditation

A state or agency wishing to participate in accreditation must contact the Commission on Accreditation for Corrections in order to formally enter the process. After acceptance into the process by the Commission, the agency completes a self-evaluation to determine compliance with the standards, compiles documentation to support compliance, and develops plans of action to correct all deficiencies. After acceptance of the self-evaluation report by the Commission, and as soon as necessary compliance levels are attained, the agency can request an audit to verify compliance. This on-site audit is conducted by a team of trained Commission consultants.

The standards allow for the measurement of acceptable performance in achieving objectives. For purposes of their application they are minimal requirements and should be exceeded whenever possible. When they are met it is expected that every effort will be made to maintain performance at the level designated in the standards. Each standard has a weight such as mandatory, essential or important, which is used in determining compliance levels for accreditation. Mandatory standards are those related to the life, health and safety of offenders, employees or the public, and for which noncompliance could result in significant illness, injury or death to employees, offenders and/or the general public. Without exception, all mandatory standards must be met for purposes of accreditation. There are no mandatory standards at this time for adult parole authorities. Therefore, to be accredited, a parole authority must meet at least 90 percent of the essential standards and 80 percent of the important standards in this edition, as well as any other criteria stipulated in the policies and procedures of the Commission on Accreditation for Corrections.

Most standards require evidence of written policy and/or procedure in specific areas of operations. Policy and procedure are crucial elements in the effective administration of an agency and are heavily emphasized in this edition and in the accreditation process. Since an understanding of the meaning of these words is necessary to the use of the standards they are fully defined in the glossary and in the following discussion.

A *policy* is a statement of principles which guides the agency in the attainment of objec-

tives. To comply with a standard which requires a policy for a certain area, there must be not only a written policy, but also evidence that a line of action or principle has been adopted and is being followed by the agency.

Policy and procedure may both be required by the standard, in which case documentation demonstrating implementation of the procedure would also be necessary. A *procedure* is a method of performing an operation or an outline of the sequential actions that must be executed to ensure that a policy is fully implemented. Other glossary terms are identified in the manual with an asterisk (*) where they first appear in a chapter.

Goals for Corrections

These standards represent contemporary thought and judgment. They also set high levels of compliance for parole authorities pursuing accreditation. And they represent more than just a tool for accreditation. They are to be used by correctional administrators as guidelines for self-improvement and as a stimulus for change in the legislative, executive and judicial branches of government. The standards in this edition demonstrate that corrections professionals have the capacity to incorporate changing views of the parole process based on new experience, knowledge, and expertise. The capacity to change and evolve is vital to the continued acceptance and use of these standards in order to further the goal of the American Correctional Association and the Commission on Accreditation for Corrections. That goal is to help parole authorities throughout the country continue to upgrade and improve their operations.

2-1010 When requested in matters of clemency, the authority conducts an investigation, provides necessary factual information and, when requested, makes a recommendation to the clemency authority. (Essential)

DISCUSSION: Forms of clemency include pardon, commutation of sentence, reprieve and remission of fine. Statutes govern eligibility, specific requirements and the method for obtaining clemency. Most often the parole authority is advisory to the governor in matters of clemency. When a request is made the authority should complete a thorough investigation covering all requirements of the law or the requesting body. When requested, the authority should make a recommendation regarding the granting of clemency.

2-1011 Written policy and procedure govern the handling of clemency requests when the authority is empowered to handle them. (Important)

DISCUSSION: Policy and procedure should be developed to encompass all aspects of clemency, although some types of pardons, such as those of "innocence," are handled through the courts. Pardons of "forgiveness" generally stipulate a time period between the completion of sentence and the time of petition for pardon. They require the individual to have shown respect for the law and obedience to it during that period. Parole authority policy and procedure should be developed with the governor's office or other appropriate body regarding the steps in the process. When a recommendation on clemency is requested it should be made based on the unanimous vote of the full authority.

Administration and Staffing

2-1012 The parole authority has a current organizational chart that accurately reflects the structure of authority, responsibility and accountability within the agency. The chart is reviewed annually, and updated if needed. (Essential)

DISCUSSION: A current organizational chart is necessary for providing employees a clear administrative picture. The chart should reflect the grouping of similar functions, an effective span of control, lines of authority, and an orderly channel of communication. Names of units and duties should reflect precisely what is entailed.

2-1013 The chairperson of the parole authority initiates an annual review by all authority members of the authority's policies; revisions and updating of the policies are undertaken, when necessary. (Essential)

DISCUSSION: Although the parole authority chairperson has specific executive responsibilities, it is crucial that all the parole authority members be involved in the development and review of authority policy. The authority chairperson should operate within the policies fixed by the entire authority, moving beyond them only where expedient and with subsequent review. (See related standard 2-1017 and 2-1063)

ORGANIZATION AND ADMINISTRATION

2-1024 At least one member of the parole authority meets at least semiannually with the directors of institutions from which paroles are granted and/or with the head of the jurisdiction's correctional agency to develop means of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans. In states in which the authority paroles from local jurisdictions, an authority staff member meets at least annually with heads of local correctional agencies. (Essential)

DISCUSSION: Systematic and joint planning between institutional personnel and parole authority members is central to an effective correctional effort. It is not only important that communication occur on an individual case by case basis, but that there be agreement on programmatic directions, respective roles in those programs, and specific means of facilitating their operations.

2-1025 Each member of the parole authority visits one or more institutions and a representative sample of the community facilities in the jurisdiction at least annually, specifically for the purpose of meeting with staff and inmates to exchange information about programs, institutional operations, and parole policies and procedures. (Essential)

DISCUSSION: Parole authority members should visit institutions and community facilities in their jurisdiction at least annually to become directly and personally aware of the nature of programs, and to have the opportunity to obtain direct feedback from persons involved.

2-1026 A member of the parole authority meets at least semiannually with the administrative staff of the parole investigation and supervision agency to develop means of coordinating efforts, to undertake joint planning, and to agree on means of implementing and evaluating such plans. (Essential)

DISCUSSION: It is clear that the parole authority must depend in major part for its effectiveness on the staff of the parole investigation and supervision agency. Equally, the parole authority has significant impact on the activities of parole officers. Realistic and detailed planning between field staff and the parole authority is crucial.

2-1027 At least one member of the parole authority meets at least annually with representatives of relevant criminal justice agencies—police, prosecution, courts—to develop means of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans. (Essential)

DISCUSSION: A parole authority, because of its strategic position in the criminal justice system, has an important role to perform in working effectively with related agencies, and particularly in carrying out joint planning and evaluation efforts with them.

ORGANIZATION AND ADMINISTRATION

2-1028 Members of the parole authority, or their representatives, initiate continuing interaction with the field parole staff through conferences, seminars, and visits to field offices. (Essential)

DISCUSSION: First-hand communication is a necessity if a parole authority is to maintain an awareness of the conditions in the community, and particularly, of the consequences of various policies it has enunciated. It is also important that parole authority members gain first-hand information about various local residential programs and community services. Visits, conferences, and seminars at field offices are necessary to gain such information.

FISCAL MANAGEMENT

2-1029 The parole authority* has a clearly defined budget which provides for personnel, operational and travel costs sufficient for the operation of the authority, and subject to its administrative control. (Essential)

DISCUSSION: The authority's budget should be defined and subject only to the general rules and regulations which apply to all agencies in the jurisdiction. (See related standards 2-1015 and 2-1019)

2-1030 The parole authority employs a budgetary system which links, on a continuing basis, program functions and activities to the cost necessary for their support. (Important)

DISCUSSION: The authority must have access to a budgetary system which allows it to weigh the costs of its various functions and thereby plan effectively for wise allocation of resources. Appropriate and well developed financial procedures* should exist which allow the parole authority to review expended funds periodically, and to plan necessary reallocations of unencumbered funds. It is important that budget planning is continued throughout the year so the funds are fully and effectively utilized.

2-1031 The parole authority chairperson is responsible for a detailed budget request and justification which is prepared and presented on behalf of the agency at times designated by law. (Essential)

DISCUSSION: Fixed clear responsibility is essential to the budgetary process. Although many of the tasks of budget preparation should be delegated to staff members, the chairperson should be held responsible for making certain that an adequate budget is prepared according to the requirements of the governmental system in which the parole authority is situated. The parole authority chairperson should have the opportunity to present a budget request directly to the decision-makers in the budget allocation process.

2-1032 The parole authority chairperson participates in the legislative budget allocation process, subject only to the general rules and regulations which apply to all agencies in the jurisdiction. (Important)

DISCUSSION: The opportunity to present its case directly to those who allocate funds is extremely important to the parole authority. To simply submit a budget to larger departmental units is not sufficient. Presentations which are filtered through many layers tend to lose their force. The parole authority chairperson should have the opportunity to explain the authority's budget request to significant decision-makers in the budget allocation process.

2-1038 Members of the parole authority do not seek or hold public office which would represent a conflict of interest while a member of the authority. (Essential)

DISCUSSION: Members of the parole authority should not disenfranchise themselves during their term on the authority. During their term, however, political considerations should never enter the decision-making process. The avoidance of conflict of interest is essential to the objective role of the authority. (See related standard 2-1080)

2-1039 Positions of members of the parole authority are full-time. In jurisdictions where the parole authority has a minimum of cases to be heard, the chairperson must be full-time but other members may be part-time. A full justification for such action is necessary. (Important)

DISCUSSION: The task and scope of the work of the parole authority is such that full-time members should be appointed. In small jurisdictions, or those where there are few cases to be heard by the authority, justification of an alternative to a full-time authority will be considered.

2-1040 Tenure on the parole authority is no less than five years. Legal provision allows for the removal of parole authority members for good and demonstrated cause only after a full and open hearing when one has been requested by the member. (Important)

DISCUSSION: While even longer terms are desirable, it is important that parole authority members have at least five-year terms on an authority to provide stability of membership and freedom from undue concern about reappointment. It should be understood that a term of five years does not mean that the expectation exists that a parole authority member will not be reappointed. Conversely, reappointment should not be considered automatic.

2-1041 If a fixed term of office is used in the appointment of parole authority members, the terms of the members are staggered. (Essential)

DISCUSSION: Continuity of policy is an important goal for a correctional system which seeks equity and efficiency. Static policy is not the general goal. Change will be an ongoing need; however, if it is to occur, it should be orderly with due regard for previous organizational history. Abrupt alterations of program which fail to consider prior efforts almost inevitably produce unwarranted disparities in decisions, and make stable program development very difficult. In a key correctional unit, such as the parole authority, continuity of policy is a necessity and staggered terms of appointment are one important means of achieving it.

2-1042 Salaries of parole authority members are within twenty percent of the salary paid to judges of courts having trial jurisdiction over felony cases. (Essential)

DISCUSSION: The decision-making responsibility of parole authority members is comparable to that of judges of courts having trial jurisdiction. This level of compensation can help attract persons with the required skills and experience to serve on parole boards.

PERSONNEL

Training

2-1054 Written policy and procedure designate that the chairperson is responsible for orientation and in-service staff training programs. (Essential)

DISCUSSION: Although responsibility for carrying out training may be delegated, ultimate accountability should be with the chairperson of the authority. It is recognized that the chairperson may be dependent upon resources from the parent agency to carry out this responsibility. (See related standard 2-1047)

2-1055 Written policy and procedure provide that the authority's training programs for all employees are coordinated and supervised by a qualified staff member at a supervisory level. (Essential)

DISCUSSION: A qualified staff member, possibly in the parent agency, should have responsibility for planning and implementing the training program and coordinating it with other employee programs. While training may be conducted through institutes or other outside resources, the staff person coordinating the program should receive specialized training in the fundamentals of training and staff development.

2-1056 There is a written training and staff development plan for all authority employees. (Essential)

DISCUSSION: Provision should be made for training all employees, using a written plan with specific goals and timelines for each training unit. The plan should be reviewed annually, and updated if needed.

2-1057 The parole authority provides 40 hours of initial orientation for all full-time employees including new parole authority members, prior to their assuming assigned duties. (Essential)

DISCUSSION: Supervisory personnel of the agency should provide immediate orientation for all newly employed personnel to familiarize them with all agency policies and procedures. The orientation should include, at a minimum, an historical perspective of the agency goals and objectives, programs, procedures, policies and regulations, job responsibilities, personnel policies, and the role of the parole authority in the criminal justice system of the jurisdiction.

2-1058 All part-time staff and volunteers working less than 40 hours per week receive training appropriate to their assignments; volunteers working the same schedule as full-time, paid staff receive the same training as full-time staff. (Essential)

DISCUSSION: Since they are under the supervision of full-time staff, part-time staff and volunteers who do not have full-time staff assignments, should receive training specific to their particular function. In cases where volunteers function as full-time staff, however, they must receive the same training as provided full-time paid staff.

2-1059 Parole authority members and all full-time employees receive a minimum of 40 hours of relevant training and education annually, in addition to administrative staff meetings. (Essential)

DISCUSSION: The authority's staff must have regular opportunities for training and continuing education related to their various functions, as well as to broader issues involved in the authority's activities. Training may include: decision-making skills; new changes in law; court decisions; correctional policies and programs; communications skills; problem-solving; reports on research; and specialized training for support staff. Such training may be in the form of relevant courses at colleges, universities or professional institutes.

MANAGEMENT INFORMATION AND RESEARCH

Management Information Systems

Note: An information system* may be very sophisticated, using modern computer technology, or it may be relatively simple, using manual counting systems. The goal of such a system is to provide statistical information for use in making management decisions.

2-1060 The parole authority* has access to and uses an organized system of information retrieval and review that is part of an overall research and decision-making capacity. (Essential)

DISCUSSION: A parole authority can neither chart new policies,* control the applications of old ones, nor even be aware of their consequences without an organized system of retrieval and review. Not only is such a system important in terms of controlling applications of policy, but also in providing a base for evaluating different kinds of policy options.

2-1061 The parole authority or the agency of which it is a part maintains parole outcome measures, such as those developed by the Uniform Parole Reports* or an equivalent system. (Essential)

DISCUSSION: Extreme variation in the manner in which outcomes are measured among parole systems makes informed comparisons across jurisdictions extremely difficult, leads to confusion, and to a lack of sound development in the field. It is essential that there be a clear method of separating the types of outcomes (discharge, conviction of a felony, technical violations, etc.), as well as standardized follow-up periods. The definitions used by the Uniform Parole Reports have been developed cooperatively across the United States, and form the basis of a sound standardized system. They, or comparable systems, should be utilized by parole authorities in computing outcome measures.

2-1062 The parole authority has established a procedure* for receiving reports, at least quarterly, from those persons in charge of the information and research systems: the reports should include population characteristics and the status of parolees and offenders in the system. The authority is able to also retrieve, upon demand, information which has been entered into the system. (Important)

DISCUSSION: In order for a parole authority to monitor policies effectively, be alert to potential difficulties and plan for future actions, it must receive certain data periodically. The information obtained should include the number and type of offenders and parolees in the system, including those in community programs, the status of offenders in relation to their release, the length of sentences, the number and type of arrests of parolees, revocations by types of violations, and program information, such as the number unemployed and the types of programs parolees are attending.

2-1063 Parole decision-making, statistical, and research data are among the factors used by parole authority members in decision-making and policy development. The parole authority receives feed-back information on a continuing basis about the outcomes of its parole decisions and there is evidence that this information is acted upon in the reviews and revisions of parole decision-making criteria and policy. (Important)

DISCUSSION: Since the very nature of parole decision-making involves judgments based on factual data and policy considerations, the members of the authority should constantly be informed of the results of their judgments. The careful collection, assessment, and use of this feedback information can be instrumental in the improvement and refinement of parole decision-making and policy development. (See related standard 2-1013)

2-1064 Consistent with confidentiality requirements, the parole authority or the agency of which it is a part collaborates with criminal justice and human service agencies in programs of information gathering, exchange and standardization, including national data collection efforts. (Important)

DISCUSSION: Planning and assessment on a system-wide basis are needed in the juvenile and criminal justice fields. The key to effective collaboration is standardized and shared information. An example of the value of this activity is the Uniform Parole Reports Program, which was developed by the joint efforts of parole authorities in the United States. Such national systems require full cooperation by all parole authorities. While it is important that parole authorities take an active role in shaping joint programs of information sharing, it is also vital that they be particularly sensitive to issues of confidentiality and privacy of parole records. (See related standards 2-1023, 2-1068 and 2-1079)

Research

2-1065 The authority chairperson reviews all research designs prior to the start of research. (Important)

DISCUSSION: Research should not be permitted to proceed until the research design and the requirements of authority staff are understood fully. (See related standard 2-1067)

2-1066 The parole authority permits, encourages, and utilizes internal research as well as research conducted by outside professionals. (Important)

DISCUSSION: It is impractical for a parole agency to carry out internally all research needed. Responsible researchers are interested in carrying out research in the juvenile and criminal justice fields, and with encouragement by parole authorities, their efforts can be directed toward this specific area. Parole authorities should actively encourage the participation of responsible researchers in parole studies.

HEARING PROCESS

Note: These standards apply to release hearings, revocation hearings,* rescission decisions and appeals.

2-1080 Policy* and procedure* provide for the withdrawal of an authority member or hearing examiner* in cases which represent a conflict of interest. (Essential)

DISCUSSION: In any case where a parole authority* member or hearing examiner has personal knowledge of a case or could in any way benefit from the outcome of a case, that person should withdraw completely from the decision-making process for that case. (See related standard 2-1038)

2-1081 The person conducting the hearing* is responsible for the recording and preservation of a summary of the major issues and findings in the hearing. (Essential)

DISCUSSION: The keeping of a record of the events of the hearing for the purpose of subsequent review is essential. It is particularly important for future hearings to be able to review the record of a hearing, and have an awareness of the issues which had been raised previously. The use of dictating equipment is quite appropriate for this purpose. (See related standard 2-1067)

2-1082 The criteria which are employed by the parole authority in its decision-making are available in written form and are specific enough to permit consistent application to individual cases. Case decisions indicate that granting, denying, reviewing, and revocation decisions are in conformity with the written criteria. (Essential)

DISCUSSION: Various criteria should be developed which will assist the authority in making parole decisions. These criteria should go beyond statutory minimums to include the types of information which have a consistent relationship to parole success or failure.

2-1083 There is a process, available in written form, whereby the decisions of panels or hearing examiners can be reviewed by the full authority under rules fixed by it, and offenders are informed of the steps necessary to avail themselves of that process. (Essential)

DISCUSSION: The development of a decision review process is an important development in parole. In general, most parole decisions should be made by the hearing examiners or panels of parole authority members who interview the offender. However, a system of appeal, preferably to authority members not involved in the first hearing, should be established, and rules of the use of this process should be fixed. If there are only a few authority members, and all of them participate in initial decisions, some process of review or rehearing in a case should nonetheless be in effect. (See related standard 2-1009)

APPENDIX H

Regulations and Forms Used by the Division of Parole and Probation

- a. Supervision and Minimum Contact Standards
- b. Probation Success Probability
- c. Sentence Recommendation Selection Scale
- d. Initial Risk and Needs Assessment
- e. Reassessment of Risk
- f. Reassessment of Needs

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- I. AUTHORITY: Chief Parole and Probation Officer.
- II. PURPOSE: To set forth conditions governing classification, supervision contacts, case objective plans, supervision audits, and case decisions.
- III. APPLICABILITY: To all officers of the Department of Parole and Probation
- IV. DEFINITIONS: As used in this document, the following definition shall apply:
 - A. Classification: The process by which the Department determines differential care and handling of offenders and assigns them according to the risk they represent, their needs and the availability of resources.
- V. POLICY:
 - A. There will be four classifications of supervision requirements denoting Intensive, Maximum, Medium and Minimum Supervision. Assignment criteria for each of these classifications shall be documented to ensure uniformity and fairness, and shall be based upon the established Department guidelines, the Case Management System and the Strategy for Case Supervision. Reassessment reviews shall be scheduled at six (6) month intervals after the initial intake of each offender case.
 - B. Classification plans specify the number and type of supervision contacts with offenders per time period for every level of supervision.
 - C. Supervision services shall be available twenty-four (24) hours per day, seven days per week. Offenders under supervision shall be appraised as to availability of, and access to, the service.
 - D. Consistent with Court or Parole Authority requirements, the case supervision officer will develop case objectives with the offender for the period of community supervision. The plan will include methods for achieving these objectives.

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E. When specific services ordered by the Court or Parole Board for the offender are not available, the supervision officer shall return the case to the Court or Board Authority for further dispositional consideration.

F. The case objective plan shall be reviewed with the offender on an as-needed basis and adjusted in accordance with the offender's Risk and Needs Assessment in the community. It shall require the supervision officer to maintain personal contact with the offender and other persons or agencies in the community, according to Department guidelines.

G. An audit of the supervision level, contacts and case objective plans shall be conducted by the officer and his/her supervisor at intervals established by district requirements. Reassessments of supervision shall be implemented promptly when case factors so warrant.

H. The supervision process can involve many variables that may result in complex decisions or situations for which there may be ambiguous results. The case supervision officer will always consider the enforcement of the law and compliance with the conditions of supervision as a priority before making any case decision. Consultation with the appropriate supervisor shall always take place in situations where no clear-cut decision can be formulated by the supervising officer.

VI. PROCEDURES:

A. Supervision begins immediately upon the entering of the Court's decision to grant probation, or on the date the parolee is actually returned to the community. In those cases where the offender is in custody, either as a condition of probation or as the result of a separate criminal matter, the officer will provide appropriate supervision and develop case objectives. The entry level of classification for supervision is designated as an Intake period of thirty (30) days. During this time the initial interview shall take place where the terms and conditions are explained and a classification level is determined. Those offenders with felony convictions of any of the offenses listed in NRS 207.080 and 'sex offenders' as listed in NRS 207.151, will be advised of the requirement to register with the local law enforcement agency.

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B. Reassessments for classification shall occur at six (6) month intervals for all offenders. Any significant change in an offender's case may require a change in the supervision level and consultation with the immediate supervisor will be required.

C. Supervision Contact Guidelines

1. The following definitions of contacts are:

- a. Office Visit (OV): The offender actually comes into the district office to visit with his/her assigned officer, or another officer substituting for the assigned officer.
- b. Home Visit (HV): The offender is visited by the officer in his/her residence.
- c. Monthly Report (MR): The offender has submitted his/her written monthly report.
- d. Face-to-Face (FF): A personal contact with the offender occurring in the field or office, but other than the HV.
- e. Employment Contact (EC): Observing the offender on his/her job, visiting the offender at his/her place of work, or receiving verification of employment or training program.
- f. Collateral Contact (CC): Informative contact with persons who have knowledge of the offender's behavior, i.e., a spouse, neighbor, teacher, counselor, law enforcement person.
- g. Telephone Contact (TC): Personal contact with the offender by telephone conversation.
- h. Residence Verification (RV): The actual residence of the offender has been verified.
- i. Special Conditions (SC): All the Special Conditions of supervision have been met and verified for that month.

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- j. Special Conditions Addressed (SCA): Although a special condition has not been met, the issue has been addressed by the officer during that month.
 - k. Home Visit Attempt (HVA): A visit made by the officer to the offender's home but the offender is not physically present.
2. The following are levels of classification:
- a. Intensive Supervision: Career criminals or those suspected of being actively involved within the criminal subculture; offenders with a history of heavy drug abuse or suspected sales of drugs activity; dependent offenders requiring extensive assistance, such as the mentally ill or emotionally handicapped.
 - b. Maximum Supervision: Offenders considered to be a high risk in the community and requiring close monitoring by the supervision officer; factors may include violence potential, serious substance abuse, increasing seriousness or criminal record, steady and repeated uncooperative behavior under standard supervision conditions.
 - c. Medium Supervision: Offenders not considered to be a significant risk, and who are generally complying with the requirements of their supervision program under conditions of normal monitoring by the officer.
 - d. Minimum Supervision: Offenders considered to be a low risk in the community and who comply with the conditions of their supervision with very minimal monitoring of their behavior by the officer.
 - e. Intake Supervision: Offenders that initially enter the district via court sentencing, parole release or compact acceptance. This is a 30-day evaluation period. At the end of 30 days, offenders have been classified and assigned to a level of supervision, i.e., ISU, MAX, MED, or MIN, as described above.

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3. The following are monthly contact guidelines for levels of classification:

a. Intensive

- (1) Monthly Report
- (1) Home Visit
- (1) Face-to-Face (in addition to home visit)
- (4) Collateral Field Contacts
- (1) Employment Verification
- (1) Special Conditions
- (1) Weekly Program Verification

b. Maximum

- (1) Monthly Report
- (1) Home Visit
- (1) Face-to-Face (in addition to home visit)
- (1) Employment Verification
- (1) Special Conditions Verification

c. Medium

- (1) Home Visit (per quarter)
- (1) Monthly Report
- (1) Residence Verification
- (1) Face-to-Face
- (1) Employment Verification
- (1) Special Conditions Verification

d. Minimum

- (1) Home Visit (as appropriate)
- (1) Monthly Report
- (1) Face-to-Face (each 90 days)
- (1) Employment Verification (each 90 days)
- (1) Residence Verification (each 90 days)

e. Intake

- (1) Home Visit (within 10 working days)
- (1) Monthly Report
- (1) SCS Interview (within 30 calendar days)
- (1) Risk and Needs Assessment (within 30 calendar days)
- (1) Employment/Program Verification (within 10 working days)
- (1) Special Conditions Verification (within 10 working days)

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4. All contacts made by an officer with the offender, or other source(s) of information, are to be recorded in the chronological record of the desk log. These contact guidelines will be used by the immediate supervisor during audits to determine if the performance of supervision is sufficient and meeting case objectives. Information entered should be explicit, concise, legible and orderly. It should include the date and time of contact, the location and nature of the event, and should be signed or initialed by the officer.

D. Case Audits

Supervision cases shall be audited by the officer's supervisor at a frequency established by each District Administrator. During the audit process the supervisor shall ensure that the offender's case is at the appropriate level of supervision and that the terms and conditions of supervision are being met satisfactorily.

E. Staff Duty Hours

Community supervision of offenders does not lend itself to a standard work schedule. District Administrators should develop and implement procedures whereby parole and probation officers are available to help in offender-related matters at all times of the day and week. Staff should be available for off-hour responses to offenders, law enforcement and other interested agencies. Scheduling shall include systems for swing shifts, duty officers, paging systems, night and weekend telephone numbers, logs and answering services. The 24-hour availability of parole and probation officers is to be communicated to all offenders under supervision and to the law enforcement, court personnel and other related agencies who may have need of department services.

F. Case Objective Plan

At the beginning of supervision the officer and the offender together should develop a plan that incorporates the needs, problems, capabilities, limitations and the participation of the offender. Objectives and plans must remain within the offender's capacity. The plan may include reporting and testing requirements, compliance with regular and special conditions, and any other provisions necessary for proper supervision. The case objectives shall be recorded in the appropriate section of the desk log.

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G. Special Conditions Requiring Unavailable Programs

Some specific services or Special Conditions ordered by the Court or Parole Board are unavailable beyond compliance. In such a case, the officer shall:

1. Document the incident/situation in the chronological records;
2. Submit a memo or report to the Court/Board after supervisory review;
3. Recommend or request other resources or dispositions for compliance.

PROBATION SUCCESS PROBABILITY

Name _____ District _____ SCORE _____

Writer _____ Date _____ FY No. _____

CC No. _____

OFFENSE DATA: (60%)

PRIOR CRIMINAL HISTORY (Excluding Minor Traffic Violations):

Felony Convictions:	None (1)	One (0)	2 or more (-1)	[]
Misdemeanor Convictions (Including Gross Misdemeanor):	None (2)	1-3 (1)	4 or more (0)	[]
Pending, Unrelated Cases:	None (2)	Misd. (1)	Felony (0)	[]
Subsequent Criminal History:	None (2)	Arrest/Pending (1)	Convictions (0)	[]
Prior Incarcerations, Times in Prison:	None (3)	One (1)	2 or more (0)	[]
Times in Jail (Actual Sentences):	None (2)	2 or less (1)	3 or more (0)	[]
Juvenile Commitments (If defendant under 24):	None/or Over 24 (2)	One (1)	Two (0)	[]
Years in the Community Free of Convictions (Juvenile or Adult):	Over 5 (4)	3-5 (2)	Less than 3 (0)	[]
Prior Formal Supervision (Include Juvenile if under 24):	None (2)	One (1)	More than 1 (0)	[]
Criminal Patterns:	None/ No Record (2)	Random/ Decreased Severity (1) History of Violence (-2)	Same Type or Increased Severity (0)	[]

PRESENT OFFENSE:

Circumstances of Arrest:	Voluntary (3)	Non-prob. (2) Violent (-2)	Resistive (0)	[]
Type of Offense:	Victimless (Excluding Sales) (3)	Property (2) Person (0) Multiple Person 3 or More (-2)	Sales (1) Mult. Pers. -2 (-1)	[]
Psychological or Medical Crime Impact:	N/A (3)	Minor/No Treatment (2) Disability (0)	Required Medical Treatment/Psych. (1) Death (-10)	[]
Financial Crime Impact:	N/A (3)	Minimal or no loss (2) Excessive (0)	Moderate (1)	[]
Controlled Substances:	N/A (3)	Simple Possession (2) Sales/Smuggling/Manufacturing (-2)	Possession for Sale/ Minor Sales (0)	[]
Sophistication/Premeditation:	None (2)	Moderate (1)	High (0)	[]
Plea Bargaining Benefits to Applicant:	N/A (2)	Somewhat (1)	Significant (0)	[]
Weapon:	N/A (3)	Implied/ Concealed (0) Used (-4)	Brandished (-2)	[]
Co-Offender:	Follower (2)	Equal Responsibility (1)	Leader/Coerced Others or None (0)	[]
Motive:	Unintentional (3)	Situational (2) Deliberate (0)	Under Influence/ Alcohol or Drugs (1)	[]

TOTAL OFFENSE SCORE _____ POINTS x 1.2 = _____



SOCIAL DATA: (40%)

SOCIAL HISTORY:

Age:	40 or More (3)	25-39 (2) Certified Adult (0)	Under 25 (1)	[]
Family Situation (Immediate):	Constructive Support (3)	Moderately Supportive (2) Disruptive (0)	Non-Supportive/ Non-Existent (1)	[]
Education:	College or Technical Program Completion (3)	High School Diploma/GED/ Vocational Training Certificate (2)	Incomplete (1)	[]
Employment/Program:	Continuous (or Housewife) (4)	Sporadic (2)	Almost Non-Existent (0)	[]
Military:	Honorable Discharge/ No Military Serv. (1)	Other (0)		[]
Employability:	Readily/Not Needed (2)	Could Be Developed (1)	Unemployable (0)	[]
Financial (Capable of Supporting Self and/or Dependents):	Adequate (4)	Could Be Developed (2)	Inadequate (1)	[]

COMMUNITY IMPACT:

Commitments (Ties):	Local/In-State (2)	Home State (1)	None (0)	[]
Resource Availability (Type of Adequate Programming):	Pre-Determined/ Not Needed (3)	Available (2)	Unavailable (0)	[]
Substance Abuse—Alcohol:	Non-Problmtc. (3)	Problmtc. (2)	Excessive (0)	[]
Substance Abuse—Drugs:	No Use (3)	Occasional (1) Serious Abuser/Addict (-2)	Regular Use (0)	[]
Mental Health or Substance Abuse Program Participation:	N/A (3)	Completed (2) Failure (0)	Planned/Current (1) Refused (-1)	[]

PRE-SENTENCE ADJUSTMENT:

Honesty/Cooperation with Dept.:	Candid (2)	Reluctant (1)	Deceptive (0)	[]
Attitude Toward Supervision:	Positive (2)	Indifferent (1)	Negative (0)	[]
Attitude Toward Offense:	Contrite (2)	Indifferent (1)	Denies (0)	[]

TOTAL SOCIAL SCORE _____ POINTS x 1 =

TOTAL OFFENSE AND SOCIAL SCORE COMBINED

0-54 = DENIAL

55-64 = BORDERLINE

65-100 = PROBATION

**DEPARTMENT OF MOTOR VEHICLES &
PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION**

FEL

GM

SENTENCE RECOMMENDATION SELECTION SCALE

OFFENDER NAME: _____ CC#: _____

CT: _____ OFFENSE: _____ NRS: _____

REC: _____
() CHECK IF NON-PROBATION
() CHECK IF ONLY PROBATION

CT: _____ OFFENSE: _____ NRS: _____

REC: _____
() CHECK IF NON-PROBATION
() CHECK IF ONLY PROBATION

CT: _____ OFFENSE: _____ NRS: _____

REC: _____
() CHECK IF NON-PROBATION
() CHECK IF ONLY PROBATION

* REFER TO REFERENCE & GUIDELINE ON REVERSE
FOR SENTENCING RECOMMENDATION *

**ALL RECOMMENDATIONS THAT DO NOT CORRESPOND WITH THE "SUGGESTED MAX" AND
"MINIMUM" MUST INCLUDE DEVIATION JUSTIFICATION**

PSP TOTAL SCORE: _____ (CIRCLE ONE CATEGORY BELOW)

0-54 = DENIAL

55-64 = BORDERLINE

65-100 = PROBATION

DEVIATION JUSTIFICATION: IN/OUT

CT: _____ () IN () OUT

CT: _____ () IN () OUT

CT: _____ () IN () OUT

OFFICER NAME

CID#

SUPERVISOR'S APPROVAL

DATE

CRIMINAL HISTORY/OFFENSE RAW SCORE: _____

NOTE: CIRCLE CORRESPONDING
RANGE OF MONTHS IN MATRIX BELOW

REFERENCE & GUIDELINE TO MAX SENTENCE AND MINIMUM PAROLE ELIGIBILITY

SENTENCE IN YEARS	SENTENCE RANGE (MIN MAX)	LOW (39 - 49) IN MONTHS	MODERATE (28 - 38) IN MONTHS	MEDIUM (17 - 27) IN MONTHS	MED HIGH (6 - 16) IN MONTHS	HIGH (-5 - 5) IN MONTHS
1 - 4	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 48 (30) 12 MOS	30 - 48 (32) 12 MOS	30 - 48 (34) 12 MOS	30 - 48 (36) 12 MOS	30 - 48 (48) 12 MOS
1 - 5	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 60 (30) 12 MOS	30 - 60 (32) 12 MOS	30 - 60 (36) 12 MOS	30 - 60 (48) 12 MOS	33 - 60 (60) 13 MOS
1 - 6	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 72 (30) 12 MOS	30 - 72 (36) 12 MOS	30 - 72 (48) 12 MOS	33 - 72 (60) 13 MOS	40 - 72 (72) 16 MOS
1 - 10	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 120 (30) 12 MOS	30 - 120 (48) 12 MOS	40 - 120 (72) 16 MOS	55 - 120 (96) 22 MOS	65 - 120 (120) 26 MOS
2 - 10	MAXIMUM (SUGGESTED MAX) MINIMUM	60 - 120 (60) 24 MOS	60 - 120 (62) 24 MOS	60 - 120 (72) 24 MOS	60 - 120 (96) 24 MOS	65 - 120 (120) 26 MOS
2 - 15	MAXIMUM (SUGGESTED MAX) MINIMUM	60 - 180 (60) 24 MOS	60 - 180 (84) 24 MOS	65 - 180 (120) 26 MOS	88 - 180 (156) 35 MOS	100 - 180 (180) 40 MOS
3 - 15	MAXIMUM (SUGGESTED MAX) MINIMUM	90 - 180 (90) 36 MOS	90 - 180 (92) 36 MOS	90 - 180 (120) 36 MOS	90 - 180 (156) 36 MOS	100 - 180 (180) 40 MOS
5 - 15	MAXIMUM (SUGGESTED MAX) MINIMUM	150 - 180 (150) 60 MOS	150 - 180 (155) 60 MOS	150 - 180 (160) 60 MOS	150 - 180 (170) 60 MOS	150 - 180 (180) 60 MOS
1 - 20	MAXIMUM (SUGGESTED MAX) MINIMUM	30 - 240 (48) 12 MOS	55 - 240 (96) 22 MOS	80 - 240 (144) 32 MOS	108 - 240 (192) 43 MOS	133 - 240 (240) 53 MOS
2 - 20	MAXIMUM (SUGGESTED MAX) MINIMUM	60 - 240 (60) 24 MOS	60 - 240 (96) 24 MOS	80 - 240 (144) 32 MOS	108 - 240 (192) 43 MOS	133 - 240 (240) 53 MOS
5 - 20	MAXIMUM (SUGGESTED MAX) MINIMUM	150 - 240 (150) 60 MOS	150 - 240 (170) 60 MOS	150 - 240 (190) 60 MOS	150 - 240 (215) 60 MOS	150 - 240 (240) 60 MOS

DEVIATION JUSTIFICATION: RANGE

CT: _____

()+ (

CT: _____

()+ (

CT: _____

()+ (

INITIAL ASSESSMENT OF CLIENT RISK

STATE OF NEVADA
PAROLE AND PROBATION FORM

Client Name (Last, First, Middle)		File No. (One only)	Social Security No. (first on FSI)		
Supervision Status (M, P, R, S, T, U, V, W, X, Y, Z)	Officer Name	P.O. CID No.	CC No. (One only)	Dist.	Last

Select appropriate answer and enter associated weight in score column. Total all item scores to get total needs score.

ACADEMIC/VOCATIONAL SKILLS

- | | | | | |
|-------------------------------|--|--|--|-------|
| -1—High school or above level | 0—Adequate skill able to handle requirements | +2—Low skill level causing minor adjustment problems | +4—Minimal skill level causing serious adjustment problems | _____ |
|-------------------------------|--|--|--|-------|

EMPLOYMENT

- | | | | | |
|---|--|--|--|-------|
| -1—Satisfactory employment for one year or longer | 0—Secure employment: no difficulties reported; or homemaker/student or retired | +3—Unsatisfactory employment or unemployed but has adequate job skills | -6—Unemployed and virtually unemployable, needs training | _____ |
|---|--|--|--|-------|

FINANCIAL MANAGEMENT

- | | | | | |
|---|---------------------------|--------------------------------------|---|-------|
| -1—Long standing pattern of self-sufficiency, e.g. good credit rating | 0—No current difficulties | +3—Situational or minor difficulties | -5—Severe difficulties: may include garnishment, bad checks or bankruptcy | _____ |
|---|---------------------------|--------------------------------------|---|-------|

MARITAL/FAMILY RELATIONSHIPS

- | | | | | |
|---|-----------------------------------|---|------------------------------------|-------|
| -1—Relationships and support exceptionally strong | 0—Relatively stable relationships | +3—Some disorganization or stress but potential for improvement | -5—Major disorganization or stress | _____ |
|---|-----------------------------------|---|------------------------------------|-------|

COMPANIONS

- | | | | | |
|-------------------------------|----------------------------|--|--|-------|
| -1—Good support and influence | 0—No adverse relationships | +2—Associations with occasional negative results | +4—Associations almost completely negative | _____ |
|-------------------------------|----------------------------|--|--|-------|

EMOTIONAL STABILITY

- | | | | | |
|--|--|--|---|-------|
| -2—Exceptionally well adjusted, accepts responsibility for actions | 0—No symptoms of emotional instability; appropriate emotional responsibility | +4—Symptoms limit but do not prohibit adequate functioning: e.g. excessive anxiety | -7—Symptoms prevent adequate functioning, e.g. lashes out or retreats into self | _____ |
|--|--|--|---|-------|

ALCOHOL USAGE

- | | | | |
|------------------------------------|---|--|-------|
| 0—No interference with functioning | +3—Occasional substance abuse: some disruption of functioning | -6—Frequent substance abuse: serious disruption; needs treatment | _____ |
|------------------------------------|---|--|-------|

OTHER DRUG USAGE

- | | | | |
|------------------------------------|---|--|-------|
| 0—No interference with functioning | +3—Occasional substance abuse: some disruption of functioning | -6—Frequent substance abuse: needs treatment | _____ |
|------------------------------------|---|--|-------|

MENTAL ABILITY

- | | | | |
|----------------------------------|--|--|-------|
| 0—Able to function independently | +3—Some need for assistance, potential for adequate adjustment: mild retardation | +6—Deficiencies severely limit independent functioning: moderate retardation | _____ |
|----------------------------------|--|--|-------|

HEALTH

- | | | | |
|-------------------------------------|---|--|-------|
| 0—Sound physical health: seldom ill | +1—Handicap or illness interferes with functioning on a recurring basis | -2—Serious handicap or chronic illness needs constant medical care | _____ |
|-------------------------------------|---|--|-------|

SEXUAL BEHAVIOR

- | | | | |
|---------------------------|--|---|-------|
| 0—No apparent dysfunction | +3—Real or perceived situational or minor problems | -5—Real or perceived chronic or severe problems | _____ |
|---------------------------|--|---|-------|

AGENT'S IMPRESSION OF CLIENT'S NEEDS

- | | | | | |
|------------|-------|-----------|------------|-------|
| -1—Minimum | 0—Low | +3—Medium | +5—Maximum | _____ |
|------------|-------|-----------|------------|-------|

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TOTAL

INITIAL ASSESSMENT OF CLIENT RISK

STATE OF NEVADA
PAROLE AND PROBATION FORM

Client Name (Last, First, Middle)		File No. (One only)	Social Security No. (first on PSI)		
Supervisor's Name (Last, First, Middle)	Officer Name	P.O. CID No.	CC No. (One only)	Dist.	Unit

Select appropriate answer and enter associated weight in score column. Total all item scores to get total risk score.

Number of address changes in last 12 months	0—None 2—One 3—Two or more	_____
Percentage of time employed in last 12 months	0—60% or more 1—40%-59% 2—Under 40% 3—Not applicable (acceptable program)	_____
Alcohol usage problems	0—No interference with functioning 2—Occasional abuse: some disruption of functioning 4—Frequent abuse: serious disruption: needs treatment	_____
Other drug usage problems (prior to incarceration for purposes)	0—No use 1—Occasional use: no disruption of functioning 2—Occasional abuse: some disruption of functioning 4—Frequent abuse: serious disruption: needs treatment	_____
Attitude	0—Motivated to change: receptive to assistance 3—Dependent or unwilling to accept responsibility 5—Rationalized behavior: negative: not motivated to change	_____
Age at first arrest (adult or juvenile)	0—24 or older 2—20-23 4—19 or younger	_____
Number of prior periods of probation/parole supervision (adult or juvenile)	0—None 4—One or more	_____
Number of prior probation/parole revocations (adult or juvenile)	0—None 4—One or more	_____
Number of prior gross misdemeanor/felony convictions	0—None 2—One 4—Two or more	_____
Convictions or juvenile adjudications for (if 2 and 3 both apply, enter total of 5)	0—None 2—Burglary, theft, auto theft or robbery 3—Worthless checks or forgery 5—Both (add 2 and 3)	_____
		TOTAL
Conviction or juvenile adjudication for offense involving assaultive behavior within last five years (an offense which involves the use of a weapon, physical force or the threat of force)	1—Yes 0—No	_____

NOTE: A "Yes" answer denotes maximum supervision level. If scores do not indicate max, then override this on pink copy must be checked and supervisor's initials added.

INITIAL ASSESSMENT OF CLIENT RISK

STATE OF NEVADA PAROLE AND PROBATION FORM

Case Name (Last, First, Middle)		File No. (One only)	Social Security No. (First on PSI)		
Assessment Date (MM/DD/YYYY)	Officer Name	P.O. CID No.	CC No. (One only)	Dist.	Unit

Circle appropriate number.

RISK NEEDS

*PRIOR SUPERVISION HISTORY

- 1—Nevada probation
- 2—NV probation revocation
- 3—Nevada parole
- 4—NV parole revocation
- 5—Out-of-state probation
- 6—Out-of-state probation revocation
- 7—Out-of-state parole
- 8—Out-of-state parole revocation
- 9—N/A

SUPERVISION LEVEL

- 1—I.S.U.
- 2—Maximum
- 3—Medium
- 4—Minimum

OVERRIDE

Yes ☐ _____
(Supervisor's signature)

GROSS INCOME LAST SIX MONTHS

- 0—None
- 1—Under \$2,500
- 2—\$2,500 to \$5,000
- 3—\$5,000 to \$7,500
- 4—\$7,500 to \$10,000
- 5—Over \$10,000

SUPERVISOR:

Please sign if all categories completed and correct on all 3 pages

JOB SKILL CLASSIFICATION

- 1—Professional management
- 2—Skilled
- 3—Semi-skilled
- 4—Unskilled
- 5—N/A

*CASE TYPE

- 1—Normal
- 2—120 day
- 3—Street readiness
- 4—Waived PSI (Nevada only)

S.C.S. APPROACH

- 1—Limit setting
- 2—Casework/control
- 3—Environmental structuring
- 4—Selective intervention situation
- 5—Selective intervention treatment
- 6—N/A

CURRENT EMPLOYMENT STATUS

- 1—Employed full-time
- 2—Employed part-time
- 3—Unemployed
- 4—N/A

EDUCATION STATUS

Enter highest grade completed or circle the

following choices:

- 13—High school graduate
- 14—Some college
- 15—College graduate
- 16—Some graduate school
- 17—Graduate degree
- 18—Special education
- 19—Technical/vocational
- 20—G.E.D.
- 99—Not reported

Use TOTAL RISK TO
CLASSIFY OFFENDER

Minimum — 0 to 7
Medium — 8 to 14
Maximum — 15 to 37

TOTAL	0.00
Supervisor's Signature	

*Circle one or more applicable choices.

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION

REASSESSMENT OF RISK

Client's Name (Last, First, Middle)	File No.	Case/Prison No.
Date of Review (Month, Day, Year)	Officer's Name	District and Unit

Select appropriate answer and enter associated weight in score column. Total all scores to arrive at risk assessment score.

		SCORE
Number of address changes in last 12 months _____	0—None 2—One 3—Two or more	_____
Age at first arrest _____ (Adult or juvenile)	0—24 or older 1—20 through 23 2—19 or younger	_____
Number of probation/parole revocations _____ (Adult or juvenile)	0—None 2—One or more	_____
Number of prior gross misdemeanor/felony convictions _____ (Or juvenile adjudications)	0—None 1—One 3—Two or more	_____
Convictions or juvenile adjudications for _____ (Not to exceed total of three points)	0—None 1—Burglary, theft, auto theft, robbery 2—Worthless checks, forgery	_____
Rate the Following Based on Period Since Last Classification		
Percentage of time employed _____	0—60 percent or more 1—40 percent through 59 percent 2—Under 40 percent Not applicable (Score N/A)	_____
Alcohol usage/problems _____	0—No apparent problems 2—Moderate problems 5—Serious problems	_____
Other drug usage/problems _____	0—No apparent problems 1—Moderate problems 5—Serious problems	_____
Problems in inter-personal relationships _____ (Current living situation)	0—None 1—Few 3—Moderate 5—Severe	_____
Social identification _____	0—Mainly with positive individuals 3—Mainly with delinquent individuals	_____
Response to probation/parole agreement _____	0—No problems or consequence 3—Moderate compliance problems 5—Has been unwilling to comply	_____
Response to community resources _____	0—Not needed 0—Productively utilized 2—Needed but not available 3—Utilized but not beneficial 4—Available but rejected	_____
TOTAL		_____

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION

REASSESSMENT OF NEEDS

Case Name (Last, First, Middle)	File No.	DOB (Month, Day, Year)
Assessment Date (Month, Day, Year)	Officer's Name	PO CID No.
		Case No.
		District and Unit

Select appropriate answer and enter associated weight in score column. Higher numbers indicate more severe problems. Total all scores.

ACADEMIC/VOCATIONAL SKILLS	SCORE			
-1—High school or above skill level	0—Adequate skills; able to handle everyday requirements	+2—Low skill level causing minor adjustment problems	+4—Minimal skill level causing serious adjustment problems	_____
EMPLOYMENT				
-1—Satisfactory employment for 1 year or longer	0—Secure employment; no difficulties reported; or homeowner/renter or retired	+3—Unsatisfactory employment but has adequate job skills	+6—Unemployed and verbally unemployable; needs training	_____
FINANCIAL MANAGEMENT				
-1—Long-standing pattern of self-sufficiency, e.g. paid credit rating	0—No current difficulties	+3—Substance or minor difficulties	+5—Severe difficulties; may include garnishment, bail checks or delinquency	_____
MARITAL/FAMILY RELATIONSHIPS				
-1—Relationships and support exceptionally strong	0—Relatively stable relationships	+3—Some disorganization or stress but potential for improvement	+5—Major disorganization or stress	_____
COMPANIONS				
-1—Good support and advice	0—No adverse relationships	+2—Associations with occasional negative results	+4—Associations almost completely negative	_____
EMOTIONAL STABILITY				
-2—Exceptionally well adjusted, accepts responsibility for actions	0—No symptoms of emotional instability, adequate emotional responsibility	+4—Symptoms arise but do not prohibit adequate function; e.g. excessive anxiety	+7—Symptoms interfere with adequate functioning, e.g. breaks out or retreats into self	_____
ALCOHOL USAGE				
	0—No interference with functioning	+3—Occasional substance abuse; some disruption of functioning	+6—Frequent substance abuse; serious disruption, needs treatment	_____
OTHER DRUG USAGE				
	0—No interference with functioning	+3—Occasional substance abuse; some disruption of functioning	+6—Frequent substance abuse; serious disruption, needs treatment	_____
MENTAL ABILITY				
	0—Able to "function" reasonably	+3—Some need for assistance; potential for adequate adjustment; mild retardation	+6—Deficiencies severely limit independent functioning; moderate retardation	_____
HEALTH				
	0—Good physical health	+1—Handicap or illness interferes with functioning on a recurring basis	+2—Serious handicap of chronic illness; needs frequent medical care	_____
SEXUAL BEHAVIOR				
	0—No adjustment dysfunction	+3—Real or perceived emotional or minor problems	+5—Real or perceived chronic or severe problems	_____
AGENT'S IMPRESSION OF CLIENT'S NEEDS				
-1—Minimum	0—Low	+3—Medium	+5—Maximum	_____
				TOTAL _____

APPENDIX I

Standards for Adult Probation and Parole Field Services by the American Correctional Association

STANDARDS for Adult Probation and Parole Field Services

**Second Edition
March 1981**

AMERICAN CORRECTIONAL ASSOCIATION

**In cooperation with the
COMMISSION ON ACCREDITATION
FOR CORRECTIONS**

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Introduction

Probation and parole field services continue to be a vital component of not only the corrections system but also the overall criminal justice system. As noninstitutional measures, probation and parole are generally recognized as alternatives that need to be given even larger and more dynamic roles in a comprehensive response to the national dilemma about crime. Certainly they are seen as part of the solution to the current overcrowding that adversely affects the institutional component of the system. However, the full extent of the use of probation and parole has yet to be determined.

As with any public service, particularly one that faces potential growth, probation and parole have not escaped criticism and controversy. The healthy aspect to the controversy is the resulting array of responses which should lead to better field services based on increased knowledge and understanding. Probation and parole field services, as any component in the corrections continuum, should benefit from a refined definition of purpose.

Recent reappraisals of parole have been so extensive that a few states have made substantial changes in their parole laws, and the general literature has been enlivened with writings which suggest that parole might well have little or no place in future correctional systems.

The healthy quality of the controversy is seen in the reactions: the writings that have come forth to defend or reappraise and explore the values of both probation and parole. Such reactions should lead to the shaping of better services based upon more perceptive understandings. Particularly encouraging is the new appreciation of ways to conduct both probation and parole with a quality of fairness. There is a growing appreciation of the need for a civilized society to apply its standards with dedicated impartiality to all conditions of its citizenry. A characteristic of a mature society is the acceptance of the principle that fairness, even to the least of its members, must be supported as a virtue. Accordingly, an important aspect of probation and parole standards is the enforcement of practices which support current concepts of basic fairness to offenders under supervision.

One effect of argument in behalf of abolishing parole has been to emphasize the sensitive interrelationships that exist within the criminal justice system. Even if an impressive case could be made for the abandonment of the practice of parole supervision, the weight of the argument shifts immediately when consideration is given to the extent of the imbalance this must cause in the total system. Probation and parole exist in a fragile balance with sentencing practices and institutional systems and any restatement of purpose in scope of responsibility must consider the simultaneous compensating adjustments required for the others to maintain the balance.

Probation and parole remain vital elements in the larger system and in fact, their importance seems lately to be emphasized by the crippling overload that has affected the institutional component in the system. Without probation and parole the extent of overcrowding in our correctional institutions would be much worse. Furthermore, the potential capability of probation and parole to serve as effective and sufficient criminal justice sanctions has seldom been realized due to lack of support, resources and sound professional working concepts. The increasing importance of probation and parole to the correctional system requires the determination of proper standards for their design and conduct. The standards will promote additional efforts to create more effective policy and procedures systems which will provide better public protection and improved supervision and guidance to offenders.

This set of standards for probation and parole field services has a close companion in the *Standards for Adult Parole Authorities*, which was recently revised and published as a second edition. Although parole authority functions and parole field services are sufficiently separate to justify separate sets of standards, they must be closely interrelated in practice.

both in their philosophical bases and with respect to practical, coordinated case management.

In this context of need for the coordination of efforts in all areas of corrections and the new emphasis which is most certainly being placed on probation and parole, the need for comprehensive national standards for field service operations are critical.

Revision of the Standards

The American Correctional Association and the Commission on Accreditation for Corrections originally responded to the need for standards by publishing the *Manual of Standards for Adult Probation and Parole Field Services* in 1977. As with all ten manuals of standards published by the ACA and the Commission, the volume for field services was a product of the experience and expertise of the professionals in the field. This revised edition has the additional advantage of incorporating the experience of using the standards in the accreditation process administered by the Commission.

This second edition, *Standards for Adult Probation and Parole Field Services*, was reviewed by committees of field service practitioners to ensure that the standards continued to reflect current knowledge relative to good practice. Also, before the standards were published, they were field-tested in several probation and parole agencies. Final approval was the result of their review and acceptance by both the American Correctional Association Committee on Standards and the Commission on Accreditation for Corrections. The members of the Commission and the Committee are active professionals who represent a cross section of the field of corrections.

From this process of initial publication, use in the accreditation process, reformulation, professional review and final approval has come a revised set of standards which represent the current consensus of the best probation and parole management practice.

Accreditation

A probation or parole agency wishing to participate in accreditation must contact the Commission on Accreditation for Corrections in order to formally enter the process. After acceptance for the process by the Commission, the agency completes a self-evaluation to determine compliance with the standards, compiles documentation to support compliance and develops plans of action to correct all deficiencies. After acceptance of the self-evaluation report by the Commission, and as the required compliance levels are attained, the agency can request an audit to verify compliance. This on-site audit is conducted by a team of trained Commission consultants.

The standards allow for the measurement of acceptable performance in achieving objectives. For purposes of their application in the accreditation process, they are minimal requirements and should be exceeded whenever possible. When they are met, it is expected that every effort will be made to maintain performance at the level designated in the standards. Each standard has a weight of mandatory, essential or important, which is used in determining compliance levels for accreditation. Mandatory standards address conditions or situations which could become hazardous to the life, health and safety of offenders, employees and/or the public. Without exception, all mandatory standards must be met for purposes of accreditation. In addition, probation and parole agencies must meet 90 percent of the essential standards and 80 percent of the important standards in this edition, as well as any other criteria stipulated in the policies and procedures of the Commission on Accreditation for Corrections.

Most standards require evidence of written policy and/or procedure in specific areas of operations. Policy and procedure are crucial elements in the effective administration of an agency and are heavily emphasized in this edition and in the accreditation process. Since an understanding of the meaning of these words is necessary to the use of the standards they are fully defined in the glossary and in the following discussion.

A policy is a statement of principles which guides the agency in the attainment of objectives. To comply with a standard which requires a policy for a certain area, there must be not only a written statement of policy, but also evidence that an action or a principle has been adopted and is being followed by the agency.

A procedure is a method of performing an operation or an outline of the sequential actions that must be executed to ensure that a policy is fully implemented. Policy and procedure may both be required by the standard, in which case documentation demonstrating implementation of the procedure would also be necessary.

Conclusion

The Association and the Commission, in promulgating these standards for probation and parole field service agencies, see them as more than just a tool for accreditation. Generally they represent, as they must, a higher-quality of operation than most agencies have maintained; but, they are standards which are attainable. They provide guidelines for self-improvement, stimulus to change, and leverage for improved support from legislative, judicial and executive branches of government. Nevertheless, they will be effective only in relation to an agency's willingness to accept and use the standards to provide change which reflects the best contemporary vision of leaders in the correctional field.

SUPERVISION—PROBATION AND PAROLE AGENCIES

2-3105 The agency's statement of purpose affirms that the supervision program is to provide necessary services to the offender with the goal of reducing the probability of continued criminal behavior on the part of the offender. (Essential)

DISCUSSION: Supervision should be intended for the protection of the community and for the provision of services to the offender in order to reduce the probability of continued criminal behavior. Provision of adequate assistance and services to the offender is the best insurance against harm to the community.

2-3106 There is a written workload formula which is implemented in the allocation of work to field staff. (Essential)

DISCUSSION: This formula should consider factors such as legal requirements, goals, character and needs of offenders to be supervised, geographic area, administrative tasks required of the field staff, and types of personnel to be utilized. A workload rather than caseload model is based on programs of differential supervision ranging from intensive to minimal. Supervision tasks must be identified, measured against a time requirement, and then translated into specific total time and staff requirements.

2-3107 A full-time supervisor does not supervise more than 10 field staff members. (Essential)

DISCUSSION: The span of control of a supervisor in the agency should be large enough to provide economical supervision, but not so large as to prevent effective management. Exceptions should be justified based on the experience of the field officers supervised. Ideally, all personnel supervised should be located in the same office as the supervisor and perform the same function. For a supervisory span of 10, all personnel supervised should be experienced in their specific functions; a smaller ratio of supervision should be used with a high proportion of inexperienced field staff. In small or remote field offices where the supervisor has other duties, the supervisory time should be allotted at the ratio of one tenth for every field staff position in the office.

2-3108 Field staff who have caseloads report to a designated supervisor who is trained in the supervisory function. (Essential)

DISCUSSION: Regular case conferences between field staff and their supervisors can provide training and improve professional development. Such contacts can also help to ensure maximum effectiveness and efficiency in job performance. The span of control for a supervisor should not exceed six, and the job of supervising field staff should be full time. (See related standard 2-3107)

2-3109 Field supervision is continually reviewed by the supervisor from both an administrative and case management perspective. (Essential)

DISCUSSION: Administrative review of the conduct of field supervision should be ongoing and should focus on how well the field services comply with policies and

tions and the participation of the offender provides a positive framework for the period of supervision. It is important that the goals and plans remain within the offender's capacity. The plan should incorporate those provisions necessary for proper supervision, such as reporting and testing requirements, compliance with regular and special conditions of probation/parole, etc.

2-3115 When specific services ordered by the court or releasing authority are not available, the field staff should return the case to the court or releasing authority for further dispositional consideration. (Essential)

DISCUSSION: Offenders often are subject to discriminatory treatment by noncorrectional agencies and are prevented from participating in service programs available to citizens. If access to ordered services is not being provided to the offender, the field office should so inform the releasing authority.

2-3116 The field supervision plan is reviewed with the offender on an as-needed basis and adjusted in accordance with the offender's performance in the community. (Important)

DISCUSSION: The agency's supervision system should include provision for the field officer to review with the offender the adjustment and/or progress the offender is making, and to revise the supervision plan and level of supervision as appropriate. This review should take place on an as-needed basis, but no less often than once every three months. Changes in the supervision plan are reviewed with the field officer's supervisor.

2-3117 The supervision plan requires that the field officer or other duly authorized persons maintain personal contact with the offender according to the supervision plan. (Essential)

DISCUSSION: Supervision of the offender should include scheduled and unscheduled visits by the field officer to the offender's home and, when possible, place of employment. A duly authorized person is any agency or qualified person who offers the necessary services on an accepted contractual basis. Office interviews are a useful supplement to the field supervision and, at times, provide the best setting to resolve administrative questions regarding the offender's case.

2-3118 The supervision plan requires that the field officer contact the offender in the community and contact persons and agencies in the community that are familiar with the offender; such contacts are made according to the supervision plan and have a specific purpose. (Essential)

DISCUSSION: The monitoring of the offender's progress in the community is essential for the field officers. Field officers should not depend solely upon their own insights, but should supplement them with information from others, so that a more accurate evaluation and assessment will emerge. These contacts (i.e., employment, residence, family, friends) should be according to a plan, have a specific purpose, and be adjusted as offender performance and behavior in the community change. The field officer should meet with the offender outside of the office in such places as the home, on the job or during their recreational pursuits.

2-3119 The community supervision plan specifies the minimum number of contacts with the offender per time period. (Essential)

DISCUSSION: A specified minimum number of contacts with the offender helps ensure that the state, through the field officer, stays informed about the offender's location and activities. This monitoring requirement also serves to remind offenders that they remain under legal jurisdiction and must meet certain obligations. Provision should be made for officers and their supervisors, in case conferences, to determine the case services to be provided and the number of case contacts included in this service. The range and nature of field and office contacts should be commensurate with the agency's classification program and supervision plan for each offender. Waiver of the minimum contacts should be permitted under circumstances such as extreme climatic conditions, unusual tension or violence potential in a neighborhood.

2-3120 Written procedure governing community supervision provides for review of levels of supervision at least every six months, with prompt reclassification where warranted. (Important)

DISCUSSION: A minimum of six months should elapse between reviews of minimum supervision cases, with three-month reviews for cases requiring maximum supervision. Reclassification should occur promptly when offender adjustment warrants. Reviews are conducted by the field officer and the supervisor.

2-3121 For those agencies that require written reports from offenders under supervision, the interval between them is modified in relation to community adjustment; information in the reports is relevant to the supervision plan and/or agency administrative requirements. (Important)

DISCUSSION: Written reports by offenders do not substitute for personal supervision by field officers. They should be required only when an advantage in public safety or offender adjustment is obtained.

2-3122 Written policy and procedure provide that the confidentiality of the offender's probation/parole status is maintained. (Essential)

DISCUSSION: Policies and guidelines relating to disclosure should be developed collaboratively by the agency with its parent agency, and other criminal justice agencies. Unless public safety is threatened, and within statutorily defined limits, the agency should keep the offender's probation/parole status confidential. The use of unmarked automobiles, discreet visits to places of employment and residence, and plain mailing envelopes are simple techniques to ensure confidentiality.

2-3123 Written policy and procedure preclude offenders from being confronted with possible probation/parole violations for failure to meet financial obligations other than those which are conditions of probation/parole. (Essential)

DISCUSSION: The agency should not be placed in the position of collection agency for the community. The agency and field officer should not enforce the collection of civil obligations by threats of probation/parole violation. Court ordered debts, such as fines, restitution and child support, should be paid, and provision is made in the supervision plan for payment of such obligations.

SUPERVISION—PAROLE AGENCIES ONLY

should be arranged if possible. Other partial release programs include work and study release and trial visits to family and community prior to parole. Another type of program that can achieve the same objective permits an extension of visiting privileges at the institution for the last few months prior to release. Such programs gradually acquaint inmates with the issues, pressures and emotions they will encounter once paroled.

2-3170 Written policy and procedure provide for staff recommendations to parole authorities for the advancement of parole dates in hardship or exceptional cases. (Important)

DISCUSSION: Parole staff, following an appropriate investigation, should be able to recommend, and the paroling authority grant, advances in release dates in cases of hardship or exceptional merit. Hardship cases would include serious or terminal illness, imminent death, or death of a member of the inmate's immediate family. Cases of exceptional merit would include an outstanding prison adjustment beyond that normally expected, performance of a meritorious deed by the inmate, or existence of an unusual employment opportunity for which the inmate is especially qualified and which would not be available at the time of normal parole date. In addition to the parole officer's verification of the circumstances, the advance release should be consistent with the legal requirements of the case and not in conflict with detainers, pending disciplinary or medical action.

2-3171 Written policy and procedure provide for parole officer approval of parolees' reasonable delays enroute to approved parole programs. (Important)

DISCUSSION: Valid reasons for allowing an inmate a delay enroute to the approved parole program may become apparent to the parole officer during the conduct of the parole investigation. An individual may wish to visit family, recover clothing or tools, or take care of a legal matter at a location other than the parole location. The person best able to evaluate such situations is the parole officer conducting the preparole investigation, and his/her recommendation regarding such delays should be followed.

2-3172 The agency provides funds and encourages the use of community residential centers to parole staff for prerelease programs and to parolees for crisis situations. (Important)

DISCUSSION: Many newly released offenders need a place to live. For some, the small, privately-operated community residential center is extremely helpful. This type of transitional residence offers privacy with some structure and guidance, but without state authority. Where such facilities can be obtained on a contract basis, the agency budget should provide funds to purchase such services.

2-3173 The initial personal contact between the newly released parolee and the field parole staff takes place as soon as possible, but not more than three work days after the parolee's release from custody, unless otherwise agreed upon prior to release. (Essential)

DISCUSSION: Immediate contact between the newly released parolee and parole staff determines that the parolee did report to the designated program, emphasizes the importance of parole supervision as part of the individual's sentence, provides for immediate parole officer assistance if parts of the release program fail to

materialize, and provides the parolee an immediate contact or reference point in regard to the parole program.

2-3174 Written policy and procedure provide that parole officers can use local detention only for alleged parole violations. (Essential)

DISCUSSION: Placing a parolee in custody can be justified only when an alleged parole violation occurs and when either the seriousness of the violation or the danger of absconding is a factor. The circumstances under which a parole officer places a parolee in custody should be limited, and the time spent in custody should be kept to a minimum.

2-3175 Time limits exist for the submission of parole violation reports. (Essential)

DISCUSSION: Arrests and parole violations must be investigated and reported. Frequently, the parolee is in custody during this process. Although some parole violations require extensive investigation, deadlines should be established for the submission of the parole officer's final report of the violation. In no case should the violation report be submitted more than 30 calendar days after the alleged violation.

2-3176 When statutes permit, supervision and delivery of services for mandatory releases are of the same quality as that provided parolees. (Essential)

DISCUSSION: None.

2-3177 The parole agency provides assistance and services to discharges who request such help. (Important)

DISCUSSION: Persons discharged directly from prison or from parole often request assistance from the parole agency. The parole agency should make every effort to extend case services to discharges when such aid will promote a crime-free existence.

2-3178 The field agency cooperates in providing information on the legitimacy of furlough requests. (Important)

DISCUSSION: A correctional institution frequently needs help in investigating the legitimacy of a request for furlough and in supervising the inmate on furlough. The field parole officer should provide this assistance, and the parole agency should make adequate provision in its operations for this type of assistance.

APPENDIX J

Comparison of Salaries and Rate of Job Turnover for the Division



DEPARTMENT OF PERSONNEL

209 E. Musser Street
Carson City, Nevada 89710
(702) 687-4050

MEMORANDUM

TO: Larry Peri, Program Analyst
Fiscal Analysis Division
Legislative Counsel Bureau

FROM: Barbara Willis, Director
Department of Personnel

DATE: October 27, 1995

SUBJECT: Salary Survey

Per your request, we conducted a salary survey to verify the in-state data compiled by the Parole and Probation Division for entry level police officers and probation officers. We added three jurisdictions for consistency with our past surveys. Our survey showed that the information provided by Parole and Probation was accurate at the time it was collected. As shown in the attached chart, most of these starting salaries have since increased.

In addition to verifying the data for entry level classes, we also included journey level classes. The journey level is the working level of a class series and requires independent action, analysis and interpretation. This is the level at which the majority of employees are expected to function after a reasonable training period. For this reason, it is considered the most representative level for salary survey purposes.

In that adult parole and probation is a function handled at the state level, there are no direct comparisons in city/county government. For comparisons with local government, Juvenile Probation Officers, Police Officers and Deputy Sheriffs have been used since they require Police Officer Standards Training. As you know, we will be conducting a more detailed survey of law enforcement and parole and probation classes and will make appropriate recommendations for the next legislative session.

Please let me know if we can be of further assistance.

BW:ts
Attachment

cc: James Weller
Richard Wyatt

**CITY/COUNTY GOVERNMENT
PROBATION OFFICERS AND POLICE OFFICERS**

AGENCY	ENTRY LEVEL		JRNY.LEV.		EFF. DATE	COLL. BARG.	COMMENTS	ENTRY LEVEL		JRNY.LEV.		EFF. DATE	COLL. BARG.	COMMENTS
	MIN.	MAX.	MIN.	MAX.				MIN.	MAX.	MIN.	MAX.			
STATE OF NEVADA	Adult Par. & Prob. Officer I		Adult Par. & Prob. Officer II		7/1/95	No		Highway Patrol Cadet/Trooper I		Highway Patrol Trooper II		7/1/95	No	Progress to Trooper I level after graduation from academy.
	\$23,397	\$31,459	\$27,667	\$37,512				\$24,392	\$35,883	\$30,138	\$40,997			
WASHOE COUNTY	Juv. Prob. Ofcr. I		Juv. Prob. Ofcr. II		7/1/95	No (Does Adult County Comm. Consent)	Also have Juv. Prob. Ofcr. III (\$42,827-\$57,220). Distinguished by cases involving clients with severe personality and emotional disorders and who may exhibit dangerously aggressive behavior.	---		Deputy Sheriff		1/1/95	Yes	
	\$32,926	\$43,888	\$37,814	\$50,502						\$29,432	\$40,372			
CITY OF RENO								---		Police Officer		9/30/94	Yes	Contract expired 9/30/94. New contract under negotiation. Have a clause for parity with Washoe County in their contract that kicked in.
										\$28,460	\$39,000			
CITY OF SPARKS								---		Police Officer		7/1/94	Yes	Contract expired 6/30/95. New contract under negotiation.
										\$28,930	\$37,100			
CLARK COUNTY	---		Probation Officer I (Juvenile)		7/1/95	Yes	Also have Probation Officer II (\$39,278-\$50,240). Distinguished by partial lead and training duties and/or more complex/difficulty case problems.							
			\$31,343	\$44,624										
LAS VEGAS METRO								Police Officer I		Police Officer II		7/1/95	Yes	
								\$33,552	\$44,160	\$35,556	\$46,692			
CARSON CITY	Juv. Prob. Ofcr. I		Juv. Prob. Ofcr. II		7/1/95	Yes		Deputy Sheriff I		Deputy Sheriff		7/1/95	Yes	
	\$27,469	\$38,813	\$30,320	\$42,842				\$23,019	\$32,525	\$26,043	\$36,799			
ELKO COUNTY	---		Juv. Prob. Ofcr.		7/1/95	No (Does Adult County Comm. Consent)		---		Deputy Sheriff		7/1/95	Yes	
			\$27,381	\$35,816						\$27,395	\$35,743			
CITY OF ELKO								Patrol Officer I		Patrol Officer II/III		7/1/95	Yes	Progress to Patrol Officer III level after 3 years at the II level.
								\$29,952	\$31,200	\$33,072	\$37,236			



DEPARTMENT OF PERSONNEL

209 E. Musser Street
Carson City, Nevada 89710
(702) 687-4050

MEMORANDUM

TO: Larry Peri, Program Analyst
Fiscal Analysis Division
Legislative Counsel Bureau

FROM: Barbara Willis, Director
Department of Personnel

DATE: October 11, 1995

SUBJECT: Turnover Statistics

A handwritten signature in cursive script, reading "Barbara Willis".

Per your request, the attached charts provide turnover data for Adult Parole and Probation Officer II's, Adult Parole and Probation Operations Supervisors, and Parole and Probation Unit Managers and turnover data for the Parole and Probation Division and the State as a whole. They cover fiscal years 92-95 and the first quarter of FY 96.

Because you've asked us to compare turnover for specific Parole and Probation classes to turnover experienced by the division and State as a whole, we've compiled the information on the charts from our Turnover-by-Class report (as opposed to Turnover by Department or Total State Turnover). The Turnover-by-Class report measures employee movement to other classes and separations from State service while the other turnover reports measure employee movement from the agency or separation from State service. For consistency, these charts compare turnover for specific Parole and Probation classes to turnover by class by division and turnover by class for the State as a whole.

Turnover data is provided by the agencies via the NPD-35, Personnel-Payroll Action Form, when employee movement or separation occurs. The agency, in conjunction with the affected employee, selects and codes the most appropriate reason for turnover from a predetermined list included on the NPD-35. Thus, the accuracy of our reasons for turnover depends on the accuracy of the information reported by State agencies when turnover occurs.

Finally, these charts exclude turnover resulting from promotions, layoffs, retirements and deaths; data from the University and Community College System; and all seasonal, intermittent or temporary employment activity. In calculating the number of positions in each group, you may also want to note that each permanent, classified position that was occupied for one day or more during the reporting period counts as one.

Please let me know if you need additional information.

BW:

Attachments

cc: James Weller, Director, Department of Motor Vehicles and Public Safety
Richard Wyatt, Chief, Parole and Probation Division

COMPARISON OF TURNOVER REASONS BY CLASS BY AGENCY*

Group	FY 92		FY 93		FY 94		FY 95		FY 96 (1st qtr)	
	%	Reasons	%	Reasons	%	Reasons	%	Reasons	%	Reason
Statewide	19	prefr no work	17	moving	15	moving	16	moving	17	prefr no work
	17	moving	17	prefr no work	14	prefr no work	16	prefr no work	16	acpt n/st pos
	14	demotion	14	dismis/fail	13	dismis/fail	15	acpt n/st pos	14	moving
	12	acpt n/st pos	12	acpt n/st pos	12	acpt n/st pos	14	dismis/fail	12	demotion
	9	dismis/failed	9	demotion	11	demotion	11	transfer out	9	transfer out
	29	all othr reas**	31	all othr reas**	35	all othr reas**	11	demotion	32	all othr rea**
P&P Division							17	all othr reas**		
	44	prefr no work	41	prefr no work	35	moving	23	transfer out		No predomi- nate reason - 7 categories contained one position
	13	transfer out	23	dismis	17	prefr no work	23	dismis/fail		
	13	moving	18	acpt n/st pos	13	dismis	20	prefr no work		
	13	dismis	14	entr priv bus			14	entr priv bus		
	17	all othr reas**	4	all othr reas**	35	all othr reas**	20	all othr reas**		
P&P Ofcr										No predomi- nate reason - 7 categories contained one position
	44	prefr no work	47	prefr no work	27	prefr no work	21	transfer out		
	19	dismis	27	dismis	18	demotion	21	prefr no work		
	13	transfer out	13	entr priv bus	18	moving	21	dismis/fail		
					18	entr priv bus	13	entr priv bus		
P&P Supr					19	all othr reas**	24	all othr reas**		
	24	all othr reas**	13	all othr reas**						
P&P Mgr	100	transfer out	none		100	dismis	50	transfer out	none	
							50	entr priv bus		

* Excludes data from the University and Community College System; seasonal, intermittent and temporary employment activity; and turnover attributable to promotions, layoffs, retirements and deaths.

** See attached list.

**COMPARISON OF TURNOVER RATES
BY CLASS BY AGENCY ***

Group	FY 92		FY 93		FY 94		FY 95		FY 96 (1st qtr)	
	%	# of pos	%	# of pos	%	# of pos	%	# of pos	%	# of pos
Statewide	8.99	12,037	8.44	11,903	9.11	12,462	9.52	12,562	2.59	12,597
P&P Div	6.74	341	6.41	343	6.82	337	10.26	341	2.08	336
P&P Ofer	8.08	198	7.65	196	5.85	188	12.5	192	4.06	183
P&P Supr	0	32	0	32	3.12	32	6.25	32	0	33
P&P Mgr	6.66	15	0	16	0	16	6.25	16	0	16

*Excludes data from the University and Community College System; seasonal, intermittent and temporary employment activity; and turnover attributable to promotions, layoffs, retirements and deaths.

APPENDIX K

Training Required for Officers in the Division

STATE OF NEVADA	NO: _____	ISSUE: <u>2</u>
DEPARTMENT OF PAROLE AND PROBATION	Revised: 4/90	Page <u>7</u> of <u>17</u>
CHAPTER: TRAINING	SUBJECT: TRAINING AND STAFF DEVELOPMENT	

DETAILS:

1. In-House POST School Curriculum (240 Hours)

- | | |
|--|-----------------|
| a. Orientation Courses - 40 Hours | <u>1st Week</u> |
| (1) Overview of Training/Introductions | (2 hours) |
| (2) Agency Entry & Assignments | |
| (a) History/Organization/Chain of Command/Agency Philosophy/Local District | (4 hours) |
| (b) Personnel Areas/BTA's/OSHA Safety Rules/Office Entry Packet/Photos | (2 hours) |
| (3) Criminal Justice System/Peace Officer Orientation | |
| (a) National, State & Local Agency Familiarization/Tour | (8 hours) |
| (b) Nevada Revised Statutes/Peace Officer Status | (2 hours) |
| (c) Firearms Use Overview | (2 hours) |
| (d) Policies & Procedures Manual/Agency Vocabulary | (4 hours) |
| (e) Legal Liability Issues in Parole & Probation | (4 hours) |
| (4) Professional Ethics in Parole & Probation (from Admin. Curriculum) | (4 hours) |
| (5) Time Management & Organizational Skills | (6 hours) |
| (6) Examinations | (2 hours) |

STATE OF NEVADA		NO: _____	ISSUE: <u>2</u>
DEPARTMENT OF PAROLE AND PROBATION		Revised: 4/90	Page <u>8</u> of <u>17</u>
CHAPTER: TRAINING		SUBJECT: TRAINING AND STAFF DEVELOPMENT	

b. Presentence Investigation - 38 Hours 2nd Week

- (1) Investigative Techniques/Resources (NCIC, SCOPE, CJIS, FBI, CADOJ, etc.) (4 hours)
- (2) Interviewing and Listening Skills (4 hours)
- (3) Presentence Investigation Process (8 hours)
- (4) Dictation Skills (1 hour)
- (5) Courtroom Demeanor (PSI's, Violations, etc.) (6 hours)
- (6) Confidentiality (PSI's, Supervision, etc.) (1 hour)
- (7) Skills Indoctrination/Practicum (8 hours)
- (8) Pardons Board Investigations & Other Special Investigations (4 hours)
- (9) Examinations (2 hours)

c. Case Supervision - 40 Hours 3rd Week

- (1) Agency File Overview (Setup, Handling, Confidentiality) (1 hour)
- (2) Agency Programs, Referrals & Resources (In-House and Out-House) (4 hours)
- (3) Case Management System Training (R&N, SCS, MIS, Forms, etc.) (16 hours)
- (4) Pre-Parole & Placement Programs (Prison Liaison & Parole Board) (2 hours)
- (5) Interstate Compact Cases (1 hour)
- (6) Substance Abuse Information (Signs & Symptoms, Testing & Processing) (4 hours)

STATE OF NEVADA		NO: _____	ISSUE: <u>3</u>
DEPARTMENT OF PAROLE AND PROBATION		Revised: 4/90	Page <u>9</u> of <u>17</u>
CHAPTER: TRAINING		SUBJECT: TRAINING AND STAFF DEVELOPMENT	

- (7) Crisis Intervention/Family Interaction (4 hours)
& Domestic Violence Skills
 - (8) Child Abuse & Sexual Abuse (ID, (4 hours)
Handling Cases, Laws, etc.)
 - (9) Report Writing for Case Supervision (2 hours)
(Progress Reports, Chronos, Documen-
tation, Coop. Case Reports, Memos,
Letters, etc.)
 - (10) Examinations (2 hours)
- d. Peace Officer Skills - 62 Hours 4th & 5th Weeks
- (1) Basic Firearms Orientation & (20 hours)
Use of Deadly Force
 - (2) Range Practicum (4 hours)
 - (3) Arrest Procedures, Control of (8 hours)
Prisoners & Handcuffing (Basic) .
(Due Process - Miranda, etc.)
 - (4) Officer Survival Skills (Basic) (8 hours)
 - (5) Search, Seizure & Evidence Control (4 hours)
 - (6) Warrant Processes & Filing (2 hours)
New Charges
 - (7) Police Communications (4 hours)
 - (8) Special Problems: Gangs, Drugs (4 hours)
& the Occult
 - (9) Home Visit Practicum (8 hours)
 - (10) Examinations (included above) (N/A)

STATE OF NEVADA		NO: _____	ISSUE: <u>2</u>
DEPARTMENT OF PAROLE AND PROBATION		Revised: 4/90	Page <u>10</u> of <u>17</u>
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- e. Violation Processes - 20 Hours 5th Week
- (1) Report Writing for Violations (6 hours)
(Chronos, Incidents, Violations, etc.)
 - (2) P.I. Hearing Officer & Charging Officer (6 hours)
(6 hrs. Homework - 6 hrs. Classroom:
12 hrs. Credit)
 - (3) Return of Violator Process (6 hours)
(6 hrs. Homework - 6 hrs. Classroom:
12 hrs. Credit)
 - (4) Revocation Proceedings at Court/Parole Board & Paperwork Flow (Closure of Cases/Reinstatements) (2 hours)
 - (5) Examinations (included above) (N/A)
- f. Administrative Courses - 40 Hours 6th Week
- (1) Professional Ethics (N/A)
(Given with Orientation Courses)
 - (2) Defensive Driving/P&P Vehicles (4 hours)
 - (3) Sexual Harassment in Work Place & Affirmative Action (4 hours)
 - (4) Health Issues (2 hours)
(AIDS & Other Concerns)
 - (5) Stress Management & Burnout (4 hours)
 - (6) Interpersonal Relations & Conflict Resolution (2 hours)
 - (7) BTA's, Travel Claims, etc. (1 hour)
 - (8) Cultural Issues & Awareness Panel/Seminar (4 hours)

STATE OF NEVADA		NO: _____	ISSUE: <u>2</u>
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CHAPTER: TRAINING		SUBJECT: TRAINING AND STAFF DEVELOPMENT	

- (9) Final Exam (2 hrs.)
- (10) Graduation (1 hr.)
- (11) Case Assignment Orientation (16 hrs.)

2. POST Certification Options

- a. CAT. II Basic P.O.S.T. Academy Attendance (200 hrs.)
(Pass Proficiency Exams)
- OR
- b. CAT. II Basic P.O.S.T. (N/A)
* In lieu of Academy Attendance

(1) Possess Equal Training as held at Academy (Documentation required)

(2) Pass Proficiency Examination
(2 attempts allowed)

* NOTE: To prepare for taking the proficiency exam in lieu of academy attendance, officers may enroll in agency and outside courses to update their knowledge and skill areas. Some available courses include:

- (1) Nevada Criminal Law (16 hrs.)
- (2) First Aid (4 hrs.)
- (3) CPR (4 hrs.)
- (4) Fingerprinting (4 hrs.)

(Our goal is for every new officer to complete the POST Academy if they do not already possess a Nevada CAT I or II BASIC POST CERTIFICATE.)

C. Mandatory Curriculum for Journeyman Parole and Probation Officers

1. For Update / Refresher Training (40 Hours Annually)

- a. Legal Issues Central (4 hrs.)
- b. Firearms 4 hrs. Central / 4 hrs. District (8 hrs.)

**STANDARDS AND TRAINING FOR PEACE OFFICERS
NEVADA ADMINISTRATIVE CODE - CHAPTER 481**

POST-03/29/96-11:12am

**MINIMUM STANDARDS OF TRAINING:
(SOURCE: NAC 481.054 & NAC 481.056)**

	CAT I (480 hrs)	CAT II (200 hrs)
1. Legal Subjects. Specifically:		
Constitutional Law	X	X
Probable Cause	X	X
Search & Seizure	X	X
Laws of Arrest	X	X
Crimes Against Property	X	X
Crimes Against Persons	X	X
Laws Governing Coroners	X	
Traffic Laws	X	
Laws Relating to Narcotics	X	X
Civil Liability	X	X
Use of Force	X	X
Laws Relating to Child Abuse	X	X
Laws Relating to Domestic Violence	X	X
Laws Relating to Juveniles	X	X
Miscellaneous Crimes	X	X
Operation of Emergency Vehicles	X	
2. Procedures for Patrol / In the Field. Specifically:		
Basic Patrol Procedures	X	
Stopping and Citing of Drivers of Vehicles	X	
Survival of Officers	X	X
Searching of Buildings	X	
Domestic Violence	X	X
Child Abuse	X	X
Handling Persons Who are Mentally Ill	X	X
Crisis Intervention	X	X
Care and Custody of Prisoners		X
3. Skills of Officers. Specifically:		
Techniques of Interviewing and Interrogation	X	X
Writing of Reports	X	X
Fingerprinting	X	X
Methods of Arrest	X	X
Nonlethal Weapons	X	
Retention of Weapons	X	X
Qualification for Use of Firearms	X	X
Defensive Tactics	X	X
Operation of Emergency Vehicles	X	
4. Investigation. Specifically:		
Principles of Investigation	X	X
Investigation of Crime Scenes	X	X
Collection and Preservation of Evidence	X	X
Investigation of Drivers Who are Under the Influence of Alcohol or a Controlled Substance	X	
Investigation of Accidents	X	

**STANDARDS AND TRAINING FOR PEACE OFFICERS
NEVADA ADMINISTRATIVE CODE - CHAPTER 481**

POST-03/29/96-11:12am

MINIMUM STANDARDS OF TRAINING: (SOURCE: NAC 481.054 & NAC 481.056)		
	CAT I (480 hrs)	CAT II (200 hrs)
5. Community Relations. Specifically:		
Ethics in Law Enforcement	X	X
Victims Rights	X	X
History and Principles of Law Enforcement	X	X
Interpersonal Communications	X	X
Communication Skills	X	
6. Miscellaneous Subjects. Specifically:		
Stress	X	X
Criminal Justice Process	X	X
Courtroom Demeanor	X	X
Emergency First Aid	X	X
Cardiopulmonary Resuscitation	X	X
National Crime Information Center Procedure	X	X
Physical Conditioning	X	
7. Course Administration and Examinations	X	X

NOTE:

NAC 481.052 specifies for the purpose of determining minimum training standards, peace officers will be divided into three training categories:

Category I:

Training Category I includes peace officers who are empowered by law to perform a broad spectrum of law enforcement duties and whose primary functions specifically include:

- a. Routine Patrol
- b. Criminal Investigations
- c. Enforcement of Traffic Laws
- d. Investigation of Motor Vehicle Accidents

Category II:

Training Category II includes peace officers whose authority or primary duties are limited to a specific or specialized area of law enforcement.

NAC 481.052 further specifies the administrator of each agency shall determine the appropriate training category for the officers employed by his agency.

APPENDIX L

Background Information on Nevada Criminal Justice Information System (Executive Summary)

Executive Summary

The Nevada Criminal History Records Repository is administered by the Department of Motor Vehicles and Public Safety, Nevada Highway Patrol Division. The program, which was implemented in 1987, is the Control Point for NCIC and NLETS, the California Law Enforcement Telecommunications System (CLETS), and the Nevada Criminal Justice Information System (NCJIS). The Repository is a participant in the Interstate Identification Index (III) and a founding member of the Western Identification Network (WIN), which is an automated and technically sophisticated Automated Fingerprint Identification System (AFIS) linked to 9 Western states. The Repository has been designated as the "Chief Law Enforcement Official" (CLEO) by the Nevada Sheriff's and Chief's Association and by each Sheriff and Chief of Police individually, for purposes of administering the Brady Handgun Violence Prevention Act of 1993. It also provides latent fingerprint services to local law enforcement agencies, and information, via its Civil Applicant files, related to the employment of persons working with children and the elderly and in occupations which require criminal history background investigations.

The Repository administers Nevada's central repository for criminal history records. The information in the Repository database, which is 100% automated and based on fingerprint submissions, is available to all criminal justice agencies. The primary goal of the Repository is to provide complete, accurate and timely information to its subscribers which include local, state and federal law enforcement agencies, courts, district attorneys, city prosecutors, and the State Departments of Prisons and Parole and Probation among others, as well as, civil applicant fingerprint contributors. It is this database, and the interfaces to other state and federal criminal history databases, which serve as the source of information for making informed decisions related to handgun sales and employment of persons working with children, and the sentencing, incarceration and parole and probation of offenders.

Nevada's criminal justice information system is administered through the cooperative efforts of the System Manager with the oversight of the NCJIS Advisory Committee and one of its principal technical sub-committees, the Nevada State Criminal History Implementation Team (NSCHIT Committee), the Advisory Committee's two regional working groups, and the Nevada Sheriff's and Chief's Association. Additional guidance is received from each of the Nevada Municipal, Justice, and District Court Associations, as well as the District Attorney's Association. Recently, the Administrative Office of the Courts (AOC), the Departments of Prisons and Parole and Probation have been added to strengthen participation.

In 1994, an independent baseline assessment of the Repository, which was conducted by an independent management consulting group, and more recently studies commissioned by the State Legislative Counsel Bureau (LCB), the NCJIS Advisory Committee and the NSCHIT Committee have identified certain improvements which need to be made to allow us to achieve our goals to comply with the 10 Bureau of Justice Statistics (BJS) and 12 Bureau of Justice Assistance (BJA) voluntary standards and guidelines for data quality. The improvements will also allow us to

improve disposition reporting so that information available to the National Fingerprint File (NFF) will be more complete, and to improve our compliance with the National Child Protection Act of 1993.

Nevada was the 49th state to centralize its criminal history records, which is a fairly recent phenomena. However, in its short history, the Repository has had a large measure of successes. Among them is the establishment of the Nevada Criminal Justice Information System, a statewide telecommunications system which provides access to Nevada records and through various interfaces, access to NCIC, NLETS, and CLETS. Access is also provide to over 13 million additional subjects through the Western Identification Network. The NCJIS system has been cited a model system by the FBI during its reviews of the system audit and training programs and for its competent management of user services.

Other successes include implementation of the "Point-of-Sale" Firearms Program, the implementation of the state Uniform Crime Reporting Program, participation in NCIC's Triple I, and the location of "Live-scan" devices in two regional booking facilities. The Repository also funded high resolution facsimile machines for thirteen booking facilities, used to identify "John Doe" and "Jane Doe" offenders prior to release, from booking facilities located throughout the state. Six additional sites have been identified for live-scan devices which will be purchased with BJA Byrne 5% set-aside funds this year.

PROBLEM STATEMENT

In spite of its many successes, several tasks remain for the Repository to complete to meet its goals and to serve the needs of its constituents. The baseline assessment established that Nevada's criminal history records do not fully comply with the BJA and BJS voluntary standards for completeness, accuracy, and timeliness.

By both standards, disposition reporting was found, generally, to need the greatest improvement. For example, the management consulting company, Executive Consulting Group, Inc. (ECG), found that disposition reporting for felony arrests within the last five years is 48% and that there was an approximate 18 month backlog in entering dispositions which were received by the Repository, but were waiting to be entered into the NCJIS system. Other, related findings were that approximately 12%, or 25,000 dispositions comprised the backlog in dispositions. That number has increased to approximately 30,000 dispositions today. However, one of the most distressing findings was that only 38% of dispositions entered into NCJIS are complete and accurate. This figure is based on an aggregate of all possible data elements which include court ORI, court case number, disposition date, terms of probation, terms of confinement, fine data, and confinement facility information.

ECG found that court participation in NCJIS and court disposition reporting in particular, is poor. For example, it found that 62% of all records are missing at least one data element. Principally, this is because many courts are not automated and those that are automated have limited electronic data transfer capabilities.

Other problems include an out-dated database file structure, limited storage capacity, and inadequate communications equipment linking the Repository with local law enforcement agencies.

PROBLEM SOLUTION

There are three key elements to solving the problems which are identified above. The first is the expansion of the live-scan AFIS system; the second is the rewrite of the criminal history system; and the third is the acquisition of new equipment related to the processing, storage and transmission of criminal history record information.

The AFIS live-scan devices, which are electronic fingerprinting stations, provide "instant" access to the Nevada criminal history files as well as those of the WTN states (some 13 million subjects). By expanding the existing network, quicker and more complete identifications will be possible. In addition, the devices eliminate the manual data entry tasks associated with recording fingerprints, thus eliminating backlogs, data entry errors and omissions, and the need for duplicate data entry into state and local databases.

The rewrite of the criminal history system has been the focus of the NCJIS Advisory Committee and its technical sub-committee, the Nevada State Criminal History Implementation Team (NSCHIT Committee) since the publication of the baseline assessment. The NSCHIT Committee recently published the final draft of its planning document and has just issued its draft of the rewrite document itself. When completed by January, 1997, the new system will include new functionality and new data elements. Among them are:

1. Conversion of the current database to a relational structure.
2. Addition of a Parole and Probation component.
3. Addition of a Prison component.
4. Creation of a sexual offender registration utility.
5. Creation of a convicted person registration utility.
6. Creation of a temporary protective order utility.
7. Creation of a child abuse utility.
8. Creation of a warrant/criminal history interface.
9. Addition of a non-fingerprint history module.
10. Creation of a civil (work card) file.
11. Creation of a vehicle (tow/repossession) file.
12. Creation of a carry concealed weapon (CCW) file.
13. Addition of gun denial (Brady) file.
14. Creation of a juvenile offender file.
15. Creation of an Immigration and Naturalization Service (INS) reporting file.
16. Participation in the National Fingerprint File (NFF).
17. Creation of a pre-trial spousal abuse utility.
18. Development of a State ORI mechanism to allow civil users access to the system for conviction data only.
19. Creation of a "no charges filed" utility.

20. Creation of a "wrong subject booked" utility.
21. Conversion of old system records to the new database layout.

As can be seen, the rewrite will provide additional functionality and will result in a cohesive system for managing criminal history information. It will also provide for full compliance with the two national data quality compliance standards.

The final task is to acquire new processing, storage, and transmission equipment to allow new users access to the system, to improve data quality, and to improve data communication speed. In this regard, the Repository has applied for federal funding under the National Criminal History Improvement Program (NCJ-151173) to purchase upgrades to the department's computers. The grant, which seeks \$1,944,177, requests new processors, 22.4 gigabyte in hard disk storage, and communications devices (modems) and interface equipment.

In summary, the Repository believes it has identified the most important problems associated with compliance to the national data quality standards and guidelines, as well as addressing the technological problems associated with compliance. We also believe we have identified appropriate solutions to these problems. Accordingly, efforts should focus on the development of business management systems of both the Department of Prisons and Parole and Probation. Improvements to these state agencies will compliment initiatives already implemented within the Repository.

APPENDIX M

“Interim Notification Project”

State of Nevada
Department of Motor Vehicles and Public Safety
Parole and Probation

Interim Notification Project

June 21, 1995

OBJECTIVE

The stated objective of this interim project is: "Develop a system by which criminal justice agencies may receive information upon request regarding the status of subjects assigned to the supervision of the Parole and Probation Division and to provide immediate notification when a subject under supervision is located within a given geographical area (city/county).

PROBLEM

Within the state, there is not a timely, efficient process for the Parole and Probation Division to record and disseminate information on those persons being supervised. When new parolees and probationers are located within counties and cities, formal notification is not timely or complete.

Local county sheriffs and chiefs of police are responsible for the registration of convicted felons located within their jurisdiction. However, they do not receive prompt and complete information when supervised persons are located within their jurisdiction.

When contact of a supervised subject is made by a police officer, the officer may never be made aware that the person is under the supervision of the Parole and Probation Division. Subjects arrested may be allowed to make bail without notification of P&P prior to release.

DISCUSSION

During 1994 and the first quarter of 1995, a review team was put together in response to the study performed by ECG on the criminal justice system. This team was to evaluate the current Parole and Probation system and make recommendations for improvements. The results of the study are found in the attached "Parole and Probation Planning Document." In summary the team determined that current methods of collecting and distributing information within P&P were inefficient and ineffective for the day to day needs of the Division. Multiple files were being maintained at the central office and region offices that were not shared and only manual reports were being maintained in central files. A complete rewrite and process review was recommended and agreed to by the P&P administration. A request to add needed computer technical support personnel and equipment was submitted with the FY96/97 budget requests. These requests would provide programming support to begin developing new applications and

network P&P offices with each other and the state criminal justice system.

A major component of the new system would interface the newly developed computer applications with other computer systems. These systems included the state criminal justice system, prisons, courts and other law enforcement and social service systems available. The Parole and Probation Division (P&P) will share information on subjects assigned to the Division for supervision. This proposal was generally accepted and initial funding has been provided for two computer technical position in FY96 and 1/5 of the equipment in FY97. The budget was approved to include two years for development and two additional years for complete implementation.

With recent events surrounding the case of Donald Cameron, an alternative approach that would provide information to local police agencies without waiting two years for development has been evaluated. For purposes of discussion, this plan is called the "Interim Notification Project." The project includes two elements. The first is an intake program for P&P to process approximately 12,000 existing clients and new clients that are assigned to the Division for supervision. Four people will process fingerprint cards and complete data entry using manual fingerprint stations, computerized fingerprinting/data entry equipment and computer applications developed by IS staff. The second element is the notification of criminal justice agencies when a subject is assigned supervision by P&P. The notification program will utilize existing statewide law enforcement networks and programming enhancements to the state criminal justice system.

The programming required for the interim project involves the wanted person and criminal history elements of the criminal justice system. The cost for this is in the P&P operating budget. Two positions have been approved for FY 96. One position is a programmer and one is a network specialist. If these two positions could be added in July, the programming and equipment installation could be completed and ready for implementation by the end of August. A detailed design of the changes to the criminal justice applications will be developed by a team consisting of Department Information Services (IS) technical staff, P&P and Criminal Information Services (CIS). To store additional data created by this application, one disk module is needed. This could have been requested in the next biennium.

Additional staff needed to implement this project includes an estimated \$5,000 in overtime for CIS staff to process approximately 12,000 fingerprints. CIS will match fingerprints with existing records to establish a State Identification (SID) number for each person under supervision. If a match isn't found, a SID will be assigned. The SID number is a unique identifier within the criminal justice system that is used to maintain the identity of arrested persons within Nevada. Four positions for P&P will take fingerprints, provide data entry services and assist region staff with additional processing responsibilities. One position will be assigned to the Reno office, one will be in Carson City and two will be located in Las Vegas. These positions will be permanent positions to process the 30 to 40 people P&P receives each week. The estimated cost for the first year is \$92,000.

In order to reduce manual data entry and to improve the accuracy of the record, the proposal includes three live scan workstations. Live scan is a computerized fingerprint collection/transmission system. A subject's prints are scanned and key data is entered and then transmitted to CIS. Records are electronically entered into the criminal history application eliminating duplicate entry and ensuring a higher degree of accuracy. Three sites are recommended, Reno, Carson City and Las Vegas for a total cost of \$138,600.

Implementation of the intake and notification project requires computer networking and personal computers/desks for the four positions requested. The network equipment includes hubs, routers, cabling, installation and line charges. These costs are included in the 5-year computerization budget proposal. The networking will have to be moved to FY96 in order to implement the intake and notification projects.

RECOMMENDATIONS

Develop an application design that will enhance the state criminal justice system to include a base record on all parolees and probationers. The application will include a file for the subjects under supervision that will be checked automatically each time a wanted person inquiry is made and provide a response to the requesting agency when a positive match is found, a notification to P&P will be sent to indicate a positive inquiry was made against a record and who the requesting agency was, an interface with the criminal history record to update assigned SID numbers and information regarding supervisory status, and a validation process for removing subjects upon release.

Provide equipment and network communications needed for P&P to develop an intake project that will verify the identity of persons under supervision, interface with criminal history records and allow for the development and implementation of the software application described above.

Hire support staff including technical support and clerical positions identified to complete programming and implement the intake project.

Support the long range goal to establish a records management system to support the internal processes of P&P and develop interfaces with the criminal justice system, prisons, courts, etc.

COST SUMMARY

The following personnel and equipment will be required to develop and implement a program to provide statewide notification on parolees and probationers supervised by the Division. This program will incorporate much of the proposed solution that was to be funded over a five year period. The only equipment not previously identified is the Live-scan equipment.

Labor

Temporary Costs - Overtime for CIS staff to process backlog	\$ 5,000.00
Annual Costs - Intake Specialists (4X23,000)	92,000.00

These positions will be responsible for data input on the 12,000 clients currently in the system and for maintaining all new clients assigned to P&P for supervision.

Programming Staff - Two positions in the proposed FY96 budget should be made available July 1, 1995 instead of October to begin programming sooner. This could be paid for with salary savings if there is enough available in P&P.

Equipment

Live Scan - Reno, Carson City, Las Vegas (3X46200)	138,600.00
Fingerprint Stations (7X229)	1,603.00
Network Equipment	34,744.25
Disk Drives (2)	35,000.00
Personal Computers/software (4X2800)	11,200.00
Desks (4X300)	1,200.00

Installation	3,350.00
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Line Cost	5,521.00
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Total Project Startup Cost	\$328,218.25
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ONGOING COST

Labor

Computer technical staff already programmed in the P&P budget

Annual Costs - Intake Specialists (4X23,000)	92,000.00
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These positions will be responsible for data input on the 12,000 clients currently in the system and for maintaining all new clients assigned to P&P for supervision.

Line Cost	5,521.00
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Total Project Ongoing Cost	\$ 97,521.00
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INTERIM NOTIFICATION PROCEDURES

INITIAL FINGERPRINTING OF EXISTING OFFENDERS - BACKLOG

(Offenders who will expire on or before June 1, 1996 will not be initially fingerprinted)

District I

D-I/Carson City

Each local officer will contact the local Sheriff to inquire into the possibility of having the local booking facility fingerprint P&P offenders for the interim notification project. Manual printing will be completed at local sheriff's department booking facilities. This will occur within a 90 day reporting period. Three (3) sets of fingerprints will be required.

If an offender is in custody, P&P fingerprint cards with the appropriate ORI will be taken to the booking facility and the offender will be printed on the P&P fingerprint cards.

When the offender comes in for initial fingerprinting, the offender will be run by the supervising officer through criminal history. If the offender has a previous SID, the SID will identify all PCN's. The appropriate PCN for the arrest for which the offender was placed on parole or probation will be listed on the fingerprint card or livescan by the P&P employee preparing the fingerprint card. If no SID exists and the PCN for the initial arrest is not available, a new PCN will be established from information provided by the Criminal History Repository and marked on the fingerprint card.

District II

LIVESCAN - D-II/Reno located at the Cordone Office

All offenders will be required to report to the Reno Cordone Office location for fingerprinting on the livescan terminal. This will occur within a 90 day reporting period. Three (3) sets of fingerprints will be required.

If an offender is in custody, P&P fingerprint cards with the appropriate ORI will be taken to the booking facility and the offender will be printed on the P&P fingerprint cards.

When the offender comes in for initial fingerprinting, the offender will be run by the supervising officer through criminal history. If the offender has a previous SID, the

SID will identify all PCN's. The appropriate PCN for the arrest for which the offender was placed on parole or probation will be listed on the fingerprint card or livescan by the P&P employee preparing the fingerprint card. If no SID exists and the PCN for the initial arrest is not available, a new PCN will be established from information provided by the Criminal History Repository and marked on the fingerprint card.

District III

Each local officer will contact the local Sheriff to inquire into the possibility of having the local booking facility fingerprint P&P offenders for the interim notification project. Manual printing will be completed at local sheriff's department booking facilities. This will occur within a 90 day reporting period. Three (3) sets of fingerprints will be required.

If an offender is in custody, P&P fingerprint cards with the appropriate ORI will be taken to the booking facility and the offender will be printed on the P&P fingerprint cards.

When the offender comes in for initial fingerprinting, the offender will be run by the supervising officer through criminal history. If the offender has a previous SID, the SID will identify all PCN's. The appropriate PCN for the arrest for which the offender was placed on parole or probation will be listed on the fingerprint card or livescan by the P&P employee preparing the fingerprint card. If no SID exists and the PCN for the initial arrest is not available, a new PCN will be established from information provided by the Criminal History Repository and marked on the fingerprint card.

District IV

LIVESCAN - D-IV/Las Vegas located at the Campos Office

All offenders will be required to report to the Las Vegas Campos Office location for fingerprinting on the livescan terminal. This will occur within a 90 day reporting period. Three (3) sets of fingerprints will be required.

If an offender is in custody, P&P fingerprint cards with the appropriate ORI will be taken to the booking facility and the offender will be printed on the P&P fingerprint cards.

When the offender comes in for initial fingerprinting, the offender will be run by the supervising officer through criminal history. If the offender has a previous SID, the SID will identify all PCN's. The appropriate PCN for the arrest for which the offender was placed on parole or probation will be listed on the fingerprint card or

livescan by the P&P employee preparing the fingerprint card. If no SID exists and the PCN for the initial arrest is not available, a new PCN will be established from information provided by the Criminal History Repository and marked on the fingerprint card.

INTERSTATE COMPACT CASES - BACKLOG

P&P Central - Interstate Compact Unit will run each Nevada offender individual through criminal history. If a record of the offender exists the SID will identify all PCN's. The appropriate PCN for the arrest for which the offender was placed on parole or probation will be identified on the data entry form. If no SID exists and the PCN for the initial arrest is not available, a new PCN will be established from information provided by the Criminal History Repository and marked on the fingerprint card. The form will be forwarded to the support staff who will establish the base record and complete the data entry for the P&P information.

FINGERPRINTING NEW OFFENDERS

If a base record was not established by P&P through the PSI process then the offender must be fingerprinted and photographed upon first contact.

District I

At the time of the arraignment all new offenders will be directed to report to the appropriate office for the PSI interview.

When the offender comes in for the PSI interview, the offender will be run by the PSI investigator or supervising officer through criminal history. If the offender has a previous SID, the SID will identify all PCN's. The PSI investigator or supervising officer will acquire the PCN from the booking agency, or determine it from the list provided with the SID for the arrest for which the offender was placed on parole or probation. The PSI investigator or supervising officer will list it on the fingerprint card. If no SID exists and the PCN for the initial arrest is not available, a new PCN will be established from information provided by the Criminal History Repository and marked on the fingerprint card.

The officer will take (3) three P&P fingerprint cards and accompany the offender to the local booking facility. The offender will be fingerprinted at the local booking facility and they will then return to the local office for photographing and PSI interview. If the local booking facility is not assisting with the fingerprinting, the

offender will be fingerprinted at the appropriate office on portable fingerprint equipment.

If the offender is in custody, the officer will take (3) three P&P fingerprint cards to the custody facility. The offender will be fingerprinted and photographed.

At the time of fingerprinting the pre-sentence investigator or supervising officer will complete as much of the data entry form as is possible. The original data entry form will be maintained by the pre-sentence investigator or supervising officer, and a copy will be faxed to the support staff in D-I Carson City office where it will be maintained until the base record has been established. Once the base record has been established the support staff will verify the base record information on the data entry form and will record the SID. The support staff will return to the pre-sentence investigator or supervising officer by fax or telephone the verified information on the data entry form. The pre-sentence investigator or supervising officer will complete the original data entry form with the P&P supplemental information. Upon completion it will be returned to the data entry clerk for entry into the Interim Notification System.

District II

At the time of the arraignment all new offenders will be directed to report to Reno Cordone Office for fingerprinting and photograph prior to the PSI interview.

When the offender comes in for the PSI interview, the offender will be run by the PSI investigator or supervising officer through criminal history. If the offender has a previous SID, the SID will identify all PCN's. The PSI investigator or supervising officer will acquire the PCN from the booking agency, or determine it from the list provided with the SID for the arrest for which the offender was placed on parole or probation. The PSI investigator or supervising officer will list it on the fingerprint card or livescan. If no SID exists and the PCN for the initial arrest is not available, a new PCN will be established from information provided by the Criminal History Repository and marked on the fingerprint card.

Three (3) sets of fingerprints will be taken on the livescan equipment.

If the individual is in custody, the officer will take (3) three P&P fingerprint cards to the custody facility. The individual will be fingerprinted and photographed.

At the time of fingerprinting the pre-sentence investigator or supervising officer will complete as much of the data entry form as is possible. The data entry form will be forwarded to the support staff where it will be maintained until the base record has been established. Once the base record has been established the data entry clerk will verify the base record information on the data entry form and will record the SID. The data entry form will then be returned to the pre-sentence investigator or

supervising officer for completion of the P&P supplemental information. Upon completion it will be returned to the support staff for entry into the Interim Notification System.

District III

At the time of the arraignment all new offenders will be directed to report to the appropriate office for the PSI interview.

When the offender comes in for the PSI interview, the offender will be run by the PSI investigator or supervising officer through criminal history. If the offender has a previous SID, the SID will identify all PCN's. The PSI investigator or supervising officer will acquire the PCN from the booking agency, or determine it from the list provided with the SID for the arrest for which the offender was placed on parole or probation. The PSI investigator or supervising officer will list it on the fingerprint card. If no SID exists and the PCN for the initial arrest is not available, a new PCN will be established from information provided by the Criminal History Repository and marked on the fingerprint card.

The officer will take (3) three P&P fingerprint cards and accompany the offender to the local booking facility. The offender will be fingerprinted at the local booking facility and they will then return to the local office for photographing and PSI interview. If the local booking facility is not assisting with the fingerprinting, the offender will be fingerprinted at the appropriate office on portable fingerprint equipment.

If the individual is in custody, the officer will take (3) three P&P fingerprint cards to the custody facility. The individual will be fingerprinted and photographed.

At the time of fingerprinting the pre-sentence investigator or supervising officer will complete as much of the data entry form as is possible. The original data entry form will be maintained by the pre-sentence investigator or supervising officer, and a copy will be faxed to the support staff in Central where it will be maintained until the base record has been established. Once the base record has been established the data entry clerk will verify the base record information on the data entry form and will record the SID. The support staff will return to the pre-sentence investigator or supervising officer by fax or telephone the verified information on the data entry form. The pre-sentence investigator or supervising officer will complete the original data entry form with the P&P supplemental information. Upon completion it will be returned to the support staff for entry into the Interim Notification System.

Elko County Sheriff's Department will be receiving a livescan automated fingerprinting system. This system will be available for use by P&P staff for the purpose of fingerprinting offenders for the Interim Notification System. When D-III offenders are

fingerprinted at the Elko County Sheriff's Department livescan terminal, the procedures for D-II and D-IV livescan procedures will be followed.

District IV

At the time of the arraignment all new offenders will be directed to report to Las Vegas Campos Office for fingerprinting and photograph prior to the PSI interview.

When the offender comes in for the PSI interview, the offender will be run by the PSI investigator or supervising officer through criminal history. If the offender has a previous SID, the SID will identify all PCN's. The PSI investigator or supervising officer will acquire the PCN from the booking agency, or determine it from the list provided with the SID for the arrest for which the offender was placed on parole or probation. The PSI investigator or supervising officer will list it on the fingerprint card or livescan. If no SID exists and the PCN for the initial arrest is not available, a new PCN will be established from information provided by the Criminal History Repository and marked on the fingerprint card.

Three (3) sets of fingerprints will be taken on the livescan equipment.

If the offender is in custody, the officer will take (3) three P&P fingerprint cards to the custody facility. The offender will be fingerprinted and photographed.

At the time of fingerprinting the pre-sentence investigator or supervising officer will complete as much of the data entry form as is possible. The data entry form will be forwarded to the support staff where it will be maintained until the base record has been established. Once the base record has been established the support staff will verify the base record information on the data entry form and will record the SID. The data entry form will then be returned to the pre-sentence investigator or supervising officer for completion of the P&P supplemental information. Upon completion it will be returned to the support staff for entry into the Interim Notification System.

PRIORITY LEVELS

There are three levels of notification for offenders. Each active case will be assigned a level of notification by the pre-sentence investigator or supervising officer. The level of notification may not be changed or modified, except by the supervising officer with the approval of the respective supervisor. The following guidelines will be followed when establishing the appropriate priority level:

Priority One: The following offenders will be assigned level one priority: all

offenders convicted of a violent or sexual offense; if the offender has a history of violence or sex offenses, and has been staffed by the pre-sentence investigator or the supervising officer with the supervisor and deemed appropriate; and any offender the pre-sentence investigator or supervising officer and supervisor deems to be a high risk to community safety; and any 305 or 317 offenders.

Priority Two:

Any offender who has been specifically ordered by the Court or Parole Board to the following special conditions will be assigned level two priority: no drinking; no contact with children; no contact with victim (P&P provide victim name); no driving; not to enter gaming establishment; no contact with co-offender (P&P provide names); no contact with gangs; interstate compact case; or other.

Priority Three:

Any offender who does not meet criteria for priority one or two will be assigned level three priority.

The priority level will be set in accordance to established guidelines. The priority level will be identified on the data entry form by the pre-sentence investigator or supervising officer, and will be initialed by the appropriate supervisor.

MULTIPLE OFFENSES

When an offender is on supervision for one offense and is sentenced to a second or subsequent offense the supervising officer will complete the data entry form with the subsequent information. The form will be forwarded to the appropriate support staff in each District, who will update the offenders base record with the supplemental information. The support staff will return the data entry form to the supervising officer. The supervising officer will file the data entry form in the offender's file.

DATA ENTRY

The data entry form will be completed by the pre-sentence investigator or supervising officer.

District I

After the offender has been printed on P&P fingerprint cards, all three fingerprint cards will be attached to the data entry form. The data entry form and fingerprints

will be forwarded to the support staff in D-I office in Carson City. The support staff will maintain the data entry form and one of the fingerprint cards. The remaining two cards will be forwarded by the support staff to the Nevada Criminal History Repository for processing. The support staff will maintain one set of fingerprints and data entry form until notification has been received that the base record has been established (refer to procedures Fingerprinting New Offenders). Upon establishment of the base record, the support staff will update the base record information with the P&P supplemental information found on the data entry form. Upon completion of the data entry, the support staff will return the data entry form and fingerprint card to the supervising officer. The supervising officer will file the fingerprint card and data entry form in the offender's file. The supervising officer will mark the blue card and the form 17/70 will be stamped "FINGERPRINTED" indicating that the record has been entered and that the offender has been fingerprinted.

Districts II and IV

A copy of the fingerprints will be printed from the livescan terminal and will be attached to the data entry form. If the offender has been printed on P&P fingerprint cards, all three fingerprint cards will be attached to the data entry form. The data entry form and fingerprints will be forwarded to the support staff. The support staff will maintain the data entry form and one of the fingerprint cards. The remaining two cards will be forwarded by the support staff to the Nevada Criminal History Repository for processing. The support staff will maintain one set of fingerprints and data entry form until notification has been received that the base record has been established (refer to procedures Fingerprinting New Offenders). Upon establishment of the base record, the support staff will update the base record information with the P&P supplemental information found on the data entry form. Upon completion of the data entry, the support staff will file the fingerprint card and data entry form the offender's file. The support staff will mark the blue card and the form 17/70 will be stamped "FINGERPRINTED" indicating that the record has been entered and that the offender has been fingerprinted.

District III

After the offender has been printed on P&P fingerprint cards, all three fingerprint cards will be attached to the data entry form. The data entry form and fingerprints will be forwarded to the support staff in Central. The support staff will maintain the data entry form and one of the fingerprint cards. The remaining two cards will be forwarded by the support staff to the Nevada Criminal History Repository for processing. The support staff will maintain one set of fingerprints and data entry form until notification has been received that the base record has been established (refer to procedures Fingerprinting New Offenders). Upon establishment of the base record, the support staff will update the base record information with the P&P supplemental information found on the data entry form. Upon completion of the data entry, the

support staff will return the data entry form and fingerprint card to the supervising officer. The supervising officer will file the fingerprint card and data entry form the offender's file. The supervising officer will mark the blue card and the form 17/70 will be stamped "FINGERPRINTED" indicating that the record has been entered and that the offender has been fingerprinted.

Once livescan equipment is available at the Elko County Sheriff's Department, and offenders are printed on the livescan equipment the procedures for D-II and D-IV will be utilized.

INCARCERATION

If an offender is denied supervision, the support staff will remove the base record from the pending status in the Interim Notification System. The support staff will forward the data entry form and fingerprint card to Central for filing. The form 17/70 will be stamped "FINGERPRINTED" indicating that the offender has been fingerprinted and will be filed in the offenders Central file.

MODIFICATIONS

After the creation of a base record, any number of subsequent events can occur that affect the record by either adding, changing, or eliminating information relating to the offender. This change is implemented through the modification process. Types of changes to a record include adding additional PSI information, changing the supervising officer, changing the offender's expiration date, adding additional scars, marks, or tattoos, etc.

Modifications can only be made by the supervising officer with approval of the supervisor. The data entry form will be marked "modification". The required fields will be the NAME, SID, and PCN. Only those fields, other than the required fields, that need a correction, change, modification, or addition will be completed. The form will be forwarded to the support staff who will update the necessary information in the automated system. The support staff will file the data entry modification form in the offenders file. In Districts I and III the data entry modification form will be returned to the supervising officer for filing in the offender's file.

VALIDATION

Validation is the detailed checking of existing data to ensure the validity of that data. The

validation process will be the responsibility of the supervising officer. The supervising officer will be responsible for reviewing three different data reports: Alpha List; Detail Validation List; and History List.

Alpha List:

This is a list of all active records currently in the system sorted by District ORI and supervising officer CID. Each supervising officer will receive a list of all offenders being supervised by them. The supervising officer will perform a cursory name check to make sure that nothing is out of the ordinary.

Detail Validation List:

Each supervising officer will receive a list consisting of 1/12th of all offenders supervised by them. The supervising officer will perform a detailed validation check on each data field of each subject.

History List:

Each supervising officer will receive a list consisting of all offenders that were cleared or cancelled from his/her supervision during the previous month. The supervising officer will perform a cursory name check. If an offender was inadvertently removed from the active database, a duplicate record will be re-established.

Any information that needs to be updated will be entered on a data entry form that will be marked "modification". The data entry form will be forwarded to the appropriate support staff. The support staff will make the necessary changes to the Interim Notification System and the data entry form will be filed.

The following validation process will be utilized:

On the first of every month, validation reports will be electrically transmitted to the support staff in each District. The support staff will print the validation reports and forward them to the appropriate supervising officer.

The supervising officer will review each report, make necessary corrections through the necessary data entry form. The validation reports will be forwarded to the support staff. This will be completed by the 15th of the month.

The support staff will make the necessary corrections to the Interim Notification System by the 25th of each month, and will then forward the validation report to the District Administrator for signature.

The District Administrator will then forward the validation report to the Chief for signature.

The validation report will then be forwarded to the User Services Section in the Nevada Highway Patrol, to be received by the 30th of the month.

If User Services does not receive the validation report within 60 days after the beginning of the process, the unvalidated P&P Interim Notification records will be removed from the active database. Notification indicating record removal will be sent two to five days before removal. Notification will also be sent on the day of removal.

User Services will conduct bi-annual audits using current procedures.

NOTIFICATION PROCESS

In order to implement immediate notification to Parole and Probation, law enforcement agencies must access information in the P&P database. Specifically the groups of people who need access are booking agencies and officers in the field. An inquiry displays information at the end of the wants/warrants record. The primary function of this process is to alert the officer or booking agent that the offender is under supervision and to notify P&P of the contact.

Response must be made within 10 minutes from the time of notification by the requesting agency.

Between 8AM and 5PM Monday through Friday, notification will be made to the District Office from which the offender is being supervised. Between 5PM and 8AM Monday through Friday and 24 hours a day weekends and holidays, notification will be made to the Nevada Highway Patrol Carson City Dispatch Center.

District I

District Office Notification:

The notification request will be received by the support staff assigned to the Interim Notification Project in District I Headquarters Carson City. The support staff will contact an officer at the District I Carson City office and notifying them of the contact, the circumstances of the contact, priority level, and any special conditions. The officer receiving the call will make a determination whether to place a hold or not, and notify the support staff of the decision. The support staff will electronically, via computer, relay this information to the notifying agency. The support staff will note the contact relating to the offender. If it is necessary to respond to the location

of the contact, the officer will contact the necessary officer to respond. If a hold is placed, the officer will contact the booking facility to confirm that a hold has been placed, and make arraignments to have an officer respond.

NHP Dispatch Notification:

The notification will be received by the NHP Carson City dispatcher. The dispatcher will contact the on-call officer. District I will provide NHP Carson City Dispatch with a list of on-call officers who will be responsible for House Arrest and the Interim Notification Program. NHP Dispatch will attempt to first contact the on-call officer by telephone and if no response will page the on-call officer at 1-800-???-???? Pin ????. Dispatch will notify them of the contact, the circumstances of the contact, priority level, and any special conditions. The on-call officer will make a determination whether to place a hold or not, and notify the dispatcher of the decision. The dispatcher will electronically, via computer, relay this information to the notifying agency. The dispatcher will note the contact relating to the offender. If it is necessary to respond to the location of the contact, the on-call officer will contact the necessary officer to respond. If a hold is placed, the on-call officer will contact the booking facility to confirm that a hold has been placed, and make arraignments to have an officer respond immediately if necessary or during regular working hours.

If the on-call officer for the District does not respond within 5 minutes, the dispatcher will contact an on-call officer/supervisor for one of the other Districts to insure a 10 minutes response.

If any officers are contacted directly by the agency stopping or booking an offender, the officer will at their earliest convenience contact the support staff and inform them of the contact. The support staff will update the Interim Notification Program automated system reflecting the contact.

District II

District Office Notification:

The notification request will be received by the support staff assigned to the Interim Notification Project. The support staff will contact the on-call supervisor notifying them of the contact, the circumstances of the contact, priority level, and any special conditions. The on-call supervisor will make a determination whether to place a hold or not, and notify the support staff of the decision. The support staff will electronically, via computer, relay this information to the notifying agency. The support staff will note the contact relating to the offender. If it is necessary to respond to the location of the contact, the on-call supervisor will contact the necessary officer to respond. If a hold is placed, the on-call supervisor will contact the booking facility to confirm that a hold has been placed, and make arraignments to have an officer

respond.

NHP Dispatch Notification:

The notification will be received by the NHP Carson City dispatcher. The dispatcher will contact the on-call supervisor notifying them of the contact, the circumstances of the contact, priority level, and any special conditions. The on-call supervisor will make a determination whether to place a hold or not, and notify the dispatcher of the decision. The dispatcher will electronically, via computer, relay this information to the notifying agency. The dispatcher will note the contact relating to the offender. If it is necessary to respond to the location of the contact, the on-call supervisor will contact the necessary officer to respond. If a hold is placed, the on-call supervisor will contact the booking facility to confirm that a hold has been placed, and make arraignments to have an officer respond immediately if necessary or during regular working hours.

If the on-call supervisor for the District does not respond within 5 minutes, the dispatcher will contact an on-call supervisor for one of the other Districts to insure a 10 minutes response.

If any officers are contacted directly by the agency stopping or booking an offender, the officer will at their earliest convenience contact the support staff and inform them of the contact. The support staff will update the Interim Notification Program automated system reflecting the contact.

District III

District Office Notification:

The notification request will be received by the support staff assigned to the Interim Notification Project in Central. The support staff will contact the an officer at the District III Elko office at (702) 738-4088 and notifying them of the contact, the circumstances of the contact, priority level, and any special conditions. The officer receiving the call will make a determination whether to place a hold or not, and notify the support staff of the decision. The support staff will electronically, via computer, relay this information to the notifying agency. The support staff will note the contact relating to the offender. If it is necessary to respond to the location of the contact, the officer will contact the necessary officer to respond. If a hold is placed, the officer will contact the booking facility to confirm that a hold has been placed, and make arraignments to have an officer respond.

NHP Dispatch Notification:

The notification will be received by the NHP Carson City dispatcher. The dispatcher

will contact the on-call officer. District III will provide NHP Carson City Dispatch with a list of on-call officers for the Interim Notification Program. NHP Dispatch will attempt to first contact the on-call officer by telephone and if no response will page the on-call officer at 1-800-748-6622 Pin 0366. Dispatch will notify them of the contact, the circumstances of the contact, priority level, and any special conditions. The on-call officer will make a determination whether to place a hold or not, and notify the dispatcher of the decision. The dispatcher will electronically, via computer, relay this information to the notifying agency. The dispatcher will note the contact relating to the offender. If it is necessary to respond to the location of the contact, the on-call officer will contact the necessary officer to respond. If a hold is placed, the on-call officer will contact the booking facility to confirm that a hold has been placed, and make arraignments to have an officer respond immediately if necessary or during regular working hours.

If the on-call officer for the District does not respond within 5 minutes, the dispatcher will contact an on-call supervisor for one of the other Districts to insure a 10 minutes response.

If any officers are contacted directly by the agency stopping or booking an offender, the officer will at their earliest convenience contact the support staff and inform them of the contact. The support staff will update the Interim Notification Program automated system reflecting the contact.

District IV

Procedures have not been finalized.

RIGHT TO BAIL/PLACING HOLDS

NRS 178.484 sec. 2 - A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless: (a) A court issues an order directing that the person be admitted to bail; (b) The state board of parole commissioners directs the detention facility to admit the person to bail; or (c) The Division of Parole and Probation of the DMV/PS directs the detention facility to admit the person to bail.

If booking facilities utilize this statute to hold P&P offenders, arrested for felonies, without contacting P&P, valuable information could be lost. To insure that this does not occur, District administrative staff will contact local booking facilities, and request that they contact P&P whenever a P&P offender is booked, no matter the charge. This should insure that P&P will be notified of the arrest, allowing for the updating of the Interim Notification System and the offenders file.

It will still be necessary for holds to be placed on those offenders arrested for misdemeanors and gross misdemeanors when appropriate.

CLEAR/CANCEL PROCESS

When an offender has completed his supervision term a clear/cancel function is performed to remove any flags and notices that appear in the Wants/Warrants record. Since there are several different ways to end a subject's supervision, and the system logs the proposed expiration date, a list will be printed at the District Officer Interim Notification terminal listing offenders pending expiration dates. This report will allow officers to review the list for errors and correct errors if any, if not, the record will be cleared as follows.

Offender records will be cleared or cancelled for the following reasons:

PROBATION RELEASE

1. The court files a petition to discharge subject from supervision and sends it to District support staff.
2. District support staff clears the record from the database on the day the petition is received.

PROBATION REVOCATION

1. District support staff receives termination data sheet prepared by the supervising officer.
2. District support staff clears the record from the database on the day the data sheet is received.

PROBATION WARRANT CANCELLATION

1. Special Services Unit sends a discharge petition to the sentencing court.
2. The court files the petition to discharge subject from supervision and sends it to District support staff.
3. District support staff clears the record from the database on the day the petition is received.

PAROLE RELEASE

1. The District Administrator signs a discharge petition prepared by the supervising officer and sends it to the District support staff.
2. District support staff clears the record from the database on the day supervision expires.

PAROLE REVOCATION

1. The District Administrators provides the PA IV in Central and D-IV with the Parole Board results
2. The PA IV prepares the result sheet, which is forwarded to the appropriate Central or D-IV support staff.
3. Central or D-IV support staff clears the record from the database on the day the Parole Board Hearings result is received.

PAROLE WARRANT CANCELLATION

1. Special Services Unit sends a cancelled warrant and a discharge petition to Central support staff.
2. Central support staff clears the record from the database on the day the petition is received.

INTERSTATE COMPACT RELEASE

1. Central support staff receives a discharge petition from another state or Form 46 Closing Notice from the P&P District Office.
2. Central support staff clears the record from the data base on the day the petition or form is received.

PRISON EXPIRATION (included 305/317)

1. Department of Prisons notifies Central of inmates' expiration date.
2. Central support staff clears the record from the database on the day supervision expires.

LEGAL RELIEF

1. In an event a offenders sentence is overturned due to some type of court action, the supervising officer will obtain a copy of the court action and

forward to the District support staff.

2. District support staff clears the record from the database on the day the document is received.

DECEASED

1. Death certificate will be obtained by the supervising officer and forwarded to the District support staff.
2. District support staff clears the record from the database on the day the death certificate is received.

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APPENDIX N

Overview of the Classification Procedures of the Department of Prisons

INTAKES/INITIAL CLASSIFICATION/RECLASSIFICATION

The term reclassification means to arrange in or assign to classes. The Nevada Department of Prisons arranges the inmate population into several basic classes in order to properly manage its institutions. These classes, or custody levels, are basic to institutional operation. Classification is a process as important to security as walls, fences, and guns. Inmates must be in the proper type of institution with the proper type of supervision in order to be controlled. If the inmate population is not properly distributed within the Department, then the Department will fail. The consequences of these failures can be violence, escapes, staff turnover and stress, facility wear and tear, and law suits. Within corrections we define custody as that degree of supervision that is used to control inmate behavior. This should not be confused with the term security, which relates to the physical and procedural features of a facility. The classification process assigns inmates to both custodies and facilities. For instance, an inmate may be assigned to close custody at a medium security institution.

There are three basic custody levels used in the Nevada Department of Prisons, and throughout the United States. The least restrictive custody level is minimum. Permutations of minimum custody also include community trustees and residential confinement. Inmates who are assigned to minimum custody are expected to engage in appropriate conduct, and it is expected that they will not walk away from their assignments. They are generally housed in minimum security facilities, where the physical features of the facility are not designed to prevent escape. Moving up the custody hierarchy, the next measure of control is medium custody. Inmates who are assigned to medium custody are expected to behave appropriately within their institutions, however, it is assumed that these individuals would be a risk to escape if there were not wall, towers, and fences to contain them. The majority of the inmate population is assigned to medium custody. The most restrictive custody level is close. Maximum custody is a permutation of close. In this custody level there is no expectation that the inmate will behave, and they also represent a risk to escape. For this reason they receive the greatest amount of supervision. It should be noted that the general population at the maximum security institution is close custody.

It is the goal of the classification system within this Department to place each inmate at the lowest level of custody at which his behavior can be controlled. In order to attain this goal the Department of Prisons uses a system of objective classification. This objective classification system consists of staff, law and policy, objective instruments, and a management information system. At the present time, the institutions and facilities of the Department are authorized 69 classification staff, including Associate Wardens of Programs and senior caseworkers. In consideration of line caseworkers, there are 56 persons who are assigned caseloads. This means that there are approximately 134 inmates assigned to every caseworker. To compare Nevada to other states, there is only one other state in the United States which has an overall inmate to staff ratio that is higher than the State of Nevada. The State of Alabama has 6.2 inmates for every staff member. The State of Nevada has 4.8 inmates for every staff member. The national average is 3.1 inmates to one staff member.

These classification staff regularly review and classify all inmates. Case law and policy requires that every inmate be seen by the classification committee to have their custody assignment and housing reviewed at least once every six months. Generally, inmates are seen more frequently than this. Additionally, the classification staff reports the progress of the offender to the Parole Board and appears with the inmate at the parole hearing to answer questions and provide clarification on institutional issues. Another major activity of the classification staff is to discipline the inmates. Correctional caseworkers are the primary staff used to manage the disciplinary process, and to serve as members of disciplinary hearing committees. Finally, the caseworkers also serve as an information resource for offenders, and for administrators. They provide information to inmates regarding their sentence status, and interpret departmental policy for them. Administrators use them as a resource in determining the tenor of the inmate population, always on the lookout for developing problems. They also fulfill an information and management function by operating the Department's grievance mechanism.

The Nevada Department of Prisons has very specific law and policy that govern the process of classification. The Legislature has provided law relative to criteria for minimum custody assignments. This includes assignments to conservation camps, restitution centers, and residential confinement. Case law additionally provides policy on procedures and due process safeguards. Policy for the Department of Prisons is promulgated by the Department and approved by the Board of Prison Commissioners. The primary goal of this policy is to insure the protection of the community. To possess clear policy is to insure an orderly and accountable classification process. It serves as a guide to staff and inmates alike. Additionally, they communicate the demands of the community on how the public wants their correctional institutions to be managed.

Eleven years ago, the Department of Prisons began using objective classification instruments. An objective classification instrument is one in which salient case factors are given scores. The instrument is then used to guide the classification decision. The motive for using an objective classification instrument was to change from a subjective classification process, and provide a means of providing information for planning purposes. The objective classification system allows the Department to better describe the characteristics of the inmate population, therefore making better decisions in regards to capital improvements.

The objective classification instrument used by this Department is based on a modified version of the National Institute of Corrections model. The NIC model was a consensual device, in that the elements of the instrument were arrived at by consensus between inmate advocates and prison administrators. These individuals came together and determined what salient factors should be scored, and thus determine which factors were important to the classification decision. The scores for these salient factors are then added together. This makes the model an additive model. The items that are scored relate primarily to the severity of the current and prior offense, the number of prior offenses, and disciplinary histories. The higher the score that is added together, the more restrictive the custody that is recommended by the classification instrument. The model does not profess to predict behavior. Predictive instruments are extremely difficult to develop in a correctional setting because classical scientific methodology cannot be employed in a socially accountable system.

Once the instrument arrives at a score and a recommended custody, this recommendation is modified to take into account Nevada law and policy. This modification is basically a decision tree element which insures that individuals who are current or past sex offenders, or have escaped from the Nevada Department of Prisons facility, or are not within a reasonable time of release are excluded from reduced custody levels. An instrument is required every time an inmate appears for his regular six month reclassification, or when it is recommended that his custody be reduced below medium custody, or he is recommended for a transfer to another institution or facility.

The classification system is supported by a management information system. This information system is entitled the Nevada Corrections Information System (NCIS). This is a micro-computer based information system which was designed and programmed by the Nevada Department of Prisons' staff to specifically address Nevada classification issues. Every element necessary to score the salient factors in the objective instruments are maintained in the NCIS. The system looks at information relative to sentence, and can calculate how long an inmate has to serve until possible release, taking into account their very complex sentencing structures. It looks at their offense history, disciplinary history and escape history. All demographic information on every inmate is contained in the NCIS. The NCIS keeps track of each classification decision, and automatically reschedules offenders for their six month rehearing.

In order to conduct classification, a caseworker obtains an objective classification instrument from the NCIS. The caseworker and other staff meet with the inmate, and discuss his status, and any needs or desires. A recommendation is developed, and is documented in the NCIS. That night the information is communicated to Carson City. It is then available for central classification staff to approve or disapprove. This review action is then communicated back through the NCIS to the institution. The use of the NCIS also insures that information used on the objective classification instrument is more accurate, and consistent then can be done by human caseworkers. The fact that the information is contained within the system allows us to conduct a legitimate quality control program, insuring that classification is done within required time frames, and the decisions are consistent with policy and good correctional practice. The system also contributes to public

There are two essential documents to the conduct of good classification in the Nevada Department of Prisons. The first is a complete and correct Judgement of Conviction which defines appropriate dates and sentencing statues. Obviously this is necessary in order to properly manage the inmate's sentence. The other document that is necessary to a good classification system is the Pre-Sentence Investigation (PSI) provided by the Division of Parole and Probation. After the Judgement of Conviction, this is the most important document in the entire criminal justice system. The information contained in this document serves as a basis for the initial classification summaries, parole board hearings, and the objective classification instruments. At the present time the Department of Prisons has opened discussion with the Division of Parole and Probation regarding the expeditious transmission of PSI's in their current form, and would ultimately like to this document communicated electronically.

APPENDIX O

“Sentence Management” and “Sentence Calculations” for Parole Eligibility, Department of Prisons

SENTENCE MANAGEMENT

Inmates committed to the Nevada Department of Prisons have at least one of six different sentence types. The first type of sentence is one in which the inmate is committed for the sentence of Death or Life Without the Possibility of Parole. For the purposes of Sentence Management, these types of sentences require little action to manage. Essentially, these inmates will remain in prison until they die. At the present time, there is 76 inmates pending a sentence of Death. There are 303 inmates who are currently serving a sentence of Life Without the Possibility of Parole. SB 416, passed at the last session of the Legislature, requires that no person currently, or in the future, serving a sentence of Death or Life Without may be considered for a commutation of sentence that would allow for a release on parole.

The second type of sentence is one in which the inmate is sentenced to a Life term, and has a parole eligibility which is expressed as a specific number of years. For inmates whose offense occurred prior to 7/1/95, there are basically two sub-types of this sentence: those which have a 5 year parole eligibility, and those which have a 10 year eligibility. Those sentences with a 5 year parole eligibility are basically those involving the crimes of Murder Second Degree, Sexual Assault, and Kidnapping. The overwhelming majority of crimes with a 10 year parole eligibility are Murder First Degree. These specified minimums are not reduced by credits that the inmate might earn during his incarceration. At the present time there are 1,108 inmates serving sentences of Life With the Possibility of Parole.

The overwhelming number of inmates in the Department of Prisons are serving sentences for which the parole eligibility is described as 1/3 of the sentence. The sentence is expressed as a number of years. This sentence must fall within a minimum and maximum range, allowing judges an opportunity to craft a sentence based upon the characteristics of the offender. This sentencing scheme was adopted in 1967, and was modified by the last Legislature with the passage of SB 416. There will be a discussion later in this paper regarding the calculations used to determine this 1/3 parole eligibility.

The next type of sentence to be used in the Department of Prisons is a hybrid sentence. In this particular instance the sentence is expressed as a specific number of years, however the parole eligibility is not based on a percentage of the sentence. As in the case of a Life sentence, the eligibility is expressed as a certain number of years. Likewise, this parole eligibility is not reduced by good time credits that might be earned. Offenses such as Murder Second Degree, and Sexual Assault, allow for a sentence of less than Life, however, the parole eligibility, expressed a number of years, remains. There is another class of offenses in which the sentence and the parole eligibility is expressed in years, and these are inmates incarcerated for Trafficking of Controlled Substances.

The next type of this sentence is one in which an offender is committed to the Department of Prisons for a period of evaluation or training. The Department runs a 120 day evaluation program in which the inmate is committed to the Department for a period of evaluation. At the conclusion of that period, the Department presents a report to the committing judge for his consideration at the time of sentencing. The boot camp inmates are also included in this category. In this instance the inmates remain in the Department of Prisons for a period of 190 days. A report is also presented to the judge for his usage at the time of sentencing.

The most recent permutation of sentencing law in the State of Nevada relates to the passage of SB 416. This measure accomplished several actions related to sentencing. The most significant for the Department of Prisons was the establishment of a minimum and maximum sentence for each offense. Basically this turns every sentence into a hybrid structure, similar to that which has been previously described. The sentencing judge in each instance will provide a minimum sentence, which represents the parole eligibility of the inmate. This minimum sentence cannot be reduced by good time credits. The inmate cannot appear for parole until that minimum sentence has been satisfied. The sentencing

judge will also provide a maximum sentence. This maximum sentence is affected by good time credits. The minimum sentence can be no greater than 40% of the maximum sentence in order to keep parole as a viable process in the Nevada sentencing scheme. The minimum sentence can be less than 40% of the maximum sentence, but no less than the minimum sentence described in the range used for the individual offenses. The other major change that affected sentencing in this Bill was an overall increase in the parole eligibility for those most serious offenses. An example of this is the offense of Murder I, in which the parole eligibility was changed from a minimum of 10 years, to a minimum of 20 years. For Murder Second Degree, the minimum eligibility was changed from 5 years to 10 years.

An inmate will depart from prison in one of six ways. The death of the inmate is perhaps the most dramatic departure from prison. This could be as a result of illness, old age, accident, homicide, or by design as in the instance of the Death penalty.

A major interest of this committee is the departure of the inmate on parole. In order to be released from the prison on parole, the inmate must have satisfied the minimum parole eligibility requirements related to the law under which he was sentenced. To be released on parole the inmate must have been approved for this release by the Parole Board. Parole is act of grace, and no inmate is entitled to a parole. Additionally, the inmate's release program must have been approved by the Division of Parole and Probation. Essentially, a release program consists of approved employment, and an approved residence. When the inmate reaches his minimum parole eligibility the Parole Board does not have to parole the offender. The inmate may be denied parole, for up to 5 years based upon the threat he represents to the community, his institutional adjustment, and his suitability for community supervision.

It is also possible for the offender to be released from the Department of Prisons under the provisions of a mandatory parole. In order to be eligible for a mandatory parole the inmate must be serving a sentence of at least 3 years. Additionally, the inmate cannot be serving a sentence of Life, and cannot have any consecutive sentences. The inmate becomes eligible for mandatory parole when he has 1 year remaining to serve on his sentence. Inmates who have been previously granted parole on the current offense, and who have violated, are also excluded from this program. The Parole Board will review these candidates and release those persons who do not represent a risk to the community. The provisions of SB 416 did not modify the eligibility or practice of mandatory parole.

An inmate may depart the Department of Prisons upon the discharge of his sentence. An inmate is considered to be discharged from the Department of Prisons when he has completely satisfied the sentence given by the judge. This means that the inmate has earned and served the total amount of time defined as his sentence. Obviously, good time credits would act to satisfy a sentence for discharge.

An inmate may be released from the Department of Prisons as a result of some court action. Although this type of release is not uncommon, it represents a very small percentage of those individuals who are released from prison each year. There is no way to predict this type of release, and there is no statutory or case law requirements to be satisfied in order to be released by the court.

The last type of release that an inmate receives from the Department of Prisons is termed a "release to committing authority". This type of release relates to those individuals who are committed to the Department of Prisons for a 120 day evaluation program, or boot camp. An inmate need not remain within the Department for the full period of his evaluation. There are many instances in which an inmate is found to be unsuitable for the program or he is returned because of his misconduct. In these instances, the inmate is immediately returned to court with an appropriate recommendation regarding sentencing.

SENTENCE CALCULATIONS

Prior to the actions of the last Legislature, a release on discharge, or eligibility for an initial appearance for the Parole Board, was based upon the amount of credit that was earned in prison, and the number of days served on the sentence. For the purpose of calculations, a unit of credit in a sentence calculation is considered to be 1 day.

There are four ways in which credits, or days, are earned or served within the Department of Prisons. The most obvious method of earning credits on a sentence is to serve a day in prison. In the prison vernacular this is called "flat time". For every day that the inmate is here, he receives a day of credit upon his sentence. During the course of calculations the Department projects when an inmate will be eligible for parole or for discharge. In order to accomplish these projections we have established a standard for the number of days in a month. We are all aware that the number of days in a month actually vary between 28 and 31. For the purposes of our calculations and projections, a month represents 30.4375 days. This calculation is based upon the total number of days in 3 conventional years, added to the number of days in a leap year. This total is then divided by 48 months for the resulting 30.4375.

The next way in which credits are accrued is through the earning of statutory good time. This type of credit is conventionally called "time off for good behavior". Under current law (NRS 309.446) inmates who are sentenced to the Department of Prisons earn 10 days of credit for each month they are incarcerated. This earning is contingent upon their good behavior within the Department of Prisons. Although the credits are automatically added through our data processing functions, they can be removed as a result of due process hearings which evaluate the inmate's misconduct. All or part of the statutory good time credits that the inmate has earned may be taken by the Director of the Department, based upon the frequency and severity of the misconduct.

Another method of earning credits is through work and program participation. There are two basic rates at which an offender can earn program credits. Those individuals who are working or going to school within an institution may earn up to 10 days per month towards the satisfaction of their sentence. Inmates who are assigned to restitution centers and conservation camps may earn up to 20 days a month, depending upon their assignment. In a camp, an assignment to a fire fighting crew is considered to be more worthy of credits than an individual who is assigned as a clerk. Thus, inmates on crews can earn up to the full 20 days. Those who work within camp have a potential earnings that is reduced based on the perceived worth of their position. An inmate regardless of his location does not automatically receive program credits. The actual number of credits which are assigned to the sentence is based upon the inmate's actual work effort. An inmate may be assigned to a job, however, if he does not appear for work then he receives no credit for the month. If an inmate engages in misconduct, program credits cannot be taken from him.

Another method of earning credits toward the satisfaction of a sentence is meritorious service or meritorious achievement. Up to 90 days of meritorious service credits may be given to an inmate in any year. The overwhelming majority of the inmates who receive meritorious service credits are in conservation camps, fighting fires. Just because an inmate is fighting a fire does not necessarily mean that he receives meritorious service credits. The acquisition of these credits is based upon the nomination by the crew supervisor, and must be approved by the State Forester, and the Director of the Department of Prisons. An inmate must perform in an outstanding manner and have no misconduct during the course of the fire suppression in order to receive a nomination for credits. Meritorious service credits are generally given in relatively small quantities, such as 3 to 5 days per fire suppression incident. Meritorious achievement credits are given to inmates who complete programs in school, or vocational training. An inmate may receive 30 days of credit for obtaining a GED, 60 days for a high school diploma, and up to 90 days for an AA degree. The award of meritorious achievement credits for vocational participation is based upon the

completion of a training segment, resulting in the award of 30 days. An inmate can receive up to 90 days meritorious achievement credit for a single program, in 30 day segments. Lastly, an inmate may receive meritorious achievement credit for completion of a BADA certified substance abuse treatment program.

To calculate a parole eligibility on a sentence where the eligibility is expressed as a percentage of the sentence, it is necessary to add up these various types of credit. When the total number of days earned and served equal the percentage of the sentence required for parole eligibility, then the inmate may appear before the Parole Board. When calculated for discharge, all credit earnings must equal the total sentence.

In order to show the impact of credits on a sentence, we will provide a best case scenario for an inmate who is working within an institution, and not engaged in misconduct. This inmate will earn 30 days a month of flat time, 10 days a month of stat time, and is assumed to be earning full work credits of 10 days per month. This means that the inmate has earned and served a total of 50 days for the month. When 50 days is divided by the number of days in the month, 30, the result indicates that the inmate is earning a total of 1.67 days for every day that he is here. This is what we call a rate.

To demonstrate how a parole is projected, we will assume that an inmate has been received in the Department of Prisons with a 5 year sentence. To facilitate the calculation we convert the 5 year sentence into days by multiplying the sentence times 365. The result is a sentence of 1,825 days. To determine the 1/3 parole eligibility, the sentence of 1,825 is divided by 3. This gives us a parole eligibility of 608 days. The inmate must earn and serve a total of 608 days to be initially eligible for parole. To project when this inmate will probably be eligible for his initial appearance before the Parole Board we divide the 608 days by his rate of 1.67. This operation indicates that the inmate will be projected to be initially eligible for parole in 364 days. To complete the projection, this 364 days is added to today. The word projection is emphasized here because the inmate's actual appearance before the Parole Board will be based upon his actual earnings. If the inmate does not earn work credits as he is projected, or he engages in misconduct and loses statutory credits, his initial appearance before the Parole Board will be set off until he earns and serves that total of 608 days. Again, this calculation determines the initial parole appearance of the inmate. At the initial appearance, the Parole Board will set the time for the next appearance if the inmate is denied. This time that is set by the Parole Board for the second or subsequent appearance, is not affected by the earning of credits.

The calculation of the impact of credits on the discharge of a sentence is a simpler process. In this particular example we will be using an inmate who is assigned to a conservation camp. In order to determine the rate for this inmate we add his 30 days of flat time for each month, 10 days of statutory time, and his full work potential of 20 days per month. This indicates that the inmate will be earning 60 days of credit for each 30 days he is incarcerated. By dividing 60 by 30 we arrive at a rate of 2.0. This means that the inmate will be earning and serving a total of 2 days for every day he is here. Using this rate, to observe the impact of credits on discharge we again convert our sentence of 5 years to 1,825 days. This entire sentence is divided by the rate of 2.0 to arrive at a projected discharge date of 2½ years or 913 days. Again, this is a projection, and the inmate's actual discharge will depend upon his work and statutory credit earnings. In this example the actual discharge of the offender might be even sooner based upon his opportunities to earn meritorious service credits for his fire suppression activities.

Under the old sentencing scheme there were 78 possible ways to calculate parole, mandatory parole, and sentence discharges. The passage of SB 416 did not complicate this calculation scheme significantly because of the consistent manner in which parole and discharges are calculated. Despite this, the management of inmate sentences, giving the present staffing at the Department of Prisons would be impossible without computer assistance. The sentences, credit earnings, calculations used to manage inmate sentences are presently embodied in the Nevada Corrections Information System (NCIS). This is a

micro computer based information system which was designed and programmed by the Nevada Department of Prison staff to specifically address Nevada sentencing issues. This is an integrated, distributed information system which also includes demographic, classification, disciplinary, medical, warrant, and movement information and activities. In addition, the system embodies report writers to assist in the completion of initial classification summaries, and parole board reports. At the present time this information system is operating at 17 departmental locations, serving 19 separate facilities, and offices. In addition to our departmental distribution, the information system has constituency in the Nevada Attorney General's Office, the Nevada Parole Board, the Metropolitan Police Department, the Reno Police Department, and the U.S. Immigration and Naturalization Service.

The NCIC contains the complete sentence structure on every inmate incarcerated in the Department of Prisons. This system has been designed to account for all concurrent and consecutive sentences. At the present time the Department of Prisons has one offender with a total of 42 sentences to manage. This system generates all parole board agendas, parole board reports, and discharge agendas.

APPENDIX P

“Parole Hearings and Parole Release: The Role of NDOP”

PAROLE HEARINGS AND PAROLE RELEASE: THE ROLE OF NDOP

1. The development and distribution of agendas.
 - A. The inmates become parole eligible under different laws:
 - a. 1/4 law
 - b. 1/3 law - some are immediately eligible with credit for time served.
 - c. Offense specific minimums
 - d. MPR
 - e. Min-max law
 - f. As designated by the Parole Board, ex.. 1 year denial.
 - B. Agendas printed by NDOP 2 months in advance.
 - a. Prison distributes to all institutions and facilities
 - b. Prison distributes to the Parole Board, Executive Secretary. These lists are distributed to county agencies:
 1. list by county
 2. list by institution
 - C. The Hearing Agenda, developed by the Parole Board, is posted at least 3 days prior to any hearing, as required by the open meeting law.
2. Parole Application progress reports.
 - A. Progress Reports are completed by each institution where the inmate resides. The designated caseworker interviews each inmate and completes a comprehensive report including the following:
 - Vital Data
 - Sentence Structure
 - Offense Summary
 - Description of Holds/Detainers
 - Credit Earnings
 - Program Participation
 - Release Plans
 - Summary
 - B. Per Administrative Regulation 537, no recommendation is to be made by the caseworker or the Warden for or against a parole. No conjecture should be made regarding the inmates potential for success or failure on parole.
 - C. Progress Reports and prepared release documents are reviewed by the Warden at institutions, and by the Managers at facilities. Reports are sent to the Parole Board 1 month in advance.
 - a. Release documents include a parole release plan; employment and place of residence and a waiver of extradition.

3. Psych Panel - requirements prior to Parole Board hearing.
 - A. Routine Psych Evaluations are prepared by the NDOP for any inmate serving a sentence for a crime involving real or threatened violence.
 - B. Psych Panel Certification is required for all persons convicted of committing or attempting to commit certain offenses which involve sexually deviant behavior or behavior which offends public morals and decency.
 - a. The panel must certify that the inmate is not a menace to the health, safety or morals of others or he cannot be considered for parole.
 - b. Certification for parole eligibility is offense specific; a separate certification is required for each consecutive sentence.
 - c. The Psych Panel is composed of the Administrator of MHMR, the Director of Prisons or Designee, and a licensed Nevada physician who is also a qualified psychiatrist.
 - C. Classification and Planning, NDOP, identifies, once per month, those inmates who will require a psych panel.
 - a. Recertification is automatically rescheduled after one year.
 - b. If newly acquired information or misconduct has occurred, the assigned caseworker will draw it to the Boards attention. Recertification may be requested at that time.
4. Medical and mental health reports.
 - A. The Medical Department may include a written report to be considered at an inmates parole board hearing.
 - a. Extreme medical hardship
 - b. Terminal illness
 - c. Humanitarian reasons
5. Process when parole is granted:
 - A. To the community
 - a. Prison officials and the inmate are notified of parole grant within 10 working days from the hearing.
 - b. Paroles within state are prepared within 30 days; out of state may vary from 60 to 90 days.
 - c. Parole and Probation (P & P) notifies the institution/facility where the inmate resides of the date of the inmates release.
 - d. Inmate has an exit blood draw.
 - e. Paperwork for release is completed; forwarding address, release of money, parole papers, registering requirements, property receipt and

- parolee receipt.
 - f. Transportation arrangements are made; pick up by family, bus or train ticket is obtained for inmate if he has no money, inmate cashes his/her own check to purchase transportation when they have their own money.
 - e. Should transportation not be available in a rural area on the inmates release date, arrangements are made through Central Office Transportation to move the inmate closest to his destination of release prior to that date.
- B. To a consecutive sentence
- a. Prison officials and the inmate are notified of the parole to a consecutive sentence and the effective date.
 - b. P & P notifies Central Office Records of the effective date of parole. The inmates sentence is "rolled over" to the consecutive sentence on the effective date.

NEVADA DEPARTMENT OF PRISONS
PAROLE PROGRESS REPORT
10-95 AGENDA

DOP# : [REDACTED]
NAME : [REDACTED]
AGE : [REDACTED]
ETH : [REDACTED]

COUNTY : WASHOE
COMMIT TYPE: NEW
COMMIT DATE: 09-30-1994

SENTENCE STRUCTURE:

LVL	STS	DATE	CASE	OFFENSE	SENT	PAR	MPR	EXP
1	0	09-30-94	941723	SALE OF CTRL SUBS	6.00	12-24-95	10-21-97	05-31-98

OFFENSE SUMMARY:

ON JUNE 24, 1994, RENO POLICE OFFICERS TOOK A CONFIDENTIAL INFORMANT TO THE 5 STAR BAR TO PERFORM A CONTROLLED BUY/BUST. THE CI ENTERED THE BAR AND EXITED WITH [REDACTED] DRIVER APPROACHED THE OFFICER AND ASKED WHAT HE WANTED? THE OFFICER REPLIED, "50.00." DIAZ REMOVED A SUBSTANCE FROM HIS POCKET AND HANDED IT TO DRIVER WHO EXCHANGED THE SUBSTANCE FOR \$50.00, WITH THE OFFICER. BOTH WERE ARRESTED. TWO ADDITIONAL BAGS OF CONTROLLED SUBSTANCE WERE FOUND IN THEIR POSSESSION. ALL BUY MONIES WERE RECOVERED. THE SUBSTANCE TESTED POSITIVE FOR METHAMPHETAMINE.

HOLD/DET:
TYPE

NARRATIVE

DISCIPLINARY HISTORY:

SEE ATTACHED DOCUMENTATION

LOCATION, CUSTODY AND ASSIGNMENT HISTORIES:

LOC	DATE	CUS	DATE	ASSIGNMENT	DATE
NNCC	09-30-1994	3	12-16-1994	EDUCATION STUDENT/FU	11-14-1994
		4	12-08-1994	UNASSIGNED	09-30-1994
		3	10-21-1994		
		0	09-30-1994		

CREDIT EARNINGS:

FLAT: .9 YRS STAT: 102 WORK: 76 MERIT:

PROGRAM PARTICIPATION:

[REDACTED] IS A FULL TIME STUDENT IN THE EDUCATION DEPARTMENT. HE IS STUDYING ENGLISH AS A SECOND LANGUAGE. HE IS ALSO PARTICIPATING IN THE N.A. AND A.A. PROGRAMS. THERE ARE NO OTHER PROGRAM EFFORTS IN PROGRESS AT THIS TIME.

RELEASE PLANS:

[REDACTED] WILL PROVIDE THE PAROLE BOARD WITH PAROLE RELEASE PLANS AT THE TIME OF HIS HEARING.

SUMMARY:

IS A 25 YEAR OLD FIRST TERM PROBATION VIOLATOR WHO HAS SERVED APPROXIMATELY 1 YEAR, WHICH INCLUDES NO COUNTY JAIL CREDITS OF A 6 YEAR SENTENCE FOR SALE OF A CONTROLLED SUBSTANCE, WHICH OCCURRED IN WASHOE COUNTY, NEVADA. THIS IS HIS INITIAL PAROLE BOARD APPEARANCE.

A REVIEW OF HIS PRIOR CRIMINAL HISTORY REVEALS THE HE WAS SERVING A GROSS MISDEMEANOR PROBATION FOR WILLFULLY ENDANGERING A CHILD WHEN HE WAS ARRESTED ON THE INSTANT OFFENSE. HE HAS 3 ADULT ARRESTS, THE INSTANT OFFENSE AND 2 MISDEMEANOR CONVICTIONS, THE AFOREMENTIONED GROSS MISDEMEANOR AND ANOTHER FOR TRESPASSING. HE IS SERVING A CONCURRENT JAIL TERM FOR THE PROBATION VIOLATION.

IN REGARDS TO THE INSTANT OFFENSE, ADMITTED COMMITTING THE CRIME, BUT STATED THAT HE WAS INTOXICATED AT THE TIME.

HAS RECEIVED 10 DISCIPLINARY INFRACTIONS SINCE HIS ARRIVAL AT THE NDOP. THREE MAJORS FOR POSSESSION OF CONTRABAND (2) AND USE OF INTOXICANTS, FIVE GENERALS FOR DISOBEYING AN ORDER (2), FAILURE TO FOLLOW RULES AND POSSESSION OF GANG MATERIALS (2) AND TWO MINORS FOR ROUGHHOUSE AND POSSESSION OF UNAUTHORIZED SUPPLIES. BASED ON THE ABOVE, INSTITUTIONAL ADJUSTMENT IS CONSIDERED MARGINAL AT THIS TIME.

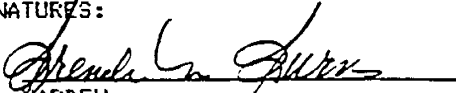
HIS FUTURE PLANS INCLUDE PROGRAM PARTICIPATION IN THE ALCOHOL AND DRUG ABUSE, BADA AND STREET READINESS PROGRAMS WHILE CONTINUING HIS SCHOOL STUDIES. UPON RELEASE, HE PLANS TO REUNITE WITH HIS WIFE AND CHILDREN AND OBTAIN EMPLOYMENT.

IF GRANTED A PAROLE, IT SHOULD BE WITH A STIPULATION FOR PARTICIPATION IN A COMPREHENSIVE ALCOHOL AND DRUG ABUSE TREATMENT PROGRAM.

REPORT PREPARED BY:

NNCC - 08/21/95

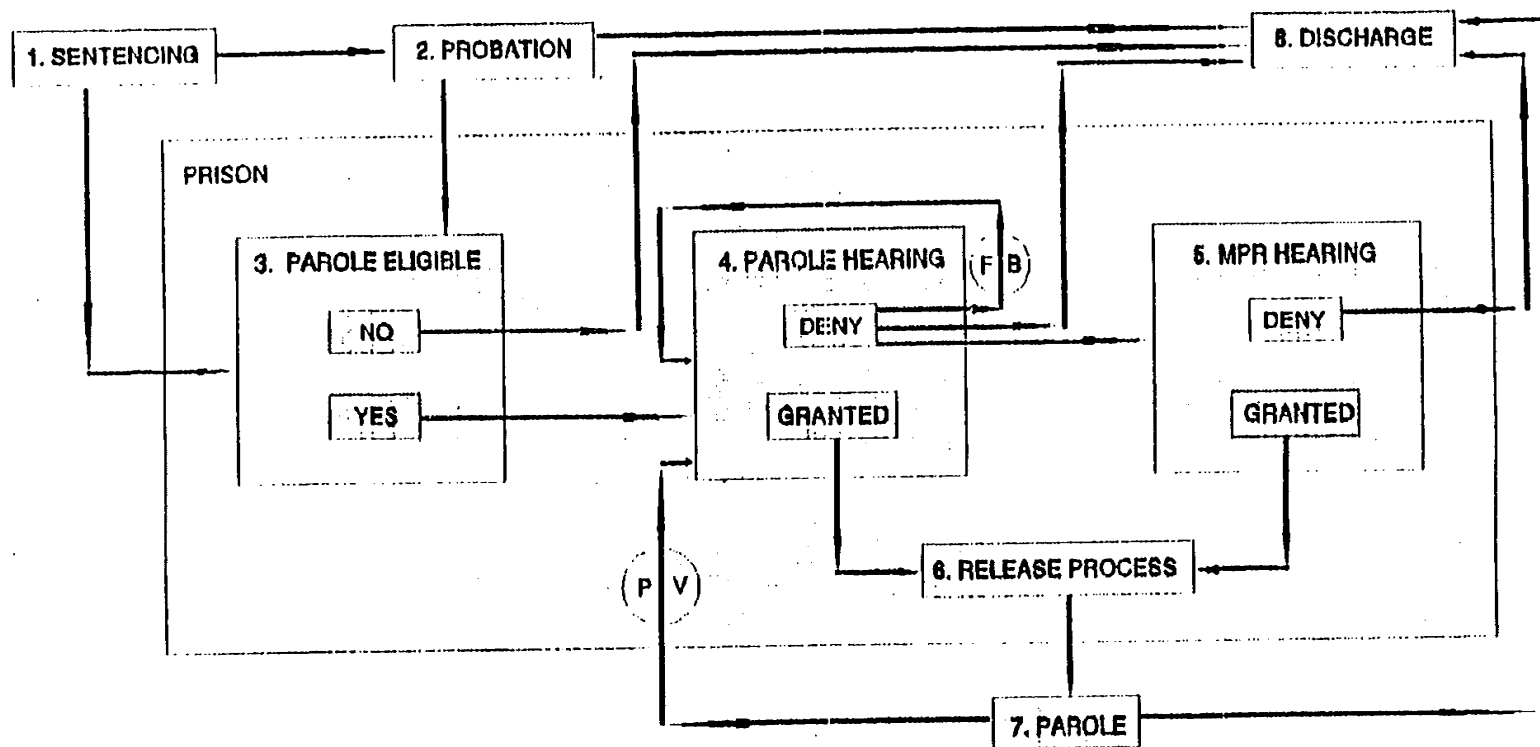
SIGNATURES:


WARDEN

CASEWORKER

NOTED:

INMATE



1. Offenders are sentenced to Probation (2) or Prison (3).
2. From Probation (2) the offender can Discharge (8) or violate and be sent to Prison (3).
3. When an inmate arrives in Prison, a parole eligibility is determined. If the inmate is not eligible for parole, he continues in prison until Discharge (8). If the inmate is eligible for parole, he moves to a Parole Hearing (4).
4. At the Parole Hearing the inmate can be denied and feedback to another hearing at a later date. He can also be denied and continue to a Mandatory Parole Release Hearing (5), or he could be granted until Discharge (8).
If the inmate is granted a parole, then his case moves to Release Processing (6).
5. At the Mandatory Parole Hearing the inmate can only be denied until Discharge (8), or granted a parole and move to Release Processing (6).
6. From Release Processing the inmate is placed on Parole (7).
7. On Parole the inmate can complete his parole and move to Discharge (8), or violate his parole and return to the Parole Board (4) for a revocation hearing. He then cycles through the process of denials or grants, or discharge, except that he is not eligible for MPR.

**Notification Responsibilities of NDOP Related
To Inmate Paroles and Discharges**

I. Parole Eligibility Agenda (General Notice)

1. Produced monthly by the Classification and Planning Division of the Department of Prisons, through the Nevada Corrections Information System (NCIS). Announces hearings that will be conducted approximately 45 days hence.
2. Executive Secretary of the Parole Board distributes to Law Enforcement to satisfy the requirements of NRS 213.1085. Legislation from the 95 session requires that Law Enforcement Agencies make the agenda available for public inspection during normal business hours.

II. Notification to Victims Regarding Hearings

1. Victim notifies Executive Secretary of Parole Board of desire to be notified of hearings for parole pursuant to NRS 213.130.
2. Executive Secretary notifies Department of Prisons. Department of Prisons enters name and address in NCIS. Whenever offenders name is printed on an eligibility agenda, a letter to the victim is automatically produced and transmitted to the name and address provided by the interested party. The timing of this communication allows the victim approximately 45 days advance notice. The letter of notification informs the victim that he or she should call the Parole Board to get the exact time, date, and location if they wish to attend the hearing. It also informs them how to submit documentation.

III. Notification to Victims and Other Interested Parties of Parole Releases, Discharges, Deaths, Escapes.

1. The victim or other interested party notifies the Department of Prisons of desire to be notified pursuant to 178.5698 and 209.521.
2. The Department of Prisons Classification & Planning Division enters the name and address of the person in the NCIS. Whenever the offender is scheduled for a release to the community, or whenever an offender escapes or dies, a letter to the victim or interested person is automatically produced and transmitted to the name and address provided to us.

IV. Notification to Law Enforcement of Parole Release and Discharge.

1. Department of Prisons sends letters to the Sheriff or Chief of Police and the District Attorney in the county from which the offender is convicted. This particular notification is handled by the staff at the institution or facility where the inmate is being released from.

APPENDIX Q

"Statutory Provisions Governing Release of Sexual Offenders in Nevada"

STATUTORY PROVISIONS GOVERNING RELEASE OF SEXUAL OFFENDERS IN NEVADA

SEXUAL OFFENSE (Nevada Revised Statutes Citation for the Crime)	PROBATION		PSYCH PANEL BEFORE RELEASE ON PAROLE	COMMUNITY NOTIFICATION ¹ (NRS 213.107 and 213.1247-213.1257)	REGISTRATION WITH LOCAL LAW ENFORCEMENT ² (NRS 207.154-207.157)	LIFETIME SUPERVISION ³ (NRS 176.113 and 213.1243)
	Prohibited	Prohibited without approval based on psych evaluation				
Sexual assault (NRS 200.366)	X		X	X	X	X
Attempted sexual assault (NRS 200.366 and 200.375)	X -If victim is under 16		X	X	X	X
Battery with intent to commit sexual assault (NRS 200.400, subsection 4)			✓ (See Below)	X		X
Assault with intent to commit sexual assault (Generally, NRS 207.151, 200.417, and 200.366)					X	
Statutory sexual seduction (NRS 200.368)			✓		X	
Unlawful use of minor in producing pornography or as subject of sexual portrayal in performance (NRS 200.710)			✓	X	X	X
Promotion of sexual performance of minor (NRS 200.720)			✓	X	X	X
Preparing, advertising, or distributing materials depicting pornography involving minor (NRS 200.725)			✓		X	
Possession of visual presentation depicting sexual conduct of a person under 16 (NRS 200.730)			✓	X (subsequent offense)	X	X (subsequent offense)
Incest (NRS 201.180)			✓	X	X	X
Solicitation of minor to engage in acts constituting infamous crime against nature (NRS 201.195)		X	X	X (Minor committed act, or subsequent solicitation offense)		X (Minor committed act or subsequent solicitation offense)
Open or gross lewdness (NRS 201.210)		X	X		X	
Indecent or obscene exposure (NRS 201.220)		X	X		X	
Lewdness with a child under 14 (NRS 201.230)		X	X	X	X	X
Necrophilia (NRS 201.450)		X	X	X		X
Sexually motivated act of murder (1st or 2nd degree), kidnaping (1st or 2nd degree), false imprisonment, burglary or invasion of the home (NRS 213.107)				X		X

✓ The Legislative Commission's Subcommittee to Study the Treatment of Mentally Ill Offenders in the Criminal Justice System (S.C.R. 59) approved a recommendation to add the psych panel requirement for these offenses prior to release on parole.

¹ Community Notification - Includes attempts to commit one of these crimes.

² Registration - Includes attempts to commit one of these crimes and offenses committed in other jurisdictions punishable as one of these crimes.

³ Lifetime Supervision - Includes attempts to commit one of these crimes.

APPENDIX R

Suggested Legislation

	<u>Page</u>
BDR 16-180 Makes various changes relating to state board of parole commissioners	213
BDR 16-181 Changes provisions governing decisions by state board of parole commissioners	226
BDR 16-182 Eliminates limitation on terms of service of members of state board of parole commissioners	230
BDR 16-183 Makes various changes to division of parole and probation of department of motor vehicles and public safety	232
BDR 5-184 Allows district court access to certain records of juvenile court	240

SUMMARY—Makes various changes relating to state board of parole commissioners.

(BDR 16-180)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the state board of parole commissioners; requiring the board to compile and maintain detailed information concerning decisions regarding parole; increasing the number of hours of orientation and annual training for members of the board and case hearing representatives; requiring the board to review every 2 years its standards for making decisions regarding parole; making the adoption of regulations by the board subject to the Nevada Administrative Procedure Act; providing for staggered terms for members of the board; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The board shall compile and maintain detailed information concerning all decisions regarding parole. The information must include, but is not limited to:*

(a) The board's reasons for each decision to grant, deny, revoke or continue parole.

(b) The number of decisions made by the board granting parole, denying parole, revoking parole and continuing parole.

The board shall organize and tabulate the information compiled pursuant to this subsection at regular intervals, which must not exceed 3 months.

2. *A prisoner or parolee who is challenging a decision of the board may not offer the information compiled and maintained pursuant to this section as evidence in a hearing, proceeding or action before a court, an administrative officer or an administrative body or agency.*

3. *The information compiled and maintained pursuant to this section is confidential and is intended for the use of only the board, the governor and the legislature.*

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 3 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnaping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 3. NRS 213.108 is hereby amended to read as follows:

213.108 1. The state board of parole commissioners is hereby created within the department of motor vehicles and public safety.

2. The board consists of seven members appointed by the governor.

3. A chairman of the board must be appointed by the governor. The chairman is the executive officer of the board and shall administer its activities and services and is responsible for its management except as otherwise provided in NRS 213.1085.

4. Each member of the board must have at least:

(a) A bachelor's degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of correctional or rehabilitative facilities and programs and not less than 3 years of experience working in one or several of these fields;
or

(b) Six years of experience in one or several of the fields specified in paragraph (a).

5. [At least one member of the board must have experience in at least one, so that among them the members have experience in all, of the following:

(a) Management of prisons;

(b) Management of law enforcement, including investigation;

(c) Management of personnel in parole and probation;

(d) Social work or therapy with emphasis on family counseling, domestic violence and urban social problems; and

(e) Advocacy of victim's rights.

6. During his term of service on the board, each member must attend an aggregate of 10 hours of courses in each year, in any combination of the following:

(a) Programs of correctional treatment, alternative punishments for disobedience, selection of offenders for parole and supervision of parolees;

(b) Abuse of alcohol and controlled substances, the acquired immune deficiency syndrome, domestic violence, mental illness or mental retardation; and

(c) Designation of and programs for repeating or professional offenders and problems related to gangs.

The board shall, within the limits of legislative appropriations, pay the expenses of members in attending these courses.

7.] The governor shall ensure that each of the following fields is represented by at least one member of the board who has experience in:

(a) The management of prisons;

(b) The management of law enforcement, including investigation;

(c) The management of personnel in parole and probation;

(d) Social work or therapy with emphasis on family counseling, domestic violence and urban social problems; and

(e) The advocacy of victims' rights,

The governor may appoint to the board a person who does not have experience in a field in this subsection if each field is represented by at least one member of the board when the person is appointed. If, because of a vacancy on the board or the expiration of a term, one or more of the fields is not represented by a member of the board, the governor shall appoint to the board a person who has experience in the unrepresented field or fields.

6. Except as otherwise provided in NRS 213.133, a decision on any issue before the board, concurred in by four or more members, is the decision of the board.

Sec. 4. NRS 213.1088 is hereby amended to read as follows:

213.1088 1. The department of motor vehicles and public safety in conjunction with the department of prisons shall establish a program of orientation [for new members of the board that will familiarize the new members with the operation, policies and procedures of

the respective departments that are relevant to the activities of the board and the relationship between the departments and the board. Upon appointment, a new member of the board shall attend the program of orientation.] *that:*

(a) Each member of the board shall attend upon appointment to a first term; and

(b) Each person named by the board to the list of persons eligible to serve as a case hearing representative pursuant to NRS 213.135 shall attend upon being named to the list. A person named to the list may not serve as a case hearing representative until the person completes the program of orientation.

2. The program of orientation must include a minimum of 40 hours of training. The information presented during the program of orientation must include, but is not limited to:

(a) A historical perspective of parole, including the objectives of and reasons for using parole within the criminal justice system;

(b) The role and function of the board within the criminal justice system;

(c) The responsibilities of members of the board and case hearing representatives;

(d) The goals and objectives of the board;

(e) The programs administered by the board;

(f) The policies and procedures of the board; and

(g) The laws and regulations governing parole, including the standards for granting, denying, revoking and continuing parole.

3. The chairman of the board shall develop a written plan for the continuing education of members of the board and case hearing representatives. The plan must require that:

(a) Each member of the board shall attend 40 hours of courses for continuing education during each year of the member's term.

(b) Each case hearing representative shall attend 40 hours of courses for continuing education during each year that the representative is on the list of persons eligible to serve as a case hearing representative.

4. A member of the board or a case hearing representative may meet the requirement for continuing education by successfully completing courses in any combination of the following subjects:

- (a) The role and function of the board within the criminal justice system;*
- (b) Changes in the law, including judicial decisions affecting parole;*
- (c) Developing skills in communicating, making decisions and solving problems;*
- (d) The interpretation and use of research, data and reports;*
- (e) Correctional policies and programs, including programs for the treatment of prisoners and parolees;*
- (f) Alternative punishments for disobedience;*
- (g) The selection of prisoners for parole;*
- (h) The supervision of parolees;*
- (i) The designation of and programs for repeating or professional offenders;*
- (j) Problems related to gangs;*
- (k) The abuse of alcohol and drugs;*
- (l) The acquired immune deficiency syndrome;*

(m) *Domestic violence; and*

(n) *Mental illness and mental retardation.*

5. *The board shall, within the limits of legislative appropriations, pay the expenses of members of the board and case hearing representatives attending courses for continuing education.*

Sec. 5. NRS 213.10885 is hereby amended to read as follows:

213.10885 1. The board shall adopt by regulation specific standards for each type of convicted person to assist the board in determining whether to [release on parole or revoke the parole of a convicted person who is otherwise eligible for parole or on parole, including, without limitation,] *grant or revoke parole. The regulations must include standards for determining whether to [release on parole] grant or revoke the parole of a convicted person:*

(a) Who committed a capital offense.

(b) Who was sentenced to serve a term of imprisonment for life.

(c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.

(d) Who was convicted as a habitual criminal.

(e) Who is a repeat offender.

(f) Who was convicted of any other type of offense.

The standards must be based upon objective criteria for determining the person's probability of success on parole.

2. In establishing the standards, the board shall [first consider all] *consider the information on decisions regarding parole that is compiled and maintained pursuant to section 1 of this act and all other factors* which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. [Such considerations] *The other factors the board considers* must include, [without limitation:] *but are not limited to:*

- (a) The severity of the crime committed;
- (b) The criminal history of the person;
- (c) Any disciplinary action taken against the person while incarcerated;
- (d) Any previous parole violations or failures;
- (e) Any potential threat to society or himself; and
- (f) The length of his incarceration.

3. The standards adopted by the board must provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

4. [When adopting regulations pursuant to this section, the board shall follow the procedure set forth in chapter 233B of NRS for the adoption of regulations.

5.] *The board shall make available to the public a sample of the form the board uses in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued.*

5. *On or before January 1 of each even-numbered year, the board shall review comprehensively the standards adopted by the board. The review must include a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the board shall not use that standard in its decisions regarding parole and shall adopt revised standards as soon as practicable after the review.*

6. The board shall report to each regular session of the legislature:

(a) The number and percentage of *the board's* decisions [regarding parole which] *that* conflicted with the standards; [and

(b) Any recommendations regarding the standards.]

(b) *The results and conclusions from the board's review pursuant to subsection 5; and*

(c) *Any changes in the board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.*

Sec. 6. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of prisons.

(c) The University and Community College System of Nevada.

(d) The office of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) [The state board of parole commissioners.

(h)] The welfare division of the department of human resources.

[(i)] (h) The state board of examiners acting pursuant to chapter 217 of NRS.

[(j)] (i) Except as otherwise provided in NRS 533.365, the office of the state engineer.

2. Except as otherwise provided in NRS 391.323, the department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the public service commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and

(e) NRS 90.800 for the use of summary orders in contested cases,
prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; or

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184.

6. *The state board of parole commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.*

Sec. 7. Notwithstanding the provisions of subsection 1 of NRS 213.1087, at the expiration of the terms of the seven members of the state board of parole commissioners on June 30, 1997, and July 1, 1997, the governor shall appoint as soon as practicable after July 1, 1997:

1. One member whose term of office expires on July 1, 1998;
2. Two members whose terms of office expire on July 1, 1999;
3. Two members whose terms of office expire on July 1, 2000; and
4. Two members whose terms of office expire on July 1, 2001.

Sec. 8. 1. This section and sections 1 to 6, inclusive, of this act become effective on July 1, 1997.

2. Section 7 of this act becomes effective on June 30, 1997.

SUMMARY—Changes provisions governing decisions by state board of parole commissioners. (BDR 16-181)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the state board of parole commissioners; changing the provisions governing the number of members of the board necessary to make decisions concerning certain prisoners; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 213.133 is hereby amended to read as follows:

213.133 1. [Except as otherwise provided in subsections 6 and 7, the board may delegate its authority to hear, consider and act upon applications for parole and on any issue before the board to a panel consisting of:

- (a) Two or more members of the board, two of whom constitute a quorum; or
- (b) One member of the board who is assisted by a case hearing representative.

2. No action taken by any panel created pursuant to paragraph (a) of subsection 1 is valid unless concurred in by a majority vote of those sitting on the panel.

3. The decision of a panel is subject to final approval by the affirmative action of a majority of the members appointed to the board. Such action may be taken at a meeting of the board, or without a meeting by the delivery of written approval to the secretary of the board.

4. The degree of complexity of issues presented must be taken into account before the board makes any delegation of its authority and before it determines the extent of a delegation.

5. The board shall adopt regulations which establish the basic types of delegable cases and the size of the panel required for each type of case.

6. A hearing on an application for parole or any decision on an issue involving a person:] *The board may delegate its authority to hear, consider or act upon an issue or case, including an issue or case that involves the decision to grant or revoke parole, to a panel created pursuant to this section. The board shall adopt regulations that establish the basic types of issues and cases which are delegable and, in accordance with the limits in this section, the size of the panel required for each type of issue or case. Before delegating authority to a panel, the board shall weigh the complexity of the issue or case.*

2. *Except as otherwise provided in subsections 3 and 4:*

(a) If an issue or case involves a prisoner or parolee who was convicted of an offense for which the maximum term of imprisonment that may be imposed is 6 years or less, a

panel created by the board must consist of two or more members of the board or one member of the board and one case hearing representative. If a panel consists of one member of the board and one case hearing representative, a decision of the panel shall be deemed the decision of the board only if the decision is approved by at least one other member of the board. For all other panels created pursuant to this paragraph, if a majority of the panel concurs in a decision, the decision shall be deemed the decision of the board.

(b) If an issue or case involves a prisoner or parolee who was convicted of an offense for which the maximum term of imprisonment that may be imposed is more than 6 years, a panel created by the board must consist of three or more members of the board. If a panel consists of three members of the board, a decision of the panel shall be deemed the decision of the board only if all three members on the panel concur in the decision. For all other panels created pursuant to this paragraph, if a majority of the panel concurs in a decision, the decision shall be deemed the decision of the board.

3. If an issue or case involves a person:

- (a) Who committed a capital offense;*
- (b) Who is serving a sentence of imprisonment for life;*
- (c) Who has been convicted of a sexual offense involving the use or threat of use of force or violence;*
- (d) Who is a habitual criminal; or*
- (e) Whose sentence has been commuted by the state board of pardons commissioners,*

a hearing on the issue or case must be conducted by at least three members of the board, and [action may be taken] a decision on the issue or case may be made only with the concurrence of at least four members [.

7. *If a recommendation made by] of the board.*

4. *If a decision of a panel deviates from the standards adopted by the board pursuant to NRS 213.10885 or the recommendation of the division, the [chairman must concur in the recommendation.] decision of the panel shall be deemed the decision of the board only if the chairman of the board concurs in the decision.*

Sec. 2. This act becomes effective on July 1, 1997.

SUMMARY—Eliminates limitation on terms of service of members of state board of parole commissioners. (BDR 16-182)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the state board of parole commissioners; eliminating the limitation on the number of terms a member of the board may serve; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 213.1087 is hereby amended to read as follows:

213.1087 1. [After the initial terms, the] *The* term of office of each member of the board is 4 years.

2. Appointments to the board must be made by the governor within 60 days from the time any vacancy occurs.

3. [The governor shall not appoint a person to serve as a member of the board for more than two terms. A member of the board shall be deemed to have served a full term if he serves as a member for more than 2 years during any given term.

4.] Members of the board are in the unclassified service of the state. They shall devote their entire time and attention to the business of the board and shall not pursue any other business or occupation or hold any other office of profit which detracts from the full and timely performance of their duties.

[5.] 4. Any member of the board may administer an oath or affirmation to any person offering to testify upon the hearing of an application for parole or in a parole revocation hearing, and any district judge, county clerk or notary public may take and certify an affidavit or deposition to be used upon such an application, either for or against it, or in a parole revocation hearing.

Sec. 2. This act becomes effective upon passage and approval.

SUMMARY—Makes various changes to division of parole and probation of department of motor vehicles and public safety. (BDR 16-183)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the division of parole and probation of the department of motor vehicles and public safety; requiring the division to set and to review periodically the level of supervision for parolees and probationers in certain situations; increasing the fee a parolee or probationer must pay to defray the cost of supervision; requiring an assistant parole and probation officer to reimburse the division for the cost of the initial training provided to the officer in certain circumstances; requiring the division to contact each parolee within 5 days after the parolee's release from prison; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, the division shall set a level of supervision for each probationer. At least once every 6 months, or more often if necessary, the division shall review the probationer's level of supervision to determine whether a change in the level of supervision is necessary. The division shall specify in each review the reasons for maintaining or changing the level of supervision. If the division changes the level of supervision, the division shall notify the probationer of the change.*

2. *The provisions of subsection 1 are not applicable if:*

(a) The level of supervision for the probationer is set by the court or by law; or

(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176.1851 to 176.18525, inclusive.

3. *Each time a prisoner applies for parole, the division shall set the level of supervision that will apply to the prisoner if he is granted parole. The division shall inform the board of the level of supervision not later than 5 days before the meeting at which the board is considering the prisoner's application for parole.*

4. *Except as otherwise provided in subsection 5, at least once every 6 months, or more often if necessary, the division shall review a parolee's level of supervision to determine whether a change in the level of supervision is necessary. The division shall specify in each review the reasons for maintaining or changing the level of supervision. If the division changes the level of supervision, the division shall notify the parolee of the change.*

5. *The provisions of subsection 4 are not applicable if the level of supervision for the parolee is set by the board or by law.*

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.
2. "Chief" means the chief parole and probation officer.
3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.
5. "Sex offender" means any person who has been or is convicted of a sexual offense.
6. "Sexual offense" means:
 - (a) A violation of NRS 200.366, subsection 3 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;
 - (b) An attempt to commit any offense listed in paragraph (a); or
 - (c) An act of murder in the first or second degree, kidnaping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.
7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 3. NRS 213.1076 is hereby amended to read as follows:

213.1076 1. The division shall:

(a) Except as otherwise provided in this section, charge each parolee or probationer a fee to defray the cost of his supervision.

(b) Adopt by regulation a schedule of fees to defray the costs of supervision of a parolee or probationer. The regulation must provide for a monthly fee of at least [\$12.] \$30.

2. The chief may waive the fee to defray the cost of supervision, in whole or in part, if he determines that payment of the fee would create an economic hardship on the parolee or probationer.

3. Unless waived pursuant to subsection 2, the payment by a parolee or probationer of a fee charged pursuant to subsection 1 is a condition of his parole or probation.

Sec. 4. NRS 213.1096 is hereby amended to read as follows:

213.1096 1. Assistant parole and probation officers shall:

[1.] (a) Investigate all cases referred to them for investigation by the board or by the chief, [parole and probation officer,] or by any court in which they are authorized to serve.

[2.] (b) Supervise all persons released on probation by any such court or released to them for supervision by the board or by the chief. [parole and probation officer.

3.] (c) Furnish to each person released under their supervision a written statement of the conditions of parole or probation and instruct him regarding those conditions.

[4.] (d) Keep informed concerning the conduct and condition of all persons under their supervision and use all suitable methods to aid and encourage them and to bring about improvement in their conduct and conditions.

[5.] (e) Keep detailed records of their work.

[6.] (f) Collect and disburse all money in accordance with the orders of the chief [parole and probation officer] or the court.

[7.] (g) Keep accurate and complete accounts of all money received and disbursed in accordance with such orders and give receipts therefor.

[8.] (h) Make such reports in writing as the court or the chief [parole and probation officer] may require.

[9.] (i) Coordinate their work with that of other social agencies.

[10.] (j) File identifying information regarding their cases with any social service index or exchange operating in the area to which they are assigned.

2. *An assistant parole and probation officer shall reimburse the division for the entire cost of the initial training provided to him by the division if, within 2 years after completing the initial training, the officer:*

(a) Is involuntarily terminated because of a serious violation of law or a regulation of the division; or

(b) Voluntarily terminates his employment with the division, unless the officer voluntarily terminates his employment with the division:

(1) Because he has accepted a different position of employment with the State of Nevada; or

(2) Because of serious illness, undue hardship or other similar circumstances that warrant a waiver of the requirements of this subsection, as determined by the chief.

3. *If an assistant parole and probation officer is required to reimburse the division pursuant to subsection 2:*

(a) As soon as practicable after the date of termination, the chief shall provide the officer with written notice that includes the amount which is required to be reimbursed and an outline of the procedures for appealing to the chief the requirement to reimburse the division.

(b) The chief may deduct the amount the officer is required to reimburse the division from wages and other compensation the division owes the officer.

4. *The chief shall adopt by regulation procedures by which an assistant parole and probation officer may appeal to the chief the requirement to reimburse the division pursuant to subsection 2. The procedures adopted by the chief provide the exclusive administrative remedy for such an appeal.*

5. *Except as otherwise provided in subsection 6, an appeal by an assistant parole and probation officer of the requirement to reimburse the division pursuant to subsection 2 is not subject to the provisions of chapter 233B or 284 of NRS.*

6. *The decision of the chief regarding an appeal by an assistant parole and probation officer shall be deemed the final decision of the division. The officer may seek judicial review of the decision of the chief in the manner provided for judicial review of contested cases pursuant to NRS 233B.130 to 233B.150, inclusive.*

Sec. 5. NRS 213.1218 is hereby amended to read as follows:

213.1218 1. Before a person may be released on parole, he must submit to the division a signed document stating that:

[1.] (a) He will comply with the conditions of his parole; and

[2.] (b) If he fails to comply with the conditions of his parole and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

2. *The division shall contact each parolee in person or by telephone within 5 days after the parolee's release from prison. The chief may waive this requirement if he determines that such contact is not necessary.*

Sec. 6. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for the limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, *subsection 1 of* NRS 213.1096 and subsection 2 of NRS 213.110.

3. A person who violates a condition imposed on him pursuant to the program of lifetime supervision is guilty of a felony.

4. A person found guilty of a felony pursuant to this section shall be punished by imprisonment in the state prison for a definite term of not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment. A person

who is sentenced to imprisonment pursuant to this subsection becomes eligible for parole when he has served one-third of the definite period of time for which he has been sentenced, less any credit earned to reduce his sentence pursuant to chapter 209 of NRS.

Sec. 7. The amendatory provisions of section 4 of this act apply to assistant parole and probation officers who are hired on or after October 1, 1997.

SUMMARY—Allows district court access to certain records of juvenile court.

(BDR 5-184)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to records of the juvenile court; allowing a district court to have access to certain records of the juvenile court without obtaining a court order; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62.360 is hereby amended to read as follows:

62.360 1. The court shall make and keep records of all cases brought before it.

2. The records may be opened to inspection only by order of the court to persons having a legitimate interest therein except that a release without a court order may be made of any:

(a) Records of traffic violations which are being forwarded to the department of motor vehicles and public safety;

(b) Records which have not been sealed and are required by the division of parole and probation of the department of motor vehicles and public safety for preparation of presentence reports pursuant to NRS 176.135; [and]

(c) Information maintained in the standardized system established pursuant to NRS 62.420 [.]; and

(d) Records which have not been sealed and are required by a district court for sentencing.

3. The clerk of the court shall prepare and cause to be printed forms for social and legal records and other papers as may be required.

4. Whenever the conduct of a juvenile with respect to whom the jurisdiction of the juvenile court has been invoked may be the basis of a civil action, any party to the civil action may petition the court for release of the child's name, and upon satisfactory showing to the court that the purpose in obtaining the information is for use in a civil action brought or to be brought in good faith, the court shall order the release of the child's name and authorize its use in the civil action.

Sec. 2. This act becomes effective on July 1, 1997.